

EXHIBIT E

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 23, 2001

COMMISSIONERS IN ATTENDANCE:

Chair Jim Hier, Bruce Erickson, Chris Larson, Michael O'Hara, Bob Powers, Andrew Volkman, Diane Zimney

EX OFFICIO:

Patrick Putt, Planning and Zoning Administrator; Alison Kuhlow, Planner; Ray Milliner, Planner; Brooks Robinson, Planner; Kirsten Whetstone, Planner; Tim Twardowski, Legal Department

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REGULAR MEETING - 7:00 P.M.

I. ROLL CALL

Chair Hier called the meeting to order at 7:00 p.m. and noted that all Commissioners were present.

II. ADOPTION OF MINUTES

Chair Hier requested that the work session notes show that Diane Zimney was in attendance.

MOTION: Commissioner Volkman moved to APPROVE the minutes of May 9, 2001. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF/COMMISSIONERS' COMMUNICATIONS

Administrator Putt reminded the Planning Commission that beginning June 13, 2001, the regular meeting will start at 6:30 p.m. rather than 7:00 p.m., and he would make certain that the change is appropriately advertised and noticed for the public.

1. 1351 Kearns Boulevard, Emporium Shopping Center - Request for modification/reduction of vertical element

Due to a conflict of interest, Commissioner Zimney abstained from discussing and voting on this matter.

Planner Ray Milliner reported that the applicant found that the previous Planning Commission approval for the vertical element would be difficult to accomplish from an engineering standpoint. In order to resolve the engineering, the applicant proposed reducing the height and removing the

gable dormer proposed behind the vertical element. The Staff and applicant are requesting direction from the Planning Commission as to whether this modification is appropriate or consistent with the Conditional Use Permit approval.

Chair Hier recalled that the Planning Commission discussed the element at length during the course of the approval, and he could not see a correlation between the reduction in height and the requirement to put in the gable. That is part of the architectural guidelines of the Code and is not associated with the height restrictions. Commissioner Larson concurred.

Commissioner O'Hara agreed and stated that he would need to see how it meets Section 9 of the Land Management Code requirements. He was comfortable with the appearance of the element but did not see how it met the Code.

Commissioner Erickson agreed that Section 9 of the Land Management Code was clear that the element must be integrated into the roof. He was curious to hear how Mr. Jordan was interpreting connection to the roof without connecting the element to the roof.

Rodman Jordan, the applicant, explained that he originally contemplated a 30-foot tower feature on the front of the property. Recognizing that this was an objectionable element, he tried to modify it. In meetings with Staff, there were two conclusions. If they were to have a tower on the property, it would have to be incorporated into the roof line, which is interpreted as the highest ridgeline of the property. Second was that a general precedent exists in Park City to permit a five-foot overbuild.

Based on the last meeting and his work with the Staff, he decided on a 27-foot tower feature that exceeded the roof height by eight or more feet. After working with the structural engineer and the existing construction, it became apparent that it would not be feasible to put the dormer onto the tower feature without rebuilding the roof. He made a field decision to cut back to a 23-1/2 foot height, which is 3-1/2 feet over the roof line. He proposed that they no longer have a tower. The overbuild is less than five feet, which is what the minutes from the last planning session contemplated, and he requested that it be considered an overbuild and that the artificial connection to the roof not be required.

Chair Hier remarked that no height limit is defined for a tower in Section 9.5 of the Land Management Code. He believed something sticking up above the roof line away from the roof qualifies as a tower element and needs to comply with Section 9.5, which specifically states that tower features and turrets may be allowed if roofs are not conical and if the roof line is integrated into the main structure. He would have a hard time separating this proposed modification from a tower element.

Mr. Jordan presented photographs of the property showing how the actual roof structure is different from what was described in the construction documents. He wondered if there was a way to integrate it into the roof line and conform to Code without using the dormer. The dormer is close

to where the two ridgelines come together and becomes bulky and cumbersome.

After discussing the matter, Chair Hier felt that the Planning Commission would not revise the plan and Mr. Jordan should work with the Staff to find a way to integrate the element into the roof line as indicated in the Land Management Code.

Commissioner O'Hara recalled from the original approval that the element stood out from the building, but the current drawings show the element pulled back into the roof line. Based on the new drawings, he could argue that this does meet the definition of "integrated into the roof line" as stated in the Land Management Code.

Administrator Putt asked if integration into the roof line specifically meant that the peak of the element should be tied into the peak of the roof behind it. Commissioner Erickson replied that, based on precedent, it does. Administrator Putt stated that he understood integration to mean more than just within the roof plane. It also means tying the peak or the highest elevation of the tower into no more than the ridge of the roof behind it.

Commissioner Erickson remarked that in a careful reading of Section 9.5, the discussion regarding tower features is in the section regarding prohibited structures, not in the section regarding what is permitted. The Code allows a narrow vertical structure to occur by saying that tower features and turrets may be allowed if the roofs are not conical and if the roof line is integrated into the main structure. This means that the roof line of the tower element must be connected to the main structure rather than the reverse as presented by the applicant this evening. He recognized that the argument was based on interpretation of the Code, but the element is addressed in the section of prohibited activity. He noted that further reading of Section 9.5 indicates that the Code is designed to prohibit new structure design to imitate historic structures unless they are designed in compliance with the design guidelines. Therefore, even if the Planning Commission wanted to modify the application of the Code to allow this element, it may not be in compliance with the next part of Section 9.5. He noted that Section 9.6 deals with roof shapes and A-frame roofs. Given those underlying objections and a close reading of the Code, there is no way to approve this narrow element separate from the roof without some connection.

Mr. Jordan commented that he would work with the Staff to try to find a way to incorporate this element into the roof line.

Commissioner Larson stated that he agreed with Commissioner Erickson for different reasons, which comes down to integration. A broader look at Section 9.5(a) shows that it talks about architecture. He believed the tower element needed to be architecturally integrated, not just physically integrated. He did not believe the drawings showed that architectural tie. He felt that the dormer architecturally tied the tower element with the roof element.

Commissioner Volkman agreed and stated that the purpose is to diminish the effect of the vertical element. He did not feel that was being done with the proposed revision.

V. CONSENT AGENDA

Due to a conflict of interest, Commissioner Erickson abstained from the vote.

1. Town Run Bridge

MOTION: Commissioner O'Hara moved to APPROVE the Consent Agenda. Commissioner Powers seconded the motion.

VOTE: The motion passed by a vote of 4 to 1, with Commissioners O'Hara, Powers, Volkman, and Zimney voting in favor of the motion, Commissioner Larson voting against the motion, and Commissioner Erickson abstaining from the vote.

Findings of Fact - Town Run Bridge

1. The Town Run bridge project is located in the HRC-MPD zoning districts. The bridge is located over Park Avenue, which is not "zoned."
2. An application for a Small Scale MPD/CUP for the Town Run bridge was originally submitted on May 7, 1997, and revised on February 14, 2001. On April 11, 2001, the Planning Commission approved a Conditional Use Permit for the Town Run Bridge with conditions of approval requesting design details for the bridge, abutments, and retaining walls including materials, and colors; lighting plan; sign concept; and tower relocation plans be returned to the Planning Commission for approval.
3. The Town Run bridge CUP project consists of:
 - a. Construction of a skier bridge (maximum width of 30') over Park Avenue, with associated abutments, ramps, and retaining walls;
 - b. Construction of a new 7th Street between Park Avenue and Woodside;
 - c. Landscaping and grading of the site to facilitate skiing, including snow making from the Park City Mountain Resort to the Town Lift Plaza;
 - d. Relocation of an existing tower run; and
 - e. Construction of sidewalks and trails to facilitate pedestrian circulation across the site in both winter and summer.
4. The Planning Commission held public hearings on March 14 and April 11, 2001.
5. On May 9, 2001, the Planning Commission reviewed and approved the design details, colors, and materials for the bridge, abutments,

railings, retaining walls, signs, and lighting. The Commission also reviewed and approved the tower relocation plan.

6. The design details are included in an approval packet dated May 2, 2001, presented to the Commission with the May 9, 2001, meeting packet. These details are consistent with the plans, models, cross sections and preliminary design details presented to the Commission on April 11, 2001.
7. On May 9, 2001, the Commissioners requested Staff to draft findings of fact and conditions of approval of the design details on the consent agenda.
8. On May 9, 2001, the Planning Commission agreed to a deferred building submittal requested by the Chief Building Official and applicants. This deferred submittal allows the structural elements of the bridge and abutments to be submitted, reviewed, and approved in a timely manner with a deferred submittal allowed for the landscaping, grading, utility, trails, and other associated plans.
9. The applicant stipulates to the conditions of approval.

Conclusions of Law - Town Run Bridge

1. The proposed design details, found in the May 9, 2001, approval packet, comply with all requirements outlined in the Land Management Code, specifically Sections 15.1.10 and Chapter 10 (February 25, 1998) and the Historic District Design Guidelines.
2. The design details are consistent with the Town Run Bridge Conditional Use Permit reviewed by the Town Lift Design Review Task Force and approved on April 11, 2001, by the Planning Commission.

Conditions of Approval - Town Run Bridge

1. All standard project conditions shall apply.
2. All conditions of approval of the Sweeney Properties MPD as amended continue to apply, including specific restrictions on snow making.
3. All changes shall be submitted to and reviewed by the Planning Staff. If changes are of a substantial nature as determined by Planning Staff, the plans will be presented to the Town Lift Design Review Task Force and Planning Commission for review.
4. A detailed review against specific requirements of the Uniform Building and Fire Codes is a condition precedent to issuance of a building permit.

VI. OLD BUSINESS

1. 3198 American Saddler Drive - Plat amendment & zone change
Planner Brooks Robinson explained that this item is noticed for public hearing. Clear direction was given at the last meeting for the two

applications for a plat amendment and zone change. The Staff has prepared findings of fact, conclusions of law, and conditions of approval for a plat amendment for Risner Ridge adding the two metes and bounds parcels into the adjacent properties. The Staff has also prepared findings of fact and conclusions of law for denial of the zone change as directed by the Planning Commission. Planner Robinson stated that both actions would be recommendations to the City Council.

Chair Hier opened the public hearing.

There was no comment.

Chair Hier closed the public hearing.

MOTION: Commissioner Erickson moved to FORWARD a positive recommendation to the City Council regarding the plat amendment in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report and further FORWARD a negative recommendation to the City Council for the zone change in accordance with the findings of fact and conclusions of law outlined in the staff report. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 3198 American Saddler - plat amendment

1. The two properties are located at 3198 and 3204 American Saddler Drive, also known as Lots 3 and 4 of the Risner Ridge Subdivision.
2. The Risner Ridge subdivision is zoned Residential Development (RD).
3. The owners of Lots 3 and 4 of the Risner Ridge subdivision each purchased adjoining metes and bounds parcels from neighboring Park Meadows Country Club without pursuing subdivision as required by statute.
4. The metes and bounds parcels are zoned Recreation Open Space (ROS).
5. The metes and bounds parcels were part of the Park Meadows Country Club development but were not being maintained by the golf course. These parcels were Quit-Claim deeded to the adjoining property owners.
6. The metes and bounds parcels are governed by the Restrictive Covenants for the Park Meadows Country Club. The Covenants restrict uses on the land to golf and golf-related facilities.
7. A concrete sport court was recently (1999) built on the southwest corner of the metes and bounds parcel and adjoins lot 4.
8. The court is situated less than twenty-five (25) feet from the parcel's boundary, and the rock retaining walls encroach over the same boundary.

9. Water development fees have not been paid for the new graded areas of the metes and bounds parcels.
10. The setback required by LMC Section 15-2.7-3 for courts within the ROS zone is 25 feet from the zone boundary.
11. The new lot size of Lot 3A is 19,002 square feet; the new lot size of Lot 4A is 23,172 square feet.

Conclusions of Law - 3198 American Saddler - plat amendment

1. There is good cause for this plat amendment.
2. The subdivision is consistent with the Park City General Plan, the Land Management Code, 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 this plat amendment subject to the conditions stated below does not adversely affect the health, safety, and welfare of the citizens of Park City.
5. The new lot sizes are compatible with other lots within Risner Ridge and adjoining Meadows Estates 1B.

Conditions of Approval - 3198 American Saddler - plat amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. Removal of the sport court from the new lot area lying within the ROS zone is a condition precedent to recording the plat. Removal is required in any case.
4. Appropriate water connection fees must be paid to the Building Department.

Findings of Fact for Denial - 3198 American Saddler - zone change

1. The Risner Ridge subdivision is zoned Residential Development (RD), and the metes and bounds parcels are zoned Recreation Open Space (ROS).
2. The metes and bounds ROS parcels were part of the Park Meadows Country Club development but were not being maintained by the golf

- course. These parcels were Quit-Claim deeded to the adjoining property owners of Lots 3 and 4 of the Risner Ridge Subdivision.
3. The intention of the golf course in selling the metes and bounds parcels to the applicants was to allow the adjoining property owners to landscape and maintain the parcels in a manner more in keeping with the adjoining yards.
 4. The metes and bounds ROS parcels are governed by the Restrictive Covenants for the Park Meadows Country Club. The Covenants restrict uses on the land to golf and golf-related facilities.
 5. Other neighbors in Risner Ridge and in Meadows Estates anticipated only landscaping on the parcels.
 6. A concrete sport court was recently (1999) built on the southwest corner of the metes and bounds parcel adjoining Lot 4.
 7. The setback required by LMC Section 15-2.7-3 for courts within the ROS zone is 25 feet from the zone boundary.
 8. The court is situated less than twenty-five (25) feet from the parcel's boundary.
 9. Water development fees have not been paid for the new graded areas of the metes and bounds parcels.
 10. A zone change after the fact to allow a new non-conforming use is contrary to good planning practice.

Conclusions of Law for Denial - 3198 American Saddler - zone change

1. There is not good cause for this zone change.
2. The zone change is not consistent with the Park City General Plan and the Land Management Code.
3. The public will be materially injured by the proposed zone change.
2. 1600 Park Avenue, Jan's - Conditional Use Permit for work in the Frontage Protection Zone.

The Staff requested that this item be continued to a date uncertain.

MOTION: Commissioner O'Hara moved to CONTINUE this item to a date uncertain. Commissioner Erickson seconded the motion.

Commissioner Erickson noted that the dumpsters are now aligned at Blooming Enterprises and asked for an update on the easement situation. Administrator Putt stated that he was not prepared to respond to this question and offered to update the Planning Commission at the next meeting. Planner Robinson explained that the applicant has been researching the easement and a possible vacation once they can determine

who the easement was granted to. The project is on hold until the applicant can come up with a proposal to vacate the easement. Commissioner Erickson asked if Jan's had resolved all the issues with Copper Bottom. Planner Robinson replied that they had.

VOTE: The motion passed unanimously.

3. 2900 Deer Valley Drive East, The Lodges at Deer Valley - Master Planned Development amendment to transfer density from Courchevel

Planner Robinson noted that the Planning Commission held a public hearing on April 25, and an additional public hearing is scheduled this evening. The Staff has prepared findings of fact, conclusions of law, and conditions of approval with a correction to Finding 6 to reflect that the seven unit equivalents will be moved to Building F rather than Building E. These findings memorialize the direction given by the Planning Commission at the last meeting. He noted that a condition of approval was added stating that a plat amendment for Courchevel or an agreement satisfactory with the City Attorney and City Engineer will be provided prior to building permit issuance. The Staff and the City Attorney have met with the applicants to work out appropriate language.

Chair Hier opened the public hearing.

There was no comment.

Chair Hier closed the public hearing.

Commissioner O'Hara asked if the wetlands would be impacted. Planner Robinson replied that this would be an improvement to the wetlands because the units will not expand any closer to the wetlands.

MOTION: Commissioner Volkman moved to RATIFY the findings of fact, conclusions of law, and conditions of approval to amend the Deer Valley Master Planned Development to transfer seven units of density from Courchevel to The Lodges with the correction to Finding of Fact 6 as stated by Planner Robinson. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2900 Deer Valley Drive East

1. The Lodges is located at 2900 Deer Valley East. The adjacent property, Courchevel, is located at 2700 Deer Valley Drive East. Both are zoned Residential Development-Master Planned Development (RD-MPD) as part of the Deer Valley Master Plan.
2. Courchevel is approved for 20.5 unit equivalents, yet has only built 13.54 unit equivalents. Building A is platted but unbuilt.
3. The owners of The Lodges own the seven unbuilt unit equivalents of Courchevel.

4. Deer Valley Resort (Royal Street Land Company) agrees to the density transfer.
5. Five unit equivalents in Building D of The Lodges previously was transferred to other areas of the project.
6. The seven-unit equivalents will be moved to Building F.
7. Additional open space is created between The Lodges and Courchevel.

Conclusions of Law - 2900 Deer Valley Drive East

1. There is good cause for this Master Planned Development (MPD) amendment.
2. Neither the public nor any person will be materially injured by the MPD amendment.
3. Approval of this MPD amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.
4. The transfer complies with Chapter 10 of the Land Management Code.

Conditions of Approval - 2900 Deer Valley Drive East

1. A plat amendment for Courchevel or an agreement satisfactory to the City Attorney and the City Engineer must be approved prior to any building permit issuance.
4. 1776 Park Avenue, Holiday Village Shopping Center - Conditional Use Permit

Due to a conflict of interest, Commissioner Zimney abstained from discussing and voting on this matter.

Planner Alison Kuhlow distributed suggested revisions to the findings of fact and conditions of approval resulting from comments received from the Commissioners. She reviewed the application for a CUP for the Holiday Village Mall remodel located at 1776 Park Avenue. The Planning Commission reviewed this matter in the spring of 2000 when issues were raised regarding parking, the proposed size of the development, increased traffic to the area, and impacts to adjacent homeowners. Over a month ago the applicant returned with revisions to the project which include a 20,000-square-foot reduction in commercial square footage which includes reducing the number of theaters from five to four, elimination of the second floor proposed on the southern end of the building, and a height reduction to 36 feet for the two-story portion of the building on the north end. She noted that the applicant is looking at two construction phases, the first to occur this summer, which would be the demolition and rebuild of the north portion of the building. The applicant will rebuild four theaters and a bank with a relocated drive-through on the existing building footprint. The second floor will extend past the footprint 17

feet closer to Highway 248 and 20 feet toward the parking lot. The remainder of the remodel will be done next summer after the Olympics.

Planner Kuhlow explained that a new restriping plan is being considered as part of the remodel. The parking lot currently has 94 parking spaces, and the proposed restriping plan will achieve a total of 132 parking spaces on the applicant's property. A reciprocal parking easement exists between Albertson's, Garts, and the shopping mall. Tenants and patrons of all three properties are allowed to use the entire parking area, and that easement contains a total of 361 parking spaces. The easement also considers circulation throughout the project. Relocation of the drive-through will require approval in the CUP. There have been concerns about traffic and stacking of cars and the impact that would have on neighboring property owners. A condition has been added to require a landscaping plan that hides the use from adjacent property owners. The applicant has also added landscaping on the lot. The revised LMC addresses a 20% landscape requirement on the lot, and the applicant shows 19.6%. The Staff has included a condition stating that all landscaping requirements have been met in accordance with the Land Management Code. Planner Kuhlow commented on traffic circulation and explained how a new sidewalk was aligned with the sidewalk in front of the project to facilitate pedestrians within the project. The Staff has asked the applicant to submit a master sign plan for Planning Department review to see what the overall signage for the property will look like.

Planner Kuhlow reviewed some suggestions resulting from conversations with some of the Commissioners. With the parking lot circulation and the easement between all three property owners, they discussed adding signage in the parking areas stating that there is additional parking available in front of Albertson's. They would need Albertson's consent and have added that as a condition of approval. Another suggestion addressed the theaters and impacts on the neighbors related to overflow parking in their areas. It was suggested that some of the parking be restriped to the opposite diagonal to make it easy to pull into the spaces. City Engineer Eric DeHaan did not favor that suggestion because the cars would have to pull across a lane of traffic. He believed people typically search for a parking space aisle by aisle, in which case they would eventually end up facing the right direction. Planner Kuhlow explained that indoor theaters can calculate the parking ratio by square footage or by number of seats. After adding the shopping center parking, this leaves a range of 129 spaces to 221 spaces. The applicant can provide 132 on the lot he owns which exceeds 129 spaces, but there is still the issue of 221 spaces. At the last meeting, the Planning Commission asked the Staff to look at tenants who are open during peak hours when the theater is operating, which is usually 7:00 p.m. and after. Planner Kuhlow reported that they surveyed existing tenants with the proposed mix of tenants which showed two businesses open in addition to the theater-- the China Panda and Davanza's. The China Panda is approximately 3,600 square feet, and Davanza's is approximately 1,400 square feet. Gart Sports is open until 7:00 p.m. in the summer and 8:00 p.m. during the ski season. The Land Management Code allows the Planning Commission to reduce the number of parking spaces required in the development if certain criteria are met. The applicant believes he has met the