

November 17, 2020

VIA E-MAIL (planning@parkcity.org)

Park City Planning Commission
P.O. Box 1480
Park City UT 84060

Re: Park City Mountain Base Area Development—MPD Modification

Dear Commissioners and Staff:

I am writing on behalf of the community group, Responsible Resort Area Development ("RRAD"), a non-profit organization comprised of dozens of Park City residents, business owners, and home owners.

RRAD is still reviewing the revised plans for Parcel B recently submitted by the developer, as well as its November 13, 2020 letter attempting to justify building height and setback variance requests. However, RRAD wishes to raise a number of preliminary issues now with respect to both the letter and the plans in advance of the November 18 Planning Commission meeting.

The developer is requesting a variance on building height limitations for every parcel in the project. Instead of complying with the 35-foot maximums required in the LMC, developer is requesting approval of building heights double and triple those allowed under the LMC. The developer is also requesting setback reductions that are obviously not necessary to provide desired architectural interest and variation. And contrary to the developer's representations, the newly submitted designs for Parcel B clearly show setback reductions below the 20-foot perimeter setback required for underlying zoning. The Planning Commission cannot grant such setback reductions as a matter of law.

It is very apparent from the developer's November 13 letter and revised plans for Parcel B that the only reason for the requested variances on building heights and setbacks is to squeeze more square footage and parking spaces onto each parcel. That is not a proper legal basis for either the requested setback reductions or for building heights that greatly exceed what is allowed in the underlying zone and even what was approved in the 1998 CMP. The developer cannot to justify the variances with after-the-fact excuses that are largely irrelevant to the legal standard.

ATTORNEYS AT LAW

215 South State Street, Suite 1200
Salt Lake City, UT 84111-2323
Tel: 801.531.8900 Fax: 801.596.2814
www.fabianvancott.com

Excessive Building Heights

The developer has not demonstrated compliance with the requirements of LMC 15-6-5(F) to allow the developer to greatly exceed building height limitations in the LMC and the Development Agreement.

No increased square footage/volume: The developer erroneously claims that "the proposal does not increase the square footage or building volume allowed under the Development Agreement." That is false. The overall project square footage exceeds what was approved under the Development Agreement. Three of the parcels also exceed what was approved under the Development Agreement: Parcel B exceeds approved square footage by 58,012 square feet; Parcel C exceeds approved square footage by 18,102 square feet; and Parcel D exceeds approved square footage by 7,095 square feet. The Development Agreement prohibits reallocation of density from other parcels to offset those increases, as the developer is attempting to do here.

The developer also curiously argues that building height variances are somehow justified because it has included affordable housing within the project. That is irrelevant under LMC 15-6-5(F). An applicant must comply with affordable housing requirements as a condition for approval; that compliance does not warrant setback reductions. Furthermore, inclusion of the affordable housing on-site is a direct violation of the Development Agreement.

Provides desired architectural variation: The developer makes no attempt to meet its burden of showing that the building height variances meet this condition.

Minimize visual impacts on adjacent structures: The developer only addresses the Parcel B buildings and ignores the fact that every single parcel on the site exceeds maximum building height requirements by 2-3 times. Even with respect to the new design for Parcel B, placing townhouses along the perimeter is not remotely sufficient to minimize the visual impacts of an eight-story building immediately adjacent to one- and two-story single-family homes. The street view from Empire Avenue in the new renderings provides an apt visual of just how massive and monolithic the building is on this parcel in marked contrast to the broken-up cluster of residential buildings required under the Development Agreement.

Mitigate problems on neighboring properties caused by shadows, etc.: The developer has made no attempt to satisfy its legal burden of showing that it has met this requirement. Merely stating that it is "not aware of any negative shadow impacts" is not enough.

Adequate landscaping and buffering: The landscaping plans are too preliminary to determine whether this condition is met.

Increased setbacks and separations from adjacent projects are proposed: The developer wrongly assumes that "adjacent" means only abutting properties and consequently addressed just three locations. The term "adjacent" is far broader than that and encompasses all neighboring properties. The developer has not proposed increased setbacks or separations from any of those adjacent properties. To the contrary, it has requested reduced setbacks for virtually all of the buildings, although Parcel B is the most egregious. This condition is clearly not met.

Additional building height results in more than the minimum open space and more publicly accessible open space: Despite demanding considerably greater building heights than in the original CMP, the developer has not proposed any material increase in open space in its latest plans. With respect to Parcel B, the developer has removed *all* of the open space except for a green strip around the perimeter, including the critical 14th Street view corridor and pedestrian access through the block. Even a cursory glance at the CMP reveals a far more open development with light and space between a clustering of smaller, individual buildings. The developer has failed to show that the greatly excessive building heights in its current plans are justified by any increase in open space.

Provides a transition in roof elements: The developer has failed to show the requisite transition in roof elements required by the Development Agreement. For example, the Development Agreement provides as follows: "The roof steps, for example, are a significant design element that cannot be substantively changed without demonstrating that any alternate design has no additional adverse massing and/or significant shadow impacts." The current plans are not remotely similar to the original CMP or the roof steps reflected there. Although the design of the roofs varies somewhat, the roof transitions are substantively different than the roof steps required in the Development Agreement. The developer has made no showing that this material deviation does not result in additional adverse massing or significant shadow impacts.

In addition to its failure to show LMC compliance, the developer has also failed to demonstrate compliance with the building height requirements in the Development Agreement, a sampling of which follows:

- "Building heights shall step up from major roadways, public plazas and neighboring projects with higher buildings placed closest to the mountain backdrop."
- "The overall building volumes shall be broken up and stepped both in plan and elevation."
- "Buildings shall be sited, massed and comply with the height in the approved Master Plan documents."
- "Any proposal to change building envelopes, heights, or massing must demonstrate that the resultant patterns are comparable to those shown in the Master Plan. The roof steps, for example, are a significant design element that cannot be substantively changed without demonstrating that any alternate design has no additional adverse massing and/or significant shadow impacts."
- "Building heights represent a maximum."

The current plans breach all of these requirements in the Development Agreement.

Setback Reductions

The developer also has not demonstrated compliance with Section 15-6-6(C) in requesting setback reductions. Setback reductions are only permitted if "necessary to provide desired architectural interest and variation." Even then, they can only be reduced to the "zone-required Setback," which in this case is 20 feet around the perimeter.

First, the revised plans submitted by the developer for Parcel B clearly show that the setbacks are much less than 20 feet in places on every level of the eight-story building and on three sides of the perimeter. For example: On Level 01 and 02, the northwest and southwest corners of the building exceed the claimed setback. On Level 02 and 03, all of the residential units exceed the claimed setback on Shadow Ridge. On Level 03, the northwest corner of the building again encroaches and the parking stalls on west side encroach almost to the property line on Lowell Avenue. On Level 04, the residential units exceed setbacks on Shadow Ridge. On Level 05 and 06, the decks on Shadow Ridge and the overhangs on Lowell exceed setbacks. On Level 07, 08, and 09, the building exceeds setbacks along Shadow Ridge, and the roof overhang on Empire Avenue appears to greatly exceed the permitted roof overhang allowances. The Planning Commission has no legal authority to grant such setback reductions at all because they do not comply with underlying zoning.

Second, the requested setback reductions are not necessary to provide desired architectural interest and variation, as mandated in the LMC. To the contrary, they are necessary only because the developer has designed to the reduced setbacks in order to cram as much square footage and parking as it can on each parcel. The reduced setbacks are most certainly not needed for, or even the result of, desired architectural interest or variation.

The developer's arguments as to why the reduced setbacks meet the LMC legal requirements are merely pretext and largely irrelevant. For example, it argues that reduced setbacks are necessary for "promoting public access and four-season viability for the project," for "consolidation and clustering of the base area development on Parcels A through D," and to "accommodate the approved development density, development clustering, on-site affordable housing and open space preservation." None of that, even if true, justifies reduced setbacks under the LMC. Equally irrelevant is the developer's claim that "the average setback proposed for the entire project or village core far exceeds the 25-foot minimum." And the developer's argument that setback reductions are allowed simply because the project has architectural variation reads the requirements of necessity out of the ordinance.

The developer's statement that it has "pulled the parking structure all the way back to a 20-foot setback line on the west side" is also misleading. The developer has merely shifted the entire parking portion of the Parcel B building to the west and then added tandem parking spaces along Lowell that go nearly to the property line. These parking spaces therefore do not even comply with the minimum 20-foot setbacks required in the underlying zoning. And the revised plans resulted in a loss of 48 day-skier parking spaces.

The developer also seems to suggest that setbacks reductions must be allowed in order for it comply with all of its legal requirements under the LMC while maximizing its density entitlements for the project. In other words, it is arguing that it cannot be expected to comply

with the LMC unless it gets setback reductions. Again, that is not what the ordinance says. And if that were the standard, then virtually all developers could claim setback reductions.

In short, the developer has failed to show that its request for increased building heights and reduced setbacks complies with the LMC or the Development Agreement. The Planning Commission must therefore deny the developer's request.

Thank you for your consideration of RRAD's concerns.

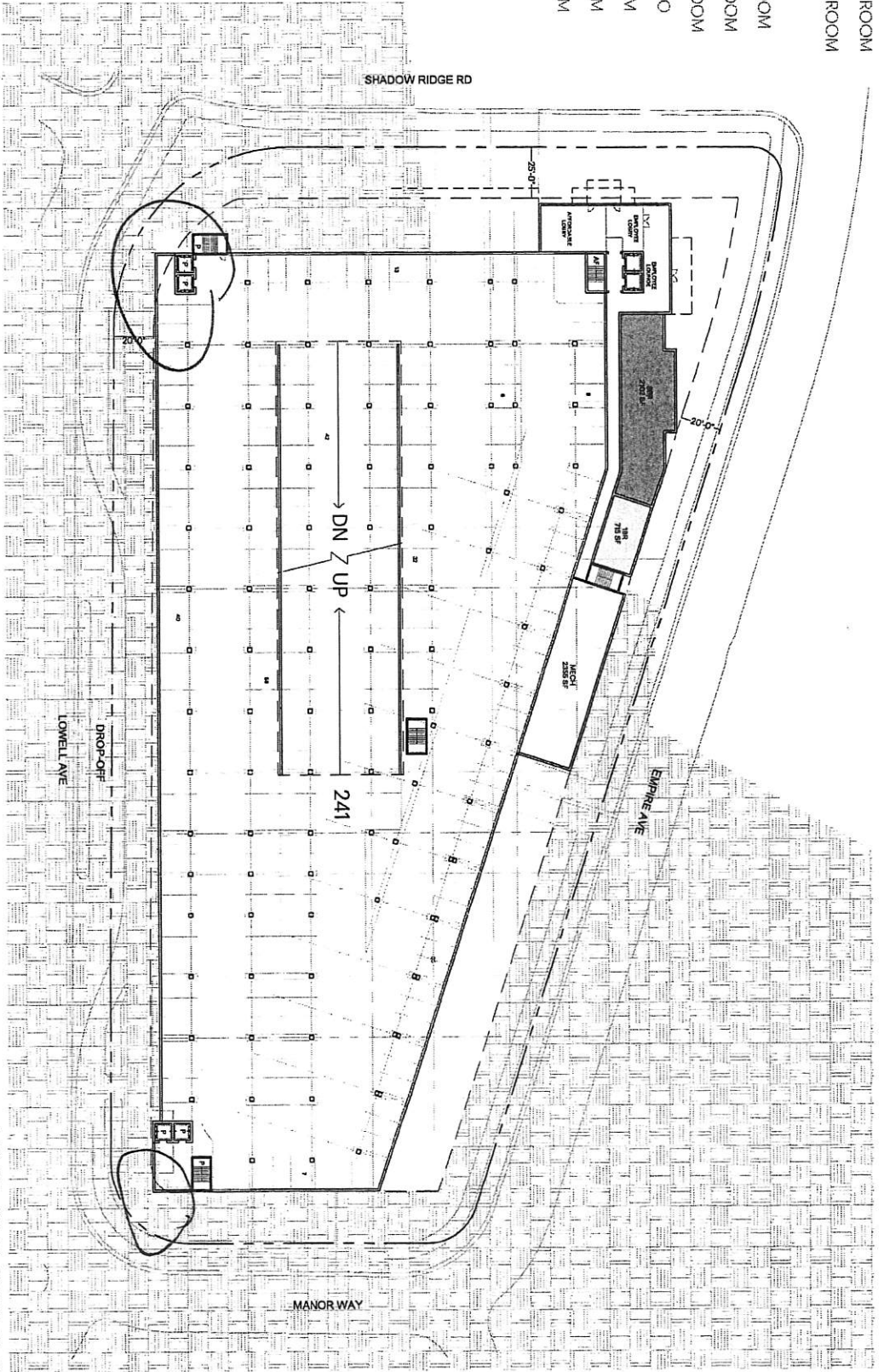
Sincerely,

A handwritten signature in black ink, appearing to read "Nicole M. Deforge". The signature is fluid and cursive, with a prominent loop at the end.

Nicole M. Deforge

cc: client; alexandra.ananth@parkcity.org; bruce.erickson@parkcity.org

- KEY**
- AFFORDABLE - 2 BEDROOM
 - AFFORDABLE - 2 BEDROOM
 - BOH
 - EMPLOYEE - 1 BEDROOM
 - EMPLOYEE - 2 BEDROOM
 - EMPLOYEE - 3 BEDROOM
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 - CONDO - 3 BEDROOM
 - CONDO - 4 BEDROOM
 - CONDO AMENITY

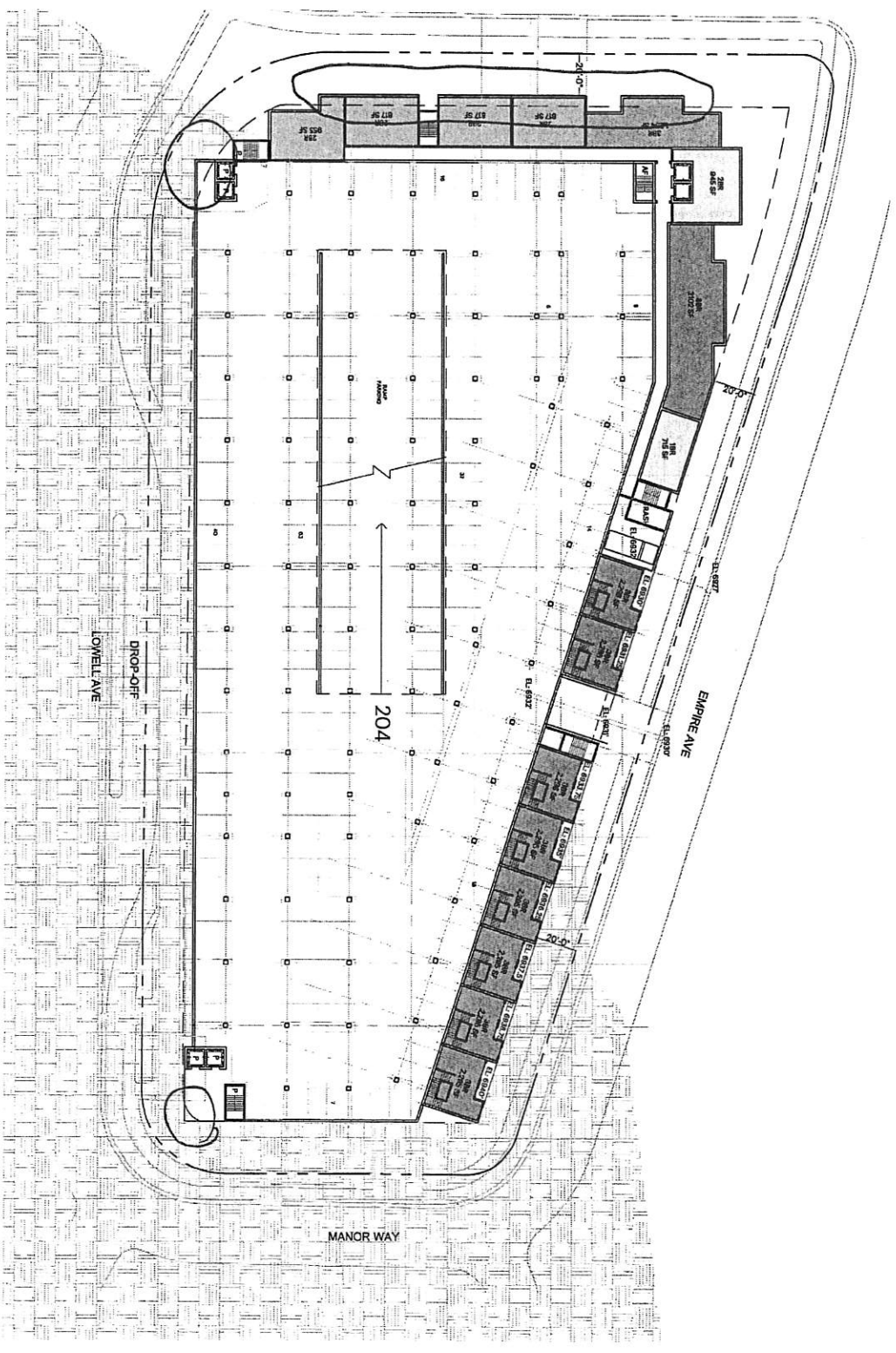


LEVEL 01 FLOOR PLAN

+6922

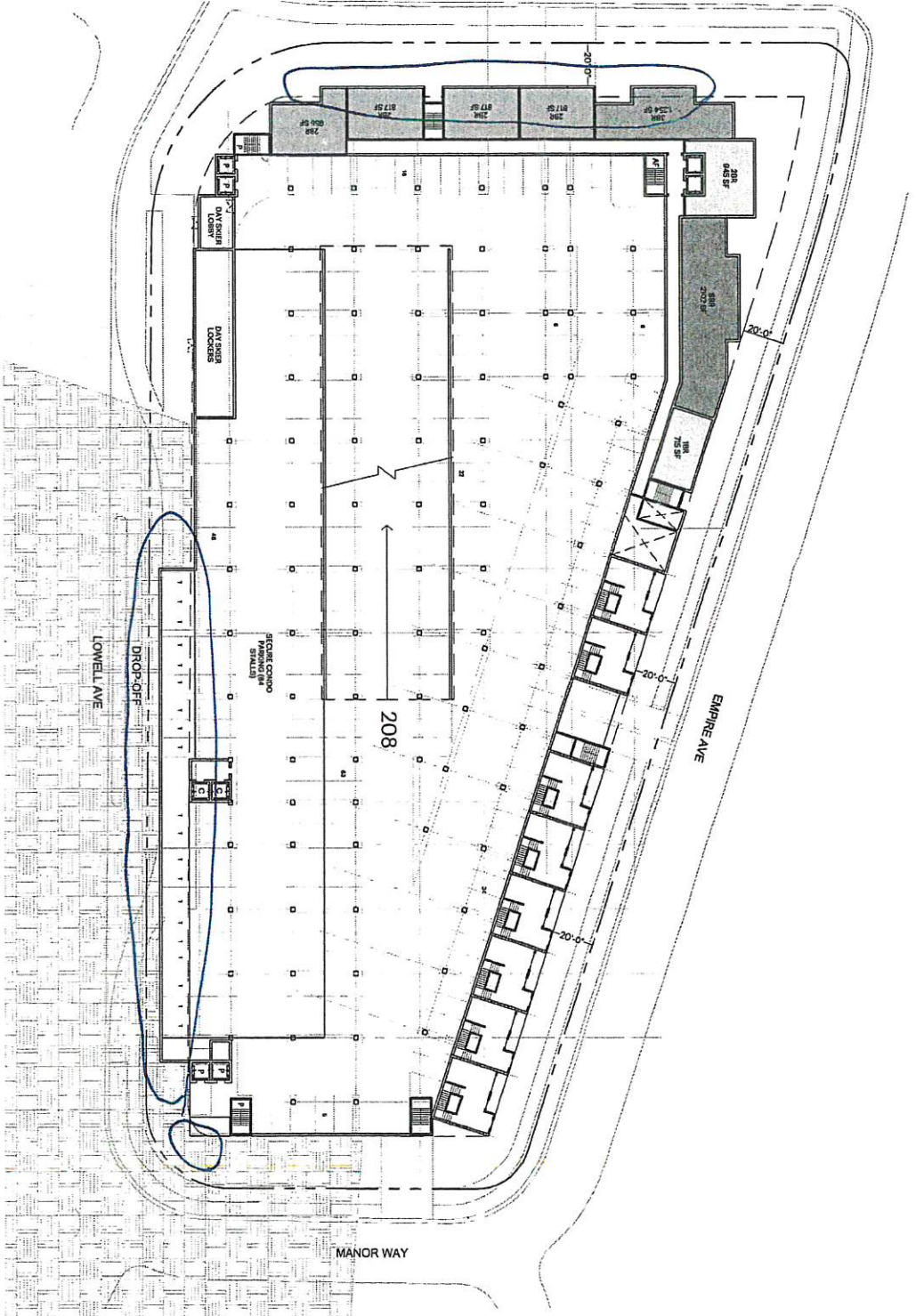


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 - CONDO AMENITY



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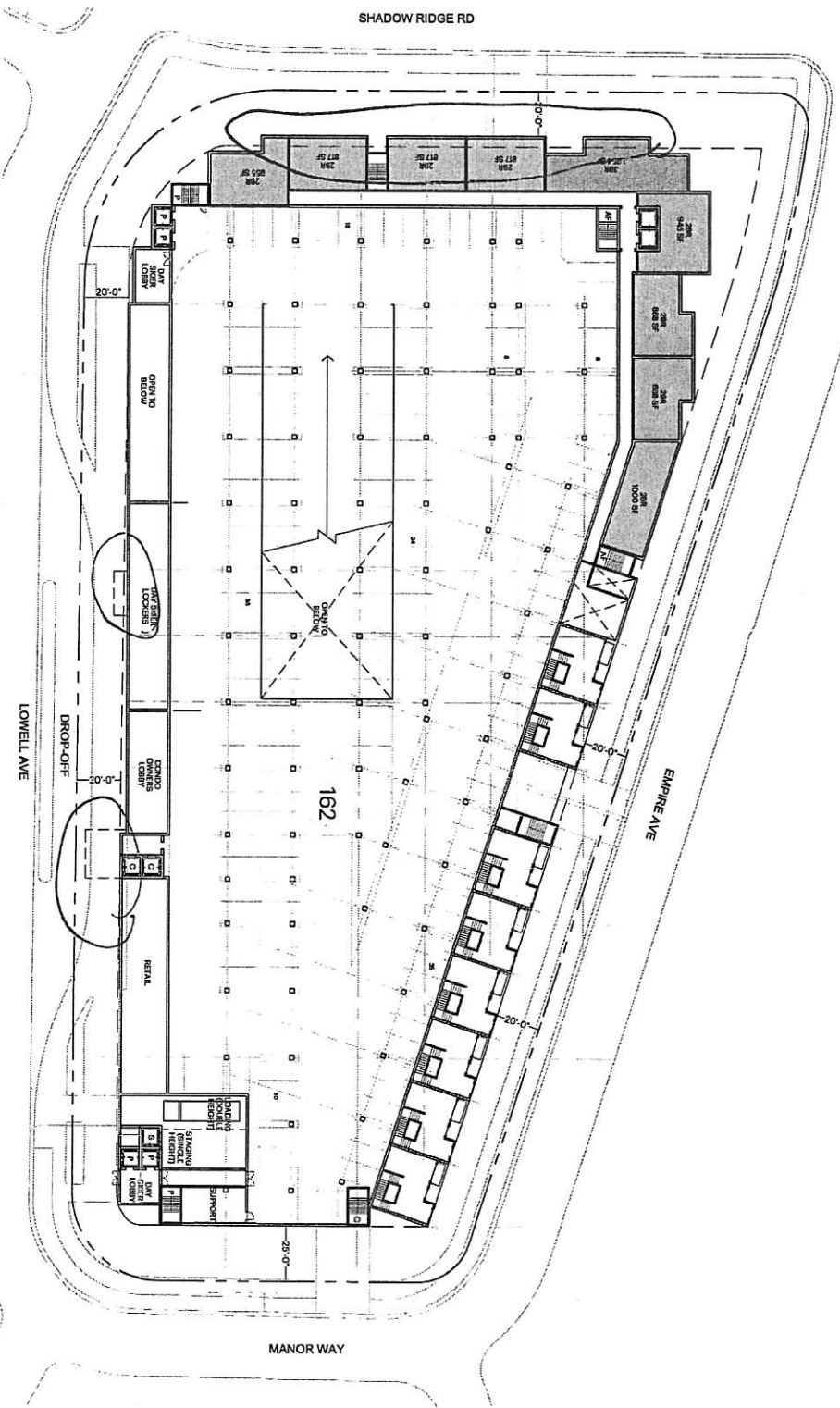
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 - CONDO - 4 BEDROOM
 - CONDO AMENITY



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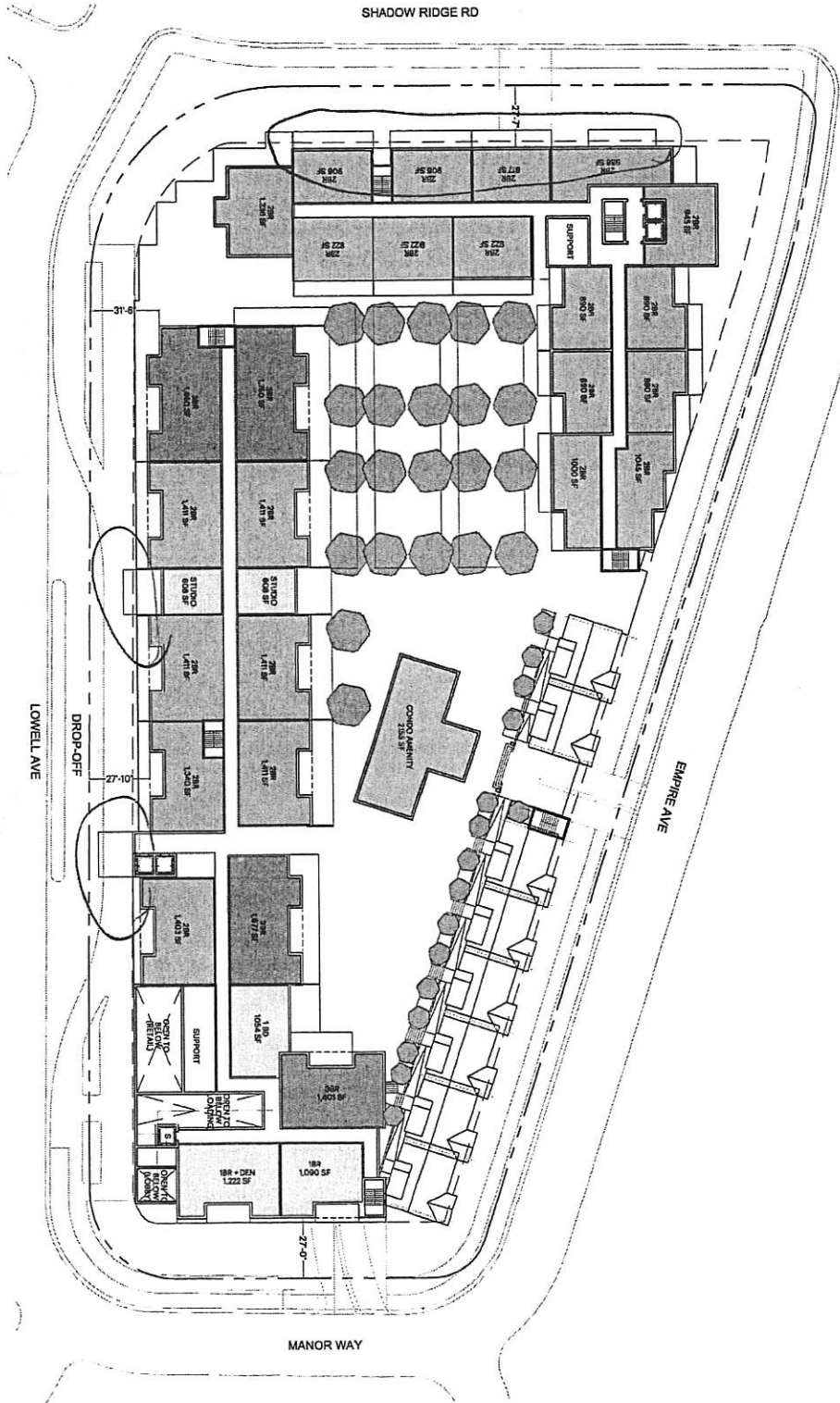
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 - CONDO - 4 BEDROOM
 - CONDO AMENITY



LEVEL 04 FLOOR PLAN



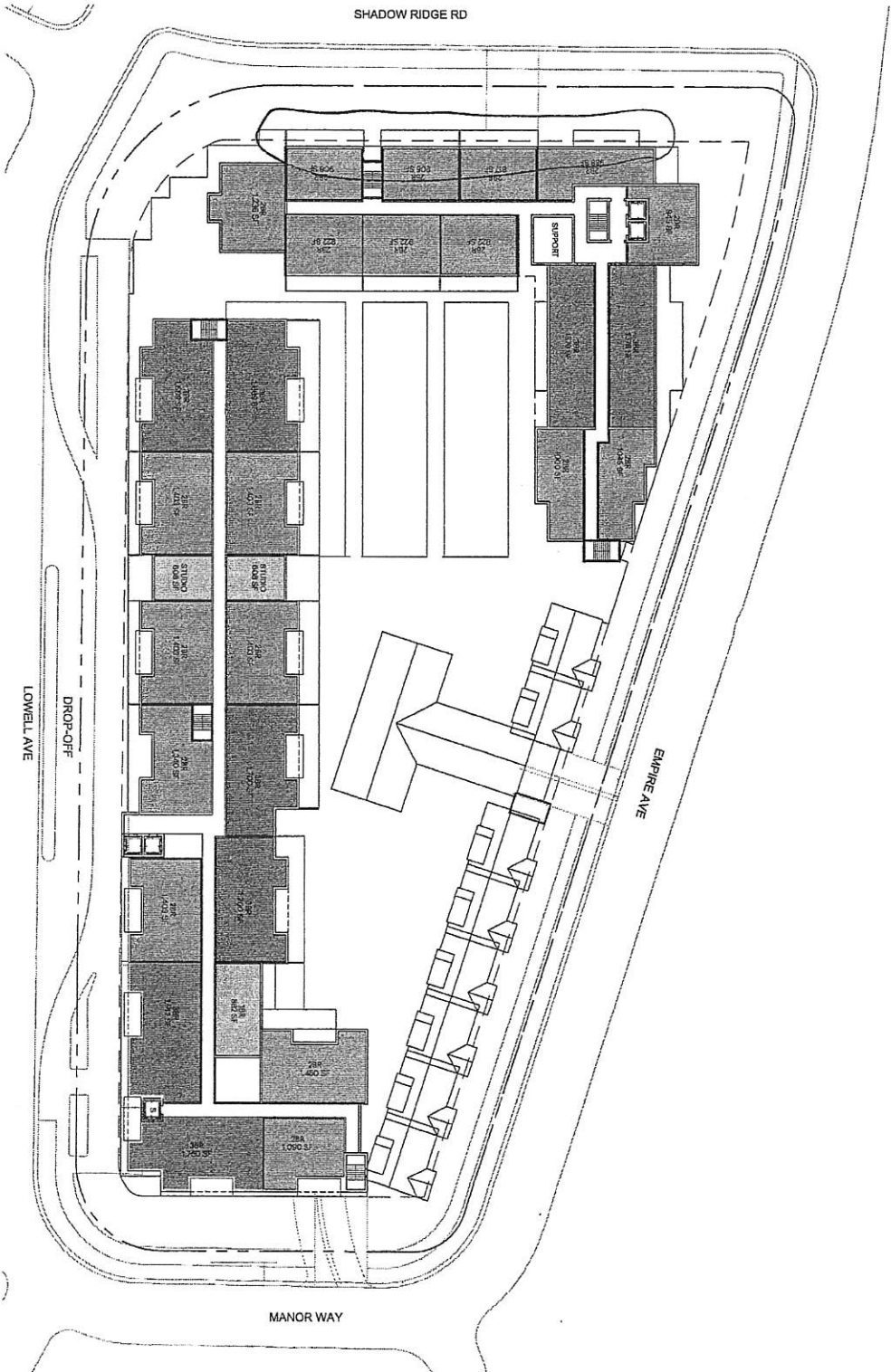
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 - EMPLOYEE - 3 BEDROOM
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 - CONDO - 4 BEDROOM
 - CONDO AMENITY



LEVEL 05 FLOOR PLAN



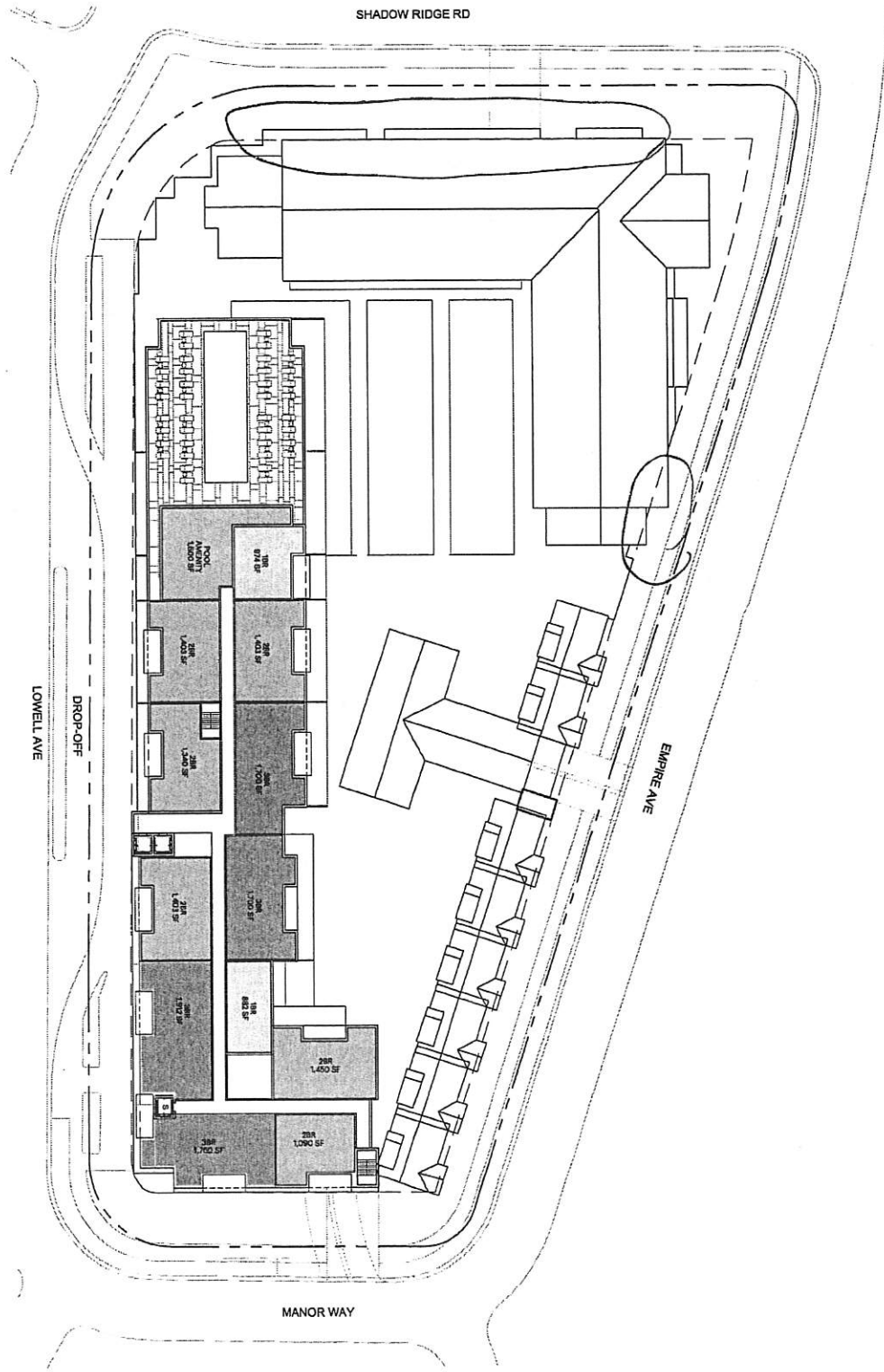
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 - CONDO - 1 BR/STUDIO
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 - CONDO AMENITY



LEVEL 06 FLOOR PLAN



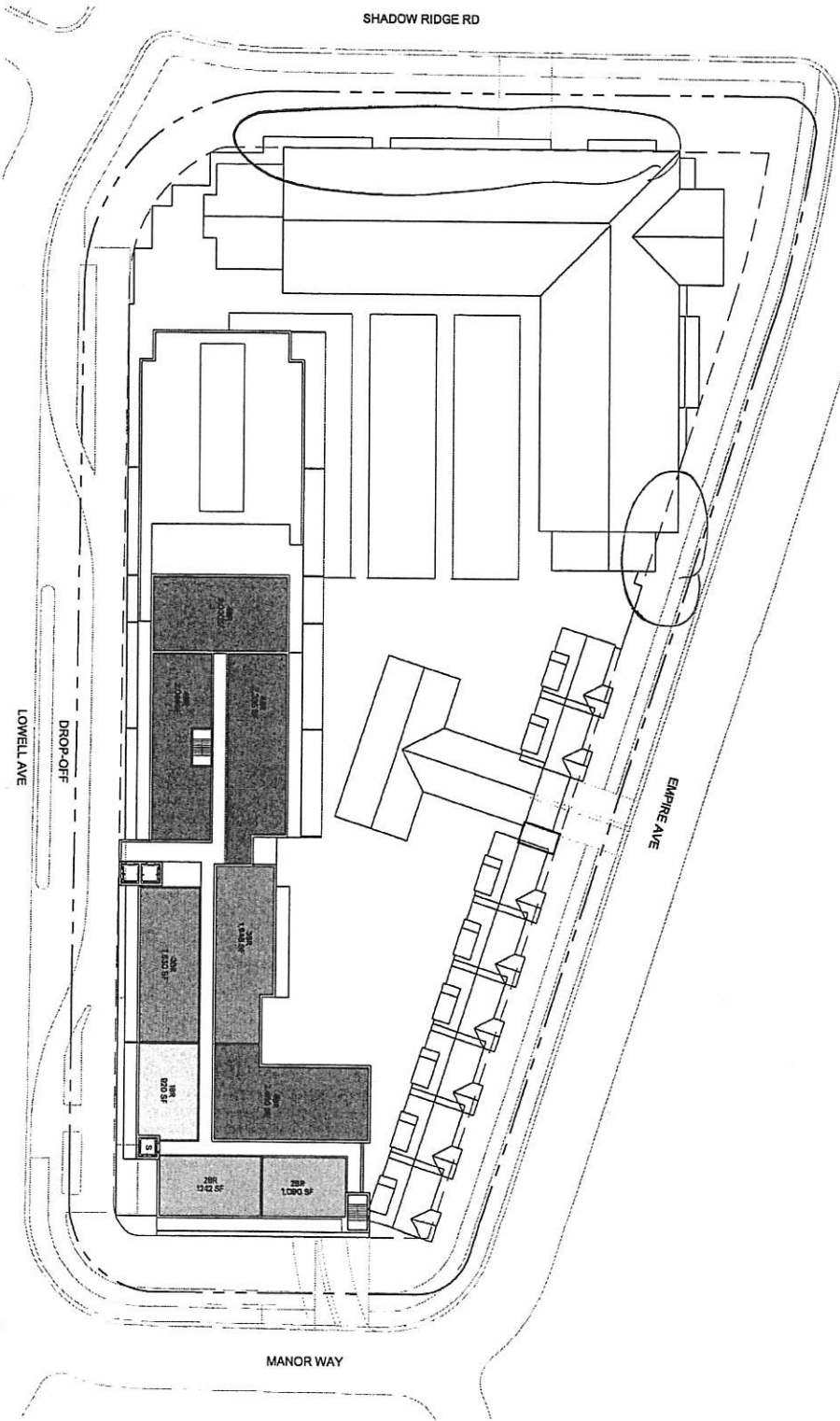
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 - CONDO - 4 BEDROOM
 - CONDO AMENITY



LEVEL 07 FLOOR PLAN

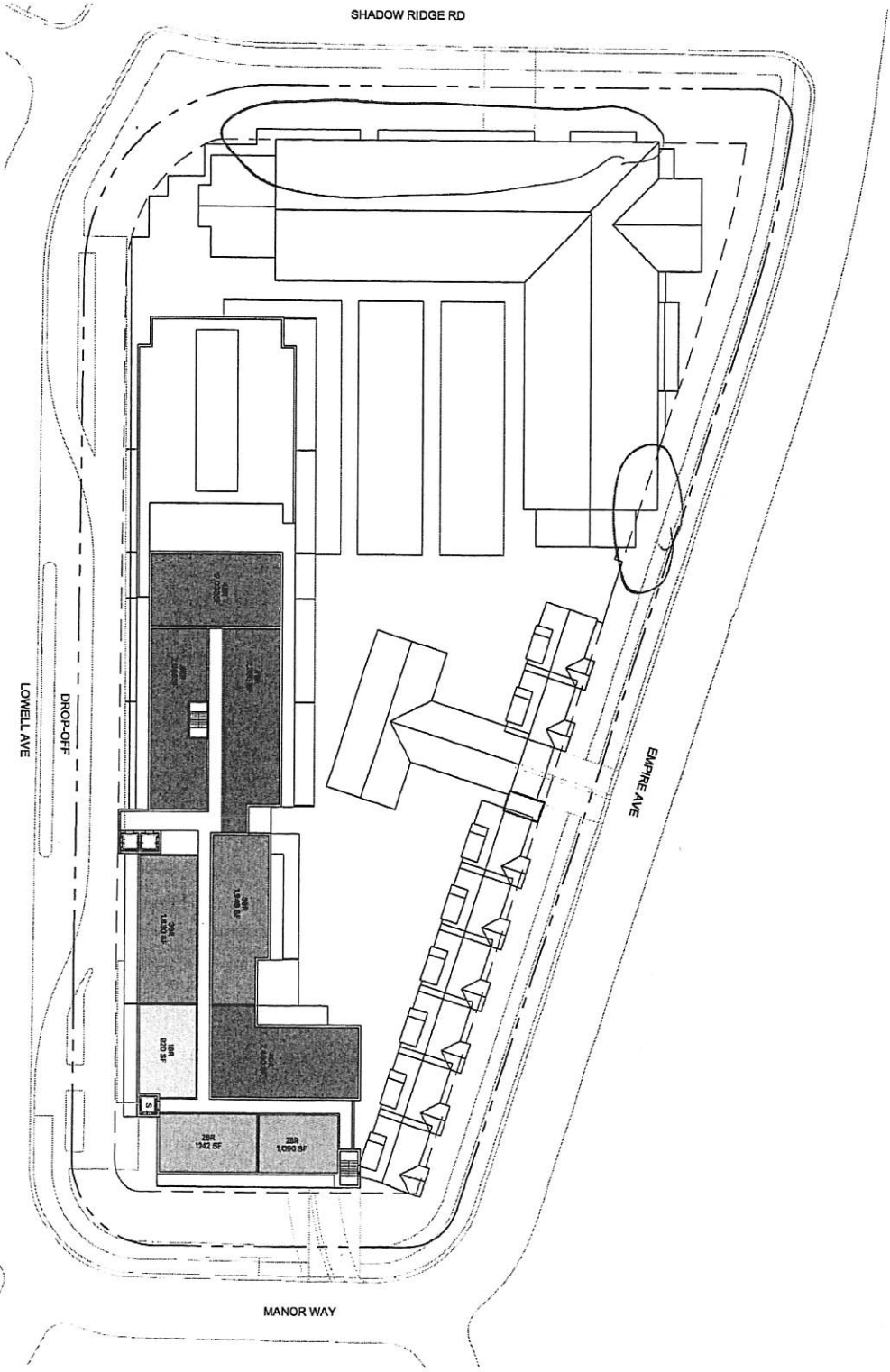
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[Dark Gray Box]	CONDO AMENITY



LEVEL 08 FLOOR PLAN

- KEY**
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 - AFFORDABLE - 2 BEDROOM
 - BOH
 - EMPLOYEE - 1 BEDROOM
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 - EMPLOYEE - 3 BEDROOM
 - CONDO - 1 BR./STUDIO
 - CONDO - 2 BEDROOM
 - CONDO - 3 BEDROOM
 - CONDO - 4 BEDROOM
 - CONDO AMENITY



LEVEL 09 FLOOR PLAN

Alexandra Ananth

From: dana williams <danawilliams7012@gmail.com>
Sent: Wednesday, November 18, 2020 8:59 AM
To: Alexandra Ananth
Subject: Resort area Development

Dear Alexandra and planning commission,

Wanted to show my support for the report that was submitted by our organization, RRAD. As someone who attended the 1998 meetings to develop the resort base, this current proposal does not come close to the community approve project. The current design's approach seems to be based on how much density can possibly be packed into the parking lot areas. I will keep this short, the project does not conform with the 1998 development agreement and should be denied.

Thank you,
Dana Williams

Sent from my iPad

Alexandra Ananth

From: planning
Sent: Wednesday, November 18, 2020 11:35 AM
To: Alexandra Ananth
Subject: FW: PC Base Area Development Issues

Jessica R. Nelson
Planning Analyst
She/Her/Hers
(435) 615-5061

Disclaimer: The Planning Department strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Department. Those relying on verbal input or preliminary written feedback do so at their own risk. Zoning and Land Management Code sections are subject to change.

-----Original Message-----

From: Glidefar [<mailto:glidefar16@yahoo.com>]
Sent: Wednesday, November 18, 2020 11:10 AM
To: planning
Subject: PC Base Area Development Issues

Dear Planner Ananth and Planning Council:

Please read and include this letter in your November 18th. 2020 meeting regarding the development of the PC Base Area.

Thank you all for your efforts to date to review PEG's proposals.

I am interested to learn and request that you demonstrate how the present planning projects in Park City will be effected by the 2020 Vision Plan of Park City. Since great effort and expense was incurred to ask the residents of Park City how they would like their city to grow and be maintained, I believe it is essential to demonstrate how will this Vision report will apply specifically to the PEG development.

As a resident of the Silver King Condominiums, I would like to ask the Planners to also consider the residents and owners of properties at the Silver King and Shadow Ridge to be protected from the massive monolithic structures proposed by the PEG development. To date, only residential areas on Empire and Three Kings have been sited by the Planning Commission as important considerations. Since the Covid Pandemic, more owners are choosing to live in their Base Area adjacent properties. Please don't assume that this is just commercial nightly rentals. The PEG building height projections would dwarf the entire neighborhood and destroy the Old Town character that has attracted all of the present homeowners.

Can you please address how the massive amount of truck diesel fumes generated during all phases of construction would be consistent with the Reduced Emissions projections for our beautiful mountain town of Park City. Lets find a better way to advance the future of our town.

Lastly, can we expect that PEG presents timely responses to the requests of each meeting regarding the 'exceptions' that they are requesting and that the requirements that the Planning Commissioners have asked for them to adhere to. Unless you request timely responses, you are allowing the review process to continue unfairly and be a waste of all of our precious time and resources.

Respectfully,
Deborah Hickey



Snow Flower Homeowners Association
PO Box 448 401 Silver King Dr
Park City UT 84060
435-649-6400

November 18, 2020

Dear Park City Planning Commission,

We continue to have concerns with the proposed development of Parcel E. This includes the change in setback variances, building heights and the entrance and delivery area. We want to highlight our concern with the delivery area and associated noise and traffic that will have an overall negative impact on our owners and guests as well as other nearby condominiums. As suggested in a previous letter, we ask that an alternate and more appropriate site be assigned for the delivery operations.

Another concern is the proposed traffic pattern in the area of Silver King and Three Kings Dr. This is an already small but overtaxed intersection which also includes a bus stop. There are no sidewalks, and each road is very narrow. With the addition of Parcel E use and traffic, this area becomes a safety issue. We urge you to reconsider a better and safe way for traffic and pedestrian flow in this area.

Thank you for your time and consideration of our concerns.

Sincerely,
Deborah Doyle
President, Snow Flower HOA II

Alexandra Ananth

From: Trent Davis <tdavis@compass-management.com>
Sent: Wednesday, November 18, 2020 1:58 PM
To: Alexandra Ananth
Cc: Sarah Hall; John Kenworthy; John Phillips; Mark J. Sletten; Laura Suesser; Douglas Thimm; Christin VanDine; Trent Davis; Robert Schmidt; citynews@parkrecord.com
Subject: PEG Development

Alexandra;
Please read into the record at tonight's PEG meeting.

All the Village Venture and Resort Center Limited retail entities at the base support the PEG Development! PEG has shown that they want to be reasonable and fair as they proceed towards plan approval. This is evident by some of the adjustments they have already made. This development will enhance all of Park City and create a long overdue upgrade to a 40 year old, outdated base area. Most of Park City depends on the ski resorts in one way or another for their livelihoods. It is imperative that we support any efforts to upgrade these areas and stay competitive with other ski resorts throughout the country.

Unfortunately it appears that there is a group who does not want this development to proceed without very restrictive changes and others who are demanding unreasonable changes as evident by the suggested walkway cutting through the middle of parcel B. I am hopeful the City will continue to help see this development to final approval with the appropriate changes as it would be a shame if PEG is forced into no longer proceeding with the development. All of PC would suffer.

Sincerely
Trent Davis
Village Venture / Resort Center Limited

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Alexandra Ananth

From: noreply@granicusideas.com
Sent: Wednesday, November 18, 2020 4:57 PM
To: Jessica Nelson; maymary1@msn.com; Alexandra Ananth
Subject: New eComment for Planning Commission

New eComment for Planning Commission

Moira Howard submitted a new eComment.

Meeting: Planning Commission

Item: 4.A) Park City Mountain Resort Base Parking Lots - MPD Modification - Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. This Hearing Will Focus on Revised Plans for Building B. PL-20-04475. *Public Input will be taken via e-comments* (A) Public Hearing, No Action Will Be Taken

eComment: Who is going to be responsible for and pay for the ongoing future maintenance of the parking garages once PEG moves out? This has become a great expense for owners of the Lodge at the Mountain Village. The garages are the foundation of the buildings so a lot rides on them!! If someone qualifies for affordable housing, I question if they will be able to afford the high homeowners' dues which this project is likely to require. Will their HOA dues

be subsidised and if so, by whom? To whom do parking garage fees go? As I previously emailed, the buildings as proposed, even with the new plan, are far too tall and dense and dwarf the surrounding properties. Setbacks, sidewalks - insufficient. Pedestrian/traffic conflicts - a nightmare..... Thanks for your work and consideration. Moira Howard

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Alexandra Ananth

From: Scott Bass <sbassman@me.com>
Sent: Wednesday, November 18, 2020 5:00 PM
To: Alexandra Ananth; Sarah Hall; John Phillips; Mark Sletten; Laura Suesser; Douglas Thimm; Christin VanDine; Jessica Nelson
Cc: Carolyn Rogers; Bob Rieve; Patti Kivel; Terri Zionts
Subject: Lodge at the Mountain Village Support of PEG Development

Park City Planning Commissioners and Planners,

I am writing to reiterate that the Board for the HOA of the **Lodge at the Mountain Village** strongly supports PEG Development and their plans for the development of the parking lots at the base of Park City Mountain Resort, and ask that this statement of support be read into the record at the Planning Commission Meeting this afternoon.

Our property is one of the most significantly impacted by this development. PEG Development's plans will transform and modernize the Park City base village into a premier destination worthy of our world class skiing. The current parking lots are outdated and unsightly and limit retail and residential expansion that will very positively impact the economy of Park City. Furthermore, PEG's recent design changes to lower building heights on parcels B and E, add townhomes on the Empire Ave. side of Parcel B, and maintain the Transit Center in the current location demonstrate that they are very reasonable and accommodating in listening to the concerns of Park City residents and the Planning Commission.

We are aware that there is a group who oppose this development and are asking for unreasonable changes that could very well stop the project from moving forward. We are hopeful that the City will give significant weight to the support of property owners such as the Lodge at the Mountain Village who are most impacted by this development. This upgrade to the base village is long overdue and much needed and we will be grateful if the City can advance this development toward final approval.

I wrote prior to the September 22 Planning Commission meeting to express our concerns of the proposed relocation of the Transit Center back in September and asked that the letter be read into the record at the meeting. I do not believe it was read into the record due to the time constraints of that meeting. However, we would very much appreciate you reading this email of our support for PEG Development into the record today.

Best Regards,
Scott Bass

Scott Bass
LMV Board President

From: noreply@granicusideas.com
Sent: Wednesday, November 18, 2020 8:08 PM
To: Jessica Nelson; maymary1@msn.com; Alexandra Ananth
Subject: New eComment for Planning Commission

New eComment for Planning Commission

Sherie Harding submitted a new eComment.

Meeting: Planning Commission

Item: 4.A) Park City Mountain Resort Base Parking Lots - MPD Modification - Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. This Hearing Will Focus on Revised Plans for Building B. PL-20-04475. *Public Input will be taken via e-comments* (A) Public Hearing, No Action Will Be Taken

eComment: Thank you Commissioners for your excellent questions. Our 1998 CMP was thoughtfully done, it took untold hours, it has very appealing characteristics, and it supports our 2020 Vision. Park City embraced the 1998 Plan. 2020 building heights, volumes, and set backs do not come close in appearance or expectations of the 1998 plan. Building facades go in and out and up, but do not step back from roadways, public plazas and

neighborhoods as they did in the 1998
plan.

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From: noreply@granicusideas.com
Sent: Friday, November 20, 2020 2:54 PM
To: Jessica Nelson; maymary1@msn.com; Alexandra Ananth
Subject: New eComment for Planning Commission

New eComment for Planning Commission

Mary Whitesides submitted a new eComment.

Meeting: Planning Commission

Item: 4.A) Park City Mountain Resort Base Parking Lots - MPD Modification - Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. This Hearing Will Focus on Revised Plans for Building B. PL-20-04475. *Public Input will be taken via e-comments* (A) Public Hearing, No Action Will Be Taken

eComment: I am a 40 year resident of Old Town Park City. There is a certain look feel and ambience that attracts visitors to our community. Over the years we have fought various battles to keep our town authentic, true to its history and surround it with open space. As you know, in 1998 Powder Core along with PCMR presented a plan for development of the open parking lots at the foot of the Park City resort. Their presentation was filled with the research they'd done, a

sympathetic extension of Historic Park City, compatible architecture, plazas, landscaping and a welcoming entrance to the development. The architecture reflects the historic mining town turned ski resort. This is the very kind of look that attracts people to our community. In 2020 PEG has presented a plan that they claim was put together through research. It in no way has the same appeal the 1998 plan has. The buildings are crammed into the space, the architecture is a generic barracks, campus like, housing project presentation that in no way extends the welcoming look and feel of Park City. It smacks of a look that considers the bottom line only. I would urge the planning commission to carefully consider the impact that will have on the future of Park City. This is our last opportunity to make or break our beloved town. Thus, the historic decision should be made to reject the current PEG plan. It would behoove the developer, the citizens, and the planning commission to reconsider the 1998 plan and perhaps with a few upgrades such as making it a green project for net zero footprint, could be a win, win for citizens, developer and visitors.

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