



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
February 9, 2022**

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Bill Johnson, Christin Van Dine, Laura Suesser

EX OFFICIO: Gretchen Milliken, Planning Director; Alexandra Ananth, Senior City Planner; Browne Sebright, Planner II; Makena Hawley, Planner II; Spencer Cawley, City Planner; John Robertson, City Engineer; Mark Harrington, City Attorney

1. ROLL CALL

Chair John Phillips called the meeting to order at approximately 5:55 p.m. He explained that there was a slight delay in the start time due to technical issues.

The following written determination was read:

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

All Commissioners were present, with the exception of Commissioner Doug Thimm. Commissioner Laura Suesser was traveling internationally and was able to listen to the meeting but was unable to speak. She was asked to call Planning Director, Gretchen Milliken so she could share comments during the meeting via speakerphone.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from January 12, 2022.

MOTION: Commissioner Kenworthy moved to approve the Planning Commission Meeting Minutes from January 12, 2022. Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

3. PUBLIC COMMUNICATIONS

There were no Public Communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Chair Phillips pointed out that on the Planning Commission agenda, an allotted amount of time was listed for each item. This was intended to keep the discussions focused and on track.

Director Milliken reported that the Snow Park application involved a request for the vacation of right-of-way and the dedication of right-of-way. That was something that the City Council would decide. Since the proposal, transportation, circulation, and site plan were all under Planning Commission review, it made sense to hold a joint Planning Commission and City Council Meeting. The joint meeting would look at the vacation, dedication, and site plan. Director Milliken clarified that the City Council would not make a decision tonight, but it would allow for robust discussion. The City Council has March 15, 2022, available at either 5:00 p.m. or 5:30 p.m.

Chair Phillips noted that the joint meeting would add another meeting to their schedule. However, it was important to work with the City Council. He wondered if other matters could be discussed during the joint meeting. Director Milliken believed that was the intention. Chair Phillips asked the Commissioners if they would be able to attend a joint meeting with the City Council on March 15, 2022. Commissioner Van Dine noted that she may have a difficult time attending but could let the Commission know closer to the meeting date. Commissioners Kenworthy, Johnson, and Hall were able to attend. Commissioner Suesser would be out of town on that date but could possibly attend remotely.

There was discussion regarding the joint meeting agenda. Commissioner Kenworthy wanted to see the Snow Park applicant provide a proposal on housing. He had heard about issues related to on-site versus off-site housing and felt it would be beneficial to work with the City Council on that. Chair Phillips had suggestions and wondered if agenda topics should be shared with Staff via email or if there should be a discussion at the next Planning Commission Meeting. It was important to make the most out of the joint meeting time. Director Milliken asked that there be email communication to start. If further discussions were needed, time could be allotted at the next Planning Commission Meeting and the agenda could be finalized at that time.

Director Milliken asked about the scheduled Special Meeting on February 16, 2022. If that meeting was unable to take place in February, she wanted to know if the Planning Commission would be open to holding the Special Meeting in March. That would mean the Planning Commission would have two regular Planning Commission Meetings, one joint meeting with the City Council, and one Special Meeting in March. Chair Phillips was open to the four meetings in March. Commissioners Johnson, Kenworthy, Van Dine, and Suesser were in support of the Special Meeting in March. Commissioner Hall needed to check her schedule and report back. Chair Phillips noted that he would have to ask Commissioner Thimm about his availability.

Commissioner Van Dine shared a disclosure with the Commission. She reported that she owns property adjacent to the Lakeside Condominiums project.

5. CONTINUATIONS

- A. **2300 Deer Valley Drive East - St. Regis Deer Valley – Modification to a Conditional Use Permit –The Applicant Proposes to Install an Additional Temporary Tent for Winter Months. PL-21-05095.**

Chair Phillips reported that the applicant was looking to continue the item to February 23, 2022.

Chair Phillips opened the public hearing. There were no comments. The public hearing was closed.

MOTION: Commissioner Kenworthy moved to continue PL-21-05095, Modification to a Conditional Use Permit on 2300 Deer Valley Drive East, St. Regis Deer Valley, to February 23, 2022. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

6. WORK SESSION

- A. **Deer Valley Snow Park Proposal - Work Session With A Focus On the Applicant's Transportation Analysis, Proposed Site Circulation, and Request for Reductions to the Required Number of Parking Stalls. PL-21-04811.**

Senior City Planner, Alexandra Ananth reported that the focus of the Work Session discussion was on transportation, circulation, and parking for the Deer Valley Snow Park project. She reminded the Commission that the application was to amend the Master Planned Development ("MPD") and for a Conditional Use Permit ("CUP") for Phase 1 of the Snow Park Village parking structure. The CUP included the parking structure, the mobility hub, and the overall site plan. It did not include any of the vertical development as that would be addressed in later CUPs.

The presentation would primarily focus on updates to the Transportation Analysis. There would also be an opportunity for Commission discussion. Planner Ananth reported that a third-party Transportation Engineer from WCG was present as well as City Engineer, John Robertson, Transportation Planning Staff, and the applicant team. Since the last Planning Commission Meeting, the applicant had revised the Transportation Analysis. Other documents had been revised as well, including the request for a reduction to the number of parking stalls required by the Land Management Code ("LMC"), the Parking Management Plan, and Transportation Demand Management Plan. Some new plans were submitted, which included the Traffic and Transportation Access Exhibits, the Snow Storage Exhibit, and the Vehicle Control Gate Analysis.

Planner Ananth reported that the application was dependent on a proposed right-of-way vacation and dedication application. That would be a City Council decision and there would be a joint meeting between the Planning Commission and City Council on March 15, 2022. During the joint meeting, there would be discussions and an opportunity for public comment. She explained that the proposal for circulation depended on the right-of-way vacation and dedication. If the Council did not allow the vacation of the right-of-way, the proposal would need to be substantially modified.

There were certain required findings that the Planning Commission needed to keep in mind including the following:

- The MPD, as conditioned, must promote the use of non-vehicular forms of transportation through design and by providing trail connections. It must address and mitigate traffic.

The Circulation Plan was discussed previously but was reviewed further by Planner Ananth. The applicant proposed that Deer Valley Drive West serve as the primary route for transit to the proposed transit and mobility hub. Transit vehicles, shuttles, and anyone accessing Royal Street would be prioritized on Deer Valley Drive West through a signal to access Royal Street or the condominiums on Deer Valley Drive West. It would also provide the most efficient and direct access to the transit hub. Planner Ananth explained that was in keeping with the City's transit-first transportation goals. Deer Valley Drive East would then serve as the primary access for all other vehicles, including day-skiers, and provide access to the proposed garage. This was a significant change to the existing circulation, and it was important to hear feedback.

Planner Ananth noted that the applicant had proposed a bus-only lane that would circulate Deer Valley Drive. It would continue along Doe Pass Road and access the proposed mobility hub. The bus-only lane was proposed in a counter-clockwise direction. This design would allow transit vehicles to use Deer Valley Drive West as an express route in both directions and allow the surrounding neighborhoods to be served by transit. Transit had the opportunity to be in the bus-only lane or the general traffic lane. One thing that Staff liked about the proposal was that it provides emergency vehicle access in the bus-only lane. The three traffic lanes fit within the existing roadway right-of-way but there could not be a separate bicycle lane on the road. Due to that elimination, the City was looking for a 10-to-12-foot-wide multi-use path for pedestrian and bicycle circulation around the entirety of the Deer Valley Drive loop.

Chair Phillips asked if striping would be needed for the multi-use path to avoid conflicts between different user groups. Planner Ananth explained that the path would accommodate both pedestrians and bicyclists without striping. However, it could be looked into further if there were conflicts between the two user groups.

The change in circulation would be indicated with roadway signage prior to the Y intersection. This would ensure that vehicles have enough time to understand whether they should be on Deer Valley Drive West or Deer Valley Drive East. Planner Ananth noted that the new circulation pattern would add more traffic to Deer Valley Drive East, which was something the applicant would discuss further during their presentation. She stated that there was a desire from the City to mitigate the traffic impacts on the surrounding neighborhoods.

Planner Ananth addressed parking and explained that the applicant was looking for an exception to the number of parking spaces in relation to the LMC requirements. The applicant asked for a 20% reduction for all of the uses proposed. The Parking Analysis supported the 20% reduction for the event center, new uses, commercial uses, hotel, and residential. The reduction was also being sought after for day-skier parking. 1,800 parking stalls were proposed, where 2,262 were required. The applicant was asking for a 462-stall parking exception. Based on early analysis, Staff was supportive of the proposed parking reduction. A decrease in parking was consistent with the City's transportation planning goals. Additionally, a 20% parking reduction was consistent with other projects that had been approved in the City.

Planner Ananth asked that the Planning Commission discuss the following:

- Where off-site parking will occur;
- When off-site parking will be needed; and
- What mitigation strategies or Conditions of Approval should be implemented.

Staff recommended that Deer Valley continue to work with the City to determine an acceptable location for overflow parking and consider mitigation strategies, should Deer Valley no longer be able to utilize the middle school for overflow parking. One option was to consider Richardson Flat for overflow parking and another option was to consider employee parking at Richardson Flat.

WCG and Staff had a few concerns with the revised Transportation Analysis, which included:

- WCG:
 - The Transportation Analysis does not analyze the internal intersections, garage accesses, and drop-off areas; and
 - The Transportation Analysis does not discuss measures to mitigate the impacts of increased traffic volume to adjacent neighborhoods along Deer Valley Drive East.
- Staff:
 - Staff requests a plan showing the width of the multi-use path around the entire Deer Valley Drive loop; and
 - Staff requests a plan showing emergency vehicle access connecting Deer Valley Drive East and Deer Valley Drive West across the plaza and ski beach area.

The applicant was prepared to address many of those concerns during the Planning Commission Meeting. Planner Ananth asked that the Commission express any further concerns about the Circulation Plan, as proposed. This would ensure that Staff had as much information as possible prepared for the joint meeting with the City Council on March 15, 2022.

David Nicholas introduced himself and explained that he is from IBI Group and would present on behalf of Deer Valley. Additionally, Rich Wagner and the design team were available to answer questions. The presentation from Mr. Nicholas would review the status of the Commission Meetings and the alignment with the strategic pillars of the City. There would also be a continued conversation related to transit, transportation, traffic, and circulation. Mr. Nicholas reported that it had been almost one year since the process began. There had been several meetings with the Planning Commission as well as a field trip in December 2021. He hoped that the transit, transportation, and traffic work would be concluded during the current Planning Commission Meeting. In March, the intention was to come back to the Planning Commission with information related to construction, phasing, and sustainability. In April, the goal was to review some Conditions of Approval and start to look toward project approval.

Mr. Nicholas noted that there was a continued effort to strategically align with the pillars of the Vision 2020 Plan for Park City. The Deer Valley team had worked diligently over the last several months to focus on the transportation innovation objective. He introduced Dan Cawley from Fehr & Peers, who was acting as a transit and transportation consultant. Mr. Cawley would share updates related to the comments received from WCG in October 2021. The intention was to address all City concerns and create a project that would align with the desires of the Park City. He explained that the highlights of the WCG review were as follows:

- Expand the study area to include more intersections;
- Revise increased trip generation estimates;

- Provide more detail on driveway and loading area operations;
- Engage with City Staff on goals to prioritize transit and incorporate that into Snow Park;
- Refine parking supply and parking management strategies; and
- Document existing and new Transportation Demand Management Plan in greater detail.

There had been a lot of revision since that point. Mr. Cawley noted that the revisions included:

- Updated site access and Circulation Plan;
- Revised on-site pedestrian, cyclist, transit, and vehicle circulation;
- Comprehensively updated Traffic Study (expanded study area and additional trip generation estimates); and
- Expanded Parking Management Plan and Transportation Demand Management Plan.

Mr. Cawley shared the proposed Site Access Circulation diagram. He reported that the Y intersection would be reconfigured so the primary access for day-skier traffic along Deer Valley Drive East would be a straight movement to incentivize that as the most obvious approach. That would be supported by wayfinding and signage to guide skiers to use Deer Valley Drive East as a primary access route. The intersection would have a queue jump for buses, which would allow them to make the right turn onto Deer Valley Drive West. That would allow the buses to bypass any queues and continue as expediently as possible along Deer Valley Drive West in a dedicated bus-only lane to the mobility hub. The bus-only lane was shown on the diagram.

The signal at the Y intersection would have transit signal priority. Mr. Cawley explained that this was a mechanical advantage that would allow a transit vehicle and operator to signal to the traffic controller. It would allow the bus to move through the area more efficiently. He reported that the transit-only loop would continue counter-clockwise through the intersection at Doe Pass Road and Deer Valley Drive West and stop at the mobility hub. At the intersection of Doe Pass Road and Deer Valley Drive East, the proposal was to add a second signalized intersection. Mr. Cawley stated that the goal was to prioritize transit movements through the intersection and out of the mobility hub. The signalized intersection was in alignment with the goals of the City.

Mr. Cawley discussed the proposed multi-use pathway around the Deer Valley Drive loop. On site, there would be substantial amounts of pedestrian and cyclist infrastructure. That would ensure there was a comfortable off-street alternative. He understood that the area was popular for both pedestrians and cyclists and it was important to enhance that experience where possible.

Private vehicle traffic was discussed. The primary access route for day-skiers would be via Deer Valley Drive East. Vehicles would proceed straight through the reconfigured Y intersection at the signal and approach the Snow Park Village and proposed parking layouts. Mr. Cawley reported that at the southern end of the site, there would be a small drop-off loop, which would be discussed later in the meeting. The newly proposed signal at Doe Pass Road and Deer Valley Drive East would disincentivize day-skiers to use that as an access point.

Mr. Cawley shared a map of the site and overviewed the transit route. Revisions were made to reduce conflicts to the greatest extent possible. For instance, reducing the number of locations where private vehicles and those traveling by active transportation shared the same space at the same time. It was also a priority to expedite transit to and from the mobility hub. The mobility hub will have space for six buses at one time and would also have some electric bus charging infrastructure. With the assistance of a traffic signal, those buses would be able to effectively

pause the eastbound traffic on Doe Pass Road enter into the intersection and then turn left through the intersection into the bus-only lane. This would make transit a more attractive and viable means. It would also improve multi-modal connections for pedestrians and cyclists as well as discourage the use of Doe Pass Road for private vehicle trips.

Commissioner Suesser asked for clarification about the Circulation Plan. She wanted to know if there was two-way bus traffic along Deer Valley Drive West. Mr. Cawley explained that the plan does not provide two-way bus lanes on Deer Valley Drive West. If outbound buses choose to travel that route, it would be within the general purpose, mixed-traffic lane. One of the limiting factors was the fact that there was a short bridge close to the Y intersection on Deer Valley Drive West. Providing the one-way bus loop ensures that bus-only lanes are provided to and from the newly signalized intersection. Commissioner Suesser asked if there was two-way traffic for private vehicles on Deer Valley Drive West, which Mr. Cawley confirmed.

Commissioner Suesser wondered if it would be possible for vehicles to make a right turn across the bus lane. Mr. Cawley confirmed this but noted that at the approach to Deer Valley Drive East, on Doe Pass Road, there would be a single mixed-lane to reduce side-by-side turning conflicts. There would be a signal at Doe Pass Road and Deer Valley Drive East with signal preemption to better facilitate outbound transit speeds. Commissioner Suesser believed Deer Valley Drive East would have one regular traffic lane in one direction, one regular traffic lane in the other direction, and a one-way loop for the bus. This was confirmed.

Mr. Cawley shared an image of a cross-section looking north on Deer Valley Drive East. The east curbside lane would be the bus-only lane, which would allow the bus-only lane to serve the existing bus stops along Deer Valley Drive East. There would also be two general purpose, mixed-traffic lanes. One of the benefits of this configuration was that it allowed for substantially faster emergency vehicle access if needed. The Site Plan was shared, and he noted that the majority of the parking access would be off of Deer Valley Drive East. That would include the P2, P3, and P4 labeled driveways. Some of the ongoing concerns from Staff and WCG had to do with how the driveways would function and whether there would be operational impacts due to on-street queuing. An analysis was done and would be shared later.

The average ingress speed was something that Deer Valley was concerned about. It was important that there was a smooth and seamless operation so that guests had a positive experience. Some of the Deer Valley goals were to expedite access, reduce on-street congestion, and allow for transactions to more substantially affect the outbound pace. The latter would also meter the speed at which vehicles were able to leave the site. Mr. Cawley reported that at the southern end of the site, there was a plan to provide emergency vehicle access from the southern end of Deer Valley Drive West over to the pick-up and drop-off area. That would be maintained throughout the year. Chair Phillips asked if that would be difficult due to the location of the Silver Lake Express. Mr. Cawley noted that there would be enough vertical clearance.

Mr. Cawley provided additional information on multi-modal circulation. There would be a continuous multi-use path the whole way around the Deer Valley Drive loop. Along Doe Pass Road, the proposal was to reroute that to the north side to reduce conflicts at the mobility hub. There would be a lot of traffic entering and exiting the mobility hub and it was important to separate those movements as much as possible. Mr. Cawley noted that the design would provide more on-site circulation. The assumption was that the vast majority of guests would interact with the area on foot, and as a result, the design needs to be pedestrian-friendly.

The updated Traffic Study was discussed. Mr. Cawley explained that one of the goals was to provide a conservative set of analyses to base the infrastructure recommendations on. Some of the key highlights that came out of the updated Traffic Study were as follows:

- Proposing two new traffic signals:
 - One at Deer Valley Drive/Deer Valley Drive East/Deer Valley Drive West;
 - One at Doe Pass Road/Deer Valley Drive East; and
 - Both traffic signals are equipped with transit preemptive capabilities.
- Intersections closer to Snow Park should continue to operate at acceptable levels of service through the year 2040;
- Parking supply will be more than adequate for the vast majority of ski days;
- Traffic Demand Management program will compliment transit improvements by being explored by PCT/HVT; and
- Transit travel times on Deer Valley Drive loop will be faster than general traffic, with 35 seconds saved in each direction.

The expanded study intersections that were requested with the updated Traffic Study included two that were much closer to the site. For instance, the intersections at either end of Doe Pass Road. Other intersections studied included the Deer Valley Drive/Park Avenue/Empire Avenue intersection and Bonanza Drive/Monitor Drive/SR-248. Mr. Cawley overviewed the trip generation estimates. When WCG reviewed the initial trip generation estimates in October 2021, there were concerns that the numbers were unrealistically low. To address that, a handful of updates had been made. He reported that the hotel trip generation estimates had been replaced with estimates from The Canyons. Additionally, the initial numbers may have overestimated the PM outbound trips. Given how the project was intended to function, the assumption was that guests would stay at the base a bit longer and enjoy the amenities. The trip generation estimates showed a 15% increase in traffic to and from Deer Valley using the more conservative estimates.

The Intersection Analysis was shared. Mr. Cawley reported that under the existing conditions, a handful of intersections were operating at levels below what the City wanted to see. The opening year of the project would see the intersections, except those that were currently failing, continue to operate at acceptable levels of service. That would continue under the 2040 evaluation.

Parking Plans were addressed. Mr. Cawley noted that parking would be an ongoing conversation with the City. Remote parking needed to be provided in a way that met all needs. South of Doe Pass Road, parking would be provided in a new structure with four levels. The price of parking would be one of the main incentives relied upon to discourage traveling alone to and from Deer Valley. The implementation of parking pricing would be paired with a constrained parking supply. Management strategies would focus on the most efficient use of the parking supply. For instance, wayfinding, communication, and payment technology that prioritized inbound access speeds to the greatest extent possible. He reported that Deer Valley would no longer allow for overflow parking on Deer Valley Drive.

Mr. Cawley reported that there would be a Traffic Demand Management Coordinator for Deer Valley, to make sure there was a consistent point of contact between Deer Valley and the City. The coordinator would support an ongoing monitoring program. The program would ensure that there were evaluations and semi-annual discussions with City Staff. Mr. Cawley explained that the monitoring program would rely on existing data, but there could be involvement from other agencies as well. For example, it was important to understand what transit ridership looked like

and what vehicle counts looked like. If the transit-only lanes were implemented as proposed, approximately 35 seconds per trip would be saved in each direction for express-type service. Deer Valley could reach out to applicable agencies to obtain that type of data.

Commissioner Johnson wondered whether residents on Solamere Drive and Queen Esther Drive would need to walk or take the bus back to the Y intersection and then make a left turn to get to the base resort. Chair Phillips noted that there had been previous discussions related to that question. He believed the City would still run a certain number of buses through normal traffic to pick up residents in those areas. Commissioner Johnson understood that the design would improve the Deer Valley Drive loop but asked for additional information about the merge back into two lanes. Mr. Cawley reported that the majority of delays that a vehicle will experience would be at an intersection. Buses would be able to move through certain intersections with the transit preemption, which would improve speeds and overall reliability. The goal was to move vehicles through the key intersections and expedite transit as much as possible. Once the buses moved past the intersections, transit-only would drop and a merge would be necessary.

Commissioner Johnson did not believe that Richardson Flat would be an appropriate solution for parking. Commissioner Van Dine noted that most people came to Deer Valley from the Wasatch Front. She wondered whether there were mitigation strategies to discourage people from coming into town. If the goal was to disincentivize people from parking at the resort, it was important to consider where people would park as a result. Commissioner Van Dine also expressed concerns related to the drop-off areas. Mr. Cawley noted that the circulation would change. There would be a heavy reliance on Deer Valley guest services in the drop-off areas to make sure they functioned well. Planner Ananth noted that the drop-off area was multi-lane. Mr. Cawley stated that there were a few different drop-off locations. For instance, at the southern end of Deer Valley Drive East as well as drop-off areas on certain parking levels.

Commissioner Kenworthy liked the options with the multi-lane drop-off areas and appreciated the presentation. He believed that Richardson Flat could be used as an employee parking lot and the applicant could be responsible for shuttles. Discussions were had about how vehicles would reach the Deer Valley site. Jon Nepstad from Fehr & Peers clarified that the report included in the packet described where the trips to Deer Valley started, but the analysis did not mention the exact routes taken.

Chair Phillips opened the public comment period.

David Jantzen felt that Deer Valley should guarantee that the number of parking spaces being eliminated would be available elsewhere as a satellite site. He also noted that even with the most efficient technology, it will take four or five times longer to move vehicles into the parking garages as compared to the open field parking that currently existed.

Michael Weiner identified himself as a resident in the Solamere neighborhood. He did not fully understand how the ingress and egress would work from the Solamere and Queen Esther neighborhoods. There were hundreds of residents in the area with concerns. He asked for additional information about how ingress and egress would work in the future and how the proposal would impact traffic backups in the area.

Stephany Richmond reported that she lives off of Solamere and noted that Deer Valley brings a lot of enjoyment to skiers. She felt that less available parking would encourage visitors to choose other resorts. Ms. Richmond also wanted to understand how the proposal will impact residents

in the area. Chair Phillips explained that the objective was to reduce traffic and noted that many of the parking reductions had to do with City-wide policies.

Randy Johnston asked the Commission to consider the size of the new parking spaces. The current parking spaces allow visitors to exit their vehicles with ski boots and unload ski equipment. If the parking spaces are to be the same size that they are elsewhere in the City, it would be impossible for visitors to unload their gear safely and effectively.

Christina Shiebler reported that she lives in the Rossi Hill neighborhood. She expressed concerns about the 20% parking reduction because there are already issues with visitors parking in the neighborhoods. It was important that the applicant sit down with nearby residents to discuss concerns. Ms. Shiebler also wanted to understand how the emergency response vehicles will operate in the area and felt it was important to have a clear plan in case of emergency. She noted that there had been a lot of discussions about user experience, but she felt it was essential to consider the local experience and how the proposal will impact residents. Additionally, she pointed out that certain areas are dangerous for pedestrians. The Traffic Study needed to include the next largest intersection below the proposed traffic circle and traffic light.

Jack Chandler, a resident of the Solamere neighborhood, had questions about ingress and egress. There are already Deer Valley visitors that park down to his street. It was important for residents to understand how they would be able to get in and out of their homes. He also asked about public transportation for residents and their ability to access the ski resort. Mr. Chandler suggested that Deer Valley consider running a shuttle bus to allow the residents to get to and from the resort.

Phil Palmintere also lives in Solamere and echoed the comments and concerns expressed by other attendees. He explained that he is a disabled skier and is very concerned about the location of the handicapped parking under the proposal. The existing disabled parking spots were near the ski school, but according to one of the maps, which would become a drop-off area. If he took a bus, there may be a 300 to 600-foot walk to reach the lift. As a disabled skier, that is not acceptable. Mr. Palmintere requested that the applicant focus on disabled skiers and handicapped parking spots. It is also important that there was an adequate number of disabled parking spots available because currently there were not enough.

Amrit Nagpal explained that he is a homeowner in Solamere. He was opposed to the rerouting of traffic and did not understand the rationale for doing so. It was a long distance to travel, more ingress and egress points could be affected by higher traffic, and there were already hundreds of residents in Solamere who struggled to drive into town in the afternoons. He did not believe that the parking prices would act as a deterrent, given the demographic that Deer Valley seemed to attract. Mr. Nagpal noted that the rationale to reroute the traffic had not been adequately addressed by the applicant.

James Letchford, a Solamere resident, had concerns about traffic. There were a lot of discussions about how visitors would get to Deer Valley but not as many about how people will leave. Regardless of the traffic map, as soon as a vehicle leaves the traffic loop, there will be a chokepoint. That makes it difficult to pick up children from school or leave the area in the afternoon area. There will be a chokepoint regardless of the traffic flow into Deer Valley. More attention needed to be focused on egress. Mr. Letchford noted there are not a lot of bus routes into the neighborhoods, which made it difficult for the residents to use public transportation.

Michael Kushner enjoyed the presentation and informed the Commission that he was a Solamere resident. From an emissions perspective, he had concerns, as a longer route would work against the Park City goal to reduce emissions. From a livability perspective, trying to get in and out of the neighborhood was a challenge. He reported that there were school buses that came in and out of the neighborhood, but often, children were not able to use those buses, because the traffic was so intense that the children would be late for school. Mr. Kushner wanted to know how the proposal will make things more livable for residents.

Joanna Williams is a full-time resident on Solamere Drive and agreed with the suggestion made by Mr. Chandler for a Deer Valley shuttle service for residents. Even if the shuttle was only available on the weekends, which could be beneficial. She did not believe the longer route around was the best solution as it could create further problems. Ms. Williams also expressed concerns about the reduced size of the drop-off loop. The current loop allowed many parents to temporarily park on the left and walk the children in, but that was already crowded. If there was a reduction to that area, she felt that it would negatively impact visitors.

Peter Weinstock noted that the site had not been developed for a number of years. It would be possible to experiment with different strategies, such as increased parking fees, to determine what works before something irreparable is done. The current situation was not working, and it would make sense to address the current issues first. For instance, ticket and tow vehicles that are parked around the loop and charge more for parking. Deer Valley could determine whether that alleviated the traffic enough to then start on the development. To do the development with the hope that the solutions would work could create an even worse situation.

There were no further comments. The public comment period was closed.

Chair Phillips addressed concerns raised during the public comment period. He noted that there had been many meetings related to the development. The problems related to traffic were City-wide issues as well. That was one of the reasons transit was a priority for the City and reducing the parking was intended to help relieve some of the congestion. Chair Phillips explained that one of the reasons for the proposed configuration was to prioritize and incentivize bus transit. There were multiple ways to do that including charging for parking and having a priority bus lane. He reminded those present that previous minutes and material packets were available on the Park City website for review.

Commissioner Hall asked that the applicant speak to the size of the parking stalls. She also asked that the applicant review the loading zone. It was important to understand the size of the proposed loading zone compared to the current one. Mr. Nicholas reported that the goal of the parking stall size was to have as many oversized stalls as possible. The stalls would be 10' x 20'-foot parking stalls, where a typical stall in a parking structure was 9' x 17'. Mr. Nicholas explained that the drop-off area was multi-lane and was in a round configuration. The current configuration was more linear. There was a more comprehensive approach to distributing drop-offs throughout the project as opposed to concentrating drop-offs in one location. The primary goal of that was to minimize pedestrian and vehicular conflicts and create additional choices. He noted that there would be drop-offs at Snow Park Lodge and within the parking structures.

Commissioner Kenworthy asked how far it was from the escalator at the transit drop-off to the Carpenter Express chairlift. Mr. Nicholas reported that there was 400 feet of walking distance with another 150 to 200 feet of escalator transport. Commissioner Kenworthy wanted to know about the number of handicapped parking spaces. Mr. Nicholas did not have the exact numbers

but explained that each parking level will contain a certain amount of handicapped parking stalls. The project will be ADA and Code compliant.

Commissioner Suesser believed the applicant should consider a skier drop-off area on the south side of the plaza to address some of the congestion concerns. Chair Phillips mentioned the public comment related to school buses. He wondered if the school buses have the same signaling capability as the lights. It was noted that the City would need to determine whether school buses can use the bus-only lanes. Chair Phillips suggested that the applicant do whatever is possible to mitigate some of the unintended consequences. He also encouraged Deer Valley to look into the possibility of running a shuttle bus in the neighborhoods.

Commissioner Kenworthy felt it was important that there be additional opportunities for public comment. Planner Ananth reported that the public could continue to comment on the project at future meetings. The joint meeting with the City Council would take place on March 15, 2022. Additionally, emailed comments could be sent to Staff at any time. Planner Ananth explained that the applicant would continue to work with the City to address the issues that had been raised. The March 15, 2022, meeting will focus on the right-of-way vacation and dedication. The Circulation Plan would also be shared. She noted that the City Council would only be able to comment on the vacation and dedication, as the MPD was a Planning Commission decision. Chair Phillips thanked Staff and the applicant for their presentations.

7. REGULAR AGENDA

A. 9300 Marsac Avenue (Sommet Blanc/B2East Parcel) – The Applicant is Requesting Amendments to the Approved Master Planned Development and a Conditional Use Permit for the Proposed Development of 49 Residential Units Above Underground Parking, and a 3,600-Square-Foot Public Restaurant. PL-21-04771 & PL-20-04702.

Planner II, Makena Hawley reported that Sommet Blanc is located at 9300 Marsac Avenue. There are several approved permits on the site, which included one for retaining walls and a temporary sales office. The lot is located in the Residential Development (RD) Zone. A multi-unit dwelling was a Conditional Use and was subject to the requirements of the 2007 Empire Pass B-2 MPD and the 2007 Amended Flagstaff Development Agreement. Since March 2021, there have been five meetings related to the application and there had been several iterations.

Planner Hawley shared images with the Commission to illustrate the different proposals. The latest iteration looked at three condominium buildings with 49 residential units above underground parking and a 3,600 square-foot public restaurant. Planner Hawley overviewed the Planning Commission purview. There was a CUP approval, an MPD Amendment, Development Agreement Amendment, and the Mid Mountain Parking Lot and Trailhead Improvements. The applicant now proposed six affordable housing units instead of 4.2. There was also a proposed 3.06-acre conservation easement on the lot as well as the Mid Mountain Trail parking lot.

Planner Hawley discussed the site size and location. The applicant proposed a new arrangement of 81 Unit Equivalents (“UEs”) and eliminated the four villas, the ski ancillary building, and the road and retaining walls that were required to build them. Compared to the previous Hill Glazier Plan, there was only a single curb cut to reach the site, there was a change in the structure location, and a height increase was proposed in exchange for the reduced building footprint. The development was proposed in a Heavily Disturbed Area. It was set over a previously closed mine

shaft and was within the approved Flagstaff DA Development Pod. The current plan, compared to the December 2021 submittal, showed significantly less disturbance to the site, additional clustering of the density, and a reduced footprint. All of the proposed changes were possible with the proposed height exception as an alternative to a larger, more spread-out building footprint.

Height was addressed and Planner Hawley explained that per the MPD, the lot was granted a height exception of 82-feet above benchmark grades. As a result of Staff and Planning Commission feedback, the applicant incorporated the square footage of the villas into an additional floor on Building B and Building C. That would be 94-feet and 106-feet above benchmark grades. No impacts had been observed to adjacent property owners in terms of solar access or air circulation. Planner Hawley reminded the Commission that for the height exception, the Commission could consider the Site-Specific Analysis, the questions provided in the LMC, and any information provided by the applicant.

Planner Hawley discussed Twisted Branch Road. She noted that there had been several concerns raised over the past few Planning Commission Meetings, which were as follows:

- The safety of SR-224;
- Limited access to the recreation area in Bonanza Flats; and
- Impacts that Sommet Blanc will have on SR-224.

The applicant previously indicated that the property is part of the Empire Pass Master Owner's Association ("MOA") Shuttle Service, which had been highly successful. Additionally, a Transit Study was provided that concluded a high level of service would still exist on SR-224, even with the development. The applicant asserted that there was no nexus between the proposed Sommet Blanc project and the operational status of Twisted Branch Road.

Planner Hawley reported that it was a State Road, was seasonal, was a public roadway, is owned by REDUS, and was maintained by Empire Pass MOA. The Development Agreement supported limited winter access and a controlled road that would prevent access to adjacent properties. The Development Agreement stated that if the private road was converted to a public road, the developer should not undermine the seasonal closure of SR-224. Planner Hawley noted that there would need to be further discussions about Twisted Branch Road. Staff suggested a condition of approval stating that if in the future, there is an agreement between appropriate Stakeholders to make Twisted Branch Road public, Sommet Blanc would not object to the agreement. The applicant agreed to the condition.

The Mid Mountain Parking and Trailhead Improvements were discussed. Planner Hawley reported that the applicant proposed parking lot improvements and extensions to the easement. The City was in favor of the improvements and the easement extension. She noted that it would be appropriate for the Planning Commission to open a public hearing for both the amendments and the CUP. There would be two separate votes related to the item including one for the Amendments to the Approved MPD and one for the CUP.

The applicant, Lynn Padan, noted that in prior Planning Commission meetings, he attempted to address the Commission's concerns. The latest application attempted to modify the Hill Glazier Plan and amend the MPD. Alliance Engineering prepared an exhibit to illustrate what the level of site disturbance would be. Mr. Padan reported that there was initially an area of disturbance of 5.5 acres, but the revised plan showed 3.7 acres. That was a significant reduction to the area of

disturbance, and it would allow for a conservation easement on the upper portion of the site. At the last Planning Commission Meeting, Chair Phillips asked about a 28-foot version of the villas as a possible option. That option had been explored, but it expanded the footprint horizontally by as much as 25%. As a result, the decision was made to eliminate the villas and increase Building B and Building C by one story each.

At the December 8, 2021, Planning Commission Meeting, it seemed that the Commissioners were in favor of removing density from the top of the site. That had been done in the latest application. Mr. Padan believed the application had a lot of advantages compared to the Hill Glazier plan, specifically as it related to the Mid Mountain Parking and Trailhead Improvements. He discussed the trail and explained that it would easily go around the project. However, there would need to be some minor modifications made to the trail. Mr. Padan reported that an additional parking plan had been created. He stated that most of the development would be on the top area of the site, which had already been disturbed. There would be a slight realignment of the Mid Mountain Trail and he would work with the City to ensure that all requirements were met.

The Visual Impact Study was shared to illustrate the building heights and visual impacts. With respect to the Twisted Branch Road discussion, Mr. Padan noted that in that context, the developer was the United Park City Mines Company. Sommet Blanc purchased the site from REDUS, who was a successor in interest to the United Park City Mines Company. In one of the prior meetings, it was asked how the Sommet Blanc residents and visitors would be able to visit Bonanza Flats. He explained that the property was part of the Empire Pass MOA, and all of the MOA had an easement on Twisted Branch Road. Any properties in Empire Pass had the right to drive up Twisted Branch Road because of that existing easement.

Mr. Padan reported that Hales Engineering conducted an additional Traffic Study. The study was dated January 25, 2022, and showed that the impacts of the current application would be significantly less than the impacts anticipated under the Hill Glazier plan. He shared an exhibit that showed the relative heights and stated that the project would step down with the grade. It was nestled into the hillside and there would be no impact visually from other properties. There was a Shadow Analysis included in the Meeting Materials Packet. The analysis was done at various times of the year and showed that there was virtually no impact on the Empire Day Lodge in terms of shadowing from the buildings at any time of the year or time of day.

Chair Phillips believed the Condition of Approval related to building height should include specifics about the top-level footprint. He was in favor of allowing the additional height due to the elimination of the other buildings. Mr. Padan did not object to language about the top-level footprint. Chair Phillips shared additional comments and noted that he was concerned about light pollution in the project area due to a large amount of glass. He wondered whether there was a way to monitor how much light was emitted from the project at a certain distance. It would be beneficial to leave a mechanism in place so that could be monitored if there is an issue. Chair Phillips was not in favor of the parking lot project at the current time. Adding a restroom and trailhead signage would change the use and attract more visitors to the area. He believed that should be treated as a separate issue, which could be discussed at a later date, if necessary.

Chair Phillips asked Doug Ogilvy how residents in the area would get from Twisted Branch Road into Bonanza Flats. Mr. Ogilvy explained that the gate connection was typically open during daylight hours or construction hours and was closed on Sundays. When the gate is open, there is an opportunity for owners and visitors of the property to use Twisted Branch Road through the existing easements. The Traffic Engineer expected that 95% of the traffic coming out of the

project would turn left rather than right. During peak hours, the project was expected to generate 53 vehicles per hour. Since 95% of those 53 vehicles would turn left, the number of vehicles using SR-224 or Twisted Branch Road would be relatively low. Chair Phillips asked whether there was language in the Flagstaff Development Agreement that regulated the use of the road. Mr. Ogilvy noted that there was no language in the agreement that regulated the use. There was an easement in favor of the City to allow emergency vehicles and maintenance vehicles into Bonanza Flats. Chair Phillips did not support the connection.

Commissioner Suesser agreed with the comments made by Chair Phillips. She felt that Empire Pass residents and guests should not have access to Twisted Branch Road because it is contrary to the 2007 Amended Flagstaff Development Agreement. Section 2.8.3 stated that the developer shall support and not undermine the seasonal closure of the realigned SR-224 and shall control motorized vehicle access from SR-224 to the private road to prevent vehicle through traffic. Mr. Ogilvy clarified that the applicant did not control Twisted Branch Road. The construction gate was closed all winter, which was consistent with the Development Agreement. He added that the usage was 99% related to construction traffic.

Mr. Padan noted that the easement that the Empire Pass MOA had fallen short of making a connection by a few hundred feet. Mr. Ogilvy confirmed this. The easement in favor of Empire Pass stopped at the start of Red Cloud Trail. He did not know what the right solution was for Twisted Branch Road but felt it would be appropriate for the City, Utah Department of Transportation ("UDOT"), Empire Pass MOA, and the landowner to have conversations about the matter. He explained that the applicant for the Sommet Blanc project had no control over the outcome of such discussions.

Commissioner Suesser noted that one of the Conditions of Approval was that the development needs to comply with the Flagstaff Development Agreement and the provisions therein. There were a lot of provisions that related to Twisted Branch Road. The Development Agreement stated that improved safety on roads was the main objective. It also said that the upper portion of the mine would be addressed in future proposals. Commissioner Suesser believed it was an appropriate time to address the issue.

Mr. Ogilvy reported that the Development Agreement specified that there shall be seasonal closure of that road. It also stated that Twisted Branch Road was not to be used for access to Wasatch County. If Commissioner Suesser was concerned about the ongoing usage of the construction access gate, the City could work to have the construction access gate closed, except for emergency purposes. Mr. Ogilvy informed the Commission that Twisted Branch Road was not owned by the developer of Sommet Blanc and Sommet Blanc had no impact on Twisted Branch Road. There was no nexus between Twisted Branch Road and the project because the project would not change the road and the developer could not make changes to the road.

City Attorney, Mark Harrington felt it was important to separate the issues. He wanted to see if there was consensus from the Commission about the use of Twisted Branch Road to the degree consistent with the existing easement rights. Attorney Harrington reported that the original project had an existing curb cut off of Twisted Branch Road and an amenity building location at the curb cut. As a result, Staff had assumed that there would be more use of Twisted Branch Road by that facility connection. There were suggestions made to mitigate that nominal increase in traffic. However, the Commission could eliminate that language and state that they did not want to direct any traffic onto Twisted Branch Road. Chair Phillips did not believe Twisted Branch Road should be used by residents. It should only be construction and an emergency access road.

Commissioner Suesser asked what agreement stated that Empire Pass homeowners could use Twisted Branch Road. Mr. Ogilvy explained that the land under Twisted Branch Road is owned by REDUS. The recorded easement in favor of the Empire Pass MOA permitted them to own, operate, and maintain a private road. A homeowner in Sommet Blanc would be a member of the Empire Pass MOA, which would give them the right to drive up the road. Attorney Harrington did not believe the internal private use between sub-associations was specifically addressed in the Development Agreement. However, Staff could evaluate the issue further.

Commissioner Kenworthy agreed with the earlier comments from Chair Phillips and Commissioner Suesser. He also noted that there could be equity issues as it related to Twisted Branch Road access. Mr. Ogilvy read from Section 8.1 of the Development Agreement, which stated: "all successors and interests shall succeed only to those benefits and burdens of this agreement, which pertains to the portion of the project to which the successor holds the title." The developer of Sommet Blanc did not hold the title to Twisted Branch Road. Any issues related to the road needed to be addressed with the property owner.

Attorney Harrington felt that the Planning Commission could urge the City Council to prioritize a broader discussion if desired. The Commission could also forward a recommendation to Council that suggested terms and next steps. Chair Phillips wanted language specifically prohibiting Twisted Branch Road from being used. He felt the gate should be more restricted and the access needed to be locked and controlled by the City. Commissioner Johnson agreed.

Commissioner Suesser read Condition of Approval #32, which was as follows:

- The Covenants, Conditions, and Restrictions ("CC&R") shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.

She wondered if the Real Estate Transfer Fee referred to the Open Space Transit Management Fund. Planner Hawley explained that was the intention. She had followed language from similar Empire Pass developments but could alter the wording if it was not clear enough. Mr. Ogilvy approved of the language being fine-tuned to correctly reference the Open Space Transit Management Fund. He reported that there was a 1% fee collected and 0.5% was remitted to the City each year. Planner Hawley stated that she would look into the language.

Commissioner Suesser asked about the condition of approval stating that the applicant needs to contact UDOT to determine whether an Access Permit is needed for the property. Michael Demkowicz explained that there was a UDOT Access Permit for the accesses off of the roundabout. There was also a permit for crossing the trail and for the upper villa driveway. The latter would not continue to be pursued. Commissioner Suesser believed that language needed to be clarified and cleaned up. She did not feel that the applicant had complied with Conditional of Approval #34 and felt there needed to be further discussions related to Twisted Branch Road.

Commissioner Johnson wondered if there could be a condition that would restrict mechanical equipment, antennas, and water towers since the height exception would be granted. Planner Hawley explained that there had been a similar request with Payday Condominiums. A height exception was granted for certain buildings and as a result, no satellites, AC units, water towers, or elevator shafts were permitted to increase the height further. The Commission was in support

of that type of language for the Sommet Blanc proposal. Mr. Padan stated that he had no objection to that type of restriction or the Twisted Branch Road restriction, discussed earlier.

Chair Phillips opened the public hearing.

Mark Fischer reported that he submitted a letter to the Planning Commission earlier in the day. The letter included a legal opinion from his lawyer. He wanted to make sure that letter was included in the record. Chair Phillips reported that the letter had been received and read.

There were no further comments. The public hearing was closed.

Chair Phillips asked if the Commissioners felt ready to vote on the item or if additional information was needed. Commissioner Hall noted that she had been unable to locate the Arborist Report in the packet. She remembered that some of the diseased trees were exempt from being replanted. Planner Hawley clarified that some of those trees would not be cut down because of the Conservation Easement area. Mr. Ogilvy explained that the Arborist Report recommended the removal of 270 trees that were dead or diseased. The Arborist had flagged the trees that were dead or diseased as part of healthy forest management. With the elimination of the villas, the number of trees to be removed was reduced to 46 trees near Building C. Those trees would be replaced with an appropriate number, as specified by Staff. The dead or diseased trees previously flagged by the Arborist could be removed or left in their natural state of decay.

Commissioner Hall asked Attorney Harrington about the Development Agreement and development rights. She felt that a developer with development rights should be tied to the Development Agreement for the area. Attorney Harrington explained that there were some obligations in the Development Agreement that touched all the properties. He noted that paragraph 8.1 stated that for obligations specific to one parcel, the obligations flowed to the subsequent purchaser, only as it related to the property purchased. Attorney Harrington informed the Commission that Twisted Branch Road did not touch the applicant property, was not owned by the developer, was controlled by a third party, and was not the access for the property, so the flow down requirement could not be argued for under 8.1. There was no allegation of a violation of the Development Agreement. The Development Agreement was created to ensure the status quo and improvement of access. There was a complex history that could be explained further to the Commission, but he did not see a basis to hold up the application based on the agreement.

Chair Phillips noted that the Commission was being asked to amend the Flagstaff Development Agreement. He wondered why it was acceptable to change parts of the Development Agreement and not others. Attorney Harrington explained that the Commission was being asked to modify the original agreement as it relates to aesthetic design guidelines. If the Commission declined to do so, the project could still move forward with the old architectural design. That change had nothing to do with transportation or access roads. The Commission discussed a motion. It was determined that certain changes needed to be made to the Conditions of Approval section and that additional information needed to be shared with the Commission before a vote took place.

MOTION: Commissioner Johnson moved to CONTINUE PL-21-04771 and PL-20-04702, Sommet Blanc/B2East Parcel, Amendments to the Approved Master Planned Development and Conditional Use Permit, to March 9, 2022. Commissioner Kenworthy seconded the motion.

VOTE: Commissioner Kenworthy-Aye; Commissioner Hall-Aye; Commissioner Johnson-Aye; Commissioner Van Dine-Aye; Commissioner Suesser-Aye. The motion passed unanimously.

B. 3099 Mountain Ridge Court – Plat Amendment – The Applicant Proposes to Amend the Mountain Ridge Subdivision Plat to Modify the Limitations on Maximum Building Square Feet. PL-21-04950.

City Planner, Spencer Cawley reported that the applicant and applicant's representative were present to discuss 3099 Mountain Ridge Court. The application was for a subdivision Plat Amendment. Planner Cawley stated that 3099 Mountain Ridge Court was in the Park Meadows Neighborhood and was in the Single Family (SF) Zoning District. The subdivision had 21 lots in total and there were two lots dedicated to open space. He shared images of the area and overviewed the existing conditions. Planner Cawley explained that the City Council approved a rezone of the subdivision in 1990 as part of a Condition of Approval for the Mountain Ridge Subdivision, which was recorded with Summit County in 1991. The applicant lot, Lot 13, received a Building Permit in 2013.

Planner Cawley reviewed the Land Management Code definitions for basement, the first story, and floor area. He explained that the information was important to consider as the Commission looked into how the square footage was calculated for the structure. The definitions were as follows:

- Basement:
 - Any floor level below the first story in a building. Those floor levels in buildings having only one floor level shall be classified as a basement unless that floor level qualifies as a first story as defined herein.
- First Story:
 - The lowest story in a building provided the floor level is not more than four feet below the final grade for more than 50% of the perimeter. Can include habitable or uninhabitable floor area.
- Floor Area, Gross Residential:
 - The area of a building, including all enclosed areas, consisting of the area of all floors located under a ceiling that is above final grade, measured in square feet. Unenclosed porches, balconies, patios and decks, vent shafts, and courts are not calculated in the Gross Residential Floor Area. Garages, up to a maximum area of 600 square feet, are not considered floor area. Basement and crawl space areas below final grade are not considered floor area. The floor area is measured from the finished surface of the interior of the exterior boundary walls.

Planner Cawley explained that the way the subdivision is platted was that each lot was given a maximum total square footage for the building. Lot 13 was allotted 3,247 square feet, with an exclusive of 600 square feet for a garage. The 2013 Building Permit showed a total of 6,215 square feet and the Summit County Assessor showed 5,849 square feet. He clarified that the Summit County Assessor was only looking for tax purposes, and that assessment did include uninhabitable space. It was not clear why the 2013 Building Permit was calculated the way that it was. When the item was previously continued, it was so the applicant representative could go back and obtain an accurate square footage measurement of the structure.

Based on the basement, first story, and floor area definitions, an Architect determined that the main floor and upper floor had a total of 2,721 square feet. The basement square footage was more than 50% below the final grade, which made it zero square feet. The garage was also more

than 50% below the final grade, at 824 square feet, and would not count. An additional 600 square feet for the garage would not be included. That left a total square footage of 2,721 square feet.

An analysis was shared. Planner Cawley stated that the proposed Plat Amendment would meet the less restrictive Single Family ("SF") Zoning District requirements. The zone had the same front setbacks as the subdivision plat. The rear and side setbacks for the Single-Family ("SF") Zoning District were not specified in the subdivision plat map and the house size was not specified in the Single-Family ("SF") Zoning District. Planner Cawley explained that the reason Staff believed the proposed Plat Amendment would meet the less restrictive Single-Family ("SF") Zoning District requirements, was that though additional square footage was requested, it would not exceed what was allowed in the zone. The Mountain Ridge Subdivision total square footage of habitable space was approximately 24% of the lot area, or 4,600 square feet, whichever was less. The applicant's request was to amend the plat and increase the maximum square footage for Lot 13. This would amend the maximum square footage from 3,247 square feet to 3,410 square feet, which would be a 5% increase. An image of the existing and amended building envelope was shared.

The elevations were discussed, and Planner Cawley reported that the application would meet the height restrictions of both the Single-Family ("SF") Zoning District and the plat. Staff requested that the Planning Commission make a finding of Good Cause prior to forwarding a positive recommendation to the City Council for consideration. He noted that the proposed amendment would not vacate or amend a public street, right-of-way, or easement. Additional history was shared, and Planner Cawley stated that when the subdivision was developed and discussed in 1989, there were Meeting Minutes from the Planning Commission Meeting that stated:

- "...buildings should be sited to preserve significant views and so as not to break prominent ridgelines."

The Meeting Minutes from a Planning Commission Meeting in 1990 stated:

- "...stringent controls [are] placed on each lot, which include limits of disturbance, revegetation, minimum/maximum square footages, and building heights..."

Planner Cawley explained that based on the previous Planning Commission Meeting Minutes, the intent of the subdivision was to restrict building size and mass to conform with the natural contour of the land. The applicant statement indicated that there was good cause for the Plat Amendment, as the proposal would allow homeowners to construct an addition that was in compliance with the zoning requirements. The new proposed maximum floor area was consistent with many of the other lots in the subdivision. Additionally, no non-conformities would be created and no changes in density would result from the proposed plat amendment. The applicant also stated that they would replace any disturbed vegetation.

The application went through the Development Review Committee ("DRC") in September 2021. Planning, Engineering, and Legal also reviewed the application. Staff received public input and all public input received prior to the publication of the Staff Report was included as Exhibit J. However, additional public comments had since been received. Some neighbors expressed concerns that amendments to the lot would result in future subdivision amendments, which would alter the intent of the subdivision restrictions. Staff had also received a comment from a neighbor

that was supportive of the amendment. That neighbor felt that homes on the street had been held to higher standards than other neighborhoods in Park Meadows.

Staff recommended that the Planning Commission review the Plat Amendment, hold a public hearing, and consider forwarding a recommendation for City Council consideration on March 3, 2022. The Planning Commission could either forward a positive or negative recommendation to the City Council. Alternatively, the Planning Commission could request additional information and continue the discussion to a date certain.

The applicant's representative, Jeff Schindewolf discussed the square footage numbers. The perimeter calculation was based on the definitions that were read earlier in the meeting. The definitions indicated that the basement should not be counted toward the square footage. He was available to answer any additional Commissioner questions. Commissioner Kenworthy was not sure there was good cause for the Plat Amendment. He believed it would set a precedent for future remodels and development in the neighborhood. It was also important to protect views along the entry corridor. Commissioner Suesser agreed. Mr. Schindewolf noted that no views would be impeded, and he referenced the elevation images.

Chair Phillips opened the public hearing.

Pamela Bingham wanted to make sure her previously submitted comments were on the record. Chair Phillips confirmed that the comments were received and part of Exhibit J.

There were no further comments. The public hearing was closed.

The applicant, David Maya reported that there was no Homeowners Association ("HOA") for the subdivision. There had not been an HOA for 15 years, there were no meetings, there were no dues, and no Architectural Review Board. Any comments to the contrary were not factual. Mr. Maya stated that behind his home, there were 300 to 400 yards of land, and then another home was high on the ridgeline. No one living behind him would see the addition. It would also not be visible from the street. The addition would mostly be visible to the neighbors to the left and right. Should the Commission approve the application, he would not move forward with construction if either of those neighbors were not in support of the addition. Mr. Maya explained that he wanted to add a bedroom to his home, and he was not asking for a significant increase in square footage. He enjoyed his home and the neighborhood, and he was looking to add a fourth bedroom. He pointed out that there were homes in the neighborhood that were 4,500 to 6,500 square feet.

Commissioner Johnson was not certain that he found good cause for the application. Commissioner Kenworthy believed that Park City had an obligation to have an inventory of smaller homes. If the Plat Amendment was approved, it could set a precedent that it was appropriate for homes in the neighborhood to increase the size by 5% or 10%. As a result, the smaller home inventory would be reduced. It was important to protect neighborhoods with size and density limitations. Chair Phillips sympathized with the applicant and understood the logic behind the request. However, the concerns of the Commission had to do with the precedent it would set.

Mr. Maya pointed out that he was only asking for a 5% increase beyond what his plat allowed. He did not feel that adding 163 additional square feet would set a dangerous precedent. There were ways to word the approval that would avoid future issues. Mr. Maya noted that he was the only person in the neighborhood in the 30 years that it had existed that had ever asked for an

amendment. Additionally, he informed the Commission that the houses in the area were not affordable. Preventing small additions from being made would not preserve small, affordable housing stock in Park City.

Chair Phillips suggested that the applicant continue to work with Staff to determine whether other options were available. He did not believe the Commission would approve the Plat Amendment based on the comments that had been shared.

MOTION: Commissioner Kenworthy moved to forward a NEGATIVE recommendation to the City Council. Commissioner Suesser seconded the motion.

The Commission discussed the motion. Commissioner Hall encouraged the applicant to continue speaking with Staff. She did not believe the 163 additional square feet would significantly impact the community. Chair Phillips agreed. He noted that this discussion could start further conversations about minimal additions and accessory units. The motion was restated as follows:

MOTION: Commissioner Kenworthy moved that the Planning Commission forward a NEGATIVE recommendation to the City Council for consideration on March 3, 2022, for PL-21-04950, Mountain Ridge Subdivision, Lot 13 Plat Amendment at 3099 Mountain Ridge Court, based on the following

Findings:

1. The Plat Amendment would be inconsistent with the original statements, shared by Planner Cawley, regarding the original intent of the subdivision.
2. The Plat Amendment would set a precedent in the neighborhood that would go against the original intent of the subdivision.

Commissioner Suesser seconded the motion.

VOTE: Commissioner Kenworthy-Aye; Commissioner Hall-Nay; Commissioner Johnson-Aye; Commissioner Van Dine-Nay; Commissioner Suesser-Aye. The motion passed 3-to-2.

- a. **3805 Fox Tail Trail – Rezone – The Applicant Proposes Reallocating the Estate and Recreation Open Space Zoning for Parcel PCA-S-98-SEC-11 to Create an 8.84-Acre Area in the Estate Zoning District for the Construction of a Single-Family Dwelling Outside of the Ridge Line Area and a 23.89-Acre in the Recreation Open Space Area to be Dedicated to Park City, Pursuant to a Conservation Easement. PL-21-04865.**

Due to the time, the Commission determined that there would be a presentation on 3805 Fox Tail Trail, the public hearing would be opened, and the item would be continued. Attorney Harrington felt that would be reasonable. Planner II, Browne Sebright explained that the presentation had three parts. The first part would address questions raised at the last public hearing in October 2021, related to the history of the project. Since there were two separate applications, there was a portion of the presentation dedicated to the Rezone application and a portion of the presentation dedicated to the Subdivision presentation. Staff identified March 9, 2022, as a potential alternative date if the Commission wanted to continue the item.

The applicant's representative, Mr. Ogilvy, recognized that the item would not be voted on during the current Planning Commission Meeting. He asked Planner Sebright to share a brief overview and highlight what had changed since the item was last in front of the Commission. He also asked that the public be able to share feedback on the application before the end of the meeting. Chair Phillips noted that the item would be before the Commission again on March 9, 2022.

Planner Sebright reported that the first application for consideration was the Rezone. Staff determined that the proposal to reallocate Parcel PCA-S-98-SEC-11 Estate and Recreation Open Space Zoning was compliant with the annexation, pursuant to Resolution No. 2-94. Additionally, the proposed reallocation of Estate and Recreation Open Space Zoning would not impact trails required by Resolution No. 2-94. Staff found that the proposal to reallocate PCA-S-98-SEC-11 Estate and Recreation Open Space Zoning complied with the Estate and Recreation Open Space Zoning District requirements as well as the Sensitive Lands Overlay. There had been robust discussions previously about the ridgeline area. Since the last time the item was discussed by the Commission, the applicant had submitted a series of visual renderings.

The visual renderings were shared with the Commission as well as additional visual analysis. For instance, what the development might look like from the cul-de-sac. Planner Sebright stated that there had been some adjustments to the sewer easement location. He showed the previously proposed location and the newly proposed location on a map. The location would still work in terms of water flow and geometry, but it would also reduce the impact on Gamble Oak. Planner Sebright reported that the application had been reviewed by the Neighborhood Traffic Management Program. Staff found that the rezone portion of the application complied with the requirements of the zoning districts and the Sensitive Lands Overlay, as conditioned. Some of the conditions were overviewed, which included the following:

- The applicant shall dedicate 23.89 acres to Park City Municipal Corporation, subject to a conservation easement on the acreage prior to recordation of the proposed Fox Tail Subdivision; and
- Prior to submitting a Building Permit application to construct a Single-Family Dwelling within the new Estate Zoning District area, the applicant must submit the materials outlined in LMC Section 15-2.10-6 Sensitive Lands Review, subject to Planning Director approval.

The applicant agreed to a Condition of Approval that limited the property to a minimum 12-month rental. Staff recommended adding a Condition of Approval to state as follows:

- The applicant shall record a deed restriction prohibiting nightly rentals in a form approved by the City Attorney. The deed restriction shall be recorded on the same day as the Subdivision Plat.

Planner Sebright reported that there had been several comments from neighbors and a lot of the initial concerns were related to nightly rentals. Once the minimum 12-month rental provision was put in place, a lot of the neighbors he had spoken to felt more comfortable. There were a handful of outstanding comments related to the quality of life, architectural themes, visual impact, reduction in available open space, the destruction of vegetation and wildlife, and the size of the home. The most recent comments had been forwarded to the Commission for review. Staff recommended that the Planning Commission review the Rezone proposal, hold a public hearing, evaluate the Conditions of Approval as drafted, and consider making a recommendation.

Information related to the Subdivision was shared. Planner Sebright noted that a lot of the presentation information was the same because it was the same property and the same proposal. He shared the exhibit related to the driveway. Since the last presentation, there had been changes made to the Driveway Analysis. The driveway was approximately 750-feet long and the applicant had been working with an engineer to further refine the alignment. The applicant proposed a larger limit of disturbance than what was previously shown. There were a few reasons for that proposal, including the change in the sewer alignment. That would change the geometry of the area that would be disturbed. Additionally, the configuration was designed to work more closely with the contours of the land to reduce the need for cuts, fills, and a retaining wall. The intention was to reduce the amount of disturbance on the site and leave as much of the topography as possible in its current state.

Chair Phillips noted that Commissioner Suesser left the meeting.

Mr. Ogilvy explained that the last time the Planning Commission discussed the item, there was a lot of feedback from the community about nightly rentals. As a result, he had agreed to a 12-month nightly rental restriction, which was consistent with the adjacent neighborhood. A more refined Visual Impact Study had been conducted. Based on the study, the proposal was to push the home further east to further mitigate any visual impacts on the neighborhood. Mr. Ogilvy shared a clarification and stated that on the plat, as proposed, a one-acre box had been drawn. Within the one-acre box, the property owner could build a home, but that home would be limited to 16,000 square feet of disturbance. After reading through the public comments, there seemed to be a perception that there were currently 32 acres of public recreation lands. However, it was always intended that there would be a single-family home somewhere on the 32 acres. There was a community benefit to the development, and he had done his best to mitigate the impacts.

Chair Phillips opened the public hearing.

James Letchford identified himself as the HOA President and commented that every discussion on the project lasted until late into the evening. He was grateful that the March 9, 2022, meeting would include the item earlier in the agenda. Mr. Letchford stated that he had several points to make at the next Planning Commission Meeting and appreciated the diligence of the Commission.

Phil Palmintere reported that he lives on Solamere and was concerned about the application. He noted that it would be difficult to enforce the 12-month rental and there were many ways around that condition. For instance, the property could be sold to a corporate entity, and that corporate entity could use the house as a retreat for employees on a weekly basis. The issue was that building a 10,000 square-foot structure was more like a small hotel than a house. While there were good intentions from the applicant until there is a way to enforce rentals, the large home was a concern, and it could turn into a serious issue for neighbors.

Mary Dannelley was frustrated that the item was discussed so late into the meeting. She stressed the importance of the item being discussed during the first part of the March 9, 2022, Planning Commission Meeting. It would allow more residents to share comments. Ms. Dannelley reported that many of the neighbors were still concerned about nightly rentals, and she shared concerns about the enforceability of the agreement. Additionally, she felt that the property proposed was inconsistent. 10,000 square feet for a home was not consistent with the neighborhood or the aesthetics of the community. It would also impact views in the area and did not benefit the neighborhood. Ms. Dannelley was opposed to the application.

Director Milliken explained that one of the reasons there were estimated times listed on the Planning Commission Meeting agenda was so residents do not need to listen to the full meeting if they do not wish to do so. The times provided an estimate of when a particular item will be heard. She thanked the residents for their patience. Chair Phillips noted that the addition of the times was new, and he hoped that it would be beneficial to residents in the future.

Marcel Verbas felt that the proposal was inconsistent with everything else in the neighborhood. He explained that he has one of the biggest lots in the neighborhood at 6.5 acres. He was bound by certain restrictions and even though he had wanted to push his house back further, he was not allowed to do so. The proposal was also inconsistent with the rules and regulations that others in the area had to live by. Mr. Verbas believed the applicant should build under the current restrictions. Though the HOA rules had been in place for 30 years, he had only built his home five years ago and was required to follow the rules and restrictions. Many neighbors still had issues with what had been proposed by the applicant.

There were no further comments. Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to continue PL-21-04865 and PL-21-04826, 3805 Fox Tail Trail Rezone and Subdivision, to March 9, 2022. Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Commissioner Suesser was not present for the vote.

- b. 3805 Fox Tail Trail – Subdivision – The Applicant Proposes Creating One Lot from Parcel PCA-S-98-SEC-11 for a Single-Family Dwelling in the Estate Zoning District and One Parcel in the Recreation Open Space Zoning District. PL-21-04826.**

The 3805 Fox Tail Trail Subdivision request was discussed with item 7C.

Commissioner Hall expressed frustration with the late meeting times. She felt it was important to stick to a 9:30 p.m. cutoff. Chair Phillips and Commissioner Van Dine agreed. Director Milliken thanked the Commission for their feedback and explained that Staff would try to limit the number of agenda items to ensure that the discussions fit into a four-hour work schedule. Additionally, technical issues would be addressed to ensure that meetings start on time. Chair Phillips noted that sometimes, applicant presentations are long, which can lead to continuations. The goal was for applicants, Staff, and Commissioners to be efficient and concise.

3. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn.

The meeting adjourned at approximately 10:35 p.m.