

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
September 27, 2017**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF August 23, 2017

ADOPTION OF MINUTES OF September 13, 2017

PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

WORK SESSION

Work Session—638 Park Avenue--City Council remand of a Conditional Use Permit (CUP) for a Private Event Facility back to Planning Commission for additional review
Discussion item only, no action taken. Public input may be taken

PL-17-03412 202
Planner
Grahm

CONTINUATIONS

1011 Empire Avenue – The applicant is requesting to subdivide the existing four (4) lots of record into three (3) lots. The property currently consists of Lots 3, 4, 5, and 6 of Block 28 of Snyder's Addition to Park City.
Public hearing and continuation to date uncertain

PL-17-03625 243
Planner
Grahm

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

2463 Iron Mountain Drive – The applicant is proposing to adjust the building pad on Lot 42 of the Iron Canyon Subdivision. The building pad is currently 4,000 square feet and the newly proposed building pad will be less than 4,000 square feet.
Public hearing and possible recommendation to the City Council on October 12, 2017.

PL-17-03641 244
Planner
Morlan

Consideration of an ordinance amending the Land Management Code Section 15, Chapters 2.1, 2.2, 2.3, and 2.5 regarding roof pitches and limiting the use of flat roofs to protect streetscape façades.
Public hearing and possible recommendation to City Council on October 12, 2017.

PL-16-03352 272
Planner
Grahm

ADJOURN

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 23,2017

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Tippe Morlan, Planner; Hannah Tyler, Planner; Anya Grahn, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Phillips who was expected to arrive later in the meeting. Commissioner Band was present but would be leaving early.

ADOPTION OF MINUTES

July 12, 2017

MOTION: Commissioner Joyce moved to APPROVE the Minutes of August 9, 2017 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was not present for the vote.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported on page numbering errors and the placement of the exhibits in the Staff report. Luis Rodriguez was on vacation and preparation of the Staff report was a joint effort between the City Records Office and the Planning Department. The Staff report was put together in City Council format.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **1800 Park Avenue - The applicant has requested a modification to an approved Conditional Use Permit for a temporary tent structure located within the interior courtyard of the Double Tree by Hilton hotel.**
(Application PL-17-03537)

Planner Tippe Morlan reviewed the application for a modification to an existing CUP for a temporary tent at 1800 Park Avenue, the Yarrow Doubletree by Hilton. She reported that the original application was approved in May 2014, at which time a 60' x 40' tent was approved in the interior ballroom courtyard at the Yarrow. In the original approval the tent was allowed for no more than 260 days in a one-year period, and expired after three years unless an extension or modification was filed. The tent was allowed to be erected up to two times per year.

Planner Morlan stated that the proposed modifications to the CUP would reduce the number days from 260 days in a one-year period to 180 days in a one-year period. This was an effort to comply with the definition of temporary structures in the International Building Code and International Fire Code, which made it easier for the Staff to recognize it as a temporary structure as opposed to a permanent structure. The applicant was also proposing that there not be an expiration date. Therefore, if this modification is approved, every year the Yarrow could put up a 40' x 60' tent in the interior ballroom courtyard for up to 180 days. The tent may be erected as needed with valid fire permits as long as they do not exceed the 180-day period.

Planner Morlan noted that a condition of approval was added stating that the tent shall be used in conjunction with the existing meeting space. The condition ensures that the tent will not increase the impact of use and parking at this location. The same people using the building would be using the tent structure.

The Staff recommended that the Planning Commission conduct a public hearing and approve the CUP finding that the proposed modifications bring the CUP more in line with the definition of temporary structures, and follows all other aspects of the Code.

Nicole Sharp, representing the Doubletree Hilton Park City/Yarrow, understood that since the CUP was previously issued, there has been a greater analysis and modification to the International Fire Code, and they understand it. The applicant is agreeable to the 180-day consecutive time period, and with the associated fire permits. It should satisfy their needs as it coordinates with their existing functions and with the Sundance Film Festival.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Suesser moved to APPROVE the Conditional Use Permit for 1800 Park Avenue, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was not present for the vote.

Findings of Fact – 1800 Park Avenue

1. On May 14, 2014, the Planning Commission unanimously approved a CUP to allow a temporary tent structure at this location within the hotel courtyard up to two times per year for no longer than 180 consecutive days at a time.
2. The 2014 CUP approval was limited to three years and included an allowance for the applicant to request an extension.
3. On May 10, 2017, the applicant submitted a complete application for a modification to their Conditional Use Permit.
4. Temporary structures require a CUP in the General Commercial (GC) Zone.
5. No signs or lighting are proposed with this application.
6. The proposed modifications to the CUP include removing a condition of expiration and reducing the number of days the tent is allowed in a one-year period from 260 days to 180 days.
7. In 2013, before the original CUP was approved, the hotel pulled five (5) separate Administrative CUPs for temporary structures.
8. Within the Land Management Code (LMC) section 15-4-16(A) (7) a temporary structure may not be installed for a duration longer than fourteen (14) days and for more than five (5) times a year, unless a longer duration or greater frequency is approved by the Planning Commission consistent with CUP

criteria in LMC section 15-1-10 and the criteria for temporary structures in LMC section 15-4- 16(C).

9. Under the International Building Code and International Fire Code, temporary structures are defined as temporary if they are erected for no more than 180 days in a one-year period.

10. Each time the structure is erected, the applicant needs to first obtain a new building permit with safety and fire inspections before rebuilding the temporary structure and check in with the Planning Department to record the timeframe in the Temporary Tent log book.

11. The hotel has one (1) location for a temporary structure, and that is within the interior courtyard.

12. The hotel may be accessed via Park Avenue and Kearns Boulevard. People using the temporary structures would have to abide by the same parking restrictions as other hotel guests.

13. Police records indicate no parking-related complaints from events held at this location.

14. According to the International Fire Code Section 3101.5 'Temporary Tents and Membrane Structures', the use period of the tent shall not be erected for a period of more than 180 days within a 12-month period on a single premises.

15. The applicant has consistently come to the City to receive Fire Permits and received all necessary inspections in order to operate the tent properly.

16. The Planning Department has signed off and held record of every Fire Permit requested by the applicant for their tent.

17. The applicant has not had the tent up for more than the allotted 260 days per year.

18. The applicant has not violated any terms of the original CUP approval.

19. The applicant submitted an application April 19, 2017 and received a complete application notice on May 10, 2017. The deadline for submittal was May 14, 2017.

20. There have been no unresolved complaints filed about violations of the noise ordinance specific to the temporary tent.
21. No exterior signage is proposed with the tent. All lighting has been constant with the LMC and any additional lighting on the exterior would still require approval of the Planning Department.
22. The applicant has not operated the tent under expired permits.
23. On May 31, 2017, the property was posted and notice was mailed to affected property owners within 300 feet.
24. Legal notice was published in the Park Record on August 5, 2017.
25. As of this date, no public input has been received by Staff.
26. The Findings in the Analysis Section are incorporated herein.
27. The applicant stipulates to the conditions of approval.

Conclusions of Law – 1800 Park Avenue

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.
4. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval – 1800 Park Avenue

1. All temporary structures require a permit issued by the Building Department. All temporary structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect the structure, circulation, emergency access, and all other applicable public safety measures.

2. Prior to installing a temporary structure, the Planning Department must sign off on a building permit and record the date within the CUP Temporary Tent application logbook folder found at the Planning Department front counter.
 3. The temporary structure within the Hotel courtyard shall be operable for a maximum of one-hundred and eighty (180) days in a calendar year.
 4. The use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the CUP becoming void.
 5. The temporary tent shall only be used in the enclosed ballroom courtyard area and may not exceed the 60' x 40' size as approved with the original CUP.
 6. The tent shall be used in conjunction with the existing meeting space and not leased out separately, unless leased to guests of the hotel, to ensure that the use of this temporary space does not cause overflow parking onto adjacent properties. Any complaints regarding overflow parking issues may result in the CUP becoming void.
 7. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All new exterior lighting must be approved by the Planning Department and comply with the Land Management Code. All existing exterior lighting shall comply with the Land Management Code prior to approval of a permit from the Building Department for installation of the tent.
 8. Operation of the temporary structure with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to operate the temporary structure.
 9. All Standard Project Conditions shall apply.
2. **352 Woodside Avenue – The applicant is requesting a Steep Slope Conditional Use Permit for the construction of a single-family home on a vacant lot and a height exception to construct a garage on a downhill lot.**
(Application PL-17-03532)

Planner Morlan reported that the applicant was requesting a Steep Slope CUP for construction of a new single-family dwelling at 352 Woodside, and a building height exception for 8' for a garage on a downhill lot.

Planner Morlan noted that the slope on this lot reaches up to 66% in some areas and an average of approximately 40% throughout the site. The lot is 3700 square feet and the house is proposed at 4,287 square feet. The building footprint and all other standards for the HR-1 zone were met.

Planner Morlan commented on the building height exception. She stated that the HR-1 zone allows additional building height on downhill lots to accommodate a single-car side tandem garage. She noted that the Code previously allowed the Planning Director to make the determination; however, that clause in the Code was recently changed to allow the Planning Commission to approve these types of exceptions. This was the first height exception to be reviewed by the Planning Commission since the Code change.

Planner Morlan stated that the only limiting stipulation is that the building height may not exceed 35 feet from existing grade. The other aspects of building height were not limited; however, the Staff was proposing that eight additional feet be allowed for the interior building height measurement. Planner Morlan explained that there are two different measurements for building height; one for exterior height and one for interior height. In this zone the exterior building height is 27' and the interior building height is 35'. She pointed out that this exception would allow eight additional feet on each of those.

Planner Morlan remarked that the height exception allows a garage and associated circulation space and entry area above the standard building height maximum. All of the areas proposed above the 27' building height maximum were the tandem single car wide garage area, entry area and circulation area on this house plan. She pointed out that the exception also stipulates that the depth of the garage may not exceed the minimum depth for internal parking spaces. Planner Morlan explained that in the off-street parking requirements, the minimum standard depth for a garage one car deep is 20' feet wide. There are no codified depth minimum or maximums for a tandem garage; however, they have always allowed a 40-foot deep garage for a tandem garage; 20' plus 20'. The applicant was proposing 40-feet deep, which meets the standard according to the Staff review.

Planner Morlan reviewed the Steep Slope CUP. Per the Staff analysis, the proposed house meets all setbacks and HR-1 Code requirements, except for the proposed building height exception for the garage. That would need to change if the building height exception was not approved this evening.

Planner Morlan stated that street, aerial and cross canyon views of the proposed house show minimal visual impact on the existing site. The proposed house is similar in mass and size to the surrounding houses. It has a smaller impact on the street view in terms of

height. It is just large enough to fit the garage on the top of the house. The house comes up to the 10' setback line. The garage is stepped one foot back from the rest of the front of the house as well, giving slight variation along the frontage. The building is designed to allow access to the street without a steep driveway. Planner Morlan stated that the applicant tried to design it as high as possible meeting the standards, but also preventing it from being steeper than it could be. It is currently at 12% grade.

Planner Morlan presented slides showing a small step where the garage would be, and the front entry area on the north side up along the 10' setback.

The Staff recommended that the Planning Commission conduct a public hearing and approve both the Steep Slope CUP and the building height exception, finding that the proposed single family dwelling meets requirements for development on a steep slope in the HR-1 zone, and that the proposed height exception meets the requirements in the LMC for a garage on a downhill lot.

The applicant's representatives, Don Shirley with THINK Architecture and Joe Tesch were present to answer questions. Mr. Shirley thought Planner Morlan had done a wonderful job with the Staff report and her presentation and he had nothing to add.

Commissioner Joyce referred to page 141 of the Staff report, and the deck in the photo at the bottom left corner of the page. He asked for the elevation of the deck, and asked if it was on top of the third floor. Mr. Shirley replied that the deck comes right off the entry door. It actually sits on the roof. Commissioner Joyce understood that it was three stories up or 30+ feet up. Mr. Shirley clarified that it was the third level.

Commissioner Joyce noted that the Planning Commission had not forwarded a recommendation to the City Council on the proposed changes to flat roofs at a previous meeting. However, he believed this design would not meet the criteria for that flat roof ordinance. Director Erickson stated that the deck has to be 23' above natural grade. Commissioner Joyce understood that if the flat roof ordinance was in place, the deck would be too high and the front façade would not have the appropriate roof lines. Director Erickson replied that he was correct. Commissioner Joyce clarified that his question was for his own understanding of the proposed flat roof ordinance; and it was not directed to this application. Director Erickson pointed out that this application came in before the ordinance was proposed.

Assistant City Attorney McLean requested that the Commissioners keep their comments focused on the subject applications. If they wanted to better understand the flat roof ordinance, they could request that the Staff provide examples at a future meeting.

Commissioner Campbell referred to page 141 and photo #1 at the top and asked about the concrete colored cube to the right of the photo. Mr. Shirley replied that it was the mass of the neighboring home. He explained that they do not model all of the existing homes. Instead they put in cubes to show the height and mass.

Chair Strachan recalled when the Code was changed to remove the discretion of the Planning Director. He asked Director Erickson whether or not he would grant the height exception if that discretion was still in place. Director Erickson stated that Planner Moran had done a great job negotiating with the applicant for almost a year to achieve what they have now. Based on that work and Planner Morlan's recommendation, he would have granted the height exception.

Chair Strachan read from the LMC 15-2.2-5, "The following exceptions may apply: antennas, chimneys, flues, vents or similar structures, water towers, mechanical screening equipment...." He further read, "garage on a downhill lot to accommodate a single car wide garage in a tandem parking configuration to accommodate circulation such as stairs and/or an ADA elevator, and to accommodate a reasonably sized front area and front porch that provide a compatible streetscape design". He asked Planner Morlan what she thought was a reasonably sized front area and a front porch that provided compatible streetscape design. He wanted to know her findings to meet this height exception.

Planner Morlan stated that the elevator shaft was a big issue with the design for the HDDR review, because the applicant had ADA needs that needed to be met with this house. The major reason for needing the height exception and the entry area was to allow for the ADA access. The front entry area did not have a very big space to go between the garage and the elevator area. She believed it was intentionally written to be flexible, depending on the layout of the house. If the applicant had not needed the elevator the height would have been lower in a smaller space. Chair Strachan asked if there had not been an ADA issue whether Planner Morlan would find this reasonable. Planner Morlan clarified that without the elevator it would have definitely been smaller. Chair Strachan agreed.

Mr. Shirley stated that because of the exception in the Guidelines for the ADA elevator, he had shown where they have access compatibility for ADA compliance on every floor and in every room. He clarified that per Code, in addition to being compatible in terms of accessing an ADA elevator, they have to show compliance throughout the entire house. That also addressed the 15' width of the garage. The ADA access is in the garage as well as through the door, to the elevator and down through every floor. Mr. Shirley pointed out that the stairs were configured to wrap the elevator. Given the program for accessibility, he believed the footprint was as small as it could get.

Commissioner Thimm noted that Planner Morlan had explained the length as 20' plus 20' for a standard tandem stall. He commented on the width in terms of accessibility. He was perplexed with trying to get an 11' wide stall plus a 5' loading area. Mr. Shirley replied that it was a 9' stall plus a 5' loading area, which was the requirement. Commissioner Thimm understood that it was 16' wide. In looking at the diagram on page 144 of the Staff report, it appeared to be an 11' width plus 5' for a 60-inch circle. He questioned how they arrived at 16'. Mr. Shirley stated that it was 15' inside, and they worked through that width with the Staff based on ADA requirements. Commissioner Thimm asked if it was 15' less the wall. Mr. Shirley answered yes. It was an inside dimension. He explained that the Federal mandate for an accessible stall is 15'.

Planner Morlan indicated the 11' width as shown on the plan, as well as the additional 4' for the ADA vehicle unload area. Commissioner Thimm was satisfied with the explanation.

Commissioner Phillips joined the meeting.

Chair Strachan opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, addressed the massing and articulation. One was under the heading of the 35' interior measurement, which is lowest floor plane to highest wall plane. The second was the double deep garage. She noted that her comments would be in the context of the neighborhood. Ms. Meintsma presented images and photos of historic homes in the area and surrounding 352 Woodside Avenue. The Landmark structures were identified with stars. She noted that 352 Woodside looks directly over four Landmark houses. Those houses will always remain a lower height because of their Landmark status. She noted that this was the neighborhood this house would be sitting in.

Ms. Meintsma commented on the double deep garage, and how required parking for two vehicles and the ADA requirements can all be accomplished with a lot less mass than what was showing. She also commented on the cross canyon view that was in the Staff report, as well as the reverence to the adjacent four Landmark structures sitting below 352 Woodside. Ms. Meintsma pointed out that the Code says tandem parking. It does not say tandem garage. She noted that up and down Woodside all the garages are for one car, and the second car is parked outside the garage. Ms. Meintsma had stated that she changed the design to one interior parking with the ADA requirement intact, 20' deep, which is the minimum required. There was a 10' front yard setback. She moved the front 8' back to give the required 18' of parking. She believed that redesign would give articulation on the street in this historic neighborhood. Ms. Meintsma clarified that she was pro flat roofs, recognizing that it is controversial subject in the community and definitely in this neighborhood. She thought her suggestion would help with some level of articulation.

Ms. Meintsma remarked that on the other side, the mass that looms out and hangs over would probably cut off some of the sun from those houses below. With her suggestion, all that mass is eliminated, the parking requirements are fulfilled, and the ADA requirements is fulfilled. There is less mass and more articulation. Ms. Meintsma stated that she had drawn everything to scale to show how it all works.

Ms. Meintsma addressed the 35' interior height. She took the south section and put in how the floors exist in the current design with a 43' interior height. She pointed out the 9' ceilings, a 9' ceiling, and a 12' ceiling that steps down in the front to 11', and then a 10' ceiling. She presented the north elevation showing the 43' interior height. The green line identified the driveway location. Ms. Meintsma stated that she was at the meeting when the Planning Commission came up with the 35' interior height. It was a struggle because the limit was three stories only. Everything was being stepped and it crawled up the side of the hill. A three-story structure started to look like a four and five story structure. Ms. Meintsma stated that based on the measurement you can have four stories in a structure instead of three, but in order to have the fourth story, there must be compromises. You can add more living space and more square footage, but the only way to stay within Code is to have 8' ceilings. She noted that most people want 9' and 13' ceilings, but if the ceiling goes that high, it has to go three floors and step. Ms. Meintsma stated that she took the driveway as the center point to keep it in its current location for access from the street and she made an 8' ceiling. She pointed to the blue parts which showed where she had eliminated the mass that would stick out if there was a garage. On the left side where the garage steps in, she designed it so the other part of the structure was behind it. Ms. Meintsma stated that she went down feet for every floor, which is an 8' ceiling and came up lower. By doing that she accomplished the 35' interior height. She noted that the ceilings were 8', but the footprint did not change and the square footage did not change. The bonus was pulling the house out of the ground as opposed to being deep into the basement.

Ms. Meintsma remarked that in her reading of the Code, she believes that exceptions are granted when you cannot accomplish what you need to accomplish, unless you have the exception. She thought this house could be built beautifully without the 35' interior exemption. Ms. Meintsma noted that going to 8' foot ceilings eliminates a whole floor. She assumed they would still need the 35' garage from grade exception. Ms. Meintsma presented the east view, which would be looking down upon the historic Landmark houses. She pointed out how the height was reduced from the top and it comes up from the bottom. The mass was reduced a small amount, with a larger mass reduction on the side with the garage. Accomplishing the 35' interior height will give the house a smaller, more broken up aesthetic.

Ms. Meintsma referred to the conceptual drawing on the streetscape in the Staff report, and the cross canyon view on the same page. She remarked that the small amount of articulation would make this house fit better in the neighborhood. She reiterated that she is pro flat roof for storm water, insulation, to keep snow from falling off and filling the sides of the yard, as well as other advantages. She thought the green roof was positive.

Chair Strachan closed the public hearing.

Commissioner Phillips stated that he had noticed that the ceiling heights were very spacious, and also the parking. He believed the exception was only when nothing else was possible. He liked the design of the house, but he has personally gone through this process and he ended up with 7'8" ceilings. Commissioner Phillips stated that in his opinion this would be granting an exception of height to achieve additional interior space. He thought the design needed more work, and the parking needed to be brought to a minimum. He remarked that having two inside stalls was a luxury, not a given. He thought the same applied to the ceiling heights.

Commissioner Phillips stated that in looking at the streetscape it is easy to see how a flat roof can create a smaller façade. However, from the back, especially with the exception, it was difficult to see and he suggested that Mr. Shirley do a sketch similar to the streetscape so they can see it in a similar fashion. He thought the house appears to tower over the neighboring homes. With those houses being historic, he thought they needed to be particularly sensitive to the neighborhood.

Commissioner Joyce stated that he was not able to figure out the solutions, but one of his biggest issues was the massing of a flat roof, where instead of losing the top of the roof, there is a big four-story square. From the cross-canyon view he thought it would be very visible and incompatible with the surrounding houses and the façade coming down the east side definitely needed to be broken up.

Commissioner Campbell thanked Ms. Meintsma for the time she spent preparing her comments. He asked Mr. Shirley what would happen to the garage level versus the street level if they were to drop the interior ceiling heights. Mr. Shirley replied that the site is so steep that in order to comply with the 12% or the maximum for the driveway coming down, it elevates the floor. They are not in a position to create fill at the bottom, which is what the surrounding homes have historically done. The Code no longer allows that because the grade can only be adjusted by 4'. Ms. Shirley remarked that this is a very steep lot and the challenge has been not only the grade from street to the bottom of the lot, but also the fact that it is a compound slope and it slopes from corner to corner. The shape of the home with the garage and the entrance was designed to not only go down the hill, but also to adjust the heights from side to side as well. Mr. Shirley explained that in order to reach the

ground to come up to get to the garage to get to the street, is what established the heights to the house. If they lower the ceilings it raises the house out of the ground and they would not meet Code in terms of adjusting the grade. He noted that they have worked with the Staff for over a year to achieve the current design.

Mr. Shirley remarked that they initially came in with a smaller garage. He did not believe the Guidelines defined the depth of the garage. They could reduce the depth of the garage, but when someone builds a new home the preference is for a two-car garage or two covered stalls, which was the interpretation they were getting from the Staff as they developed the garage.

Commissioner Campbell asked if Mr. Shirley could mitigate some of the cross canyon view that appeared to be the objection of how large it appears from the back. He asked if there was enough room to plant trees in the back, or for some other type of screening. Mr. Shirley pointed to the side elevation and noted that the home steps with the grade and it meets the requirement of a 10' step with a maximum 23' height in the back. He thought that because it tiers down, it would have less impact than the existing homes on each side because they were under previous guidelines and do not have the stepping.

Commissioner Campbell thought this design felt compatible with the homes on either side from the backside.

Commissioner Joyce referred to an image where it looked like the bottom floor was almost completely underground, except for where it was dug out with some retaining walls for ingress/egress. He stated that if they leave the garage level where it is and if they cut back to 8' or 9' ceiling and pulled it up, he thought it looked like they would only be pulling the bottom of the lowest part up to ground level. Mr. Shirley explained that because it is a compound slope, the opposite corner where the hot tub is shown is at least 4' lower than the other side of the house. They have to go from the lowest point to the highest point, which is one of the nuances of this site.

Planner Morlan clarified that per Code they could only vary from existing grade up to 4'. Commissioner Joyce was confused because from the image it looked like the lowest point was actually dug into the ground. Planner Morlan explained that the dashed line was the existing grade and the solid line was the final grade. On one side of the house it departs a lot more than 4'. Mr. Shirley stated that the northeast corner governs more than the southeast. Commissioner Joyce commented on the fog study. Mr. Shirley pointed out that the fog study was based on existing grade. Planner Morlan remarked that the green color identified existing grade and the fog area was the 27' height limit. She noted that Mr. Shirley had shown both the 35' exception and the 27' standard height.

Commissioner Phillips asked if Mr. Shirley could confirm the driveway was at 12%. Mr. Shirley replied that it was at 12% grade. Commissioner Phillips stated that he has a lot that slopes in two directions but he only has 25' to work with. He understood the complications of the site. In his opinion, the second stall is really the biggest problem. Mr. Shirley stated that they could go to a 36' depth rather than 40' to get the articulation in the front.

Joe Tesch stated that a second stall would be a benefit in Old Town versus outside parking because it is better for the neighborhood. He has lived in communities where they do not allow outside parking because it junks up the neighborhood. The ideal of having two inside spaces hidden from the neighborhood is an advantage. Mr. Shirley noted that street parking is already a problem in Old Town. Commissioner Phillips agreed. Commissioner Joyce pointed out that they were not talking about street parking. Mr. Shirley stated that there would be two parking stalls in the garage plus one in the driveway. Commissioner Phillips reiterated that having two interior stalls is a luxury. If the owner really wanted that he should have purchased a different lot.

Mr. Shirley stated that he has been working with the Staff for over a year and this was the first time he has heard that a tandem stall was just tandem parking. It was always a tandem stall as a tandem parking garage, according to the definitions within the Guidelines. From the beginning they have been working with a tandem garage, not tandem stalls.

Commissioner Phillips did not believe it was a tandem garage. Planner Morlan read from 15-2.2-5, "The Planning Commission may allow additional building height, (see entire Section 15-2.2-5), on a downhill lot to accommodate a single car wide garage in a tandem parking configuration. She noted that the language does not specify either way. She was unsure whether they could require one or the other.

Commissioner Phillips stated that he would still argue that they could get two off-street parking with one being inside and one being out front. Mr. Shirley stated that he specifically asked for that interpretation nearly a year ago and he was told that it was a tandem garage with two interior spaces. The conversation was then how deep it had to be because it refers to standard depths. They were unable to find a specific depth except for an exterior parking stall which is 20' deep. The applicant originally suggested two 18' foot stalls rather than two 20' stalls. Planner Morlan understood that the practice from when this was previously allowed by the Planning Director that 40' deep tandem parking garages were allowed for this exception. Commissioner Phillips expressed an interest in seeing some examples of what was done in the past in this same situation. He suggested that Mr. Shirley tweak the design to address their concerns and show what the two 18' stalls would look like. He would also like to see a better illustration of the cross canyon view.

Commissioner Thimm stated that in looking at the street scene and elevation on page 153 of the Staff report, as well as some of the cross sections, he thought it was clear that the overall building height expressed is driven by the garage and the entry to the garage off the street. He was unsure what bringing it up out of the ground on the backside of the house would do. Commissioner Thimm thought it was more important to look at the façade on the street scene. On the issue of granting an exception, the idea of articulating the face has a lot of merit. He noted that many municipalities recognize 18' depth as a legitimate parking stall. Therefore, 36' or two 18' depths would afford the ability to have somewhat of an articulated face, and a greater amount of shadow line cast across the front. In terms of looking at the exception, he believed that allowing for breaking down that face of the building would be an enhancement.

Director Erickson clarified that the parking section of the LMC defines a tandem space as one car parked in or behind. It does not necessarily say whether it has to be inside or outside to achieve the tandem.

Chair Strachan pointed out that the picture in that LMC section showed the tandem as one covered car in a garage and the other car outside. Chair Strachan agreed that the language does not say that one car has to be outside, but the definition of tandem parking says, "A parking design which allows parking one vehicle behind another. Such parking may not include more than two cars in depth and may not require occupants of separate dwelling units to park behind one another." He again referred to the diagram. Chair Strachan also thought the tandem parking proposed might violate the section that reads, "Such parking may not include more than two cars in depth", because as designed they would be parking three cars.

Director Erickson noted that without pulling the garage back they only have ten feet of setback. Planner Morlan pointed out that there was additional space between the front property line and the road; therefore, there is a large buffer but it is in the City right-of-way. Chair Strachan thought the setbacks down in the diagram under the definition of tandem parking showed the two cars outside in the driveway were also in the setback.

Planner Morlan pulled up the slide with the defined terms. Commissioner Phillips agreed that the diagram clearly shows one car being out in front. In his opinion, it was an illustration of tandem parking, but it did not mean that both stall could not be inside. However, he would argue that two stalls would fit, regardless of whether they are inside or outside, without having to push the garage out. It still may need an exception, but not an 8' exception.

Chair Strachan pointed to the north fog study and stated that he would be more comfortable granting the exception for the circulation space required for the ADA

garage on the northeast side, but not an exception on the southeast side. He clarified that the southeast side was only an exception to allow an additional parking space, but it was not related to ADA. Planner Morlan noted that the Code allows an exception for a garage on a downhill lot; and regardless of whether it is inside or outside it can be up to 8'.

Commissioner Phillips stated that he sees an exception as being absolutely necessary. It does not mean that just because there is an exception, anyone can request an exception to achieve their preference. He was concerned about setting a precedent.

Planner Morlan stated that the Planning Commission could condition the exception on having one stall inside and one stall outside.

Commissioner Campbell pointed out that the roof already steps down at the nose of the first car. He asked Mr. Shirley for the ceiling height at the back of the garage. Mr. Shirley replied that where the back of the garage steps down was 6'. Commissioner Phillips stated that he has seen that in other places, but the second parking stall was placed next to the garage but it was not as deep. He struggled with the fact that it was not necessary to have the two stalls in the garage. The exception is for when the applicant cannot accomplish two off-street parking spaces without an exception.

Mr. Shirley understood what Commissioner Phillips was saying, but for nearly a year he was told that it was a tandem garage. Director Erickson wanted it clear that the Staff said they would allow a tandem garage, but they did not give design direction to do a tandem garage. Mr. Shirley noted that they had discussed the depth of the garage and what was required. He might have misconstrued the Staff's comments, but he has been showing it for a long time and the only feedback was to make it deeper, not shallower.

Mr. Shirley thought the notion that more than a one-car garage is a luxury was counter-productive on a street that currently has a severe parking shortage. Commissioner Phillips emphasized that Mr. Shirley could accomplish two off-street parking on-site with one car in the garage and still meet the Code requirements. With this plan, the applicant was achieving three off-street parking. Mr. Shirley pointed out that everybody has a stall in the right-of-way because of the width of the driveway. No one is ever told they cannot park in their driveway because it is on City property. Commissioner Phillips thought the LMC showed a clear illustration of how tandem parking is defined, and it shows one car nearly to the road. Mr. Shirley stated that it also shows the depth of the garage much deeper than a single car. Commissioner Phillips remarked that it also did not show it 8' out of the height limit.

Commissioner Joyce thought there were two issues. He assumed that the Planning Commission was comfortable with the height exception for the ADA piece. Commissioner Joyce believed that the street façade was close to flat. There was a small setback but not significant. He thought the Planning Commission could look for more articulation in that area to get more view from the street. The second issue was on the backside. Having the back of the garage in line with the floor below results in a lot of mass that is already on the third and fourth story. It is a big wall even though it is half the width of the house. Commissioner Joyce stated that if they were looking for one or the other, if the Staff and the applicant were willing to drop to 18' parking stalls, they should be able to get to either better articulation in either the front or the back, whichever they were trying to fix, and the applicant could keep their two inside stalls. Commissioner Joyce clarified that he was not opposed to two stalls unless it causes a different problem.

Commissioner Campbell asked if the applicant would be willing to push the garage door back two feet and pushing the back wall of the garage closer to the street two feet. Mr. Shirley answered yes. Commissioner Campbell stated that he was in favor of doing whatever was necessary to take action this evening. He was not comfortable putting up a roadblock at the last minute after the applicant has worked with the Staff for nearly a year.

Director Erickson stated that the City Engineer has the authority to vary the size of parking spaces. It was a Staff determination that the inside spaces were 2 times 20, in accordance with the Code, and not 2 times 18. There was double dipping in the calculation and there was some wiggle room.

Commissioner Thimm asked if there was room in this proceeding to move to a 36' depth. Planner Morlan noted that the exception for a garage on a downhill lot says that the depth may not exceed the minimum depth for internal parking spaces as dimensioned within this Code Section 15-3. That section states that single-car garages are 11' x 20' for single family residences inside. She explained that they doubled that size to get the total depth of 40'. Director Erickson reiterated that the City Engineer has the discretion to vary the parking size. Reading further down into the Code, "Passenger cars are not allowed to park in the right-of-way with certain exceptions in the Historic District at the discretion of the City Engineer". He explained that the City Engineer would have to grant the exception to have a tandem with less than an 18' long driveway on private property.

Commissioner Joyce pointed out that if the garage is reduced from a two-car garage to a one-car garage and the front of the garage is moved back, there would be a lot of indoor room and a lot of outdoor room without going into the right-of-way. He believed

the only time the right-of-way is an issue is when three cars are stacked; two in a garage and one in the driveway. He did not think that was an issue in this case.

Chair Strachan stated that the Planning Commission was being asked for an exception to the rule, but the problem is that the applicant wanted something that was technically not allowed in the Code. Aside from the compatibility issue, there was not a physical limitation on what could be done on this site. Chair Strachan recalled that the Code section was changed because building height exceptions were granted under previous Planning Directors in circumstances that neither the Planning Commission nor the City Council thought were appropriate. The direction from the public and the elected officials was to tighten the reins. Chair Strachan remarked that he was skeptical about the exception when he read the Staff report. He thought there were valid grounds for having a height exception for the ADA accessible areas, but there was no link between the ADA access and having a second stall inside the garage.

MOTION: Commissioner Suesser moved to APPROVE the Steep Slope Conditional Use Permit and the Building Height Exception for the garage for 352 Woodside Avenue, provided that the length of the garage is reduced from 40' to 36', and in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Campbell seconded the motion.

Chair Strachan asked if clarification was needed on the motion and whether everyone understood the measurements. Commissioner Thimm did not believe the motion fully describes the measurements. Going to a 36' clear depth should mean an adjustment of 2' on both the east and west sides of the house, rather than 4' on one side.

Commissioner Suesser stated that she personally did not have a preference, but she was not opposed to the clarification.

AMENDMENT: Commissioner Suesser amended her motion to specify that the 4' reduction in the length of the garage should be 2' on the east side and 2' on the west side. Commissioner Campbell accepted the amendment to the motion.

VOTE: The motion passed 5-1. Commissioner Phillips voted against the motion.

General Findings of Fact for SS CUP and Height Exception

1. The site is located at 325 Woodside Avenue.
2. The site is located in the Historic Residential-1 (HR-1) zoning district.
3. The site is currently an undeveloped lot of 3,757.5 square feet.
4. The City Council approved the Gill Subdivision Plat Amendment at this location

on July 13, 2017 and the plat is pending recordation.

5. A Historic District Design Review (HDDR) application is currently under review.
6. The applicant requests to build a new single-family dwelling at this location.
7. Single-family dwellings are allowed uses in the HR-1 zone.
8. The proposed single-family dwelling consists of 4,287 square feet. Including the garage and unfinished area, the size is 5,049 square feet.
9. The proposed building footprint is 1,505 square feet which complies with the maximum allowable footprint of 1,521 square feet.
10. The new construction takes place over slopes that are thirty percent (30%) or greater.
11. The applicant is requesting a height exception of 8 feet for a garage on a downhill lot.
12. This is a downhill lot with an average slope of approximately 40%. The greatest slope on the property occurs in the west of the property toward the front of the lot, where the slope can reach up to 66.7%.
13. The proposed front yard setback of ten (10') complies with the minimum front yard setback of ten feet (10').
14. The proposed rear yard setback of ten (10') complies with the minimum rear yard setback of ten feet (10').
15. The proposed side yard setbacks of five feet (5') to the north and nine feet (9') to the south comply with the minimum side yard setbacks of five feet (5') including a total setback of fourteen feet (14').
16. With the exception of the garage on the top floor (pending a height exception approval), the proposed structure complies with the maximum building height, including the following provisions: final grade, thirty-five-foot rule, vertical articulation, roof pitch.
17. This property is located outside of the Soils Ordinance Zone.

Steep Slope CUP Findings of Fact – 352 Woodside

1. The applicant submitted plans including a streetscape showing how the four (4) story structure will be observed when viewed from Woodside Avenue.
2. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
3. The proposed house is located within the building pad and outside of all setbacks required on the lot.
4. The proposed garage on the top floor of the home requires a height exception and allows the applicant to have access to Woodside Avenue without a steep driveway.
5. The applicant has provided elevations and a height study to show how the house sits on the slope in relation to existing grade and the zoning height requirements

- (Exhibit D) and cross canyon views (Exhibit J) to show a minimal visual impact
6. The proposed addition has a garage accessed directly from Woodside Avenue.
 7. The proposed structure provides two tandem parking spaces in the garage on the top floor.
 8. The proposed driveway slope is at twelve percent (12%).
 9. The proposal includes a retaining wall at the lowest level of the structure extending up toward the second level and around the deck and hot tub area.
 10. Proposed retaining walls are in the side and rear yard setback areas but do not exceed 6 feet in height measured from Final Grade.
 11. The structure of the house follows the topography of the lot and maintains the maximum building height of 27 feet with the exception of the garage floor, which would meet the maximum building height of 35 feet if the proposed height exception is granted for a garage on a downhill lot. The structure is located on the lot in a manner that least impacts the natural topography of the lot.
 12. The proposed building is designed in a manner that is broken into the required series of individual smaller components to reduce the perceived overall massing.
 13. The proposed structure has a front yard setback of ten feet (10') consistent with other houses on this street. Increasing the front yard setback would increase overall building height at the rear of the structure due to the steepness of the existing grade.
 14. The rear setback of ten feet (10') also meets the zone's rear setback requirements.
 15. A proposed patio/deck and hot tub area also extends into the rear and side setback area as allowed by LMC Section 15-2.2-3. The hot tub and decks are located three feet (3') from the rear and north side property lines, and all patio and deck structures do not and do not extend greater than thirty inches (30") above Final Grade.
 16. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of four (4) story dwellings
 17. The top floor/garage level is located as closely to the street level as possible with the roof heights measuring between 6½ and 10½ feet above the existing street height.
 18. The overall building height ranges from 19 feet to 27 feet, with the garage, front entryway, and circulation area on the top floor proposed at 35 feet from existing grade. This would only be allowed if the height exception is granted.

Height Exception Findings of Fact – 352 Woodside

1. The HR-1 zoning district allows a building height exception for garages on downhill lots.

2. 352 Woodside Avenue is a downhill lot.
3. Such exceptions are allowed to accommodate a single car wide garage in a tandem parking configuration including circulation and a reasonably sized entry area and front porch. If approved, all other areas of the structure must meet HR-1 building height requirements.
4. The applicant is proposing a single car wide garage with an ADA loading area in a tandem parking configuration including a small entry area of 137 square feet and an elevator and stairway circulation area of 161 square feet.
5. The depth of a garage under this exception may not exceed 40 feet, the minimum depth for internal parking spaces.
6. The proposed garage is 40 feet in depth.
7. The additional building height may not exceed 35 feet from existing grade.
8. The applicant is proposing an 8-foot height exception to allow a maximum building height of 35 feet with a maximum interior height of 43 feet.

Conclusions of Law – 352 Woodside

1. The Application complies with all requirements of this LMC.
2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 352 Woodside

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.

7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. All retaining walls in setback areas shall not exceed 6 feet in height without an amendment to this CUP approval.
10. This approval will expire on August 23, 2018 if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Director.
11. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes related more specifically to the architectural design made during the Historic District Design Review.

Commissioner Band left the meeting.

**3. 606 Mellow Mountain Road - Second Amendment to the Sunnyside Subdivision to add an adjacent remnant parcel to Lot 11.
(Applicant PL-17-03584)**

Planner Whetstone reviewed the plat amendment request to amend the Sunnyside Subdivision to add a 6,200 square foot remnant parcel to the adjacent and existing platted Lot 11, which is approximately 11,600 square feet. The lot and the parcel are owned by the same property owner. For many years the Summit County Recorder has recognized this lot and parcel as one parcel as SNS #11, which is the Sunnyside subdivision #11.

Planner Whetstone reported that an existing house that was constructed on Lot 11 straddles the property line. She identified the lot line that was proposed to be removed. The house was constructed in 1986, which was prior to plat amendments and not being able to build across property lines. Planner Whetstone noted that a similar plat amendment was approved in 2016 for Lot 10 on the south side of Mellow Mountain Road.

Planner Whetstone stated that the plat amendment revolves around a historic error in the recordation of the original subdivision plat and the way that it was surveyed. The east boundary was supposed to align with the MS 5665 Lily No. 3 Mining Claim; however, it did not align in that way. Therefore, the 31' portion on the east side was always attached to

Lot 11 and Lot 10 in the Sunnyside Subdivision. The history was reflected in the Findings attached to the Staff report.

Planner Whetstone stated that situations of non-compliance would not be created by adding the remnant parcel. The house would still have the proper side setback as well as the decks. Minor encroachments exist from rock walls in the right-of-way on Mellow Mountain Road, which will be resolved prior to recordation. The encroachments were addressed in the Conditions of Approval.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council pursuant to the findings of fact, conclusions of law and conditions of approval as stated in the Staff report.

Michael Demkowitz with Alliance Engineering was present to answer questions on behalf of the applicant.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce thought Finding of Fact #24, which required that the final mylars be signed by Snyderville Basin, should be a condition of approval rather than a finding. Planner Whetstone stated that it was a standard requirement and she was not opposed to adding it as a condition of approval.

Assistant City Attorney McLean pointed out that it was addressed in Condition of Approval #7. Ms. McLean asked if the snow storage was included as a condition of approval. Planner Whetstone replied that snow storage was addressed in Condition #4. Chair Strachan noted that snow storage was also addressed in Finding #25. Planner Whetstone explained that the requirements are included as facts, and the conditions of approval ensure that the requirements are met.

Commissioner Joyce could not recall seeing that in the past. Planner Whetstone stated that it was being requested more often. Director Erickson offered to look at clarifying the language on future projects.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Sunnyside Subdivision Lot 11 plat amendment based on the

Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously. Commissioner Band was not present for the vote.

Findings of Fact – 606 Mellow Mountain Road

1. The property is located at 606 Mellow Mountain Road.
2. The property is in the Single Family (SF) Zoning District.
3. The subject property consists of platted Lot 11 of the Sunnyside Subdivision and a remnant parcel located adjacent to the easterly boundary of Lot 11.
4. The property, including Lot 11 and the remnant parcel, is recognized by Summit County as Parcel SNS-11 (Tax ID).
5. The property is currently developed with a single family house that straddles the common lot line between Lot 11 and the remnant parcel.
6. The proposed plat amendment creates one (1) 17,884 square foot (sf), platted lot of record, by combining the 11,648 sf existing Lot 11 and the 6,236 sf remnant parcel under common ownership.
7. There are no minimum or maximum lot sizes in the SF District.
8. Lots in Sunnyside Subdivision range in area from 8,596 sf to 23,860 sf.
9. Sunnyside Subdivision was approved by City Council on July 19, 1979 and recorded at Summit County on August 3, 1979.
10. At the time of original plat recordation in 1979, land adjacent and to the east, was by error not included in the subdivision plat drafted for recordation. The eastern boundary of the subdivision was to coincide with the eastern boundary of the MS 5665 Lilly No. 3 Mining Claim.
11. The Sunnyside Subdivision plat was drawn up excluding this approximately 31' wide strip of property on the eastern boundary. The strip of land runs north/south from the southern boundary of Lot 10 to the northern boundary of Lot 11 across Mellow Mountain Road.

12. The platting error was discovered in December of 1979 and the 31' wide strip was quit claimed from the original land owner/developer (Royal Street Land Company) to the owner of the recorded subdivision (Park City Alliance, James Gaddis Investment Company, LTD, etc.), as Entry No 161985, Book M147, Page 467 at the Summit County Recorder's Office.

13. On August 27, 1980, a warranty deed, Entry No. 169813, Book M 165, Page 247, was recorded at the Summit County Recorder's office conveying a parcel approximately 31 feet wide extending the length of Lot 11 from the southerly boundary to the northerly boundary. This parcel is the 6,236 sf remnant parcel subject to the requested plat amendment.

14. A similar warranty deed was entered into the records for Lot 10 and the remnant parcel adjacent to Lot 10 was combined by the First Amended Sunnyside Subdivision Lot 10, approved by the City Council on March 24, 2016 and recorded at Summit County on October 27, 2016.

15. In 1986 a building permit was issued for construction of a single family house on Lot 11 located at 606 Mellow Mountain Road. The house was constructed across the warranty deed line and there was no requirement for a plat amendment at that time. The house on Lot 11 was constructed with a side setback measured from the eastern boundary of the warranty deed description, which is the eastern boundary of TAX ID number SNS-11.

16. The applicant desires to resolve the remnant parcel issue.

17. There is no maximum building footprint or house size identified for the Sunnyside Subdivision and all requirements of Land Management Code Section 15-2.11 (SF District) apply.

18. A single-family dwelling is an allowed use in the Single Family (SF) District.

19. There is not a minimum or maximum lot width identified in the SF District. The existing lot is approximately 106.5 feet wide and the proposed lot is 140.7 feet wide.

20. Access to the property is from Mellow Mountain Road, a public street. No changes are proposed to the existing driveway.

21. A low stacked sandstone retaining wall encroaches 2' over the front property line

onto Mellow Mountain Road right-of-way for a distance of approximately twenty feet. Larger, loose individual sandstone boulders to the left of the driveway also encroach into the right-of-way.

22. Utility easements recorded on the Sunnyside Subdivision plat are required to be shown on the amended plat, including 5' wide non-exclusive utility and drainage easements along the front, rear and side lot lines.

23. Summit County documents show that the 5' easement was moved to the eastern boundary of the warranty deed. The applicant will verify that there are no existing utilities in the platted 5' non-exclusive utility easement along the existing Lot 11 easterly property boundary.

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

25. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.

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

Conclusions of Law – 606 Mellow Mountain Road

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

Conditions of Approval – 606 Mellow Mountain Road

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

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

3. All new construction shall comply with LMC setback regulations in effect at the time of building permit issuance.

4. A ten foot (10') wide public snow storage easement is required along the Mellow Mountain Road frontage of the property and shall be shown on the plat prior to recordation.

5. A five foot (5') wide non-exclusive public utilities, drainage, and SBWRD easement is required along the front, rear and side lot lines of the new lot.

6. Modified 13-D sprinklers are required for any new construction and shall be noted on the plat.

7. All requirements of the Snyderville Basin Water Reclamation District shall be satisfied prior to recordation of the plat.

8. Prior to plat recordation, letters from utility providers (Questar, Rocky Mountain Power, and communications entities) shall be submitted indicating approval of utility easements associated with the new property lines.

9. Staff recommends a condition of approval that the identified encroachments be resolved to the satisfaction of the City Engineer prior to plat recordation.

4. **1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue – Woodside Park Affordable Housing Project Phase I – Master Planned Development – A proposed affordable housing project will be located at the site of the former Park Avenue Fire Station Parcel and will consist of four (4) single family dwellings, an eight-unit (8-unit) Multi-Family Dwelling, a thirteen-car (13-car) Parking Lot, and a Pedestrian Easement running east-west.**
(Application PL-17-03454)

5. **1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue – Woodside Park Affordable Housing Project Phase I – Plat Amendment – Proposal for a three-lot (3-lot) subdivision to create the Woodside Park Subdivision Phase I.**
(Application PL-17-03439)

6. **1353 Park Avenue (actual building to be located at 1354 Woodside Avenue)– Woodside Park Affordable Housing Project Phase I – Conditional Use Permit – Proposal for an eight-unit (8-unit) Multi-Family Dwelling as a part of the Woodside Park Affordable Housing Project Phase I and a Conditional Use Permit at 1364 Woodside Avenue for a Parking Area with five (5) or more spaces for use by the Woodside Park Affordable Housing Project Phase I. (Application PL-17-03453 and PL-17-03452)**

The Planning Commissioner reviewed the three items for the MPD, the Plat Amendment and the two CUPs in one discussion. Separate actions were taken.

Planner Hannah Tyler reviewed the four applications before the Planning Commission this evening; the Master Planned Development, the two conditional use permits and the Plat Amendment. The Staff recommended approval and/or positive recommendations, depending on the type of action required.

The applicant, Park City Municipal Corp, was being represented by Jason Glidden, the Economic Development Programs Manager; Rhoda Stauffer, Affordable Housing Project Manager; and Craig Elliott and Steve Bruemmer, the project architects.

Planner Tyler reported that this was Woodside Park Phase 1 of the affordable housing project. The Planning Commission previously reviewed this project during a work session on July 12th. The Commissioners provided feedback and based on those comments the architects provided additional information, and the Staff provided additional analysis based on that information. The analysis was contained in the Staff report.

Craig Elliott with Elliott Work Group stated that during the work session on July 12th there were specific questions related to the overall scope of the adjacent properties. Mr. Elliott stated that he would begin his presentation with the larger scale and work down to the smaller information.

Mr. Elliott presented an overview of the site starting from Park Avenue, crossing over Woodside, and showing how the overall parcel goes all the way up to Empire and abuts across the street from the primary parking lot at the Park City Base area. Mr. Elliott noted that the parcel was straightened out to follow the grid of the streets. He indicated Park Avenue, Woodside in the middle, how it stretches across the abandoned Norfolk Avenue right-of-way, and up to Empire Avenue.

Mr. Elliott noted that they were working on the first phase of the MPD, which was the master plan with four single-family homes, four townhouses, and four studio units. He recalled that one question raised during the work session was how this works in the overall

context of the site, in the neighborhood, and within the project. He stated that they master planned the property from Park Avenue by maintaining the historic nature and scale with the smaller houses along Park Avenue. It moves to the west with larger single family and then a townhouse multi-family project. Moving across Woodside Avenue are townhouses that are larger in scale and have their own garages. It then goes to a stacked flat structure going up to Empire Avenue. Mr. Elliott believed it was consistent with the development in the neighborhood as it moves from the small scale of City Park and Park Avenue and moves across Woodside to the larger developments. As it moves closer to the resort the density becomes greater. Mr. Elliott thought the plan made sense and allows them to deal with some of the grade change.

Mr. Elliott presented a section which showed more study. He noted that they were trying to work on proof of concept in master planning. As they looked at design projects they take the macro scale down to the micro scale. The micro scale refines the details. The idea of the macro scale is to confirm the capability of the site, to prove that they can get the circulation pattern to move through the site, that they can provide parking, that it fits within the height and context, and not to worry too much about the design concept except for appropriate use, density and shapes of the buildings.

Mr. Elliott noted that the large yellow arrows indicated the connection that goes across from Empire Avenue to Park Avenue, and ultimately to City Park and Miners Hospital. The goal throughout this project has been to create that pedestrian connection. Mr. Elliott stated that those at the Park City base area feel isolated and separated from things close by because there are no good connections between the two areas. Improving that connection creates a better flow of people and experience through the space from the Park City Mountain Base area to City Park. The circulation pattern comes to the corner of the intersection and provides the perfect location to go up the sidewalk into the base area. It also provides the opportunity to come straight across to the Miners Hospital and City Park. Mr. Elliott remarked that it also provides another access from the base area into Old Town, and vice-versa, via the buses going up and down Park Avenue.

Mr. Elliott stated that the next phase of the project will come in with more development as the City releases that project out for design. Phase 1 were the studies that were done to prove concept, the densities, and what the holding of the property would be. He noted that they took it into some detail to understand the different pieces. Seven or eight versions were studied to prove that this could work in Phase 2. He explained that Phase 1 was not about architectural design and expression, but more about the planning portions of the project.

Commissioner Joyce indicated the Phase 2 area shown on the screen and the larger buildings on both side. He stated that in a topo view from Empire they looked like

single family houses on both sides. Mr. Elliott indicated the Acorn property, and Sweetwater across the street. There were other large and dense units. Moving further up was the Marriott Mountainside. Commissioner Joyce clarified that in terms of the continuity of mass and scale, he was looking at the other side of the street, and not the Marriott that was a parking lot away. Mr. Elliott pointed to undeveloped parcels, which he anticipated would be developed at some point. He indicated lodge-type resort housing in another location.

Chair Strachan remarked that the zone was RC, Resort Commercial and those single family homes were built in the RC zone. He recalled that the Planning Commission had this discussion several times with the affordable housing project at 1440 Empire. He commented on existing multi-unit developments going down Empire further to the north. Chair Strachan did not think they could say that everything on that street was single-family, but they also could not say that everything on that street were like the stacked-flats building. There was not a consistent pattern. Mr. Elliott agreed. He remarked that they primarily looked at how to make the transition to the Resort.

Mr. Elliott commented on issues that were raised at the last meeting regarding sound transmission, and solar glare. He had provided additional information to help address those issues, and that information was included in the Staff report.

Mr. Elliott presented the survey and the existing conditions report. He indicated the fire station and the currently vacant parcel, a garage made of concrete block and a historic structure. Mr. Elliott had highlighted the snow storage locations. They have the ability to push the parking lot snow and they have additional snow storage space. Spaces on the side of the primary circulation route goes from Woodside to Park Avenue provides a place to keep the sidewalk clear through that space.

Mr. Elliott recalled discussions during the work session in terms of what they were trying to do with the townhomes and the parking areas located to the north. He indicated where the townhomes were located where the development was concentrated. Mr. Elliott stated that they had assessed the property and derived a couple of different approaches. One was a baseline approach that carves up individual single-family or duplex units along Woodside and Park Avenue. As they looked at it, they realized they would end up with a series of garage doors and entry doors, which resulted in a garage barrage experience that separates people from the street and does not contribute to building a community. They studied a number of different approaches and came up with the idea of creating townhouses that had a parking area to the north, and created covered parking that could be used to generate electricity with solar panels. That allows for porches, stoops and front doors on Woodside and on the open space that was created as a common green area. It will allow porches on the back of the historic

houses and the smaller single family, and maintain them along Park Avenue. Mr. Elliott remarked that the intent was not to just build a place to house people. The goal was to create a community in this location. In order to do that they took away all the things that tend to push people away from each other and consolidated the parking into one location. Mr. Elliott explained that going through the MPD process allowed the removal of all the driveways, which would have had cars parked on them. There would have been a garage with one car, and a second car between the property line and the garage. Six to eight cars would have been parked in the driveways along Woodside Avenue. Instead, they put all the cars in the parking lot. Mr. Elliott believed the small exception they were asking for on the corner for the setback outweighed the six to eight cars that would have been parked in the setback. Mr. Elliott wanted the Commissioners to understand why they approached it this way from a design perspective and why he believes it improves the quality of that space.

Mr. Elliott recalled that at the last meeting they talked about the densities, how the units are configured, how they work and how they are interlocked. There are four two-bedroom townhouses that are two-stories and one studio that is interconnected that accesses on one side or the other. He noted that the entries were flipped. There is a townhouse entry on Woodside, and a studio entry off the common green area. Another slide shows a studio having a porch and entry off of Woodside and the townhouse entering off of the greenspace. Since they were all coming from the parking lots, sidewalks service both sides. Mr. Elliott remarked that they were able to create variety in the building shape and form, create interest on each side, and provide a different experience from studio to townhouse. He thought it was an interesting way to create a different dynamic in that space in terms of design and use.

Mr. Elliott provide overall aerial images of the project. He presented a short video of the exterior, as well as a video that showed the interior of one of the townhouses and one of the studios. He believed the videos would help the Commissioners understand how the project functions. Mr. Elliott noted that all the furnishings in the studios are built in, which helps to provide quality space in a small studio space. Mr. Elliott used another video to walk through the project using the sidewalks and going to the parking area.

Mr. Elliott reiterated the reasons behind this design concept, and the goal to connect the base area of the Park City Resort to the overall town.

Commissioner Suesser asked Mr. Elliott to point out the access to the storage area that was underneath each unit. Mr. Elliott replied that it was exterior access that comes in between the parking area on the north side. It is a covered entrance where people can come in and out with their gear. Commissioner Joyce asked if there was storage for four townhouses or whether the studios also have storage underneath their unit. Mr.

Elliott assumed the studio units would be included in that storage space. He stated that the space had not yet been divided up, but there was plenty of room to accommodate the entire project.

Commissioner Joyce stated that Commissioner Band had asked him to find out if this parcel was in the flood zone. Mr. Elliott stated that it was currently in the flood zone but it was mapped to be out of it if that change actually occurs with the Corp. Assuming that it does not change, Commissioner Joyce asked if there was a plan for handling flood insurance. Mr. Elliott replied that it was designed such that all of the main living spaces are above the flood plain. Certain types of uses can be in the flood zone and they had already met with the City Engineer.

Commissioner Joyce asked about flood insurance. Rhoda Stauffer explained that by law the HOA would have to hold the flood insurance. Commissioner Joyce assumed it would be bundled with the HOA fee for the residents.

Commissioner Joyce asked if the studio renters would pay HOA fees and taxes, or whether it would be strictly a rental arrangement and the townhouse owners pays the fee and taxes. Jason Glidden replied that the concept is to treat the townhome and the studio as one large unit. The studio is a rental, but owned by the owner of the townhome. The townhome owner would assume those expenses, similar to any other property with an auxiliary unit or room that is rented out.

Commissioner Joyce commented on a question in the Staff report where the Planning Commission previously asked the applicant to provide an explanation of the multi-unit dwelling ownership/studio unit allocation. He noted that the applicant had provided the answer. Commissioner Joyce did not understand the mechanics of how renting the studio would work. For example, if he qualifies for a townhouse and he wants to rent his studio, it appears that he would be limited to who he could rent to because they can only earn 30-60% of the AMI, must be working full-time in the school district boundary, and the rent varies based on salary and the AMI percentages. Commissioner Joyce stated that as a townhome owner he could not certify where someone works or their salary. In addition, he would not want to rent to the person who could only afford to pay \$515 when he could rent to another person who can pay \$1,024.

Ms. Stauffer replied that there would be an application process that the City would help administer and evaluate. Commissioner Joyce asked if the City would be picking the renter. Mr. Glidden thought it was important to understand that the purpose of this concept is to make sure they were getting affordable housing, and at the same time creating affordable rental units. Commissioner Joyce understood the goal, but he thought they were putting the rental responsibilities on to four individuals versus the City

managing it. They would be required to do things that individual owners do not normally have the right to do when they rent space. Mr. Glidden pointed out that Ms. Stauffer had said the City would help and assist in the application and verification of the applicants. There needs to be assurance and compliance to make sure the units are being used for the intended purpose of an affordable rental unit. The deed restrictions and the City assisting with the vetting process will take some of the burden off of those homeowners.

Commissioner Joyce reiterated his concern that even with City assistance, it would be burdening individual homeowners in an awkward way. The rent is variable based on salary and not market value. Ms. Stauffer clarified that the rents were not set yet, but they would be set before the townhomes units are sold. The rent would not be variable for the unit owner. What Commissioner Joyce was referring to in the Staff report was a range, but they had not determined what the specific rent would be within that range. Commissioner Thimm asked if the studio units would all rent for the same amount. Ms. Stauffer thought it was very likely that they would.

Assistant City Attorney McLean advised the Planning Commission to focus the conversation on the MPD. She noted that the actual rental program was a decision by the City Council and it was out of their purview. Commissioner Joyce agreed to a point. However, the Planning Commission was being asked to look at a very strange structure that was part of the design implementation. It would be the owner's tenant, not the City's tenant, and there were significant responsibilities attached to the implementation.

Commissioner Joyce clarified that he did not have issues with the buildings and he thought the project looked very nice; but he seriously questioned whether the proposal for the townhome and studio units was viable. He was unsure how forcing deed restrictions could possibly be managed. Commissioner Joyce believed this was part of the MPD discussion.

Mr. Glidden remarked that another goal was a source of revenue for the owners to help make the townhome units affordable. That was a main goal in addition to creating affordable apartment units. Ms. Stauffer stated that in other models where this has been done successfully for many years, it is viewed as a wealth building model for the person who buys the double unit. It is not nearly as restrictive as Commissioner Joyce suggests, and it works very well. She pointed out that the websites listed in the Staff report should provide more details on how it works across the nation.

Commissioner Joyce understood the rental piece of the affordable housing, but he thought the deed restriction, the requirement to work in Park City, and the salary income limits lead to another set of questions and issues.

Community Development Director, Anne Laurent, was willing to take these policy issues to the next level, and she did not believe it affected the design choices presented this evening. Ms. Laurent agreed that there was a lot to consider to make sure there were options; for example, allowing a family member to live there without charging rent. If there were problems selling the units, that would show up at the time of application, and the City would have to revisit the policy at that point. Ms. Laurent reiterated that these were policy questions that would not affect the design. She suggested that the Commissioners document their concerns and the Staff would take them to the next level as they move forward.

Chair Strachan opened the public hearing on the MPD, the plat amendment and the two CUP applications.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan liked the direction this was going and thought the planning was remarkable. He appreciated being informed looking forward to Phases 2 and 3, because it helps him understand what they are doing overall in a broader perspective. Chair Strachan felt his concerns at the last meeting had been addressed.

Chair Strachan still struggled with the covered parking area, even though it would be solar. In his opinion it did not look like Park Avenue or Woodside, and he could think of nowhere else on Park Avenue or Woodside that had it. If the intent was to design something unique and desirable for the City, he believed they had designed it to the maximum. Chair Strachan stated that he had a difficult time coming to a compatible conclusion on the parking. However, overall he thought the benefits of the project outweigh any compatible issues. He also recognized that they were mitigating it with solar.

Mr. Elliott stated that during the public comment sessions they held on the project, the abutting neighbors were excited to have the parking rather than adjacent buildings because it left the open space to the west and their views of the mountain unobstructed.

Chair Strachan remarked that another more expensive option would be underground parking. Commissioner Phillips asked if underground parking had been discussed. Mr. Elliott replied that they had looked at underground parking, but that area is very flat and it was difficult to find a plan that worked.

Chair Strachan agreed with Ms. Laurent and Ms. McLean that the Planning Commission should not be involved in policy discussion. The MPD section of the LMC envisions mixed rental and owner/occupant projects. A requirement to be economically feasible is not one of the MPD findings that the Planning Commission needed to make, and he did not feel qualified to render an opinion. He deferred that decision to Ms. Stauffer, Mr. Glidden, and Staff.

Planner Suesser stated that she had the same concerns about the parking structure because it is unusual. She was pleased that they had explored below ground parking; however, she assumed being in the flood plain was also an issue for underground parking. Planner Suesser had similar concerns as Commissioner Joyce regarding the structure of the studio apartments, but she held her comments since they were not going to address the policy issue. Overall, she thought it was a good-looking project.

Commissioner Phillips agreed with the comments regarding parking; but understanding why it is there and what it achieves, it was a very good decision. He was pleased to know that the neighbors supported it. Commissioner Phillips noted that the applicant came back with the correct information after hearing their comments at the work session. He commended the architects on a well-designed project. Commissioner Phillips thought it would be an active space and he was excited about the project.

Commissioner Phillips was not aware of the timing for Phase 2, but if it is more than a two-year delay from the completion of Phase 1 to the beginning of Phase 2, he would like the City to explore doing a temporary set of stairs to activate the connection to Park Avenue and City Park. Chair Strachan and Commissioner Suesser concurred. Commissioner Phillips stated that in his four years on the Planning Commission this ranked with some of his favorite projects and he was excited about it.

Commissioner Joyce stated that in another project they talked about electric car charging. He noted that the City is pushing people towards electric cars, and if electric cars take off the way the manufacturers are pushing, having one E-charging space was not sufficient. Commissioner Joyce asked if the City had a plan for five or ten years down the road when 70% of people have electric cars.

Mr. Glidden stated that they continue to work with the Environmental Sustainability Manager, and he was currently working to find the best solutions and options for charging stations. The plan would be to stub out for that so they could install whatever the Sustainability Manager decides is the proper approach for these units. Mr. Glidden remarked that it was a City Council priority to include that in the designs moving

forward. He pointed out that charging stations were not designed into this project as of yet, but it has been discussed. Being a parking lot, it would be easy to add it.

Mr. Elliott remarked that they also talked about car sharing as an option in that location. There are several things in the process they have been trying to get input on as they get into the construction documents.

Commissioner Joyce would like the City to take the lead in setting a good example as part of their bigger development projects. He thought it was important to plan for it now rather than waiting until there is a need.

Director Erickson stated that if the rest of the Commissioners agreed, they could make a recommendation that the City put in the basic infrastructure. They could add transformers and conduit, but not wire the charging stations until they have been selected.

Commissioner Thimm stated that in terms of EV stations, as long as there is a PV array to support it, it would be good. If the City requires EV stations which involves plugging a car into a coal fired power plant, he has read studies that indicate it could potentially worsen the carbon footprint. Director Erickson replied that Sustainability, Housing, and Planning were trying to address the issue of plugging into a coal fired plant. However, he thought it was appropriate to prepare the basic infrastructure. Commissioner Thimm agreed with putting in the infrastructure. Director Erickson stated that once the infrastructure is resolved, they could deal with the other issues moving forward. Commissioner Thimm requested that they add that stipulation.

Commissioner Joyce thought the applicant had addressed the snow storage issues. However, he noted that one of the two roofs sluffs out into the parking lot, and the other one sluffs out on to the sidewalk that everyone will use to and from the parking lot. Commissioner Joyce asked for an explanation of how the snow storage would work. Mr. Elliott explained that they would have a snow management plan. The sloped roof is relatively flat and the solar panels would help melt the snow on the roof. One reason for locating the snow storage at the end of the parking was to reduce some of the issues encountered in a typical parking lot where they have to move cars to remove the snow. Mr. Elliott remarked that the snow storage is set up to be managed relatively easy.

Commissioner Joyce stated that his primary concern was with the one that dumped the snow into the sidewalk between the parking and the townhouses. Mr. Glidden stated that the City Staff had the same concern when they looked at the design. Based on some of the calculations with the pitch of the roof and how far that sidewalk is off of

those buildings, they were comfortable that the snow would not come on to the sidewalk area. Mr. Elliott showed the section through the townhomes, and the snow coming off and projecting. He indicated the walkway and showed how the opening was protected with a roof. He explained that the way snow is calculated it does not shoot straight off across. He thought they had addressed most of those issues when they looked at the details. Mr. Elliott pointed out that there are always unexpected conditions, but for the majority of the time this was a good solution.

Commissioner Thimm thought the planning was very well done and it achieves excellent goals from massing and desirable locations for the various densities. Creating the mid-block connection and the circulation are important issues and he was grateful for what was achieved. Commissioner Thimm thought the openings and doorways on different sides of the building support a community environment and are attentive to that goal. He believed that was an excellent part of the design.

Commissioner Thimm stated that as he looked at the project, he saw the PV array as a positive because it shows a commitment to sustainability that they want to endorse in the community. With respect to the structure of the townhomes/studio units, in looking at affordable housing and finding solutions, he believed that thinking out of the box and creating solutions that provide opportunities that might not otherwise exist is very positive. He would like the City Council to look into a way to monitor the structure year to year or across a specified time period to determine its actual success for this community.

Commissioner Campbell thought it was obvious that a lot of thought went into a great plan. He agreed that when they give approval to a multi-phased project it helps if they can see a rough outline of what the rest of the project will look like; understanding that the applicant retains the right to make changes. It helps to see the overall plan and he thanked them for providing it.

Commissioner Campbell echoed the comments regarding electric cars. He is a builder and he has not built a house in the last five or six years that did not have a 100-amp car charging station. A knows that a lot of people only put in 30 or 40 amps but that is not enough. If they multiply the number of car spaces by 100 amps it would be difficult to retrofit for it later. Commissioner Campbell recommended that they plan for it in advance and he supported the idea moving forward. He believed that the power issue would be sorted out and resolved at a higher level.

Commissioner Campbell thought there was more need for affordable rentals than affordable ownership. He suggested that for these units or in other projects, that they consider selling the units to people who might want to own them but not occupy them.

However, most people would not want to manage the rental aspect and he suggested that the City put a management structure in place that would manage the hassle of renting for the owners. He would like the City to look into whether or not that was feasible.

Chair Strachan understood that there was agreement for putting in the infrastructure for EV capability, and he recommended that they also include E-bikes. Director Erickson suggested that they make that recommendation and let the City and the applicant determine the best way to handle it.

Commissioner Joyce commented on the second phase. He thought it looked like they were bringing in all the traffic to the underground parking and the garage parking off of Woodside. Since Woodside is another substandard road, he asked if they had looked at the impacts. Mr. Glidden stated that the City was in the early stages of getting ready to release a new RFP for the design of this property. They could definitely look at it.

Commissioner Joyce clarified that when they look at other projects like King's Crown and Treasure Hill, they try to anticipate all the upcoming projects that will put traffic on to those intersections. If this project intended to filter one or more of its larger density pieces out on to Empire or even Woodside, that would be important to know for the other discussions. Mr. Elliott explained that it was put on Woodside because of an elevation issue. In addition, the turning radius of all the bus routes was right on that intersection and having a driveway in that location was not safe. For those reasons the access point coming from Woodside seemed to be the best place, but they have not looked beyond those reasons.

Community Development Director Laurent stated that they would be looking at traffic impacts and working with the City Engineer.

Ms. Laurent also clarified that when they do deed-restricted affordable housing it has to be owner-occupied. If it is a rental project it must be long-term rentals. They are focusing the development on permanent residents in the community. Commissioner Joyce did not believe that changed the traffic numbers. Director Erickson replied that it affects trip generation. A permanent house has a different trip generation rate than a condominium. However, in their review the Staff has said that the Phase 2 MPD restricts driveway accesses on to Empire and Woodside and; therefore, reduces the friction of the people trying to back out onto those street. The density is not over the what the RC density allows in that location, and the trip generation is already in the models. It just reduces the friction by reducing the driveways.

Commissioner Joyce asked if the traffic information provided by Alfred Knotts and Matt Cassel during the Treasure Hill discussion included this project. Director Erickson stated that he would verify it, but he believed they used the baseline density for trip generation, which is the RC zone densities.

Director Erickson noted that the motion for the MPD should include the addition of two conditions of approval. 1) That the basic infrastructure for electronic charges to be installed in the parking lot and for e-chargers to be installed at a later date. 2) An e-bike location should be located somewhere on the site.

Planner Tyler asked if they wanted the e-bike locations in place on the day the units are sold or whether it was just a general plan. Chair Strachan thought the need would drive itself.

MOTION: Commissioner Joyce moved to APPROVE the Master Planned Development for the Woodside Park Affordable Housing Project Phase I with a recommendation to provide the basic power required for e-charging cars, based on the Findings of Fact, Conclusions of Law and Conditions of Approval. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously. Commissioner Band was not present for the vote.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Woodside Park Subdivision Phase I located at 1333 Park Avenue, 1353 Park Avenue, and 1364 Park Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously. Commissioner Band was not present for the vote.

MOTION: Commissioner Suesser moved to APPROVE the Conditional Use Permit for the Multi-unit dwelling unit at 1353 Park Avenue, The Woodside Park Affordable Housing Project, Phase 1, based on the Findings of Fact, Conclusions of Law and Conditions of Approval described in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously. Commissioner Band was not present for the vote.

MOTION: Commissioner Suesser moved to APPROVE the Conditional Use Permit for the parking area with five or more spaces with regard to 1353 Park Avenue, the Woodside

Park Affordable Housing Project Phase I, based on the Findings of Fact, Conclusions of Law and Conditions of Approval described in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously. Commissioner Band was not present for the vote.

Findings of Fact – MPD – Woodside Park Affordable Housing Phase I

1. The proposed site location consists of 1333 Park Avenue (“Significant” Single-Family Dwelling), 1353 Park Avenue (the former Park Avenue Fire Station parcel), and 1364 Woodside Avenue (vacant lot)
2. The site is known as the Woodside Park Affordable Housing Project Phase I.
3. Phase I of the Woodside Park Affordable Housing Project will consist of 10.68 Unit Equivalents to be located between Woodside Avenue and Park Avenue. The scope will include: Demolition of the former Park Avenue Fire Station; Four (4) Single-Family Dwellings; An eight-unit (8-unit) Multi-Unit Dwelling; A Thirteen-car (13-car) Parking Lot and an Access Easement running east-west.
4. During a Work Session on August 25, 2016, City Council provided the Lower Park Avenue Affordable Housing Project Team (Elliot Workgroup, Economic Development, Housing, Planning, and Community Development) with direction to pursue a preferred concept for affordable housing on the former Park Avenue Fire Station Parcel.
5. At the October 20th, 2016 meeting, City Council provided affirmative direction to pursue the preferred concept, as amended, and begin the Land Use process.
6. The Project Team met weekly to develop the required Land Use application submittals and conduct further LMC pre-reviews with Planning Department staff as required by the Land Management Code 15-6-4.
7. There are eight (8) applications total for the entire scope of Phase I.
8. On January 26, 2017 Elliot Workgroup submitted the MPD application as the representative for Park City Municipal Corporation. The application was deemed complete on March 2, 2017 after staff worked with the applicant on the requirements for the submittal.
9. The Planning Commission reviewed and continued this Master Planned Development application during a Work Session on July 12th, 2017. The Planning Commission held a public hearing and continued the Master Planned Development application on July 26th, 2017.
10. On June 28th, 2017, July 12th, 2016, August 9th, 2017 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on June 24th, 2017, July 8th, 2017, and August 5th, 2017 according to requirements of the Land

Management Code.

11. At the July 12th, 2017 Work Session, the Planning Commission reviewed the entire scope of the project and discussed specific items with the applicant. The specific discussion items included, but were not limited to Snow storage, Area context on a neighborhood scale, Parking Requirements based on unit type, Solar panel glare, Other examples of similar Affordable Housing projects, and Sound mitigation between units of the Multi-Unit Dwelling.

12. On March 1, 2017, the Historic Preservation Board (HPB) reviewed the Historic District Design Review (HDDR) application and approved the Material Deconstruction and Relocation of the “Significant” Single-Family Dwelling at 1323 Woodside Avenue to 1353 Park Avenue.

13. On March 1, 2017, the HPB reviewed the HDDR application and approved the Material Deconstruction of the “Significant” Single-Family Dwelling located at 1333 Park Avenue.

14. The remaining HDDR applications are under review by Planning Staff pending additional modifications and/or reviews by Planning Commission for the Conditional

15. The proposal complies with Land Management Code (LMC) § 15-6-5(A) Density as the proposed Density of the MPD does not exceed the maximum Density in the zone. The proposed MPD consists of 5.25 Residential Unit Equivalents.

16. Land Management Code (LMC) § 15-6-5(B) Building Footprint is not applicable as the site is not located in the HR-1 or HR-2 District. The proposed MPD is located in the HR-M Zoning District.

17. The proposal complies with Land Management Code (LMC) § 15-6-5(C) Setbacks as Per LMC 15-6-5(C)(2), for parcels less than one (1) acre in size and located inside the HRM, HR-1, HR-2, HR-L, HRC, and HCB, Districts, the minimum Setback around the exterior boundary of an MPD shall be determined by the Planning Commission in order to remain consistent with the contextual streetscape of adjacent Structures.

18. The Woodside Park Affordable Housing Phase I MPD area is less than one (1) acre in size in the HRM Zoning District, therefore, the setbacks shall be determined by the Planning Commission.

19. The two (2) Single-Family Dwellings located on Lot 1 abutting Park Avenue (1343 Park Avenue and 1353 Park Avenue) shall have a 10 foot rather than the Zone required 15 foot Front Yard Setback which is consistent with many of the existing single-family dwellings on Park Avenue (including the neighboring “Significant” Single-Family Dwelling located at 1359 Park Avenue).

20. The two (2) Single-Family Dwellings (1343 Park Avenue and 1353 Park Avenue) will comply with all other applicable Setbacks, will comply with the minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in

Section 15-6-5(D). No additional density is achieved by the decreased setback and all other requirements will still be met.

21. Parking Space 13 of the Parking Lot abutting Woodside Avenue on Lot 1 shall have a minimum Front Yard setback of 12 foot 8 inches. The remainder of the Parking Lot will comply with all applicable Setbacks. Parking Space 13 encroaches into the Front Yard Setback by a maximum of approximately 2 feet 4 inches. The Parking Lot is compatible with the streetscape and is appropriately screened. The Carport Structure will comply with all applicable HRM Zone required Setbacks.

22. The Front Yard setback of 12 feet 8 inches for Parking Space will not result in greater project density and will be properly buffered/visually mitigated through vegetative and fenced screening that is compatible with the Design Guidelines for Historic Districts and Historic Sites.

23. The Setback for Parking Space 13 will result in an additional Parking Space for the project, which the project team is contemplating potential uses as electric car charging station, car-share, and other uses that are compatible with goals set forth in the General Plan (ex. Goal 5 - Environmental Mitigation objectives and implementation strategies). Parking Space 13 will allow for one (1) additional car to park off-street rather than on the street.

24. The proposal complies with Land Management Code (LMC) § 15-6-5(D) Open Space because the proposed MPD is considered a redevelopment of existing Development; therefore, the Planning Commission shall reduce the required open Use Permits.

space to 30% in exchange for project enhancements. The proposed MPD area is a total of 26,940 square feet. The applicant is proposing 52.41% Open Space which equates to 14,119 square feet.

25. The total required Parking Spaces of the entire project is 13.5 (14 when rounded to the next whole number) Parking Spaces. The total number of Parking Spaces provided by the project is 15 Parking Spaces.

26. The proposed MPD is providing one (1) additional Parking Space in excess of what is required by the Land Management Code.

27. The two (2) Historic Single-Family Dwellings located on Park Avenue (1333 Park Avenue and 1353 Park Avenue) do not have a Parking Requirement per LMC 15-2.4-6 Existing Historic Structures; therefore, no parking is provided for these structures.

28. The non-Historic Single-Family Dwelling located at 1334 Woodside Avenue has a single-car garage and driveway providing the required two (2) parking spaces on its own site.

29. The Multi-Family Dwelling (1354 Woodside Avenue) and non-historic Single-Family Dwelling (1343 Park Avenue) combine for a total of 11.5 Parking Spaces required which will be provided in the 13-car Parking Lot.

30. One (1) of the Parking Spaces is ADA compliant for van accessibility in accordance

with the ADA requirements.

31. Per LMC 15-3-9 Bicycle Parking Requirements, the Multi-Unit Dwelling must provide at least three (3) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles.

The applicant is proposing to provide five (5) Bicycle Parking Spaces.

32. The proposal complies with Land Management Code (LMC) § 15-6-5(F) Building Height because the proposed MPD complies with the Building Height requirements for the HRM Zoning District. No Height exception is requested.

Staff has provided analysis for the applicable criteria above:

33. The proposal complies with Land Management Code (LMC) § 15-6-5(G) Site Planning because; the units are sited in such a way that is compatible with other residential structures in the Historic District, specifically respecting the Historic rhythm and scale of the streetscape on both Woodside Avenue and Park Avenue; Due to the relatively flat topography, very little retaining will be necessary. All retaining walls on site are no higher than 4 feet in total height. All retaining walls will be stacked stone consistent with those found in the Historic District; Roads, utility lines, and Buildings are designed to work with the Existing Grade. Cuts and fills are minimized; The project scope includes an Access Easement running east-west which will link the City Park and Park Avenue bus stops to Woodside Avenue; ample snow storage areas are provided in accordance with the requirements of the LMC for the Access Easement, internal sidewalks, and Parking Lot; An enclosed trash and recycling structure has been provided on site which included a total of 12 cans (6 Recycling and 6 Trash).

34. The proposal complies with Land Management Code (LMC) § 15-6-5(H) Landscape and Street Scape because there is no existing significant vegetation. There is a landscape buffer for the Parking Lot and landscaping throughout the remainder of the project that is consistent with that found in the Historic District, including, but not limited to, natural turf, native grasses, deciduous trees, shrubs, and other alpine perennials.

35. Land Management Code (LMC) § 15-6-5(I) Sensitive Lands Compliance is not applicable as the site is not located within the Sensitive Lands Overlay District.

36. Land Management Code (LMC) § 15-6-5(J) Employee/Affordable Housing is not applicable as Eleven (11) of the twelve (12) proposed units are designated as Affordable Housing.

37. Land Management Code (LMC) § 15-6-5(K) Child Care is not applicable as the scale of this project is minor and much less than the allowed Zone Density. The Park City Library has Child Care which is located within walking distance and there is significant open space within the vicinity and on the proposed project site (City Park, Library Park, etc.).

38. Land Management Code (LMC) § 15-6-5(L) Mine Hazards is not applicable as there are no known Physical Mine Hazards on the property.

39. Land Management Code (LMC) § 15-6-5(M) Historic Mine Waste Mitigation is not applicable as there are no known Physical Mine Hazards on the property. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance which is standard for all Development and is Condition of Approval #5 of the Plat Amendment.

40. The proposal complies with Land Management Code (LMC) § 15-6-5(N) General Plan Review as the proposed MPD fulfills the following Goals 3, 5, 7, 8, 15 of the General Plan and the applicable Objectives and/or Implantation Strategies of each as further described in the Analysis section of this report.

41. The proposal complies with Land Management Code (LMC) § 15-6-5(O) Historic Sites as the applicant submitted a Historic Preservation Plan and Physical Conditions Report for the Historic Single Family Dwellings located at 1333 Park Avenue and 1353 Park Avenue. 1333 Park Avenue will be rehabilitated and 1353 Park Avenue will be relocated from 1323 Woodside Avenue and reconstructed at the new site. As a part of the Plat Amendment application, Condition of Approval #4 requires that both structures (1333 Park Avenue and 1353 Park Avenue) shall have Façade Preservation Easements placed on them prior to sale to a new property owner. Both structures are already listed as “Significant” on Park City’s Historic Sites Inventory.

42. The property is located in a FEMA Flood Zone A.

Conclusions of Law – MPD – Woodside Park Affordable Housing Phase I.

- A. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- B. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- C. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
- D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- F. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- H. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
- I. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land

Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

J. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

K. The MPD has been noticed and public hearing held in accordance with this Code.

L. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.

M. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

N. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

O. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditions of Approval – MPD – Woodside Park Affordable Housing Phase I

1. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting, trash/recycling enclosures, mechanical equipment, etc.
2. A conditional use permit is required for the Multi-Unit Dwelling and Parking Area of five (5) or more spaces prior to issuance of a building permit.
3. A development agreement as described in LMC Section 15-6-4(G) shall be ratified by the Planning Commission within 6 months of this approval and prior to issuance of a building permit for the project.
4. All vehicle access to the site shall be off of Woodside Avenue.
5. Parking Space Allocation within the Parking Area shall be established as a part of the CC&Rs.
6. The basic infrastructure for electronic charges to be installed in the parking lot and for e-chargers to be installed at a later date.
7. An e-bike location should be located somewhere on the site.

Findings of Fact – Plat Amendment – Woodside Park Affordable Housing Phase I

1. The property is located at 1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue in the Historic Residential-Medium Density (HR-M) District.
2. The proposed site location consists of 1333 Park Avenue (“Significant” Single-Family Dwelling), 1353 Park Avenue (the former Park Avenue Fire Station parcel), and 1364 Woodside Avenue (vacant lot).

3. The subject property location currently consists of three (3) existing lots. Existing 1333 and 1353 Park Avenue are each single lots abutting both Park Avenue and Woodside Avenue. Existing 1364 Woodside Avenue consists of Lot 2 of the Sernyak Subdivision which was approved and recorded at Summit County in 2005.
4. The proposed Plat Amendment creates a three-lot (3-lot) subdivision from three (3) existing lots.
5. Existing 1364 Woodside Avenue and 1353 Park Avenue will be combined to create Lot 1. Existing 1333 Park Avenue will be subdivided halfway between Park Avenue and Woodside Avenue to create Lot 2 (abutting Park Avenue) and Lot 3 (abutting Woodside Avenue).
6. A portion (74.3 square feet) of the western boundary of existing 1353 Park Avenue will be dedicated as Right-of-Way for Woodside Avenue.
7. The east-west Access and Utility Easement will run along the southern boundary of Lot 1 and the northern boundary of Lots 2 and 3.
8. The Plat Amendment application was submitted on January 10, 2017 for the Woodside Park Subdivision - Phase I. The application was deemed complete on February 15, 2017 after staff worked with the applicant on the requirements for the submittal.
9. The minimum lot width in the HRM District is 37.5 feet; the lot width of Lot 1 will be 100.99 feet (east boundary) and approx. 167.5 feet (west boundary). The lot width of Lot 2 and Lot 3 is 41 feet each.
10. Per LMC 15-6-5(C) MPD Requirements - Setbacks, the minimum Setback around the exterior boundary of an MPD shall be twenty-five feet (25') for Parcels greater than one (1) acre in size. The Woodside Park Affordable Housing Phase I MPD area is less than one (1) acre in size, therefore, the applicant is requesting that the setbacks be reduced to that of the Zone Setbacks for all Uses.
11. For lots over 75 feet in depth, the required Front Yard Setback for the Single-Family Dwellings and the Parking Lot is 15 feet in the HRM Zoning District.
12. As a part of the Master Planned Development application, the applicant is requesting an additional Front Yard setback reduction for the two (2) Single-Family Dwellings located on Lot 1 abutting Park Avenue. The two (2) Single-Family Dwellings on Lot 1 are proposing 10 feet rather than the Zone required 15 feet Front Yard Setback which is consistent with many of the existing single-family dwellings on Park Avenue (including the neighboring "Significant" Single-Family Dwelling located at 1359 Park Avenue). No additional density is achieved by the decreased setback and all other requirements will still be met.
13. As a part of the Master Planned Development application, the applicant is requesting an additional Front Yard setback reduction for one (1) Parking Space of the Parking Lot abutting Woodside Avenue on Lot 1. The minimum Front Yard Setback for a Parking Lot is 15 feet in the HR-M Zoning District. The applicant is

proposing a Front Yard Setback for the Parking Lot of 15 feet on the south and 12 feet 8 inches on the north. Parking Space 13 encroaches into the Front Yard Setback by a maximum of 2 feet 4 inches. The Parking Requirement for the entire project requires that the Parking Lot provide 11.5 Parking Spaces (for complete Parking Analysis, please reference the MPD Staff Report in this Planning Commission Meeting Packet); therefore, Parking Space 13 is not required to fulfill a Parking Requirement.

14. If the Lot depth is 75 feet or less, then the minimum Front Yard 10 feet.

15. The required Front Yard Setback for the Multi-Unit Dwelling is 20 feet.

16. The required rear yard setback for the Single-Family Dwellings and the Parking Lot is 10 feet in the HRM District. The applicant is proposing a 10-foot rear yard setback for the Single-Family Dwellings and Parking Lot.

17. The required side yard setback for the Single-Family Dwellings is 5 feet in the HRM District. The applicant is proposing a minimum of 5 feet side yard setbacks for the Single-Family Dwellings.

18. The required side yard setback for the Multi-Unit Dwelling and Parking Lot is 10 feet in the HRM District. The applicant is proposing a minimum of 10 feet side yard setbacks for the Multi-Unit Dwelling and Parking Lot.

19. A single-family dwelling is an allowed use in the HRM Zoning District.

20. A Parking Lot and Multi-Unit Dwelling are Conditional Uses in the HRM Zoning District. The Conditional Use Staff Reports can be found within this Planning Commission meeting packet.

21. Staff finds good cause for this Plat Amendment as the proposed subdivision will create the necessary lot configurations for a compatible infill of Affordable Housing in the Historic District.

22. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet requirements of the Soils Ordinance.

23. The Planning Commission reviewed and continued this Plat Amendment application on July 12th, 2017 and July 26th, 2017.

24. On June 28th, 2017, July 12th, 2016, August 9th, 2017 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on June 24th, 2017, July 8th, 2017, and August 5th, 2017 according to requirements of the Land Management Code.

25. Property is located in a FEMA Flood Zone A.

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

Conclusions of Law – Plat Amendment – Woodside Park Affordable Housing Phase I

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Plat Amendment – Woodside Park Affordable Housing Phase I

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The applicant shall dedicate a façade preservation easement to the City for the historic structures at 1333 and 1353 Park Avenue following their restoration and prior to sale of the historic buildings to private property owners.
4. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Final construction must comply with requirements of the Soils Ordinance.
5. The applicant shall show and label their easement with Snyderville Basin Water Reclamation District (SBWRD) on the plat amendment.
6. A ten feet (10') wide public snow storage easement will be required along the Park Avenue and Woodside Avenue frontage of the property.
7. No vehicular access or curb cuts are allowed from Park Avenue.
8. Modified 13-D sprinklers,
9. All at grade utility facilities for this development shall be located on the property and not in the adjacent ROW.

Findings of Fact – CUP for Multi-unit dwelling–Woodside Park Affordable Housing Phase 1

1. The proposed site location of the Woodside Park Affordable Housing Project – Phase I, consists of 1333 Park Avenue ("Significant" Single-Family Dwelling), 1353 Park Avenue (the former Park Avenue Fire Station parcel), and 1364 Woodside Avenue (vacant lot).
2. The property is located in the Historic Residential-Medium Density (HR-M) Zoning District.

3. Per LMC 15-2.4-2(B) Conditional Uses, a Multi-Unit Dwelling is a Conditional Use. In the HR-M District, Conditional Uses are subject to review according to the Conditional Use Permit Criteria set forth in LMC 15-1-10 and LMC 15-2.4-3 Conditional Use Review (HR-M).
4. The Conditional Use Permit applications were submitted on January 26, 2017 for the Multi-Unit Dwelling and Parking Area (Parking Lot) with five (5) or more spaces. The applications were deemed complete on February 6, 2017.
5. The Multi-Unit Dwelling will contain eight-units (8-units) and will be located at 1354 Woodside Avenue (the current legal address is 1353 Park Avenue).
6. The site is located in a FEMA Flood Zone A.
7. There are eight (8) applications total for the entire scope of Phase I.
8. A Historic District Design Review (HDDR) application has been submitted for the Parking Lot and Multi-Unit Dwelling. The application is under review pending Planning Commission review of the Conditional Use Permits.
9. The applicant has submitted a Plat Amendment application for the Woodside Park Phase I Subdivision creating a 3-lot subdivision. The Multi-Unit Dwelling and Parking Lot will be located on Lot 1 of the proposed Woodside Park Phase I Subdivision.
10. The Lot containing the Multi-Unit Dwelling is 20,752.11 square feet.
11. The Multi-Unit Dwelling will be Deed Restricted affordable housing.
12. The Multi-Unit Dwelling contains eight (8) units. There will be four (4) units ranging from approximately 1177 square feet to 1194 square feet and four (4) units ranging from approximately 258 square feet to 265 square feet.
13. In total, the entire Woodside Park Affordable Housing Project requires 13.5 Parking Spaces to fulfill the Parking Requirement. Two (2) of the required 13.5 Parking Spaces will be provided on Lot 3 as a part of the Single-Family Dwelling design at 1334 Woodside Avenue. The Parking Lot will then fulfill the remaining 11.5 Parking Spaces. The Multi-Unit Dwelling requires ten (10) Parking Spaces. The Parking Lot contains a total of 13 Parking Spaces.
14. There are no unmitigated impacts to LMC 15-1-10(E)(1) Size and location of the site, as the Lot containing the Multi-Unit Dwelling is 20,752.11 square feet. Per LMC 15-2.4-4 Lot And Site Requirements, Developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, height, parking, Open Space, and architectural requirements must be met.
15. There are no unmitigated impacts to LMC 15-1-10(E)(2) Traffic considerations including capacity of the existing Streets in the Area, as the proposed design meets the requirements for parking and the proposed Density of the entire MPD Project, is less than what is permitted under the LMC.
16. There are no unmitigated impacts to LMC 15-1-10(E)(3) Utility capacity, the applicant has submitted a Utility Plan and reached out to local utility agencies for

their initial review. No issues have been identified at this time.

17. There are no unmitigated impacts to LMC 15-1-10(E)(4) Emergency vehicle access as Emergency vehicles will access the site directly from Woodside Avenue and Park Avenue. No issues have been identified at this time. The access easement will be thickened concrete capable of supporting emergency vehicles.

18. There are no unmitigated impacts to LMC 15-1-10(E)(5) Location and amount of off street parking, as the Parking Lot contains a total of 13 Parking Spaces.

19. There are no unmitigated impacts to LMC 15-1-10(E)(6) Internal vehicular and pedestrian circulation system, as Vehicular access to the site is from Woodside Avenue, a public road. Pedestrian access is from Woodside Avenue and Park Avenue. The project scope includes an Access Easement running east-west which will link the City Park and Park Avenue bus stops to Woodside Avenue, eventually creating a pedestrian thoroughfare to Park City Mountain Resort after Phase II is completed.

20. There are no unmitigated impacts to LMC 15-1-10(E)(7) Fencing, Screening and landscaping to separate the Use from adjoining Uses, as Fencing and/or screening has been proposed for the Parking Lot.

There are no unmitigated impacts to LMC 15-1-10(E)(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots, as the proposed Multi-Unit Dwelling has broken up the perceived Building mass and bulk by adding articulation in the west (front) façade. The Building, as viewed from the exterior, has been broken up into smaller modules to appear like a series of smaller buildings rather than a large mass.

21. There are no unmitigated impacts to LMC 15-1-10(E)(9) Usable Open Space, as the proposal complies with the Open Space requirement as 14,119 square feet has been provided which equates to 52.41%.

22. There are no unmitigated impacts to LMC 15-1-10(E)(10) Signs and lighting, as the project has not yet proposed any signs for the project. The HR-M District allows signs as provided in the Park City Sign Code, Title 12.

23. There are no unmitigated impacts to LMC 15-1-10(E)(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, as the proposed design is architecturally compatible with all surrounding structures.

24. There are no unmitigated impacts to LMC 15-1-10(E)(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site, as the applicant will be required to meet all standards and codes in regards to mechanical systems. Mechanical factors beyond normal scope are not expected from a project of this type.

25. There are no unmitigated impacts to LMC 15-1-10(E)(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas, as the Service area (which would include trash receptacles) is located near the

Parking Lot in an enclosed structure. Delivery and service vehicles outside of trash collection are not anticipated.

26. There are no unmitigated impacts to LMC 15-1-10(E)(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, as this Multi-Unit Dwelling and Single-Family Dwelling abutting Park Avenue are expected to be deed restricted as a Condominium Project under individual ownership and will be compliant with the Affordable Housing Resolution. The Parking Lot will facilitate parking spaces for these structures.

27. There are no unmitigated impacts to LMC 15-1-10(E)(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site, as the site is not located within the Sensitive Lands Overlay District.

28. There are no unmitigated impacts to LMC 15-1-10(E)(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding, as the proposed MPD fulfills the following Goals, Objectives, and/or Implantation Strategies of the General Plan.

29. There are no unmitigated impacts to LMC 15-2.4-3(A) as the proposed Parking Lot has been screened in such a manner to mitigate any negative visual impacts from the Public Right-of-Way.

30. There are no unmitigated impacts to LMC 15-2.4-3(B) as the Parking Lot will be constructed on vacant lots. No Historic Structures are physically impacted by the Conditional Uses.

31. There are no unmitigated impacts to LMC 15-2.4-3(C) as the Multi-Unit Dwelling is new construction.

32. There are no unmitigated impacts to LMC 15-2.4-3(D) as the Multi-Unit Dwelling complies with the Design Guidelines for New Construction, specifically the Universal Guidelines and the Mass, Scale, and Height provisions of B. Primary Structures. The scale and height of the proposed building follows the predominant pattern of the neighborhood, especially with the use of the 12:12 pitch roof form.

33. There are no unmitigated impacts to LMC 15-2.4-3(E) as the Parking for this CUP is based on the size of the units as indicated table LMC 15-3-6.

34. There are no unmitigated impacts to LMC 15-2.4-3(F) as the applicant has proposed ample vegetative screening for the Parking Lot which can be seen in the Landscape Plan (Sheet MPD-L200 in Exhibit A) and the Architectural Drawings for the Parking Lot.

35. There are no unmitigated impacts to LMC 15-2.4-3(G) as the applicant is proposing a six foot (6') fence which is intended to screen the Parking Lot and internal areas of the development from the residential property owners to the north of the subject property. In addition, the applicant is proposing a four foot (4') fence which is intended to screen the Parking Lot from view from the Public Right of Way.

36. There are no unmitigated impacts to LMC 15-2.4-3(H) as the proposed utility equipment and service areas are enclosed and screened.
37. The Planning Commission reviewed and continued the Conditional Use Permit applications on July 12th, 2017 and July 26th, 2017. There was no discussion from the Planning Commission regarding the Conditional Use Permits at either of the meetings.
38. On June 28th, 2017, July 12th, 2016, August 9th, 2017 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on June 24th, 2017, July 8th, 2017, and August 5th, 2017 according to requirements of the Land Management Code.
39. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – CUP for Multi-Unit Dwelling-Woodside Park Affordable Housing

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling as established by the LMC 15-1-10 and LMC 15-2.4-3(E) Conditional Use Review (HR-M).
2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – CUP for Multi-Unit Dwelling-Woodside Park Affordable Housing

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. A landscape plan is required to be submitted with the building permit. Changes to an approved landscape plan must be reviewed and approved by the Planning Department prior to landscape installation.
5. This approval will expire on July 12, 2018, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
6. Recordation of the Plat is required prior to building permit issuance.
7. Modified 13-D fire sprinkler system is required.

8. Any modification of approved unit layout which changes the number of bedrooms configuration or unit size will require amendment to Conditional Use Permit.
9. An approved tenant/owner parking management plan is required prior to building permit issuance that limits the occupant's vehicles per unit to those required in the LMC. Said plan must include a deed restriction and responsible party for enforcement.
10. All above grade utility facilities shall be located on the property and properly screened.

Findings of Fact – CUP for parking area of five spaces or more

1. The proposed site location of the Woodside Park Affordable Housing Project – Phase I, consists of 1333 Park Avenue (“Significant” Single-Family Dwelling), 1353 Park Avenue (the former Park Avenue Fire Station parcel), and 1364 Woodside Avenue (vacant lot).
2. The property is located in the Historic Residential-Medium Density (HR-M) Zoning District.
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3. Per LMC 15-2.4-2(B) Conditional Uses, a Parking Area with five (5) or more spaces (Parking Lot) is a Conditional Use. In the HR-M District, Conditional Uses are subject to review according to the Conditional Use Permit Criteria set forth in LMC 15-1-10 and LMC 15-2.4-3 Conditional Use Review (HR-M).
4. The Conditional Use Permit application was submitted on January 26, 2017 for the Parking Area (Parking Lot) with five (5) or more spaces. The application was deemed complete on February 6, 2017.
The Parking Lot will be located at 1364 Woodside Avenue and will contain 13 Parking Spaces. The site is located in a FEMA Flood Zone A.
5. There are eight (8) applications total for the entire scope of Phase I.
6. A Historic District Design Review (HDDR) application has been submitted for the Parking Lot. The application is under review pending Planning Commission review of the Conditional Use Permits.
7. The applicant has submitted a Plat Amendment application for the Woodside Park Phase I Subdivision creating a 3-lot subdivision. The Parking Lot will be located on Lot 1 of the proposed Woodside Park Phase I Subdivision.
8. The Lot containing the Parking Lot is 20,752.11 square feet.
9. In total, the entire Woodside Park Affordable Housing Project requires 13.5 Parking Spaces to fulfill the Parking Requirement. Two (2) of the required 13.5 Parking Spaces will be provided on Lot 3 as a part of the Single-Family Dwelling design at 1334 Woodside Avenue. The Parking Lot will then fulfill the remaining 11.5 Parking Spaces. The Multi-Unit Dwelling requires ten (10) Parking Spaces. The Parking Lot contains a total of 13 Parking Spaces.

10. The proposal complies with the Conditional Use Criteria set forth in LMC 15-1-10 and LMC 15-2.4-3 Conditional Use Review (HR-M).
11. There are no unmitigated impacts to LMC 15-1-10(E)(1) Size and location of the site, as The Lot containing the Parking Lot is 20,752.11 square feet. All Setbacks, height, parking, Open Space, and architectural requirements must be met. There is no minimum lot size for the Parking Lot.
12. There are no unmitigated impacts to LMC 15-1-10(E)(2) Traffic considerations including capacity of the existing Streets in the Area, as the proposed design meets the requirements for parking as indicated in the Section E. Off-Street Parking of the Master Planned Development and the proposed Density of the entire MPD Project, is less than what is permitted under the LMC.
13. There are no unmitigated impacts to LMC 15-1-10(E)(3) Utility capacity, the applicant has submitted a Utility Plan and reached out to local utility agencies for their initial review. No issues have been identified at this time.
14. There are no unmitigated impacts to LMC 15-1-10(E)(4) Emergency vehicle access as Emergency vehicles will access the site directly from Woodside Avenue and Park Avenue. No issues have been identified at this time. The access easement will be thickened concrete capable of supporting emergency vehicles.
15. There are no unmitigated impacts to LMC 15-1-10(E)(5) Location and amount of off street parking, as the Parking Lot contains a total of 13 Parking Spaces.
16. There are no unmitigated impacts to LMC 15-1-10(E)(6) Internal vehicular and pedestrian circulation system, as Vehicular access to the site is from Woodside Avenue, a public road. Pedestrian access is from Woodside Avenue and Park Avenue. The project scope includes an Access Easement running east-west which will link the City Park and Park Avenue bus stops to Woodside Avenue, eventually creating a pedestrian thoroughfare to Park City Mountain Resort after Phase II is completed.
17. There are no unmitigated impacts to LMC 15-1-10(E)(7) Fencing, Screening and landscaping to separate the Use from adjoining Uses, as Fencing and/or screening has been proposed for the Parking Lot.
18. There are no unmitigated impacts to LMC 15-1-10(E)(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots, as the applicant does not exceed the Zone Height for any of the buildings in the Woodside Park Affordable Housing Project – Phase I.
19. There are no unmitigated impacts to LMC 15-1-10(E)(9) Usable Open Space, as the proposal complies with the Open Space requirement as 14,119 square feet has been provided which equates to 52.41%.
20. There are no unmitigated impacts to LMC 15-1-10(E)(10) Signs and lighting, as the project has not yet proposed any signs for the project. The HR-M District allows signs as provided in the Park City Sign Code, Title 12.
21. There are no unmitigated impacts to LMC 15-1-10(E)(11) Physical design and

Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, as the proposed design is architecturally compatible with all surrounding structures.

22. There are no unmitigated impacts to LMC 15-1-10(E)(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site, as the applicant will be required to meet all standards and codes in regards to mechanical systems. Mechanical factors beyond normal scope are not expected from a project of this type.

23. There are no unmitigated impacts to LMC 15-1-10(E)(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas, as the Service area (which would include trash receptacles) is located near the Parking Lot in an enclosed structure. Delivery and service vehicles outside of trash collection are not anticipated.

24. There are no unmitigated impacts to LMC 15-1-10(E)(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, as this Multi-Unit Dwelling and Single-Family Dwelling abutting Park Avenue are expected to be deed restricted as a Condominium Project under individual ownership and will be compliant with the Affordable Housing Resolution. The Parking Lot will facilitate parking spaces for these structures.

25. There are no unmitigated impacts to LMC 15-1-10(E)(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site, as the site is not located within the Sensitive Lands Overlay District.

26. There are no unmitigated impacts to LMC 15-1-10(E)(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding, as the proposed MPD fulfills the following Goals, Objectives, and/or Implantation Strategies of the General Plan.

27. There are no unmitigated impacts to LMC 15-2.4-3(A) as the proposed Parking Lot has been screened in such a manner to mitigate any negative visual impacts from the Public Right-of-Way.

28. There are no unmitigated impacts to LMC 15-2.4-3(B) as the Parking Lot will be constructed on vacant lots. No Historic Structures are physically impacted by the Conditional Uses.

29. There are no unmitigated impacts to LMC 15-2.4-3(C) as the Parking Lot is new construction.

30. There are no unmitigated impacts to LMC 15-2.4-3(D) as the carport and Parking Lot comply with the Design Guidelines for New Construction, specifically the Universal Guidelines and the Mass, Scale, and Height provisions of B. Primary Structures.

31. There are no unmitigated impacts to LMC 15-2.4-3(E) as the Parking for this CUP is based on the size of the units as indicated table LMC 15-3-6.

32. There are no unmitigated impacts to LMC 15-2.4-3(F) as the applicant has proposed ample vegetative screening for the Parking Lot which can be seen in the Landscape Plan (Sheet MPD-L200 in Exhibit A) and the Architectural Drawings for the Parking Lot.

33. There are no unmitigated impacts to LMC 15-2.4-3(G) as the applicant is proposing a six foot (6') fence which is intended to screen the Parking Lot and internal areas of the development from the residential property owners to the north of the subject property. In addition, the applicant is proposing a four foot (4') fence which is intended to screen the Parking Lot from view from the Public Right of Way.

34. There are no unmitigated impacts to LMC 15-2.4-3(H) as the proposed utility equipment and service areas are enclosed and screened.

35. The proposed Parking Lot complies with the maximum height requirement of the HRM.

36. The proposed Parking Lot complies with the minimum Front Yard, Rear Yard, and Side Yard Setbacks.

37. The Planning Commission reviewed and continued the Conditional Use Permit applications on July 12th, 2017 and July 26th, 2017. There was no discussion from the Planning Commission regarding the Conditional Use Permits at either of the meetings.

38. On June 28th, 2017, July 12th, 2016, August 9th, 2017 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on June 24th, 2017, July 8th, 2017, and August 5th, 2017 according to requirements of the Land Management Code.

39. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – CUP for five parking spaces or more

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria for a Parking Area as established by the LMC 15-1-10 and LMC 15-2.4-3(E) Conditional Use Review (HR-M).
2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – CUP for parking area of five spaces or more.

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. A landscape plan is required to be submitted with the building permit. Changes to an approved landscape plan must be reviewed and approved by the Planning Department prior to landscape installation.
5. This approval will expire on July 12, 2018, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
6. Recordation of the Plat is required prior to building permit issuance.
7. Modified 13-D fire sprinkler system is required.
8. Any modification of approved unit layout which changes the number of bedrooms configuration or unit size will require amendment to Conditional Use Permit.
9. An approved tenant/owner parking management plan is required prior to building permit issuance that limits the occupant's vehicles per unit to those required in the LMC. Said plan must include a deed restriction and responsible party for enforcement.
10. All above grade utility facilities shall be located on the property and properly screened.

7. **227 Main Street – Appeal of Planning Director's determination that the site at 227 Main Street was not current in their assessment to the Main Street Parking Special Improvement District and does not comply with Land Management Code (LMC) 15-2.6-9(D) Pre-1984 Parking Exception.**
(Application PL-17-03619)

Chair Strachan noted that this item was a quasi-judicial hearing. He outlined the procedure for this type of hearing, and pointed out that because this was not a legislative hearing public input is allowed.

Planner Grahn reported that the Planning Department was currently reviewing a Historic District Design Review application for the Star Hotel on Main Street. As part of the review they had to determine whether or not it complied with the Land Management Code. One of the issues being determined was whether or not it complied with parking. There is currently no parking on the site and the Planning Director made a determination that the applicant did not comply with LMC 15-2.69(D), as there was no evidence that the previous owners, the Rixey's, had made a payment in full to the 1984 parking assessment. Both the Staff and the applicant had provided exhibits with documentation about the parking assessment.

Planner Grahn stated that the Planning Commission has the responsibility to review the appeal as presented in the Staff report, and determine whether or not the Planning Director erred in his determination that the parking assessment had not been paid.

Todd Cusick, the manager and owner of Westlake Land, introduced Scott DeGraffenried, legal counsel with Holland and Hart, and Bryan Markkanen with Elliott Work Group.

Mr. Cusick presented a slide showing the first page of the Staff report, and pointed to the red underlining he had done to highlight specific language on the page. Mr. Cusick read the original language in the Staff report, "Planning Commission review of petitions of appeal shall be limited consideration of only those matters raised by the petition, unless Planning Commission, by motion, enlarges the scope of the appeal to accept information on other matters". Mr. Cusick asked if the petition referred to was the petition that Scott DeGraffenried filed on his behalf on July 17th, that was shown as Exhibit B on page 465 of the Staff report. Chair Strachan clarified that it was the Holland and Hall document dated July 17, 2017.

Mr. Cusick wanted it clear that Exhibit B was his petition. Planner Grahn stated that it was the petition appealing the Planning Director's determination. Chair Strachan asked if there were any other petition documents. Planner Grahn was not aware of any other documents.

Mr. Cusick identified what was inside of the petition. Item 1 was the preliminary statement. Item 2 was the statement of facts. The remaining items were issues that they were asking the Planning Commission to look at in their petition. Item 3 was the issue of whether the record was clear on whether or not the assessment was paid. Item 4 was their position that ordinance 5-74 has to be given a chance to work. Item 5 was whether the City has been equitably estopped, from assessing the rights in 5-74. Item 6 was whether the Section 15 fee was not properly measured, and therefore, unenforceable. Item 7 related to the fee framework and whether or not there are constitutional law issues. Item 8 was whether the fee is reasonable. Item 9 was whether the applicant, Westlake Land, should be charged with the fee. Item 10, whether or not there is an exemption that should be in play.

Mr. Cusick stated that in reading the first page of the Staff report and the directions for what should occur this evening, it was evident that there were seven issues to address. He thought the Staff report was very prejudicial, it overly narrows the issues and it is unfair to Westlake Lands as the applicant. For example, page 455 of the Staff report states that, "This appeal is only to decide if the owner established that there was payment in full of the Assessment of the Main Street Special Improvements District prior to January 1, 1984". Mr. Cusick pointed out that based on that statement the Staff believes there is only one issue to be decided this evening. He found that to be a problem because he believed they

needed to deal with six or seven issues. If the Planning Commission read the Staff report and thought they were fully informed, that was not the case. Mr. Cusick hoped that the Commissioners had also read Exhibit B, which was the petition document, and Exhibit A, which was Director Erickson's decision.

Mr. Cusick indicated other places he had underlined in the Staff report that he thought were leaps of logic. He reiterated that the language falsely says that the only issue for discussion was whether or not the payment was made. The language then leaps into several things that need to occur because there is no proof of payment. Mr. Cusick felt there were giant leaps of logic in the Staff report that were not true. It references LMC 15-3. He read from 15-3.2, "If any land, structure, or use is changed to create more off-street parking, the owner must provide such additional off-street parking for the new use". Mr. Cusick emphasized "if anything has changed". He stated that the Planning Commission would find out later in their presentation that they were not increasing parking with the proposal that has gone through the public comment period. Mr. Cusick stated that if you use the word "more", there has to be something to compare it to. That means they need to measure where they are right now to see if they are "more" in what they propose. He pointed out that Mr. DeGraffenried would explain where they are right now, and give the actual numbers. Mr. Cusick believed it was about a 60% decrease; not more.

Mr. Cusick stated that he objected to the way this appeal was framed, including the way the agenda was written. According to the agenda, the only item was whether or not the prior owner, Mrs. Rixey, wrote a check.

Mr. Cusick provide a brief background to help the Planning Commission understand his experience with this project. Over time he has been the owner of 205 Main Street, 221 Main Street and 227 Main Street. To put it in visual context, 205 is the new condominium project that was built in the pocket park area in between the Grappa and the Imperial. The next one, 221 Main Street is the Imperial. The next one is 227 Main Street, the Star Hotel. Mr. Cusick stated that he purchased the Star hotel because it was an eyesore. Mr. Rixey's son had no interest in doing anything with the property and it was an eyesore. He bought it because he wanted to improve the area.

Mr. Cusick remarked that one of the issues at hand was whether or not he, as the purchaser and landowner of the property, had sufficient notice about the issue they were here to talk about tonight. He bought the Imperial at 221 Main in July of 2013. Within six months he could see that 227 was going to be a problem for his property value. He struck up a friendship with Mr. Rixey, they worked a deal and he purchased the property. Mr. Cusick stated that when he bought 221 Main there was a note on his title report. He presented a slide of the title report and had underlined the only issue that was on the title report was the entry, "affidavit confirming ordinance levying the assessment of Main

Street...” He noted that it was Ordinance 5-74, as stated in their petition. Mr. Cusick stated that Ordinance 5-74 comes to life for him as an owner, through Entry 231175. When he received the notice he called Park City to ask what it was. He was told that it was the Special Improvement District where they built the Brew Pub. Other things were done to Main Street and those places had a place to park because they built the Brew Pub parking lot. Mr. Cusick stated that after that conversation he started looking through it in detail, and he was prepared to do the same for the Planning Commission this evening. He emphasized that 231175 was his notice about this issue, and he believed that any reasonable person could only come to the conclusion that 227 Main Street, the Star Hotel, followed ordinance 5-74 by what is public record and by what he was given as notice. Mr. Cusick thought it was important to understand that he had already gone through this once when he purchased 221 Main. He clarified that it was the only thing on his title report. There was nothing else regarding this problem.

Mr. Cusick presented the Star Hotel title report, which was included in the Staff report. He noted that the underlined area was an exact replica of what was on the title report for the Imperial. As a property owner, he assumed that because it was in the same district and they were neighboring properties, the issues were the same and the properties were taxed the same. He noted that 231175 was recorded 2/28/85. Mr. Cusick gave his interpretation from reading 231175. In 1974 there was Ordinance 5-74. The City raised taxes on certain people and levied taxes against these properties and built a parking lot, in addition to curb and gutter and other improvements on Upper Main Street. Those properties benefitted and it was fair to tax these properties to use the facilities. Mr. Cusick pointed out that it was 11 years later when it was recorded. He noted that Item 5 gives a clue that in 1974 the recordkeeping was inept and the records did not exist. In order to preserve the clarity of the records, it was recorded so everyone was clear on what was done.

Mr. Cusick skipped further down in the document to the page book 333, page 97. Leading up to that page and to the underlined portion the document explained why they were taxing, what they were building and how the property owners would pay. On the question of what happens if someone did not pay, Mr. Cusick read from 333 97, “Default in the payment of any installment of principle or interest when due shall cause the whole of the unpaid principle and interest to become due and payable immediately, and the whole amount of the unpaid principle shall thereafter draw interest at the rate of 10% per annum until paid, but at any time prior to the date of sale or foreclosure, the owner may pay the unpaid amount of all unpaid installments past due with interest at the rate of 10% per annum to date of payment on the delinquent installments, and approved costs, and shall thereupon be restored to their right thereafter to pay in installments in the same manner as if default had not occurred.” Mr. Cusick stated

when he read the document he thought it was clear that they were taxed, and for non-payment the City would place a lien and foreclose.

Mr. Cusick stated that he looked at the title report for 221 Imperial and there were no liens or foreclosures. He therefore was left to assume that the taxes had been paid on the Imperial. Parking spaces were allocated across the street and all these years later they were still parking there. Mr. Cusick stated that six months later he purchased the Star and there was the same entry. He checked the title report and there was no lien and no foreclosure. He remarked that 221 Main and 227 Main are neighbors and they have identical title reports with the respect to the issue being discussed this evening. He stated that the Staff report suggests that he had notice that the entry 231175 meant one thing for the Star and the opposite for the Imperial. Mr. Cusick noted that he learned today that the Imperial had paid and there was no issue with that property. Mr. Cusick believed any reasonable person would assume that the Star Hotel had also paid because there was no lien and no foreclosure. Both properties are identical in that respect.

Mr. Cusick clarified that he did not learn that the Star had an issue until a few months ago. He noted that earlier this year the Star went under contract and the contracted party was going through due diligence. He called the City and talked to a Staff member who told him there was no parking for the property and a \$900,000 assessment was due. Mr. Cusick received a letter from that person's attorney threatening to sue him for hiding an unpaid tax assessment on the property. That was how he learned about this problem. There was no other way he would have known that money was owed.

Chair Strachan asked when the potential buyer of the Staff first approached Mr. Cusick about this issue. Mr. Cusick recalled that it was April or May. Chair Strachan wanted to know when the potential buyer made the call to the City. Mr. Cusick believed it was within moments before he contacted him because he was very angry. Mr. Cusick clarified that it was in the Spring of this year but he could not remember the exact timing.

Mr. Cusick stated that yesterday he received additional documents that were supposed to imply that he should have had notice of this issue. He noted that the documents were included in the Staff report and acknowledged that he may have received them earlier but he did not see them until yesterday. One example was on page 450 of the Staff report. The language states that Craig Smith, the Recorder, recorded a document showing who had paid and who had not paid. Mr. Cusick presented the document 232209, and noted that 232209 did not show up on either title of either property. He had no idea where it was recorded. The Staff report represents that it was recorded and implies that he should have known. He scrolled further down and showed Block

12, Park City Survey Lots 3-6, 9-16. Mr. Cusick noted that Lots 7 and 8 were missing, which were his property. If he had seen that document, he would have noticed that his lots were missing and questioned it. He reiterated that he saw it for the first time yesterday, four years after he purchased the property. Mr. Cusick emphasized that it was not public record to him and it was not recorded on PC-194, and it was not recorded on PC-193, which is the Imperial. He was unsure where it was recorded but it was not on either title report.

Mr. Cusick referred to another document dated May 2, 1983 that he saw for the first time yesterday.

Scott DeGraffenried, legal counsel, stated that when Mr. Cusick refers to documents that were received yesterday, in Director Erickson's determination that was issued on July 6th, it referenced in its factual analysis a number of documents; however, none of those documents were included in the determination itself. Mr. DeGraffenried stated that he submitted a GRAMA request asking that all those documents referenced in Director Erickson's determination be provided. Those are the documents they received yesterday.

Assistant City Attorney McLean recalled that the City received the GRAMA request on August 10th and it was fulfilled on August 17th. Mr. DeGraffenried clarified that he was not disputing that the request was fulfilled timely. His point was that the documents were referred to in the determination letter but they were not attached to the determination letter.

Mr. Cusick stated that there was a question as to whether the documents were complete. In going through the documents with Mr. DeGraffenried, it appears that some of the documents are missing.

Mr. Cusick presented another document PC-193, Lots 7 and 8. He noted that there was an implication that it was public record or recorded on the property. The first time he saw it was last night. He again represented that it was not on the title report. Mr. Cusick noted that it was a letter from LuAnn Antonio, who was the City Treasurer, explaining to the Rixey's that they had not paid the taxes and they owed the past due balance plus 10%. Mr. Cusick read from 5-74, "but at any time prior to the date of sale or foreclosure, the owner may pay the amount of all unpaid installments past due with interest at the rate of 10%....if they do, and shall be thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not occurred." Mr. Cusick used the hypothetical that maybe Mrs. Rixey bounced the check or did not write the check. If that were the case, based on the language in the ordinance, he should be able to pay the amount owed as her successor. The ordinance says at any time in the

future. Mr. Cusick noted that he has offered payment several times and no one will take it. He calculated it at 10% interest and the total is approximately \$7800. He offered to pay it this evening.

Mr. Cusick noted that an issue was identified in the Staff report and the position has been taken that a subsequent code obliterates this ordinance. He read from the Park City Code, "Nothing in this Code or the Ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of the following; any appropriation ordinance or ordinance providing for the levy of taxes". He stated that Ordinance 5-74 is exactly that; levying a tax. Mr. Cusick remarked that the Code cannot trample the old Ordinance, and as the successor to Mrs. Rixey he should be able to write the check and resolve the issue.

Mr. Cusick referred to page 453 of the Staff report. He read, "In-lieu fees are not mandatory but optional when the property owner decides not to build the required parking on their private property". He thought that language implied that he decided not to build parking on 227 Main Street.

Mr. Cusick stated that he disputed the determination that the Star Hotel is historic because after two years of research he found that the existing building is not the same building that was there in the 1920s, 1930s and 1940s. He believed the tax photos show that it was a different building. Mr. Cusick stated that when he first bought the Star Hotel he was told that it was a historic property. However, after looking inside the structure he questioned what he saw. He contacted the owner, William Rixey Jr., and asked him about the property. Mr. Rixey told him that his parents ripped off the façade in 1976 and his dad built his own version. Mr. Rixey signed an affidavit to that effect, and the photographic evidence and sworn testimony all leads to the same conclusions. Mr. Cusick stated that when he started to tear down the sheetrock inside, Mrs. Rixey had made notes about the fact that in 1976 Charles Mast Construction removed the façade and put up another one. The Park Record had pictures of the half removed façade in the process. Mr. Cusick stated that he and William Rixey were going through Mrs. Rixey's things and he found a box under her bed that had the tax photo.

Assistant City Attorney McLean pointed out that the historic designation of the Star Hotel was not an issue this evening. She advised the Planning Commission that discussion regarding that was outside their purview. The determination of Significance was determined by the Historic Preservation Board. Their decision was appealed to the Board of Adjustment, and their decision has been appealed to the District Court.

Mr. Cusick clarified that he did not expect the Planning Commission to take it into consideration, but he asked them to follow him through his experience. Mr. Cusick

returned to the picture which he believed was the old tax photo that Ms. Rixey had taken from the courthouse in Coalville. Mr. Cusick pointed to the bottom level and noted that William Rixey has said that those were garages. He thought they appeared to be garages because the photo showed ramps in front of them. Mr. Rixey also told him that he cleaned out the garages when he was a kid, but it was eventually changed into an office and other things over the years. Mr. Cusick stated that when he first tried to recreate what was originally there, he submitted a plan from JZW Architecture, which also included the garages. At that time, he was told that he could not have the garages because he could not have a curb cut. Mr. Cusick stated that he went back and forth between Engineering and Planning and the result was that he did not have the choice to build a garage because he could not get a curb cut. Mr. Cusick objected to the concept that he chose not to provide parking.

Mr. Cusick stated that he took his plans to the former Planning Director, and his only suggestion was that since Mr. Cusick owned 205, 221 and 227 Main Street, he could exit the 205 Main Street garage, tunnel underneath the building at 227 Main Street and enter that way. Mr. Cusick noted that he refused to tunnel under a 114-year-old hotel, and since that was the only option he did not do the garage.

Mr. Cusick stated that he has tried to make this work for four years and he was running out of patience and time. He did all he could to work with the Staff, and he did not believe the Staff report was fair to this issue. He emphasized that the issues were Director Erickson's determination found in Exhibit A, and Scott DeGraffenried's response found in Exhibit D. He reiterated that there were many more issues than just whether Mrs. Rixey had paid the tax assessment.

Mr. Cusick asked Bryan Markkanen, the project architect with Elliott Work Group, to explain that what is currently proposed is not an increase that 15-3.2 suggests triggers this issue; and it is actually a decrease.

Mr. Markkanen reviewed a few scenarios that they tried to put together for the parking. The first was the floor area ratio, which is typical to historic buildings in the Main Street area. With a 1.5 FAR on the lot of this size calculates to 5625 square feet. There are a number of ways to calculate that number, starting with 17 spaces on the basic calculation for retail and office, up to 57 if the entire building is turned into a restaurant. Mr. Markkanen noted that it would be difficult to achieve, and the building was not historically used for that use. He stated that applying the existing conditions or the historic use of a hotel, he calculated a restaurant and hotel, using the FAR calculation, as 36 spaces.

Mr. Markkanen stated that for the second scenario they used existing conditions in the current Code. One scenario was using the building as a hotel and the second was using the building as a hotel plus a hostel. The top level was used as a bunk room, and the entire building could be conceivably labeled as a hostel, or it could be used as a hotel. The difference between the two was two spaces, ranging from 33 to 35 spaces.

Mr. Markkanen commented on the existing conditions per Section 15-26.9, and noted that if they rebuilt the building in the same shape and exactly as it stands today, the parking would not be reduced or increased and they would be allowed 32 spaces.

Mr. Markkanen remarked that the proposal that was submitted for the HDDR, which was not part of this discussion this evening, proposed a plan that had more square footage and doubled the square footage of the actual building. However, the use was mostly residential with retail or restaurant on the bottom. It decreased the amount of the parking spaces from over 30 spaces down to 15 to 17 spaces. He pointed out that by increasing the square footage and changing the use, they were reducing the demand of parking on the street. Based on those calculations, Mr. Markkanen thought they should be able to move forward without this discussion.

Mr. Cusick wondered why this discussion was even necessary, since the only proposal they made was a drastic reduction in the parking load on the City. Mr. Markkanen had applied the Code in a number of ways and those were his calculations. He pointed out that somewhere between 32 and 36 spaces have been used and business licenses have been issued for over 40 years for that property. The one proposal, which was specific to the buyer that was scared off by the \$900,000 "surprise", was a 15 space usage. It was such a drastic reduction that he questioned why it was even an issue.

Scott DeGraffenried, legal counsel for Westlake Land, stated that he had drafted the petition in Exhibit D being discussed. As a preliminary matter, he wanted to make sure that an adequate record was established for this proceeding in the event they need to go further with respect to appeals. Mr. DeGraffenried reiterated that a number of documents that were referenced in Director Erickson's determination were not included; however, he submitted a GRAMA request those documents as well as multiple other documents, and those had been provided. Mr. DeGraffenried presented the letter he received in response to his GRAMA request. He noted that he had copies of all the documents being discussed this evening that were not included in the Staff report. He offered to leave those with the Legal Department to be included in the record.

Mr. DeGraffenried stated that he had identified four types of request for documents, identified as Sections A through D. He read the City's response to provide the requested documents, and noted that the City matched categorically the documents he

requested. In Section A they provided a number of City Council documents from December 2014. Mr. DeGraffenried believed those were relevant because that is where the current fee-in-lieu of parking was established. It was currently set at \$40,000. He stated that in Section B he asked for any information or documentation demonstrating against whom the parking in-lieu-fee had been assessed. The response was that because it is voluntary, no one has been assessed the fee. Mr. DeGraffenried intended to appeal that because it is a semantical argument. He was only requesting information on who had actually paid the fee. That issue would be addressed in another forum.

Mr. DeGraffenried stated that Section C, matching his request, were all the documents that were referenced in Director's Erickson determination, but were not include. His intention was to put all the documents on the record. He was willing to go through them individually, but given the late hour, he did not believe it was necessary. Mr. DeGraffenried noted that he would refer to some of those documents in his comments this evening.

Mr. DeGraffenried believed Mr. Cusick had highlighted and addressed many of the issues set forth in his brief. He asked if everyone had read the Appeal, which was Exhibit B in the Staff report. The Commissioners answered yes. He remarked that a key issue is the determination of whether the 5-74 assessment was actually paid by the Rixey's. He stated that that Planning Director has asserted that because there is no evidence of payment that in fact it was not paid. Mr. DeGraffenried noted that the Rixey's have passed on and any payment would have been made in the 1970s or early 1980s. He thought it was difficult if not impossible to track any records demonstrating that the payment was made. However, they were not conceding that it was not paid, because there is nothing in the record demonstrating that the City ever enforced that assessment against the Rixey's by way of lien, foreclosure, or any other proceeding. As Mr. Cusick had indicated, one would reasonably conclude that because that never occurred, despite numerous threats that it would occur, that the assessment had in fact been paid. Mr. DeGraffenried stated that when viewing the preponderance of the evidence in its entirety, it is their position that no foreclosure proceedings or liens were ever sought would suggest that it was in fact paid. He reiterated for clarification that they were not conceding that the assessment was not paid.

Mr. DeGraffenried wanted it clear that the issue was not as narrow as suggested in the Staff report in terms of a determination of whether or not the assessment was paid, because other ancillary and salient issues need to be addressed. Further, from a procedural matter, they were appealing the determination. He pointed out that the Planning Commission has been granted quasi-judicial authority, and it was incumbent upon the Petitioner to make sure they address all potential legal arguments in

response. This procedure was a way for them to exhaust their administrative remedies, and if they would be remiss if they did not address all of the arguments. Mr. DeGraffenried did not believe there was any dispute as to whether or not they were entitled to argue the other legal issues.

Mr. DeGraffenried stated that as addressed in his brief, the 5-74 assessment was in fact a tax, because it was imposed upon existing properties, and it granted the City the right to lien those properties in the event that tax was not paid. He cited a case on his brief that provides that it is a special assessment and in fact a tax. Mr. DeGraffenried noted that the Staff report summary suggests that he was stating that it was an impact fee. He clarified that he was actually stating the very opposite; that the 5-74 assessment was a tax and not an impact fee. Mr. DeGraffenried stated that based on how impact fees are defined by case law and by statute in Utah, this fee would seem to be classified as an impact fee. At a minimum, it is not entirely important because it is simply a development exaction. The point he was making was that it is not a tax assessment, but rather a development exaction. Mr. DeGraffenried cited case law in Utah, 128 p3d 1161, which states that 1) development exactions may take the form of one mandatory dedication of land for roads, schools or parks as a condition of plat approval; 2) fees in lieu of mandatory dedication; 3) water or sewer connection fees; 4) impact fees. Mr. DeGraffenried clarified that it was their position that this was in fact a development exaction.

Chair Strachan asked Mr. DeGraffenried which of the four he believed they fall under. Mr. DeGraffenried replied that it was either 2) fees in lieu of mandatory dedication or 4) impact fees. Chair Strachan wanted to know the mandatory dedication. Mr. DeGraffenried replied that if they are not providing parking they have to pay the fee in lieu. Chair Strachan asked if there were any other mandatory dedications. Mr. DeGraffenried was not aware of any. He explained that in takings law there are physical takings, which are eminent domain related issues, or there are regulatory takings, which is a condition imposed upon plan approval, whether it be dedication of land or payment of fees. He believed their issue fell under the category of a regulatory taking.

Mr. DeGraffenried stated that because the 5-74 assessment and the current fee-in-lieu exaction are different mechanisms, they cannot or should not be conflated for purposes of exemption certain people from the fee in lieu. They recognize that the current Code as it was amended in 1984 states that if the 5-74 assessment was not paid before 1984, you are not exempt from the fee-in-lieu. However, as Mr. Cusick indicated, Section 113 of the Code, the Code is explicit in stating that it cannot trump existing ordinances. Therefore, to give effect to both the ordinance and the Code, they have to

allow the default to be cured pursuant to the ordinance, and allow Westlake Land the benefits of having cured that default.

Commissioner Joyce thought Mr. DeGraffenried was implying that the opportunity to pay the money instead of building the parking was different than the fee-in-lieu, which is to pay money instead of building the parking. He was unclear where they were differentiating those two. He noted that Mr. DeGraffenried had described one as a taking, and he had never seen anywhere where anybody described a fee-in-lieu as a taking. Mr. DeGraffenried stated that he was simply suggesting that when it comes to an exaction, that would technically be classified as a taking, whether it be physically taking the property or assessing a fee of this nature. It was not pertinent to his discussion and he did not want to confuse the issue. He explained that the 5-74 assessment was a tax, and the current fee-in-lieu is an exaction.

Mr. DeGraffenried stated that because there is nothing in the record indicating that the property was foreclosed upon; it is there position that the City is equitably estopped from assessing the fee-in-lieu against Westlake Land at this point in time.

Mr. DeGraffenried addressed another key argument, which is how the fee-in-lieu is applied. The Staff report suggests that it is for the benefit of the individual property; however, he wanted to clarify that under Section 11-12-16 of the Code, the purpose of the fee-in-lieu is to pay into a fund for the construction of other parking facilities unrelated to this facility.

Mr. DeGraffenried stated that Utah case law and Federal case law has developed a rough proportionality test in determining whether an exaction is proper. He noted that the same rough proportionality test was articulated in LMC Section 15-1-20. It reads, "Exaction or exactions may be imposed on development proposed and the land use application if: 1) an essential link exists between a legitimate governmental interest and each exaction; and 2) if each exaction is roughly proportionate both in nature and extent to the impact of the proposed development. Mr. DeGraffenried stated that the language in the LMC mirrors Utah Code Section 10-9A-508. He remarked that the test they have to apply is whether the exaction and the impact are related in nature. Namely, whether the solution, ie. the exaction, directly addresses the problem ie. the impact. Mr. DeGraffenried stated that the second element of the test is to determine what the cost to the City would be without the exaction, what the cost of the exaction is for the developer, and whether those two costs are roughly proportionate. He stated that the applicant maintains that it is not proportionate for multiple reasons. Their understanding is that nothing was compelling the City to build those parking facilities at this juncture. The money, in theory, would be paid without ever being expended on those parking facilities. It may be a future plan but to his knowledge it is not compelling

and begs the question of whether the fee is necessary at this juncture. Secondly, it does not account for other sources of funding that can or will be made available. Mr. DeGraffenried referred to the December 11, 2014 City Council meeting minutes that were referenced in the Staff report. He noted that a construction cost analysis was performed by FFKR Architects to determine the construction cost of each of those parking facilities, and that was divided by the number of stalls to come up with an average per stall fee. Mr. DeGraffenried stated that page 15 of the PDF document outlines and identifies where potential structures could be built and the construction cost estimates of what those would be. He noted that the average per stall fee became the fee-in-lieu by ordinance in the December 11 and December 18, 2014 City Council meetings. In conjunction with that, the most recent parking assessment or feasibility study performed by the City was June of 2016, which was the last exhibit to their brief. It suggests that revenue would be potentially generated from new parking facilities that are constructed. That is problematic when analyzing the rough proportionality of the fee in lieu, because simply taking the construction costs and dividing the quotient, being the fee-in-lieu, it does not account for future revenues that might be generated by those parking facilities, which would skew the rough proportionately and make it disproportionate. He pointed out that the cost for those having to pay the fee-in-lieu would be higher than what would be necessary after accounting for any revenues that might be generated for parking. Mr. DeGraffenried stated that those revenues have to be applied as an offset in order to satisfy the roughly proportionate analysis. As explained in their brief, that is a separate application of the fee. He provided a scenario to explain his point and why he believed it was a disproportionate application of the fee-in-lieu, and he was confident that it would not survive judicial scrutiny under any constitutional analysis.

Commissioner Thimm asked for clarification of what came out of this analysis in terms of cost of stalls. Mr. DeGraffenried replied that what came out of the analysis was an average cost of \$40,000 per stall, which is the fee-in-lieu. Commissioner Thimm asked if that converted to the \$1 million Mr. DeGraffenried used in his example. Mr. DeGraffenried stated that it would depend on how many stalls they are obligated to provide. Commissioner Thimm clarified that he was trying to follow the numbers of \$7800, \$40,000, \$900,000, and \$1 million. Mr. DeGraffenried apologized for the confusion and acknowledged that the exact number was unclear and would depend on the number of stalls.

Commissioner Joyce understood that Mr. DeGraffenried was saying that the assessment that was done in 2014 where they calculated the average cost per stall was used that as the basis for a fee-in-lieu. Given where they were in 2014 and based on the current plans, he was unclear whether Mr. DeGraffenried was saying the number was reasonable or unreasonable. Commissioner Joyce stated that what he heard was

that it was the math for what a stall costs, and they would contribute that amount for every stall that was not included for their project. Mr. DeGraffenried stated that he was not arguing the reasonableness of the amount of the fee. He was simply saying that it was not proportionate to the impact that a party might be imposing upon the City. They have to analyze whether impact is proportionate to the exaction that is being charged. He reiterated that the fee was determined by dividing the construction cost by each stall. Commissioner Joyce understood that the impact was not providing parking for the number of people using the building, and the fee-in-lieu is what it would cost the City to provide the necessary parking. Mr. DeGraffenried pointed out that Commissioner Joyce was not factoring in any future revenues that might be generated. Commissioner Joyce clarified that that was his reason for being specific about what existed in 2014. He thought future revenue was a separate question. He pointed out that the fees were set in 2014 and in 2017 the China Bridge and other parking is still free. Nothing has changed. Therefore, the City does not have a source of revenue. Commissioner Joyce noted that 2014 was fairly recent and the fee was mathematically calculated at \$40,000 per stall. He has not heard anything at this point to indicate that the calculation is wrong, other than it may be different in the future. He believed everyone would agree that in the future it may be different. Commissioner Joyce remarked that currently the Code says that it is 40,000 per space. Mr. DeGraffenried argued that it was not proportionate to the impact his client was imposing. In his opinion, the fact that there is so much uncertainty further suggests that it is not proportionate, and there is nothing definitive on what it will ultimately be.

Mr. DeGraffenried again referred to the December 11, 2014 meeting minutes, page 16 of the PDF, and read, "The parking fee-in-lieu has been utilized in the past to provide partial funding for the construction of the China Bridge Garage. Planning and finance records indicate that the fee-in-lieu had not been utilized by developers over the past several years, but interest in the fee in lieu has grown with surge and redevelopment that began in 2014. Year to date, fiscal year 2015, only four parking in-lieu fees have been purchased." He interpreted that to mean that since that provision was enacted in 1984, only four parking stall have been paid for under the fee-in-lieu program. He believed that suggests another disparate application of that fee. Mr. DeGraffenried pointed out that presumably there has been significant development in that area between 1984 and fiscal year of 2015. He was unsure if they were exempted from those fees or how those were applied, but the document suggests that they maybe have not been applied fairly or equitably across the board. Mr. DeGraffenried clarified that he did not have that information and was only going off the meeting minutes.

Chair Strachan asked if it was Mr. DeGraffenried's position that if the previous owner of the Star had paid the fees timely, that it would have still be a disparate impact on that owner based on what they were required to pay for the fee-in-lieu. Mr. DeGraffenried

stated that they were obligated to pay \$2,000 at the time based on the assessment. The fee-in-lieu was not established at that time. Chair Strachan asked whether Mr. DeGraffenried thought the tax assessment had a disparate impact on the Rixey's if they had paid it timely. Mr. DeGraffenried replied that he did not have that analysis and he had no way of knowing how it was calculated.

Todd Cusick stated that from a property owner's standpoint the question is what the Rixey's got out of paying the tax assessment. He understood that the first thing they got was parking across the street. William Rixey said that their stalls were along the wall where the Brew Pub is located. Years later they were given passes, and after several years the passes were taken away.

Commissioner Campbell wanted to know why the signs for the Imperial parking were not removed and why their passes were not taken away. Mr. Cusick stated that when he and William Rixey went through Mrs. Rixey's things he found an email where Mrs. Rickey started complaining to the City that she had parking and her parking was disappearing. The email indicates that she paid an assessment for two parking areas on Swede Alley and she has no place to park. He understood from William Rixey that his mother engaged in a 15-18 year battle over the parking she paid for. Mr. Cusick thought there appeared to be a trade that was reasonable at one where Mrs. Rixey paid \$2,000 for parking stalls and then passes, and it was eventually taken away. Mrs. Rixey passed away before anything was resolved.

Regarding the question on the Imperial, Mr. Cusick stated that when he purchased the Imperial he noticed the 231175 and he started looking at parking. He went to the predecessor on the Imperial, Avenues Communities in Scottsdale, Arizona, and asked them for the history and where they parked. He was told that they parked across the street. They had parking spaces on Main Street but they were taken away when Main Street was unbuilt. The City gave them spaces across the street and at some point passes, but the passes were pulled. When Avenues Communities complained they were granted an encroachment permit across the street. Mr. Cusick explained that when he bought the Imperial in 2014 those spaces were still enforced. He pointed out that clearly 5-74 had some effect and parking was given. He assumed there was a fair trade at one point. However, now he is now told that the parking spaces and the passes were taken away and he has no parking. In addition, he does not have the benefit of curing the default by paying the 10% interest, which was the deal approved by the City Council in Ordinance 5-74. Mr. Cusick reiterated that he was prepared to write a check this evening, and he was willing to round up the estimated \$7800 and write the check for \$8,000. He would also agree to not exceed whatever parking is determined by reasonable measure. Mr. Cusick thought it was a reasonable solution.

Commissioner Suesser asked about the spaces for the Star Hotel and the parking arrangement that Mr. Cusick understood when he purchased that property. Mr. Cusick stated that when he bought the Star Hotel it was never discussed. He started looking into it after it became an issue. Commissioner Suesser asked if there were signs across the street or anything to indicate parking for the Star Hotel. Mr. Cusick replied that the only thing he knew came from William Rixey who told him that there was supposed to be parking along the Brew Pub parking lot wall, but the signs were removed and the passes were taken away.

Mr. Cusick stated that aside from the question of whether or not Mrs. Rixey paid, the City records were disorganized and there was some question as to whether Ordinance 5-74 was enacted properly. The property records were inaccurate, and the only thing recorded was 231175 eleven years later. He thought there was evidence to assume that the accounting records might be incorrect. Mr. Cusick referred a finding of fact in the Staff report that states an assumption that an invoice was found showing that \$620 was owed. He thought that sounded like a reduced amount, and considered the possibility that the Rixey's agreed to a different payment plan. He admitted that no one has the records and he did not believe they would ever be found. For that reason, making a determination would be difficult for both the City and Westlake Lands, which is why he was offering to follow the rules of the ordinance and pay what was owed.

Mr. Cusick read from Item 10 in the petition, "The Planning Commission may recommend to the City Council that new additions to historic structures be exempt from a portion or all parking requirements where the preservation of the historic structure has been guaranteed to the satisfaction of the City." He stated that he was willing to preserve the historic, and the Planning Commission had the purview to exempt the parking. Mr. Cusick thought that was the best solution for everyone concerned. It was already allowed by Code, there was no need to determine whether or not Mrs. Rixey had paid, and it would not have to be litigated in Third District Court. In addition, they would not have to be concerned about the public record that indicates that she must have paid because there is no evidence of liens or foreclosures.

Commissioner Campbell asked if any other properties were liened or foreclosed on. Mr. Cusick was not aware of any that were. It was possible and he would like to know for sure, but he did not believe they would find any record of that occurring. Mr. Cusick clarified that he was not pleased with the decisions by the HPB and the BOA that the Star Hotel was a historic Significant structure, but he accepted that decision and Bryan Markkenan had created a plan that reflects the historic architecture. Commissioner Campbell thought Mr. Cusick was already fighting that decision in District Court. Mr. Cusick replied that it was stayed pending this process because he preferred find a way to resolve the problem.

Mr. DeGraffenried pointed out that the appeal to Third District Court had to be filed to preserve the deadlines so that nothing was waived.

Mr. Cusick stated that he loves the old building and he was glad he found the old photo. He would like to keep what is built there consistent with what they see in that photo. However, for four years he has been told no on everything he has tried to do to provide parking.

Commissioner Joyce asked what Mr. Cusick thought he had for parking when he purchased the Star Hotel if William Rixey told him that the parking and the parking passes were taken away. Mr. Cusick replied that he spoke with William Rixey long after he purchased the property, and it took months before he was able to convince Mr. Rixey to go through his mother's things. That was when he found the email Mrs. Rixey wrote to the City, which confirms his belief that the assessment had been paid.

Chair Strachan asked Mr. Rixey when he purchased the Imperial. Mr. Cusick stated that he purchased the Imperial in July 2013. That was when he went through the process with Ms. Trotter at the City and she sent him 231175. He read it with her on the phone and she told him that it was apparent that during that time the City had not kept accurate records and eleven years later decided that they needed to produce a documents. It was clear that the property was taxed and if the taxes were not paid the property would be liened. There was no lien. When he got the title report six months later for purchasing the Star Hotel, it had the exact same entry and there were no liens.

Commissioner Thimm asked if anyone had approached the title company to determine whether they may have overlooked something in the record. Mr. Cusick replied that he had approached the title company and they were quite defensive about being accurate.

Director Erickson asked Mr. Cusick how he determined he needed parking for 205 Main Street at the same time he was figuring out the parking for the Imperial. Director Erickson pointed out that Mr. Cusick had gone through the regulatory process on 205 Main Street and had to provide parking. Mr. Cusick stated that when he purchased the 205 property the project was nearly done. Elliott Workgroup had already gone through the process with a previous owner, and he just built what was already designed. The only time parking came up as an issue was with the Imperial. He was working with Planner Astorga and the issue arose about whether or not the Imperial had complied with parking in some respect, and where the Imperial was supposed to park. At that time, he was also in the process of selling it to Dave Spence with Riverhorse and Mr. Spence was concerned about buying a building with parking issues. That was when they went to the Planning Department and spoke with Planner Astorga. Mr. Cusick

explained that since he owned both properties, he was having an issue with the elevators in 205 Main St. Since he wanted to redo the elevators, he asked the Planning Department if it was possible to eliminate the two elevator towers and put in two additional parking spaces, and grant an easement to his neighbor, Dave Spence, to park there. He was able to take out two elevators and create two parking spaces, and Mr. Spence parks in the 205 Main building.

Commissioner Joyce understood from the explanation that it was not clear whether there was parking for the Imperial, and that was resolved by putting the parking into 205 Main. Chair Strachan asked if 205 Main was required to have additional off-street parking. Mr. Cusick answered no; at least not that he was aware of. He clarified that he purchased 205 Main after it was already designed. There were two spaces for every condominium, and he added two extra spaces.

Craig Elliott with Elliott Workgroup stated that he was involved in the design of 205 Main and 221 Main. He recalled that the unit in 221 Main replaced the Imperial Hotel space. In the discussions they reduced the parking demand by adding one unit on the upper level. He could not recall any further discussion. Mr. Elliott remarked that on 205 Main, the parking was put in place. He believed it was two spaces per unit and there were six units. Mr. Cusick was able to create two elevators from the design to create two additional parking spaces. Mr. Elliott remarked that his firm was not the architect of record, but they processed it through the HDDR and gained approval for the previous owner, and then it was purchased.

Director Erickson stated that his point was that 205 Main provided on-site parking. Mr. Elliott agreed; however, there was no structure. Director Erickson understood, but the point is that the owner provided on-site parking rather than going through the potential fee-in-lieu or granted a waiver for a historic building if there had been one. Mr. Elliott explained that they were able to provide on-site parking because there was one curb cut at the very top of Main Street.

Commissioner Suesser referred to a memo drafted by Tom Clyde that was mentioned in the Findings of Fact of the determination. Mr. DeGraffenried stated that there were a couple of points to address, and it goes back to the evidentiary issue of whether the Rixey's paid the assessment. He understood that Tom Clyde was the City Attorney at the time and it was an internal memo. Mr. DeGraffenried remarked that in his memo Mr. Clyde indicates that the Improvement District was defectively formed and had no legal standing to push the invalid assessments. Commissioner Suesser clarified that he was talking about 5-74. Mr. DeGraffenried answered yes. He thought the memo begs the question of whether the framework of the fee-in-lieu being contingent upon an invalid assessment could even be upheld. He clarified that the point he wanted to

address was the last paragraph of the memo. He read, "This may sound simple, but I have a hunch that in some cases the records will be sufficiently messed up due to overlapping legal descriptions, sales of the property mid-stream, and the fact that some properties were taxed incorrectly, etc., and it may be pretty complicated. Lou Ann has a list but it has never been reduced to a map form. Her list was done from that point of who was unpaid. If we look at who paid, we might find an overlap. The ownership records are really that bad in Park City". Mr. DeGraffenried notes that an internal memo from a Park City Attorney states that the internal ownership records are truly that bad, coupled with the fact that there is no lien or foreclosure proceedings against the Rixey's. He stated that the invoices only go up to 1982, and there is a question of what happened between 1982 and 1984. Based on this memo, it is conceivable that the records, to quote Mr. Clyde, were that bad. Mr. DeGraffenried reiterated that Mrs. Rixey may have paid but there are no records to demonstrate payment. Another difficulty is that Mr. and Mrs. Rixey's are deceased and there is no ability to ask them that question. However, looking at the preponderance of the evidence as a whole, it suggests that it was paid.

Commissioner Suesser asked which property Jim Carr owned at the south of Main. She noted that in the last paragraph it references that they were particularly concerned about his property. Director Erickson believed Jim Carr's property is more in the vicinity of Grappa. It was not the Rixey property or the Imperial. Mr. DeGraffenried understood that the issue was that Mr. Carr was trying to sell the property or there was a taking of some kind; and in the event the fee-in-lieu would be imposed, that would decrease the value of his property.

Mr. Cusick stated that when he found the email from Mrs. Rixey, he also found two invoices that further leads him to believe that she paid the assessment. The first invoice said \$1977 at 10%. There was interest and a \$1977 payment. Based on the 5-74 document there were annual payments. He understanding was that it was supposed to be paid in 1975, 1976 and 1977. The Staff report suggests that it was three different years. Mr. Cusick stated that there was a payment of \$2112 with interest, and it says this is a final installment. He found another invoice which says, "final notice before foreclosure". Once again it reinforces his belief that she must have paid it because there is no evidence that the property was foreclosed on. He assumed the last payment made was \$2112.

Director Erickson remarked that Exhibit F in the Staff report was a letter from the City Treasurer dated 1983, and an invoice in the amount of \$3400 in 1984. Page 639 of the Staff report shows a recorded document 232209 which shows that the Rixey's had not paid. Mr. Cusick noted that he not seen this information until Director Erickson

produced it. It was clear that after 1978 it was still ticking off interest. He thought it was worth noting that it goes to 1982 and then stops.

Commissioner Suesser understood that Mr. Cusick was expanding the existing building by 8,000+ square feet. She asked if that expansion would trigger a new parking requirement. Bryan Markkanen stated that adding 8,000 square feet to approximately 5,300 of existing square footage was still in design review. It was at the behest of someone else and it could change at any time. Commissioner Suesser asked if it was their position that they would be exempt from any additional parking requirement. Mr. Cusick answered no. He thought a reasonable approach would be to see what was done, licensed, approved and practiced for four years. Mr. Markkanen previously outlined three ways to calculate it and in either way it is approximately 32-36 spaces. They know the benchmark and if they exceed that number they are willing to pay whatever is necessary. The intent is to keep the design consistent enough to fit underneath that benchmark and not increase parking.

Mr. Cusick presented the current tax assessment that he obtained from the Summit County Tax Assessor's website. The market value of the property this year is \$1.3 million. The improvements were \$717,000 and the land was valued at \$588,000. Mr. Cusick pointed out that as the Staff report indicates, the building was condemned. It was condemned at his request because the building was unsafe. The building has no footings or foundation and it was moving constantly. He asked the Building Department to condemn it and they agreed immediately after looking through the building.

Mr. DeGraffenried explained that the new plan in place is primarily residential, and the residential calculations render a smaller parking requirement. Their position is that the applicant was decreasing the parking burden that has existed since for the building. Commissioner Suesser clarified that the new construction did not trigger a new parking requirement because they were well under what was allotted. Mr. DeGraffenried replied that she was correct. They believed that was the benchmark because it has been in place for as long as the building has existed.

Commissioner Campbell asked why the benchmark was not the two parking spaces that were in place that Mrs. Rixey claimed she paid for. Mr. Cusick replied that it was two parking areas, but he was unsure what that meant. Commissioner Phillips stated that parking areas means two assessed parking areas. Mr. Cusick remarked that the uncertainty was how many spaces were in those two parking areas. Mr. DeGraffenried was unaware of any other ordinance under which Mrs. Rixey would have paid an assessment at the time. He assumed her email referred to the 5-74 ordinance.

Director Erickson thought they needed to also consider when the City acquired that property and whether those spaces were part of the original buildings that were on the Brew Pub lot. He pointed out that the Staff had not made a determination on the total number of parking spaces required for this project. They had also not made a determination of the total number of spaces that were provided previously for the Star Hotel when it was operating.

Chair Hotel asked if that was why the City would not allow Mr. Cusick to bring the balance current with interest. Assistant City Attorney McLean explained that the Statute the Planning Director was asked to make a determination on was whether or not Section 15-2.6-9(D) applies in this case, and whether Mr. Cusick is allowed to get the exemption up to 1.5 FAR. She noted that Director Erickson determined that it was not allowed because the Statute states that the trigger is whether or not the owner can provide proof that the payment was made before January 1, 1984. That determination was the issue being appealed. Ms. McLean remarked that other information has been discussed and she wanted to give the applicant and their counsel the opportunity to make their arguments. However, the only issue for the Planning Commission is the interpretation of the Statute. Ms. McLean stated that the information regarding the Imperial was not relevant, because it is a different situation. In terms of there being City parking for the Imperial, it is a license that is revocable and has nothing to do with the parking requirement and the 1.5 FAR. What is relevant is the Statute and whether or not the owner has provided proof of whether it was paid.

Assistant City Attorney McLean stated that the Planning Commission was reviewing this appeal de novo, and the question is whether or not the Planning Director erred when making that determination. Mr. DeGraffenried respectfully disagreed that the issue was that narrow. Preserving the record, this was their opportunity to rebut the proposition that they are obligated to pay the fee-in-lieu. He believed all the attendant legal issues addressed this evening were applicable to that, and this was their only forum currently in which to do that. Mr. Cusick stated that he started his presentation with the first page of the Staff report because he disputed that it was only the one issue outlined in the Staff report.

Chair Strachan asked Assistant City Attorney McLean to respond to the applicant's argument that they can bring the 5-74 assessment current right now. Ms. McLean replied that it needed to be paid before 1984 per LMC 15-2.6-9(D), Pre-1984 Parking Exception, which states, "Lots which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for Floor Area Ratio (FAR), of 1.5. Buildings that are larger than 1.5 FAR are non-conforming buildings for off-street parking purposes. To claim the parking exemption for the 1.5 FAR, the owner must establish payment in full to the Main Street

Parking Special Improvement District prior to January 1, 1984.” Assistant City Attorney McLean clarified that the Planning Director was asked to make his determination based on that Statute in relation to the HDDR because the applicant was doing new construction.

Mr. Cusick assumed Ms. McLean was reading from the Code. She answered yes. Mr. Cusick noted that what he had read earlier was from Municipal Code 1-1-3, and he clarified that it was not intended to mislead the Commissioners. Mr. Cusick thought it was clear from the language that the Code cannot repeal or otherwise affect the validity of the Ordinance. He pointed out that 5-74 is an ordinance levying taxes. Mr. Cusick believed he was entitled to the benefit of Ordinance 5-74. He was willing to stipulate that the assessment was not paid and write a check for the amount owed.

Mr. DeGraffenried noted that in 15-2-6.9C, the Planning Commission can grant a waiver. He stated that they met with the Staff and requested that the application process be started. He understood that it was the Staff’s obligation to effectuate that process and provide the application information. Despite requests, they have not been provided with that application information. Mr. DeGraffenried stated that to the extent they can make the application now that would be their request, as Mr. Cusick previously indicated, based on the historic nature of the building as determined through the historical review process.

Assistant City Attorney McLean remarked that Westlake Lands could apply for the application Mr. DeGraffenried mentioned; however, it is a different process. Secondly, Ms. McLean stated that the City’s response to the Code is that ordinance is not repealing in any way the 1974 levy. The City had a subsequent Statute. They did not foreclose on those properties and if the applicant wants to pay they can, but it does not give them relief. The Statute is clear about the date of when it had to be paid in order to get the exemption.

Commissioner Suesser pointed out that the ordinance itself has a cure or the opportunity to cure it, and she was struggling with that fact.

Commissioner Joyce understood that if the assessment is not paid the City could still lien or foreclose on the property at any time. However, regardless of whether or not it is paid, another part of the Code says, “To claim the parking exemption the owner must establish payment by January 1, 1984”. If they pay and eliminate what is owed to the City, it was still not done before 1984.

Mr. DeGraffenried read the last sentence of the ordinance, “If you cure the default and all approved costs and shall thereupon be restored to the right thereafter to pay in

installments in the same manner as if default had not occurred". He believed it was retroactive and if it is brought current it is as though the default never occurred, which dates back to the previous time it was due and prior to the 1984 cutoff date. Chair Strachan argued that there was a difference between default and payment. The default can be corrected either before or after 1984, but the ordinance drives on whether payment was established before 1984. In his opinion, curing the default was irrelevant. It was two separate events. One is a payment being, and separately a default being cured. Mr. Cusick thought that had been accounted for because the language says, "as if default had not occurred".

Commissioner Campbell pointed out that the exemption was not based on the lack of default. It is based on a payment having occurred before 1984. He thought a number of issues were raised that the Planning Commission was not qualified to discuss. He clarified that the Planning Commission was only being asked on whether or not Director Erickson was correct in his narrow interpretation of one issue.

Chair Strachan believed all the arguments had been laid out and the Commissioners understood the arguments. If the applicant had new information to present were interested in hearing it, otherwise they would move to public hearing. Mr. DeGraffenried thought they had presented all their arguments. He wanted to make sure that the new documents that were introduced are on the record and ask the best process for providing those. Assistant City Attorney McLean requested that he provide the documents to the Staff to be included in the record.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan stated that he would uphold the Planning Director's decision based on the arguments that were laid out by Legal Counsel and the Staff. He thought the arguments by the Staff were more persuasive in that the interpretation of the Code by Planning Director Erickson was correct. Chair Strachan did not find Section 1-1-3 to be applicable because this ordinance does not affect the validity or otherwise overrules a prior ordinance; and instead it confirms it. He thought the burden is on the applicant to provide some evidence to bring the Planning Director's decision into question. Without any proof of a payment before 1984, he did not find any evidence that would absolve the applicant of the obligation to pay the fees. Based on the prior dealings of the owner with respect to other properties on Main, Chair Strachan thought there was enough hint of a possible outstanding parking obligation that it should have been delved into in

greater detail during the due diligence process. He agreed that there may be a valid claim against the title company as Commissioner Thimm suggested, but that was not an issue before them this evening. Chair Strachan thought the Rixey's should have been questioned further regarding the parking history during the due diligence process, and whether the assessment had been paid. Chair Strachan was unsure whether his conclusion was shared by his fellow Commissioners and asked for their comments.

Commissioner Campbell understood that the applicant had a pending appeal on the Board of Adjustment decision that was stayed at the moment. He thought everyone was in favor of what Mr. Cusick was trying to do with the building. It has been an eyesore for a long time and none of the discussion this evening should be construed as an attempt to stop that process. Commissioner Campbell was willing to support at least some mitigation of the obligation for parking on based on the historic side, but that was his personal opinion and it would require a Staff recommendation and a vote by the majority of the Commissioners. Commissioner Campbell agreed with Chair Strachan that this was a clear that the Statute was not met because payment was not made prior to 1984. The City may not be able to prove payment was not made, but the Code does not say the City has to prove it. It says the owner has to prove that payment was made. Since the applicant cannot prove payment, the Planning Commission has no choice but to support the Planning Director's determination. Commissioner Campbell reiterated that the decision did not mean they were against the process or the project.

Commissioner Joyce thought the applicant had a number of issues to deal with and there were opportunities for other pieces, but on this narrow ruling he found nothing to prove that it was paid by January 1, 1984. They have seen a number of documents after 1984 that said the assessment was still owed. Commissioner Joyce supported the Planning Director's determination.

Commissioner Thimm supported the Planning Director's determination for the reasons stated previously. In addition, he did not believe the Planning Commission could consider bad recordkeeping, they do not know for sure whether the title company actually made a mistake, and LMC 15-2.6-9 is clear that the burden of proof goes with the owner. Commissioners Suesser and Phillips concurred.

MOTION: Commissioner Joyce moved to DENY the appeal of the Planning Director's Determination for 227 Main Street, the Star Hotel, based on the Findings of Fact and Conclusions of Law on pages 456-459 in the Staff report. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 227 Main Street

1. The property is located at 227 Main Street in the Historic Commercial Business (HCB) District.
2. The property is identified by the Summit County Recorder as Tax Parcel PC-194 or Lots 7 & 8, Block 12 of the Park City Survey.
3. The referenced property is within the metes and bounds legal description of the Main Street Special Improvement District created by ordinance July 5, 1974 and reentered at the Summit County Recorder's office as Entry Number 231175, Book 333, Page 91-106.
4. The existing historic boarding house on this site was been designated as Significant on the City's Historic Sites Inventory (HSI) in 2009.
5. The Historic Preservation Board re-affirmed its historic designation as a significant site on November 2, 2016. The owner appealed this determination to the Board of Adjustment, which affirmed the Historic Preservation Board's designation on February 21, 2017. The owner appealed the Board of Adjustment's decision in Third District Court where the case is currently pending.
6. On August 15, 1974, the Park City Council adopted Ordinance No. 5-74 creating Park City Main Street Off-Street Parking Special Improvement District for the purpose of paying the costs of constructing improvements including off-street parking facilities and automobile access ways. Properties in the District were subject to an assessment.
7. In 1975, William W. and Georgie Carol Rixie purchased the Star Hotel at 227 Main Street from William L. Jr. and Joyce L. Gardner. William R. Rixey sold the property to Star Hotel LLC in 2013.
8. In 1977, Park City Municipal Corporation sent an invoice to W.W. Rixey as owner of the referenced property. The invoice shows that Rixey had a \$1,947.00 balance from 1976. With interest charged at 10%, the amount due by August 22, 1977, was totaled at \$2,112.00.
9. The 1981-1982 ledger of the Main Street Special Improvement District shows that W.W. Rixie had a balance of \$2,112.00 as of June 31, 1981; the balance was carried over to June 2, 1982 as it had not yet been paid.
10. A 1981-1982 ledger of the Main Street Special Improvement District shows that W.W. Rixey owed \$2,112.00 as of 1982 and the balance had not been paid.
11. Staff has found a copy of the carbon copy of the assessment sent to W.W. Rixey, account #65, in 1982. It shows that the original amount due was \$1,650 based on the August 22, 1976 assessment. The City then charged 10% interest for years 1976 and 1977, 8% interest for year 1975 and 10% interest for years 1978 through 1982. The grand total was \$3,401.39; however, it appears that the Rixies may have agreed to an installment plan as only \$682.00 was due at the time of the bill.
12. On May 2, 1983, the Finance Department of Park City Municipal Corporation sent

out a notice letter to property owners with overdue balances owed to the Main Street Special Improvement District Assessment, which had been assessed in 1975. The City had set up an installment plan in which the property owner could pay the assessment in installments over a three (3) year period, with an annual interest rate of 8%. With these letters, they enclosed a bill for the past due balance plus a 10% interest charge per year, for the years 1978 thru and including 1982. The letter indicated that if the payment was not received by May 20, 1983, or some satisfactory arrangements were not made, the City would go thru the Summit County Assessors offices and lien the property.

13. On January 1, 1984, William and Georgie Carol Rixey owed \$3,401.39.

14. On March 28, 1985, Park City Municipal Corporation recorded a Notice of Payment Assessment, listing those properties that had paid in full on or before December 31, 1983, to the Main Street Special Improvement District. It shows that "Block 12, Park City Survey, Lots 3 thru 6, 9 thru 16, and the East 50 feet of Lots 1 and 2" were paid in full. Lots 7 & 8 of Block 12 (227 Main Street) were not identified as having been paid in full.

15. The existing building measures approximately 5,187 square feet in size.

16. Appellant submitted an HDDR on May 2, 2017. The HDDR proposes reconstructing the historic building and adding on an addition. The existing building is approximately 5,370 square feet and the applicant is proposing a total square footage of 13,575 square feet upon completion of the project. The architect did not specify the square footage of the existing and proposed building on his plans.

17. Per LMC 15-2.6-9(B), the applicant shall provide parking at a rate of six (6) spaces per 1,000 square feet of non-residential Building Area, not including bathrooms, and mechanical and storage spaces.

18. Per LMC 15-2.6-9, the parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee.

19. LMC 15-2.6-9(D) states, "Lots, which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5. Buildings that are larger than 1.5 FAR are Non-Conforming Buildings for Off-Street parking purposes. To claim the parking exemption for the 1.5 FAR, the Owner must establish payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984."

20. The Owner has not established payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984.

21. The Parking for the project is reviewed under the LMC in effect at the time of Project

Application, which is May 23, 2017. The current in lieu of fee is \$40,000 per space. The in lieu of fee was reviewed and substantiated when adopted by the Park City

Council on December 18, 2014. Council based the in lieu of fee on a study which showed that in 2014 the current average construction cost of an additional parking space within the historic core at \$41,863. This amount doesn't include land costs. Therefore, the actual cost would be even higher than this. In addition, Owner is always able to build his own parking in satisfaction of the requirement.

22. According to State Code impact fees are fees "imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure." They do not include a "tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee." UCA § 11-36a-102(8)(a),(b). The 1974 tax is by definition not an impact fee.

23. Off street parking is a requirement for all residential and non-residential buildings in Park City. The in lieu of fee is only available under certain circumstances and is only an option if parking is not otherwise provided. As such, in-lieu fees are not mandatory but optional when the property owner decides not to build the required parking on their private property. The parking/in-lieu of requirement isn't for public infrastructure; it is related to specific requirements of the site.

24. LMC 15-2.6-9 specifically exempts only those properties where the Owner established payment in full to the Special Improvement District prior to January 1, 1984. Appellant concedes that the invoices indicate that payment had not been paid by that date. The recorded document "Notice Of Payment of Assessment" recorded on March 28, 1985 also reflects that this property had not paid its assessment.

25. The Title Report for the property includes exception 13 which states, "Affidavit confirming Ordinance Levying the assessment for the Main Street Off-Street Parking Special Improvement District of Park City, commonly known as the Main Street Special Improvement District within Park City adopted by City Council August 16, 1974, and recorded February 28, 1985 as Entry No. 231175 in Book 333 at page 91, records of Summit County, Utah.

26. Section 15-2.6-9 of the LMC requires off street parking which can be fulfilled by paying a parking in lieu of fee.

Conclusions of Law -227 Main Street

1. The Appeal was received within thirty (30) calendar days after the Planning Director's Determination was issued.
2. The Appellant has not established payment in full for the 227 Main Street Parking Assessment as a part of the Main Street Parking Special Improvement District prior to January 1, 1984.
3. Neither the 1975 Assessment nor the Parking Requirement are impact fees.

Planning Commission Meeting
August 23, 2017
Page 84

Order:

1. The Appeal is denied in whole and the Planning Director's Determination is upheld

The Park City Planning Commission Meeting adjourned at 10:15 p.m.

Approved by Planning Commission:

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 13, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Anya Grahm, Planner; Polly Samuels McLean, Assistant City Attorney, Jody Burnett, Outside Counsel
=====

REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

August 23, 2017

Commissioner Thimm referred to page 37, third paragraph from the bottom, and changed cold fired power plant to correctly read **coal** fired power plan. The correction appeared twice in the paragraph.

Chair Strachan referred to the motion for 352 Woodside on page 19 of the Staff report. He noted that Commissioner Suesser had made specific requirements in her motion, but it was not added as a condition of approval. He read, "Commissioner Suesser amended her motion to specify that a 4' reduction in length of the garage should be 2' on the east and 2' on the west". Chair Strachan pointed out that it paralleled Commissioner Thimm's suggestion. Chair Strachan recommended that the Planning Commission Continue the Minutes to the next meeting and have that change inserted into the Conditions of Approval and approve the Minutes at that time.

Director Erickson stated that the Staff looked at the Minutes and believed it was a clarification and not a condition of approval. He was not opposed if the Commissioners wanted to add it as a condition. He clarified that the Staff checked the Minutes because they were trying to work with the applicant on the requirement.

Asked if Commissioner Suesser intended for the requirement to be a condition of approval. Commissioner Suesser stated that she included it in her motion because Commissioner Thimm had made the recommendation. She personally did not have a preference as to

the configuration of the reduced 4'. However, she recalled that the motion was to make it a condition. Commissioner Thimm agreed that it was intended to be a condition.

Assistant City Attorney McLean recommended that the Commissioners continue the Minutes and have Mary verify the exact wording of the motion with the recording so it is reflected correctly. Chair Strachan agreed. However, since there was agreement among the Planning Commission that it was a condition, he believed the Conditions of Approval needed to be amended.

MOTION: Commissioner Band moved to CONTINUE the Adoption of the Minutes of August 23, 2017 to September 27th. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson thanked the Commissioners who had sent back their direct deposit forms. He encouraged those who had not returned the form to do so or they would not receive their checks.

Chair Strachan announced that Louis Rodriguez was leaving the Planning Department and he would be greatly missed. Louis was going to Italy to teach English. Chair Strachan wished him the best of luck.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **339 Park Avenue – Abandonment of a Condominium Plat and reverting lot back to a single-lot of record.** (Application PL-17-03612)

Planner Anya Grahn noted that this application was a condominium vacation reverting the property back to a single lot of record.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for 339 Park Avenue, abandonment of a condominium plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 339 Park Avenue

1. The property is located at 339 Park Avenue in the Historic Residential-1 Density (HR-1) District.
2. The subject property consists of the John Doyle House Condominiums approved by the City Council on September 10, 1987; it was recorded at Summit County on June 2, 1988.
3. On July 10, 2017, the Planning Department received a plat amendment application to vacate the John Doyle House Condominium plat; the application was deemed complete on August 8, 2017.
4. The John Doyle House at 339 Park Avenue was nominated to the National Register of Historic Places (NRHP) as part of the Mining Boom Era Thematic National Register District in 1984; however, it was not listed at the owner's request. It has since had several major alterations that have diminished its historical significance and integrity. It is no longer eligible for the NRHP.
5. The property was designated as Significant on the City's Historic Sites Inventory in 2009.
6. The first renovation to restore the house occurred in 1986-1977 by then-owners David C. and Edward L. Cook, Jr. These owners converted the house from a single family home to a triplex.
7. On June 17, 1986, the Board of Adjustment (BOA) granted two variances to allow the Cooks to convert the single family dwelling into a duplex with an additional sleeping unit. The variances included an exception to LMC 7.1.3(a) Lot Size to reduce the minimum lot area for a duplex from 3,750 square feet to 1,990 square feet and to reduce the minimum depth of the front yard from 10 feet to 0 feet for the construction of a garage.

8. In 1986, a building permit was issued for the renovation of the house as well as an inline rear addition and the basement level garage addition.

9. On June 22, 1987, the BOA granted two additional variances as part of the rehabilitation of the property. They granted an exception to LMC 15 7.1.3(a) Lot Size to reduce the required lot size of a triplex from 5,625 square feet to 1,990 square feet as well as an exception to LMC 13.3(a) Required Off-Street Parking to reduce off-street parking demand from five (5) spaces to four (4).

10. The property was renovated again in 1996 by new owners, and it appears the illegal conversion to create a single-family dwelling was done as part of this renovation. The recorded John Doyle House Condominium plat had been recorded at the county in 1988 and was still in place at the time of the 1996 renovation.

11. On April 2, 2012, the Planning Department issued a letter informing current owner Chris Casey that there were issues related to his proposal to enclose a back staircase as the existing home exceeded allowable footprint and the proposal did not comply with LMC 15-9-6 Noncomplying Structures.

12. On January 31, 2013, Chris Casey submitted a Historic District Design Review (HDDR) Pre-application to enclose the rear stairwell constructed in 1986. On February 4, 2013, the Planning Director found that based on the applicable code requirements and existing conditions, the current structure was noncompliant in regards to footprint, setbacks, and allowed stories based on the requirements of the HR-1 zoning district and, therefore, the stairwell foundation could not be used to achieve an enclosed rear addition to the home.

13. On February 13, 2017, the applicant appealed the Planning Director's determination. The BOA voted unanimously to deny the appeal and upheld the Planning Director's determination on May 7, 2013. The BOA found that enclosing the existing exterior stairwell would increase the degree of nonconformity of a noncompliant structure.

14. On December 13, 2013, an appeal of the BOA's determination was reviewed by Third Judicial District Court. The Court found that the BOA had correctly interpreted the definition of building footprint and that the BOA's decision that the enclosure of the rear stairs increased the overall building footprint of the structure and thereby increased the degree of existing non-conformity that was reasonable.

15. The property owner proposes to vacate the John Doyle House Condominium Record of Survey that created a total of three (3) units.

16. A condominium is not a type of use but a form of ownership.

17. The proposal for a single family dwelling complies with the allowed uses in the HR-1 District.

18. Lot 10, Block 3 of the Park City Survey contains 1,877 square feet. This is greater than the minimum lot size required for a single family dwelling which is 1,875 square feet.

19. The minimum lot width in the HR-1 District is 25 feet; Lot 10 is 25.03 feet in width.

20. The required front yard setback is 10 feet in the HR-1 District; the existing garage has a 0-foot front yard setback as permitted by the variance of 1986.

21. The required rear yard setback is 10 feet in the HR-1 District; the applicant has a 17-foot setback.

22. The required side yard setback is 3 feet in the HR-1 District; the Existing building has a .95-foot setback on the north side and 1.17-foot setback on the south side due to the construction of the original historic house and addition.

23. A single-family dwelling is an allowed use in the HR-1 District.

24. The proposed vacation of the Condominium Record of Survey Plat is appropriate as the requested form of ownership is not detrimental to the overall character of the neighborhood. Further, it will memorialize existing conditions as the house was already converted to a single-family dwelling during the 1996 remodel.

25. Staff has met with the Building Department to identify and determine any noncomplying items that would prevent the existing triplex from being reverted back to a single-family dwelling. As the house was remodeled in the 1990s back to a single-family home, staff finds that the house has a single Kitchen, as defined by LMC 15-15-1.

26. A Kitchen is defined by the LMC as an enclosed Area for the preparation of food and containing a sink, refrigerator, and stove.

27. The applicant has proposed a Lock-Out Unit in his building permit plans for the house remodel. A Lock-Out Unit is defined by the LMC as an Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen. Nightly rental of a Lockout Unit requires a Conditional Use Permit in the HR-1 zoning district.

28. An Accessory Apartment is defined as a self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments are a Conditional Use in the HR-1 zoning district. No Accessory Apartment has been approved for this site.

29. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards.

30. The site is not located within the Soils Ordinance Boundary.

31. The process to vacate a condominium plat is the same as amending an existing plat amendment. Staff's finds that there are no non-conformities that would be created by the removal of the condo plat and the existing underlying lot of record complies with the requirements of the LMC.

32. The applicant recorded a Declaration of Termination to abandon the condo plat on April 28, 2017. It is Entry No. 01068385.

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

Conclusions of Law – 339 Park Avenue

1. The Condominium plat vacation is consistent with the Park City Land Management Code and applicable State law regarding vacating a condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed plat vacation.
3. Vacation of the Condominium Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 339 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the recordation documents for compliance with State law, the Land

Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the documents at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat vacation will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A Lockout Unit is an allowed use in the HR-1 zone; however, any Nightly Rental of a Lockout Unit requires a Conditional Use Permit.

4. The applicant shall not construct a Kitchen in the Lockout Unit, else it will become an Accessory Apartment. A Kitchen contains a sink, refrigerator, and stove; whereas a Kitchenette contains a sink, refrigerator, and an electric outlet which may be used for a microwave oven. No 220V outlet for a range or oven shall be provided in the Lockout Unit.

5. When the condo plat is vacated, the property will revert back to a single lot of record within the Park City survey. Only one (1) dwelling unit will be permitted within the structure.

2. 441 Echo Spur – The applicant is requesting to combine Lots 2 and 3 of the Echo Spur Subdivision addressed at 441 and 449 Echo Spur into one lot of record. (Application PL-17-03641)

Planner Tippe Morlan reviewed the application to combine two existing separate lots into one lot of record. Each lot has its own address and its own utilities. Both lots are undeveloped in the Echo Spur subdivision. These lots were created with the Echo Spur subdivision in 2014. Each existing lot is approximately 2800 square feet. Each has an existing maximum building footprint of 1200 square feet. The proposed new lot is slightly over 5600 square feet. However, this request reduces the maximum building footprint to an overall 2,050 square feet or a reduction of 351 square feet in the total building footprint from what is currently allowed to what would be allowed under one lot.

Planner Morlan stated that the applicant would like to construct one single-family home instead of two on the subject property. However, it would technically allow for a duplex since the minimum lot size in the zone for duplex is 3750 square feet. A CUP approval would be required.

Planner Morlan reported that future applications that would be required if the plat amendment moves forward would be an HDDR for the design of the home, and a steep slope CUP.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council, finding good cause that this would reduce the density on Echo Spur from seven lots to six lots. Assuming that the family does build a single-family home, the number of units would be reduced to six units. It also reduces the building footprint by 351 square feet.

Chair Strachan asked where in the Conditions of Approval or the Findings of Fact it gives the maximum building footprint. Planner Morlan stated that the maximum building footprint of the proposed lot is 2,050 square feet as stated in Finding #14. Finding #15 identifies the reduction.

Commissioner Phillips noted that Planner Morlan had compared lot sizes from Ontario and McHenry. He remarked that Ontario and Echo Spur are zoned HR-1, and he asked about the zoning for McHenry. Planner Astorga stated that he was familiar with that neighborhood. He noted that Silver Pointe Subdivision was an MPD that is zoned HR-1 with a combination of Recreation Open Space and three or four other zoning designations. It starts on Echo Spur and moves on towards the east. He stated that the other subdivision that is closer to this site and accesses off of Deer Valley Loop Road is zoned R-1. He was unsure which side Commissioner Phillips was asking about.

Commissioner Phillips clarified that he was looking at the list of lot sizes that Planner Morlan used as comparisons. He asked if it was normal to look outside of the actual zoning where the specific property is located.

Planner Morlan understood that when the Echo Spur subdivision was approved it was a hot topic and many people were concerned with the lot sizes. This analysis was done when Planner Astorga originally did the Echo Spur subdivision. In case any neighbors or the Commissioners were concerned, she had updated the analysis and included it in the Staff report to show that the size of the existing lot fits in with the general area.

Commissioner Phillips asked if the concerns expressed with the original subdivision was that the homes would be too big. Planner Astorga recalled that it was somewhat of a different application that was proposed at that time with underground parking and shared access directly of McHenry. That application did not have traction from the Planning Commission and that concept was aborted by the property owner. The owner, Sean Kelleher, then moved forward with a seven lot subdivision. Planner Astorga recalled that it

was a difficult approval and it was based on the history of the development prior to Mr. Kelleher being actively involved.

Chair Strachan had the same recollection as Planner Astorga. He also recalled that the vehicular access to and from the lots was a major issue, because Echo Spur is a dead-end road and they could not find a way to feasibly make it work to get 15+ cars in there.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council for the Amending of Lots 2 and 3 of the Echo Spur Subdivision, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 441 Echo Spur

1. The property is located at 441 Echo Spur and 449 Echo Spur.
2. The property consists of Lot 2 and Lot 3 of the Echo Spur Subdivision plat.
3. The property is in the Historic Residential (HR-1) District.
4. The property is currently vacant.
5. The applicant proposes to combine the subject lots into one lot of record.
6. The proposed lot is 5,625 square feet.
7. The minimum lot area in the HR-1 District is 1,875 square feet for a single-family dwelling. The minimum lot area for a duplex is 3,750 square feet.
8. The proposed lot meets the minimum lot requirements for both a single-family dwelling and a duplex dwelling.
9. A single-family dwelling is an allowed use in the HR-1 District. A duplex is a conditional use.
10. The minimum lot width in the HR-1 District is 25 feet.
11. The proposed lot width is 75 feet, which meets the minimum lots width.
12. The proposed lot depth is 75 feet.
13. Front and rear yard minimum setbacks are 10 feet each and 20 feet total. Side yard minimum setbacks are 5 feet each and 18 feet total.
14. The maximum building footprint for the proposed lot is 2,050.3 square feet.
15. The proposed plat amendment reduces the maximum building footprint on the

subject property by 351.1 square feet from 2,401.4 square feet on two lots to 2,050.3 square feet on one lot.

16. A Steep Slope Conditional Use Permit is required for any structure in excess of 200 square feet if it is located on any existing slope of 30 percent or greater.

17. A Historic District Design Review application is required for any new construction on

18. The average lot width on the east side of Ontario Avenue is approximately 36 feet.

19. The average lot area on the east side of Ontario Avenue (including un-platted lot combinations) is approximately 2,800.7 square feet, which equates to 1.49 Old Town Lots.

20. The lots on the east side of Echo Spur/platted McHenry Avenue (Gateway Estates Replat Second Amended Subdivision and Silver Pointe Subdivision), which are also within the HR-1 District, consist of much larger lots.

21. The average lot size on the east side of Echo Spur is 10,076.5 square feet, which equates to approximately 5.37 Old Town Lots.

22. The existing Echo Spur Subdivision consists of five lots of 2,812.5 square feet, one lot 3,772 square feet in size, and one lot 3,858 square feet in size.

23. The average lot size in the existing Echo Spur Subdivision is 3,098.9 square feet, which amounts to approximately 1.65 Old Town Lots.

24. If the proposed plat amendment were approved, the new lot would become the largest in the Echo Spur Subdivision at 3,750 square feet, and the average lot size would increase to 3,615.4 square feet, which amounts to approximately 1.93 Old Town Lots.

25. The requested plat amendment is appropriate for this neighborhood.

26. The east side of Echo Spur, also within the HR-1 District contains significantly larger lots that yield larger structures.

27. The west side of Echo Spur, east Ontario Avenue contains a pattern of 1½ Old Town lot combination sites.

28. The mix of lot sizes provides appropriate transition between the larger lots and home sizes on the east side of Echo Spur towards the east side of Ontario Avenue.

29. The proposed plat amendment provides a good mix of different lot sizes within Echo Spur.

30. The massing and design requirements through the HDDR and Steep Slope CUP processes are intended to ensure that new structures are consistent with the surrounding neighborhood. Both applications are required and must be approved before the lot can be developed.

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

Conclusions of Law – 441 Echo Spur

1. There is good cause for this Plat Amendment.

2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 441 Echo Spur

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for all new construction.
4. The applicant needs to coordinate with the Engineering Department to determine whether one existing water service and meter vault needs to be abandoned. The existing new water service needs to be verified sized for fire service.

NOTE: The Treasure Hill portion of the Minutes is a verbatim transcript.

3. Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan (Application PL-08-00370)

Chair

Strachan: Next on the agenda is the Treasure Hill Conditional Use Permit. Looks like we're all ready to go. Francisco, you leading us off, then?

Planner

Francisco

Astorga: Yes, I am. So, we'd like to start off with just outlining the Staff report that we prepared. And actually before we do that I just want to outline that since that last meeting in August we received six or seven additional public comments,

and they have been published on the website. So we all need to be following to, to read them because we don't, we don't print them as part of the Staff report, but yes, they are part of the record.

With that said, the Staff report is bifurcated into three sections. We are providing a transportation update. That's why I've got Matt Cassel and Alfred Knotts with me here. And also regarding some of the construction mitigation I've got Dave Thacker, Chief Building Official, in the back of the room, and he can come up later on if we need him up, up here.

The second portion is just a refinement of 17.2. And I don't want to spend too much time with it. I do want to show you some of the exhibits that were submitted for that. And I think that the applicant will spend a little bit more time on those. And the last portion of the Staff report is an update of the Planning Commission outstanding items.

So to start out with the transportation update, just to follow what we published in the Staff report, and that starts for the public or anyone listening, it starts on page 161 through page 167. We'd like to start out by focusing on those. And we've identified eight different items that we believe that we heard from the Planning Commission loud and clear as far as items that Staff needs to address and indicate where we stand on them. So, we start on page 161 with those. With the---yeah, let me, let me ask you to see if we can make it more of an interactive work session. Not work session but a portion of this meeting where we can provide any commentary or clarification regarding what we published, regarding what we co-authored, what we wrote from the Planning Department, the City Engineer's Office and the Transportation Planning Office. So I would like to just simply stop at that and leave it at, do you guys, does the Commission, do you have any questions regarding items 1 through 8 as listed on page 161 through 167.

Commissioner

Thimm: Yes.

Planner

Astorga: And, and if I could, just to keep the order, if we could try to limit to this portion and then we'll, and then we'll move on to the next one and so forth.

Commissioner

Thimm: Good. Okay, so number one, it says that City Staff reviewed the assumptions made by the Triton report and find all the assumptions

reasonably acceptable. Does that include the percentages of reduction for all the traffic counts that were suggested in there?

Alfred

Knotts: Yes. And that's why we put a heavy emphasis on effectiveness monitoring, also, to make sure that we can revisit those assumptions based on the actual operation of the facility.

Director

Erickson: So for Mary's purposes and for members in the audience, I need to let them know who Alfred is and who Matt is. That was Alfred Knotts, Transportation Planning Manager. Sorry, Alfred, I've got to get it on the record.

Planner

Astorga: So I don't know if it would be wise to simply, if, if we don't have any other follow-up questions on the Item 1 we could move on to the second item.

Commissioner

Joyce: So, so Item 2. I, I didn't understand the piece on the cross section. It was kind of a statement that says we think it's adequate. As I read through the applicant's comments in the back it sounded like when we're repaving Lowell right now we're actually doing it three feet narrower than it's been historically. Is that true?

Planner

Astorga: Actually, before Matt answers that, and I'll let him answer that, I just want to say, since you brought up the applicant's position paper, it was submitted to the City Friday about noon. So yes, we were able to put it in the packet, but that's about it.

Commissioner

Joyce: Okay. So I'll ignore the applicant.

Planner

Astorga: No, no.

Commissioner

Joyce: Can you tell me whether the repaving of Lowell is of a different width than it originally was, or was a year ago?

Matt

Cassel: It---from a year ago?

Commissioner

Joyce: From four months before they started tearing it up and repaving it.

Matt

Cassel: No. It's the same. It is the cross section that we recommend in the 2011 Master Plan.

Commissioner

Joyce: So, but let me, let me, that's not what I asked. There was a road there four months ago.

Matt

Cassel: Right.

Commissioner

Joyce: I don't care what the plan said. There was a road there four months ago, there will be a road when they're done all the paving that they've done. Is the new well-paved road of a different width than it was this past winter?

Matt

Cassel: Yes, it will be narrower.

Commissioner

Joyce: And so can you explain----given all the things that we've seen and heard and witnessed personally about all the traffic and snow removal issues and parking issues, and people walking through the streets and stuff like that, how did you guys a) get to the conclusion that it was adequate; and b) get to the conclusion that making it three-foot narrower was a good idea?

Matt

Cassel: So, in---and that's one of the things we tried to articulate in Item 2 was how we came about making the decision to make the road narrower. It, it's, it was---I'm trying to think of how to say it, of collaboration amongst a lot of departments in the City to come up with what we thought, and what we believe is the right road section for Old Town Park City. This section of road is the same width as Empire. We've seen a lot of information showing worst case scenarios of, of what may happen, and that's something that happens

everywhere in Old Town. We don't design for worst case scenario. We actually should be designing for average case situations.

This here, the section as we were looking at it, we had to make decisions as to where we wanted to put people. Where do the pedestrians go, where do the bicyclists go? And in this, in the section I wrote up we talk a little bit about streets versus the roads. And our local streets are meant to access people from the homes to the higher mobile roads. Our Old Town streets are not meant for high speeds. They're meant to be used for people to access their homes, get to the higher mobile roads, such as 224 and 248.

One of the things we recognize is there's a common belief that greater width equates to safer, better roads. And in 2011 that's one of the things we fought was, is, you know, what does that really mean and what does that really look for our roads. What we really end up doing is we store snow on the roads. We use a part of the road during the winter months. Even though we're narrowing the asphalt section of the road, we're still keeping the area that we normally use for snow storage. So we may have less asphalt but we still have the same amount of snow storage that we had previously. And it's a road section that, that---for access to the homes we believe and have believed and have been building roads to that section that works for Old Town.

Now we've got to throw in Treasure, and the traffic trips that are going to be generated by Treasure. And that's one of the first things we did in 2015 when we started looking at redoing Lowell Avenue. Do we leave it as a local street or do we bump it up to a minor collector, which would give us more width and, and the ability to handle more trips? And in April of 2015 we had InterPlan evaluate with Treasure in place, with Bamberger in place, and 100% buildout, what the trips would be like. We did three scenarios. One with all trips on Empire, all trips on Lowell, and then all trips kind of spread evenly amongst them. And at no time did we exceed the capacity of the local street. And so that is why Lowell and Empire were built as local streets and why they're being narrowed.

Commissioner

Joyce: So when you say that. We, we had some debate a while back about what, what was the capacity of a local street. And we had some numbers that seemed to go much higher than, than what was thrown out at that meeting. So what, how did that get resolved? Because it seemed like we were going to blow right through that based on everything we saw that night.

Matt

Cassel: So one of the things in the---in Item, in Item #3 we talk about AADT, ADT, and peak, peak hour. The information that was captured by---normally when you design a road you design it for average annual daily trips. The information that Triton captured was peak. And so it's not---and one of the things we have asked is to take those peak hours, peak trips and convert them to ADT or AADT; Average Daily Trips, or Average Annual Daily Trips. And as we talk about it in this section, AADT is a lower number than ADT, and we feel for this it's appropriate to be designing for ADT. So if you just take those intersection numbers and multiply them by 12 hours, 16 hours, that's a number that was only for a three-hour time window. You can't necessarily multiply them by 16 to get the average daily trips for that.

Commissioner

Joyce: Yeah, but I remember that just for what it's worth, it was like if you just took the peak morning hour and the peak afternoon hour period, just those two hours, you were almost at the average daily limit that you guys told us for a road, and that was just literally two hours. So that left the remaining 22 hours of the day to---I mean, traffic doesn't just drop off a cliff at, you know, 9:00 a.m. or something when the clock turns.

Matt

Cassel: No. And, and that's, and I didn't---this didn't get out today?

Planner

Astorga: No, it didn't, but I can bring it up.

Matt

Cassel: There was a map that we put together that I think is trying to address that question, which is, I think the most representative counts for Lowell Avenue and Empire Avenue are the ones at the intersection of North Star and Lowell.

Commissioner

Joyce: Okay.

Matt

Cassel: Pretty much up near the bend. As we get down and move into the intersection of Silver King and Empire we changed the designation of the

street. Empire Avenue is actually a commercial street. It is designed to carry a capacity of 15,000 trips, versus Lowell Avenue and Empire, which are designed for a maximum of 2500. So that's one of the things I felt was kind of confusing is as people are looking at these intersections and looking at number of vehicles passing through the intersections, they weren't taking into account the different road sections that were tied into those intersections.

Commissioner

Joyce: Okay. I understand what you're saying. I'm still a little confused because if you, if you simply get down to the area kind of down at the bottom of the hill near the Bamberger proposal, if, if that's exceeding capacity and you start running into problems where people can't pass and, you know, basically traffic backs up, then it kind of doesn't matter that it's free up the street from there. You've still got a street blocked and the street's only, you know, what is it a half mile long or something. It's probably not even that. So it's not like, oh, yeah, but it's clear up at the top where, where there are no cars right this minute.

Matt

Cassel: And you're right. And one of the things we did right in that area, which is the Park City Mountain Building and the Marriott, is we actually, the road is about the same but we actually have sidewalks on both sides of the street. So, we're removing some of the friction to allow freer flow and allow more vehicles to be able to move there, through there safely. So we have---made changes in that little section because of the large number of trips generated by the Marriott.

Commissioner

Joyce: So, so let me ask this because this---I, I, when I was reading through I wasn't quite sure. And by the way, the stuff's not up on the screen. I don't know if you're trying to show us anything. But, oh, there we go. One of the, one of the concerns that when we really talk about---even if you ignore the fact that traff-, you know, you may end up with trucks kind of going head to head trying to get up and down the hill, which I still haven't figured out how that's not going to happen since it's been happening for years there. We have two safety issues. One that we've heard about is, you know, fire trucks and emergency vehicles being able to get up Empire and Lowell. And the other is, there's a really unusual number of pedestrians on those streets because they're walking down. I mean, you've got an attraction, right down there at the end of the street that's in

walking distance. And so you go to any other street---you know, go up here to Norfolk or something like that, and it's not like there's all those people walking out there because there's a really interesting thing right down the street. But here we do. So you can, I mean, you just go there at 8, 9 o'clock in the morning and you see a flow of people from different, you know, houses and condos, and people who are parking there that probably shouldn't be anyway, walking down the street. There's a lot of pedestrian traffic. So, how do you guys, and this could be either of you here, or any of the three of you, how do you recommend that we take in those safety concerns. Because if you start getting to, we're not going to look at peak traffic, we're going to look at ADT or AADT, I've still got safety concerns for both the pedestrians and emergency access up those roads. How, how do we filter that into this discussion, because I really didn't see that addressed here.

Matt

Cassel: It---well, we, we had a section, I think it was in [inaudible], we talked about the reason, our reasoning for sidewalks, or not for sidewalks. And, and it's an important question you're asking and it's, it's one of the basis of, of our decision-making in 2011 is where to put the pedestrians. And, and---

Commissioner

Joyce: And just to be clear for the people who didn't read here, the answer is you put them in the street.

Matt

Cassel: We put them in the street.

Commissioner

Joyce: Okay. Just---

Matt

Cassel: And, and so in, in a nut---really what we're looking at is number of trips per day. If it's within the confines, or within the counts for a local street, so it's less than 2000 trips a day, we want that side friction. We want the peds in the street, we want the bikes in the street. We want everything in the street mingling and slowing people down. Making it a neighborhood street, not a road. Now that works well in the summertime. In the winter then we start talking about let's put a different path for the pedestrians. Where do we put them? And we talk about it here, about putting a sidewalk. And at the end of the day that sidewalk's going to be buried in

snow. People are going to walk where we plow. And we, and we plow the street and that's where we're going to walk. We can put sidewalk in on the west side or on the east side, and we talk about that in the report. At the end of the day, if we don't plow those sidewalks people are going to walk in the street. And it's shown in one of the pictures that was shown a couple months ago, people walking down the middle of the street between the Marriott and 1301 Lowell, and there's sidewalks on both sides of the street.

Commissioner

Joyce: I know, but back in 2009 when we went back and reviewed through there, where there was a lot of discussion about the different street profiles and stuff, there was also a lot of discussion and recommendation, I think from the Planning Department, that not only would there be sidewalks but the sidewalks would be plowed. And so I keep getting back to---I understand where you guys are going and I read through all that, but I, I keep just trying to picture in kind of a logical simplistic view, if you're still pushing snow over to the side of the road, and we're not going in there every morning and hauling it all off, which obviously we're not going to, and people are still parking on that road, which they're still going to unless we make a change and say no parking anywhere, at which point I, I don't know how those people park their houses any more. You've basically got snow storage and cars parked and you've driven people out into the street, and we're going to have two-way traffic on all these roads. And I just can't, I just can't do the little cross-section to make that work. I don't, I don't know what you're recommending that looks like.

Matt

Cassel: The, one of the things, and it's not going to flow. I'll tell you that right now, it's going to be slow moving wherever they go because of the people in the street, and because the cars as they come head to head have to move over to pass each other. And that was the goal of what we were trying to accomplish. Slow everyone down.

On Empire Avenue, I wrote that up in here, also, it is---you know, one of the things the City needs to do a better job of is we need to manage the road. There are numerous signs that were taking down saying no parking that have become places where people park. People are supposed to be parking on the west side of the road, and many people park on the east side, which now is the road down and becomes the head to head conflict with two trucks.

One of the things, I think---and so by us managing that a little bit better of how people park we keep as much width open as possible. Now when people are parking on the street, not every foot of road is taken up by parking.

Commissioner

Joyce: Right.

Matt

Cassel: And so that's where the passing occurs. That's why---as, as people come head to head to each other one moves over into an area that's not parked up and they pass each other. That was our entire is to force people to slow down to nothing. To make them crawl through those places. To make them a street. To make them so that slower speeds reduce accidents, reduce the, the dollar value of accidents, reduce a lot of the stress.

Commissioner

Phillips: It---I'm sorry, I just have to, does it also reduce the amount of an ambulance getting from one end of the road to the other?

Matt

Cassel: One of my favorite sayings is, we create, we make wider streets so that we can quickly get emergency vehicles to respond to accidents caused by wider streets. So we can make them wider---

Commissioner

Phillips: I'm not, I don't, I wouldn't say that that, that my biggest concern on that road is a high speed accident. My biggest concern, 'cause I'm right there with you. My biggest concern is that you know, and I understand and, you know, I understand that you don't design roads for the worst case scenario, but you have to have a plan for the worst case scenario. And so, you know, I'm just trying to picture the Cisco truck getting jackknifed down one side, and then the two wheel Uber driver spinning, he can't spin his wheels fast enough to get up the other road. It's all backed up and the kid next door eats a peanut and needs an EpiPen, you know. And, and in, and in all of that we have purposely slowed everything down. And that's

my biggest fear. The traffic counts, the numbers, all of that, I mean, you guys are the professionals, but I'm worried about the kid that ate the peanut next door.

Commissioner

Joyce: I'm worried about, as part of this CUP, the 11-story hotel on fire. And so, now you're talking about trying to bring up big fire trucks and lots of them in a hurry. I sympathize with the peanut guy, but I mean, as part of the CUP---

Commissioner

Phillips: I have kids.

Commissioner

Joyce: We actually have review criteria that says, you know, how does emergency access work. And I feel like we're exacerbating that problem.

Matt

Cassel: Every step we took in 2011, the fire department was with us. And we made sure that what we were building was something that they could work with. Not something that was less than what they could work with, but something that we meet minimum fire standards. That was the most important thing for us is to make sure that emergency vehicles can make it through. At times right after a snow event, that is more difficult than it is on, than on July 15th. But, we had hand-in-hand the fire district with us as we went through and decided how these roads were going to look and how they were going to operate. That was the most important thing to us is to make sure they could get through.

Commissioner

Joyce: Okay. I mean, quite frankly, just for all the discussion we have here, I understand where you're coming from, but I don't care about summer. I mean, to me there's five months of winter that are the problem in that particular area.

Matt

Cassel: Right, right.

Commissioner

Joyce: And that's, that's all that matters for this particular discussion.

Matt

Cassel: Right, 'cause in the winter time it's a narrower road. You're absolutely right.

Commissioner

Joyce: Yeah. Okay, thank you.

Planner

Astorga: So, I think we discussed---Matt explained the, he evaluated the AADT with all the other, other acronyms aligned on three, and also even four. If we could just move, or do we have any more questions that we need to address on those?

Chair

Strachan: I just have one more. What, if anything, has the applicant proposed to mitigate the impact on emergency vehicle access? Ski runs and Cabriolets can't go to that, right?

Matt

Cassel: No.

Chair

Strachan: So, what is the applicant proposing that's going to make it easier? To what degree I don't care. But easier at all. Well, actually I do care to what degree, but I just want to find out if it's more than zero.

Planner

Astorga: I can't think of anything specifically to that, but would you be okay if we asked Gary Horton that question?

Chair

Strachan: Absolutely. Yeah.

Planner

Astorga: I don't know if he, if he wants to come up and answer it now or---

Chair

Strachan: Why don't you chime in right now, Gary. Grab a mic.

Gary

Horton: Sorry. I was taking notes so do you want to repeat the question and make sure I'm answering the correct question.

Chair

Strachan: What does the applicant propose that will mitigate the impact visa-vie emergency vehicle access? What are you guys proposing that will make it easier for an ambulance or a fire truck to get up to Treasure?

Gary

Horton: I'd have to talk with our team, but---

Pat

Sweeney: I can answer that question. Do you want me to answer it?

Chair

Strachan: Why don't you come up to the mic. Sure.

Pat

Sweeney: Pat Sweeney, representing MPE, the applicant. Our position on this is that there is a solution, just like there's a solution for the rest of Old Town. John knows that, I know that. I've lived up there for 40 years. I don't know how long you've lived up there, John. The fire department/EMS system makes it happen, even under the worst circumstances. Regarding operation of the road, and, and I have a little bit of side expertise here, I was an emergency physician for 40 years. Treated over 100,000 patients. Worked at the Trauma One Center in Salt Lake. I, I have to agree with Matt. When they need, when the need to, when the need arises, the fire department will get up there and people will get out of the way. And I don't know if they're here tonight. I wish they were. They've said that before, and all those folks, that's how they think. I'm totally, I understand what it's like for a child to eat a peanut that they're allergic to, I understand that. I understand what a fire is like.

Regarding what we're going, we agreed a long time ago to a fire protection plan that had extraordinary measures regarding our project, so a lot of the equipment will be in [inaudible] and built into our project, including a command control system. So in certain circumstances, all the firemen have to do is get up there one way or another.

If, if there's a problem with what we're talking about here, it exists today. It existed last winter. And the, there is a solution if we work together on this. There's a decision to be made, and our position as applicant when it comes to the roads, we can give you all sorts of great ideas, and we have over the last 15 years. But it's, it's up to the City to make that decision and operate the roads for everybody. That's our position.

Chair

Strachan: That's your position in full? Period.

Pat

Sweeney: Adam, that's our position. We've been talking for 15 years. All 15 years of counts.

Chair

Strachan: All right.

Pat

Sweeney: And I'm not saying I'm done yet.

Gary

Horton: The one that was done---sorry, I had to sit back and think. Generally, emergency services are considered already in place unless you're adding new roads or adding things, how are you going to accommodate them.

I think one of the mitigations that was done a long time ago was the donation of the property for the Empire/Lowell connection loop, so the emergency services can access those homes in that area from either direction. If one is block off, it provides the ability to come from the other direction. So, like any, most developments require two access points. That created that ability for that, what wouldn't have been without that loop connection.

Chair

Strachan: All right. So you're citing the donation of the connector of Lowell and Empire?

Gary

Horton: Correct.

Chair
Strachan: Anything further?

Gary
Horton: Not that I can think of.

Chair
Strachan: Okay. All right.

Commissioner
Thimm: So, I guess, you know, we have---this, this Commission has time after time talked about enforcement issues and that sort of thing, and various aspects of, of municipal codes. And, you know, the, the Staff report, particularly in this Item #2, points out the ignoring of no parking signs and the parking on sidewalks and that sort of thing as I guess part of the solution to the problem. What is going to happen differently to cause enforcement to actually happen where it hasn't happened before?

[Mr. Cassel and Mr. Knotts confer.]

Matt
Cassel: We're thinking out loud.

Commissioner
Thimm: That's the best way sometimes.

Matt
Cassel: We've got a project coming down, and because of the project, the road project that's coming up in a couple of years, we're starting discussions about expanding the permit program. By expanding the permit program, we expand the area that we can enforce. Some of the things that have happened in the past were on the sheer basis of the priority of parking exceeds the need for pedestrian sidewalks. And, and at the end of the day, that priority trumped.

So, you see, like I think I talked about it on Norfolk, where people are parking on sidewalks, Council had to make that decision of what to do. Either tear the sidewalk out; allow people to park in places they're not

supposed to park. And the decision was to allow them to park on the sidewalk because of the need of the neighborhood to have parking.

Commissioner

Band: But is it the need of the neighborhood? I mean, I don't think that---when was the last time Old Town parking permits were enforced? A lot of those people parking on Lowell and Empire do not have permits in their car. And as I understand it, it's actually the City who's enforcing that, not the Police Department. Is that correct?

Alfred

Knotts: That is correct. Outside of the permit area the Police Department does enforce. Within the permit area, the Parking Services does enforce.

Commissioner

Band: Right.

Alfred

Knotts: So as Matt mentioned, we are considering expanding that program not necessarily based on the project facilitating that, but more of the overall Old Town Parking Management Plan, recognizing that paid parking may have other consequences, but people spilling over and things that we have seen, even without paid parking and also without projects.

Commissioner

Band: Right.

Alfred

Knotts: To hinge that on this project, that's what we were discussing about, whether we wanted to say that, because it does require a lot of public outreach, other policy decisions by the Council. So we obviously didn't want to tie that necessarily right now to that type of a project. But that has been an ongoing issue and permit programs would potentially be considered down the road in advance of this project.

Commissioner

Band: But we already have a permit program, right? It's just not being enforced?

Alfred

Knotts: It's enforced but it does not extend to this area and it does not extend to 14th and 15th.

Commissioner

Band: Okay.

Alfred

Knotts: We, we were considering moving it all the way down to Deer Valley Drive, but again, that's just something that's been discussed, because right now where it ends, all it does is really push everything down to 14th, 15th, and those areas from the permit area right now.

Commissioner

Band: So I used to live on Empire. I had a parking permit, all my tenants had parking permits. Did that change? Is that, I mean, you know, like, like I said, parking---in my opinion, and this is completely outside of the Treasure application, we should be enforcing parking permits in Old Town. People should not be parking unless they have a permit, unless they live there. And if not, they should get ticketed or towed. I mean, that's going to change a whole lot of the problems we've got there. It's not going to solve everything, but I think we should probably start with the low-hanging fruit.

Alfred

Knott: Correct. And it has become more of a priority for the City. We actually hired additional parking enforcement people. And we've hired additional, or a new parking manager whose made this a priority also. So that is the low-hanging fruit it yes, let's not create another problem before we address the problem that currently exists. So we do, we do concur with that.

Chair

Strachan: I mean, a lot of that's not really relevant to the CUP criteria, right? That's something the City has to do no matter what. The applicant can't claim the City's obligation to enforce its parking laws as a mitigating factor.

Alfred

Knotts: No.

Chair

Strachan: And you guys aren't saying that. Right?

Matt

Cassel: We're not saying that, no.

Chair

Strachan: Okay.

Alfred

Knott: Correct. And that's kind of what I was dancing around about the larger Council policy issue that's tied more to the Transportation Demand Management Strategy and the Old Town Parking Strategies as well.

Chair

Strachan: Okay.

Commissioner

Thimm: So, so the concern that I have is, is if the transportation strategy in this area depends on road widths and that sort of thing, that, that make the presumption that parking laws are, are being obeyed and they're not, doesn't that strategy fall apart?

Alfred

Knotts: It's a part of the overall strategy is the management strategy, and then also shifting a lot of those modes and those trips. Two different modes. Shifting those trips off of those peak times, too. So it kind of goes back to what Commissioner Joyce said about those peak times where it may or may---or be close to potentially failing with or without the project.

So we looked, and some of the strategies you'll see in here that we've articulated, or tried to articulate a little bit better in the Staff report, is to shift those trips off of those peak times so they don't exceed those ADTs during that time. So when we look at deliveries we tried to articulate the best we could from what we have to work with at a Staff level, is to shift those off to peak times. To shift employee work times and schedules off of those peak times to not exacerbate what already currently exists as the background travel and the background ADT. Which background means existing, sorry.

Commissioner

Thimm: So, in terms of enforcement, obviously the applicant doesn't have anything to do with enforcement, but shifting of trips off of peak times and that sort of thing is a clear indicator that the applicant does have control over, or can have control over it.

Alfred

Knotts: That is, yes, that is our position. As these are the---the TDM strategies that are outlined put a lot of emphasis, meaning transportation demand management strategies, are put a lot of emphasis on by the applicant. We try to drill down on those because we do see that they do address the issue to a certain level, but without that specificity they may or may not be effective. So that's why we've tried to be very specific on what those strategies are.

And again, the enforcement issue comes back to a broader City management strategy, not necessarily directed specifically at the applicant or this project.

Planner

Astorga: The, the applicant simply wrote on their position paper on page 203 that they support the City's policies regarding on-street parking on Lowell and Empire Avenues, and assist the City in parking enforcement efforts on the streets.

Chair

Strachan: Treasure's going to assist?

Planner

Astorga: I, I don't quite know. Again, this came in Thursday at noon. I don't know what that last section means. And it says the City's parking enforcement efforts on the streets.

Chair

Strachan: What was that, Pat?

Pat

Sweeney: I, I'd be happy to explain that to you if you'd like. If you'd like we can [inaudible].

Director

Erickson: So just, just to keep it kind of going here. I think that our folks probably want to get through their presentation, and then I think we should have a coordinated rebuttal and conversation with the applicant, or whoever the applicant wants to represent them.

Chair

Strachan: That's, I think, a good general strategy. I think there's going to be some exceptions to that. I mean, we're getting down here to the short strokes as I've said before, and what I want is some, you know, point/counterpoint responses, because if there's mitigating factors I want to hear them. And sometimes those get lost because 20 minutes goes by when somebody's not saying something responsive to a question.

Director

Erickson: Right, right, so from, from a process standpoint, Mr. Chairman---

Chair

Strachan: I will make sure the process is observed. And I will make sure the record is as clean as possible. And I think we're going to be pretty efficient. But we'll just have to kinda do it a little bit by the hip tonight.

Director

Erickson: That, that will be fine. Just what Francisco's alluding to in his Staff report is this list of outstanding issues and responses coming back. So we're attempting to do this in writing as best we can. And you'll start to see the lists and the counterpoints to the list. And you'll start to see the applicant's response point by point in the meetings. So however you want to run it, Mr. Chairman. We're, we're here to serve.

Chair

Strachan: Okay. We'll try it. If it gets away from me, John won't have to buy drinks. I'll buy them. All right, let's---sorry. Commissioner Suesser?

Commissioner

Suesser: Yeah, I have a question just going back to that Section 3 that we were just discussing. The peak hour volumes that were collected by the applicant

and the analysis the City's done based on those numbers. Just want to clarify that we're talking about the numbers that they collected from President's weekend of this year. Those are the peak hour numbers that we're---that's you're basing your analysis on?

Matt

Cassel: Correct.

Commissioner

Suesser: And do you have some concerns about the fact that it was an unseasonably warm, you know, rainy weekend, and the fact that Epic locals were---it was blacked out for them. So you didn't have typical local traffic coming to the Resort on that weekend because they were blacked out. Have you factored those things in, because that's a concern of mine that we're basing a lot of this on those numbers from that weekend, and it might not be, it might not capture what's really going on during the winter months up there?

Alfred

Knotts: Yeah, and I'll clarify this. So the peak hour really doesn't shift, hasn't shifted based on whether it was ten years ago or it was just recently. So those peak hour windows---

Commissioner

Suesser: What about the volumes?

Alfred

Knotts: Stayed. Yeah, the volumes have changed over those years, obviously. We have taken that into consideration. We didn't apply any type of reduction factor based on those conditions that occurred at the time. Any time you kind of do a traffic count to that level or any time you do any type of existing conditions or field assessment, there typically is a plus or minus of about 5%. And so I think you could take into account that those conditions may have been applied to that 5% range, but still feel comfortable that they're representative of that peak day and that peak time.

I think, and not to defend anybody or anything, but having gone through this in different instances constantly with different projects, you schedule this labor and this technology and deploy these mechanisms well in

advance of not knowing what exactly is going to occur that day. So those anomalies are not a typical to exist.

Commissioner

Suesser: Okay.

Chair

Strachan: All right, let's move on to the third point, Evaluation of the AADT calculations or within the range, the accuracy and good engineering. Or did we cover that in the last discussion and we're moving on to four?

Commissioner

Suesser: That was discussed. So they covered it.

Chair

Strachan: All right. Five then. It looks like four was covered as well.

Commissioner

Suesser: Maybe we should discuss four a little bit.

Chair

Strachan: Okay. Francisco, what's your, your input there?

Planner

Astorga: Well, I think I'm going to defer to my transportation experts on that.

Matt

Cassel: Number four?

Chair

Strachan: Explain the measurement location of ADT at the intersections and the intersection reflects the total traffic on the street.

Alfred

Knotts: It---well, when those are deployed they do identify specific intersections and then see what's bled off or siphoned off from the next intersection. So we see what the traffic volume is that went through that intersection and then saw what was carried through the entire corridor. So, if you're asking about the methodology and whether we feel comfortable with it,

yes. That, that is an acceptable practice and we do feel comfortable with those intersections in that deployment.

Commissioner

Suesser: I think the point we were getting to in that number four was that it didn't, it captured only what was going on at the intersection, and not what was going on in between the project and Manor. You know, or what will be going on between the project and Manor Way, for instance, or the rest of-- or to the intersection of Deer Valley Drive and Empire Avenue. It doesn't capture what's going on the road and it doesn't take into account the pedestrians or take into account the congestion on the streets, and the parking on the streets, and the winter conditions on the streets, and the fact that they're one way roads on those streets. That's what that was, I believe, getting at there. Evaluating what was going on at the intersection exclusively, which was something you pointed out in your memo. You said that the traffic analysis needs to include an evaluation of the roadway congestion, you know, in between the street, not just in the intersection.

Alfred

Knotts: Yes, and it is typical that the level of service is measured at intersections, because those are the, the conflict points, I guess. But there are additional conflict points along the corridor. And I think as Matt mentioned, too, there's all those different factors that weigh into it, such as the pedestrian friction, the snow friction, the width of the street. And those aren't necessarily always a bad thing, as Matt mentioned. And also, is that they can cause calming factors on the street, also.

Commissioner

Suesser: You know those roads are failing now as Pat Sweeney pointed out. The, the problem exists now on those road, and now are you going to increase the traffic and you're still going to keep those conditions the way they are. That's what you're proposing. Just push everyone into the street and that will snow the traffic down. That's---

Matt

Cassel: Just for clarity, though, the streets are not failing. They have a lot of traffic on them and, and, and failure or how the streets operate is, is pretty subjective. It's different for everybody. And I know that our goals and what we were trying to accomplish are---can be different from a lot of

people, especially when something like Treasure is coming in, as to where and when failure occurs. We know that after a big storm event that most of our roads in Old Town, I'm not going to say are in failure mode because our maintenance dudes get out there and they clear snow and they open everything up. And that's important to us. But we know that they'll be times when the roads won't operate at peak condition. But we make sure that as we're going through and evaluating and coming up with these roads in the cross sections that the emergency fire district is involved, everyone is involved to make sure that there's a comfort level that when the time comes and needs to happen, emergency vehicles can get through. That they are, they are safe. That the speeds are slower than what they are on other wider streets. That's we're accomplishing our mission to slow people down.

Commissioner

Joyce: I have a question, and I don't know whether this is going to be back to the applicant or to you guys, but actually I'm sorry, it goes all the way back to number one, here where it was just, are the surveys good. I just, there was one question that I asked you guys back in the, the August 9th meeting. There was a chart that had the actual counts in 2005, and then the actual counts in 2017. And in a number of cases they were anywhere from 3 to 5 times higher, even though there were no, you know, major projects like a Bamberger or anything like that that came along.

And so I guess I'll, I'll start with Park City. When you guys said, yeah, these things are good, did you look at that. Do you have an explanation that you're comfortable with? Because one of the things we're doing is we're projecting out to 2037 and looking at the volumes there. And those volumes are just little tiny increments over what we have projected for 2017 with Lowell added. How in the world did we get actual counts that went up? And if you're looking, it's page 91 of the package from, from August 9th. But I mean, it was huge jumps in actual counts. Why is it that we're comfortable that we're suddenly going to start adding big projects in there and have little tiny things over 20 years, when we had so much increase over 12 with no big projects. Anyone?

Planner

Astorga: We, we don't have an answer. This is why we're having this somewhat of a work session format, so we can make sure that we've caught everything or indicated that we're not---didn't catch everything. So we'll, we'll note that and get back to you.

Commissioner

Joyce: So if you would. That was, that, that's a real important one to me because that---the effect it had on me is---looking at the 2037 projects and going they're way off. And I could be wrong, but if I look from 2005 to 2017 and see five times the traffic volume, and then I look out another 20 years and see a 20% increase, I have to say no way. So although you guys came forward and said, you know, we accept their traffic studies, I don't yet. And I still haven't heard a good answer to that.

Commissioner

Suesser: Right. And I, I want to point out that in their traffic study that was submitted, they, they drew conclusions on future traffic volumes relying on data based on anticipated regional population growth, rather than looking at data based on localized increases around the Resort area. So just a general population growth in Summit County was used as their data point rather than what was going on, what's going on in Old Town or what's going on in the City, within the City limits. [Inaudible.]

Commissioner

Joyce: Yeah, the thing that I threw out was that when you look at Vail's own projections for the part of the Canyon spa that their working on, that I know is unrelated here. But Vail says we're increasing skier days 5% every year for the next five years. And that just blows through the 20 year projections for the kind of localized regional numbers. And so, again, I just want to get back to how do you account for all that, because boy it seems to be in direct conflict to the 2037 projections.

Chair

Strachan: All right. Any more questions on four? All right, let's go down to five. The traffic split on Lowell and Empire Avenue at construction delivery and daily traffic. Times, I'm assuming should, should have been in, in there.

Commissioner

Joyce: Nope.

Chair

Strachan: Nothing?

Commissioner

Joyce: Nope.

Chair

Strachan: My only question is the third bullet point down says daily traffic generated by Treasure Hill may use both streets for access with adequate mitigation as proposed. Any new mitigation that's being proposed that we haven't already seen, that you guys are aware of? No? All right.

So we're talking then, and correct if I'm wrong, but we're talking then about reduced construction times in terms of the number---when the dump trucks can go up and down Lowell and Empire. Talking about on-site storage of excavated materials. And we're talking about having staff, construction staff coming in on shuttles.

Alfred

Knotts: Right. Correct.

Commissioner

Band: Or carpooling. I think it said carpools.

Matt

Cassel: Or use of the Cabriolet.

Chair

Strachan: Or use the Cabriolet. Okay. All right, let's go to six. Nothing?

Commissioner

Joyce: No. The only thing, the only thing that I got out of this was, you know, you basically get the, the failure at the Deer Valley. You know, it exacerbates the failure at the Deer Valley intersection with 224 by adding additional traffic. But that's certainly not limited to this CUP. It's just one contributor.

Chair

Strachan: All right. Now seven is kind of the, the whopper. I think the best thing to do here is let's ask Alfred and Matt. You know, of all the traffic mitigation measures that you've seen proposed by the applicant, do you think that they are reasonable? Do you think that they're going to be effective?

Alfred

Knotts: Yes. I think they are appropriate and reasonable. They are identified in several of our plans as adequate mitigation measures and strategies. As we look at the community-wide, we look at our reasonable strategy that we've laid out in our plans. We look at TDM as being a major strategy in achieving our transportation goals. Same with transit. And also active transportation and other alternative mode of transportation. And then trying to put the least, or a less amount of emphasis on heavy capital projects. So when we look at the regional scale, we try to drill down and put those and practice those principles and those strategies at a project level. And I think that we tried to do our best to put what those actual strategies are and how we're going to mitigate, or measure that effectiveness also.

So the strategies themselves with a heavy emphasis on transportation demand management, transit service and access, and even the Cabriolet in itself are very consistent with the regional transportation policies and goals, also. So I think they're reasonable and appropriate for this type of a project and a project of this scale that we've seen it in other communities.

Again, I go back to the fact that measurement and evaluation of the effectiveness of these measures is going to be very critical. And that's something that the City cannot lose sight of as the project should move forward.

Commissioner

Joyce: Can, can I ask for clarification? I think Adam, I'll stick words in your mouth here. I think what he asked is are the applicant's mitigations appropriate and acceptable. And there's some things that I see in your words here where they've proposed something---I'll pick one. You know, employees during peak season will be shuttled to the site. And your proposals or the Staff's proposals are, no, that's all year long. So it sounds like a difference between kind of the topic of mitigation and then the details of actually---or the extent, call it that. So which were you addressing?

Alfred

Knotts: We think that they require a significant amount more of specificity. And if they're going to be effective on a daily basis, not just on a seasonal basis, they need to be applied as we have recommended or how we've laid out. Certain things are laid out that the seasonality of employees will show up during the winter period. Well, we have significant problems during peak

summer times, peak weekends, peak events. So we would like to see those applied as standard operating procedures for the project itself.

So, in the sense that the measure itself we see as being an effective measure if applied and implemented as we've laid out. It needs that level of specificity. It also needs to be laid out in a manner that we know it will be funded. That it will be managed by the applicant or, and/or the operator. And it will be monitored by the applicant and/or the operator to determine if it is effective.

So I guess I would reframe that and, and answer the questions as you've, you've laid it out. Is it adequate? We think it's adequate if we implement it in the way that we have laid it out.

Commissioner

Joyce: Okay, thank you.

Alfred

Knotts: And, and certain things that we also sought specificity on. Building the Cabriolet is great, but unless it operates with the certain parameters, it's not going to be effective to the level that maybe the applicant has assumed. So back to those assumptions and other strategies such as parking and other things that they can do. One other thing that we laid out, too, was, or sought specificity on was that the applicant would implement a shuttle from the airport. Well, if they don't---if I'm not going to shuttle back to the airport that's not going to be a very effective mitigation measure and it's not going to be much of an incentive for the customer to use that. So just an example of us trying to drill down on what that really means and how we can determine whether it's effective.

Commissioner

Joyce: Okay, thank. Sorry, just---

Chair

Strachan: No, I agree.

Commissioner

Joyce: Wasn't sure we had the right answer to the right question.

Chair

Strachan: Nope. That's right. And I mean, it sounds to me like what you're proposing is that the mitigation may be feasible, it just has to be conditioned properly.

Alfred
Knotts: Correct.

Chair
Strachan: All right.

Planner
Astorga: And, and on this list---we're on Item 7. The, the first bullet point, we find that it's not directly mitigating the impacts of this current conditional use permit. What the applicant listed here is simply the parameters of the Master Plan. One, one quick example is the, the dedication of the road, of the, the switchback. That was dedicated in 1987, actually. Deeded to the City in 1987 in preparation for it, but it, it, it's not a direct, it's not directly mitigating a cause of the project. Does that make sense?

So, and, and the position paper does a lot of that in what they've, in what they outline as accomplished mitigated. A lot of those were different phases of the Master Plan. Again, they're not directly mitigating the impacts of, of this project.

The rest of the bullet points on page 165 and 166, we are saying that we agree with the, with the applicant just like we just discussed, but we need additional specificity and evaluation to follow up on. And then the very last bullet point, we do not agree on the one-way traffic on the loop that, that they would want to create. And I'll let Matt expand on that one. But the ones in between, just like I said, we agree that they're appropriate. We just need to follow up.

Chair
Strachan: Well, some are, some aren't. I mean, for instance, one of them is Treasure Hill will have a dedicated employee housing on-site.

Planner
Astorga: You're right.

Chair
Strachan: That's an MPD requirement. It's not a mitigator.

Planner

Astorga: No, I, I missed that one.

Chair

Strachan: Yeah. So the one-way loop. Matt?

Matt

Cassel: We've not been supportive of a one-way loop. I, I think on paper it sounds good. It's an idea. It makes a wider road. But at the end of the day trying to implement it, trying to get the Marriott, guest of the Marriott having to drive all the way up Treasure and back visa-versa, VMTs, vehicle miles traveled goes up. It doesn't accomplish a lot. It opens the road up. Speeds go up. It really doesn't accomplish anything other than getting from point A to point B quickly, and that's not our goal.

Chair

Strachan: Gary, do you disagree with that?

Gary

Horton: I'll approach it during my presentation.

Chair

Strachan: Okay. All right.

Gary

Horton: [Inaudible.]

Chair

Strachan: Well, yeah. He'll present it later is what that boils down to. All right. Further questions on 7?

Commissioner

Thimm: So I just---quick question Francisco or Bruce. These mitigation measures, at least the ones that are appropriate, are those going to be part of conditions of approval eventually?

Director

Erickson: They are, they are potential conditions of approval that we're evaluating for their effectiveness and their specificity. And what we're trying to do is drive them forward early in the process so the Planning Commission can

review the strategy in whole rather than debating the wordsmith at the final conditions of how that decision gets made. And you'll see that on a number of the issues coming forward where we're proposing potentially qualifying conditions.

Chair

Strachan: And one of the things that I'm going to be looking for, as will all the other Commissioners, I'm sure, is hard data on what impacts are being mitigated, for instance, by the Cabriolet and intermediate---construction of beginner and intermediate ski runs. How many vehicle miles are being reduced because of those mitigators, and how are you quantifying that? How do you know?

Same with employees not living on-site during the winter. I mean, if we, even as conditioned, what's your estimation of the number of vehicles that will be reduced, and how did you get to that number?

Alfred

Knotts: What we've looked at is, for mitigation measures like that to be determined to be effective, and we've looked at other projects and resort areas of similar scope and scale to apply that. But even those projects have had a heavy emphasis, again, on the mitigation monitoring. It's very similar to any type of origin destination survey. We go out and ask, you know, how did you arrive to the Mountain? Did you use the Cabriolet? Yes, no. If the Cabriolet was not built, how would you access the Mountain? I would have driven. I wouldn't have made the trip. I would have used transit. So, those types of surveys are very typical, and again, it goes back to the origin and destination survey of any travel or demand survey. So those types of surveys would need to be completed and reported back to the City to determine that effectiveness. And then potentially other measures be implemented should they not be effective. Do people know that the shuttle even exists from the airport? It could be as simple as that. If the people don't know the shuttle exists, are they even going to use it. If it's not operating 365 days a year are they going to use it. So again, it comes down to a lot of the outreach and management of that strategy, not just implementing it. When we talked about the fact about whether just building the Cabriolet is mitigation in itself. It's not if it's not operated or managed in a way that actually mitigates the impact also. So, that's the specificity that we would like to see to determine if the project or that measure in itself is effective.

So again with the ski run, is the ski run open on opening day. Does it have snowmaking on a low snow year. Is it accessible. Well, those are big questions. If not, everybody's still going to have to walk down to access the Payday area, Legacy Lodge, and those areas if we don't know that there's the adequate resources to keep that type of facility open.

Director

Erickson: So just a point of clarification, Mr. Chairman. The Staff is aligning potential mitigations with impacts that have been identified in the 15 criteria. I don't believe we're quantifying the actual VMT, vehicle miles traveled. Actually quantifying those numbers, I believe that's part of the applicant's job, but am I misunderstanding what you're asking?

Commissioner

Joyce: Everything we've done so far has been in trips versus vehicle miles traveled. Were you looking for something different?

Chair

Strachan: No, trips is fine. I mean, basically what I want to make sure of is that there's a nexus between the mitigation and the impacts. Otherwise you can't---

Director

Erickson: Right. And I, I agree. And I think our current strategy is, if both parties are getting close to agreement that the ADT is reasonable, then the mitigation strategies need to be in place to ensure that we're not ever going to exceed that average, that predicted amount. I think that---and if there's additional mitigations that the predicted amount is too high, then, then we need to make sure our mitigation strategies reduce below the predicted amount. So, we're getting to agreement on the predicted amounts; whether those are accurate or not. And we need to mitigate so we don't exceed or reduce.

Chair

Strachan: Yeah. I, I agree with you, we're not going to be able to get exactness.

Director

Erickson: Right.

Chair

Strachan: But we need to be getting as close as we can.

Director
Erickson: Right.

Chair
Strachan: All right. All right, still on 7. Anything? All right, let's move on to 8. Are the TDM---

Commissioner
Thimm: Oh, did we fully address the one-way issue.

Chair
Strachan: Well, I think we've heard Mr. Cassel and Mr. Knotts position on that. Gary Horton, the applicant's traffic analysis, is going to save that answer until a later time.

Matt
Cassel: Just to, just be clear, Staff does not support one-way.

Chair
Strachan: All right. 8 - Are TDM methods proposed adequate and how the effectiveness---how should the effectiveness be measured. I think that's kind of along the lines of what we were just discussing. Do we have--- and, and it looks like what it boils down to is that we need more specifics and we don't have them. Is that fair to say? All right. And those specifics need to come from the applicant. Correct?

Director
Erickson: Correct.

Chair
Strachan: All right. The Staff has no intention of coming up with those numbers, right?

Alfred
Knotts: No. We just tried to depose the question of how we would evaluate the mitigation measure. I think it's explicitly called out what the effect is speaking to, the construction of the Cabriolet. We support these mitigation measures or what's proposed by the applicant, but they need to demonstrate how they operate and what the certain parameters are for it to

be effective. That's not mitigation. Just upon itself for just the construction of a, of a measure.

Chair

Strachan: Got it. Okay.

Planner

Astorga: And, and the same applies to the one right below the Cabriolet. The beginner and intermediate ski runs. And, and just jumping down on employees not living on-site in obviously winter season, we want to change that to 365 days, not just the winter season. So it's more of a yes, it's a good mitigation strategy, but we need to beef it up for lack of a better term. And the same applies for the shuttle service to the airport, not just in the winter but we find that it should be provided year-round.

Chair

Strachan: Got it. Okay.

Commissioner

Suesser: Are we clear on where the applicant stands on these proposed conditions? Is the applicant agreeable to these or are they resisting these changes to their, to, to the mitigation measures?

Planner

Astorga: I think we'll hear more from them during their presentation. And so unless you guys have any other questions on this section 8.

Commissioner

Joyce: Yeah, just kind of tied back to what Adam was just asking, I just want to make sure. There---in the August package we went through a lot of detail, actually on, you know, the Cabriolet was going to reduce trips by, you know, 20%. And I, I'll get the numbers wrong. I'm not looking at them.

Chair

Strachan: [Inaudible.]

Commissioner

Joyce: Yeah, so, but I mean every step along the way had some percentage of reduction. And I know, obviously, that's kind of a grab at a number given that you don't have specificity of the actual things like hours of running and days of the year and things like that. It's hard to really justify 20%

versus 30% if you don't have that detail. But are you guys happy with, I guess two things. One is that technique of using that percentage reduction of, of trips as, as a way to quantify the impact on, on the traffic. And the other question is, do you think that once you get to your recommendations for mitigation that you could actually feel comfortable saying, yes, 20% is right or 30% is right or 40% is right. I mean, do we have an end game that, that at least from Staff's perspective we can actually get to something that we all nod our heads yes?

Alfred
Knotts:

There are certain percentages identified in our Transportation Demand Management Plan that are endorsed by the air quality management districts within the State of California because they do have and are federally mandated, they have TDM programs. There's really not a ton of background information, but that's really the only industry standards what to apply to. And so there is percentages of reduction to apply to paid parking or to free transit. And they're in the range of 5% to 10%. So across the board those could be applied.

And then one of the recommendations was too, is that they would employ and/or designate a transportation demand manager. And while we would assume that all of these measures would be under that purview of that transportation demand manager, and report back and evaluate and monitor those types of mitigation measures where we can determine whether they've been effective or not.

Commissioner

Joyce:

So I guess what I would ask is that---I mean, obviously, we're not going to instantly become traffic experts up here. For these mitigation things that they have assigned, and again, this was mostly back in the August package where they went through and did trip reductions based on, you know, on-site commercial support and the ski runs and all those kinds of things. When we get to the next step I would love to see those things kind of in a clear-cut fashion that are like all on one or two pages. And I would like to see between the Staff, Park City Staff and the applicant, either you've got two answers, and I'd like to see both answers. Or no we have an answer and we both agree to it. Because I'd like to at least be able to identify things. If the thing is the Cabriolet is 30%, and you think that's great and they think that's great, fine. I'm not going to be the one who sits back and tells you you're both wrong because you know a lot better than I do. But if you think it's 10% and they think it's 60%, then that gives me

something to focus on. And I really don't have that right now. Unless the answer is you agree with all their percentages, at which point I can go back and pull them out of the package, and we've seen those.

But, I mean, there was a lot of trip reduction and parking reduction both in there that, that fit into the traffic models and all their numbers were driven out of that. And so when you guys say back in Bullet 1 or, you know, Point One, we agree with their models, I don't know if that included the mitigation or just the basic what we monitored and measured.

Planner
Astorga:

Right. And, and let me clarify something for you. And I, I am not the transportation guy so please correct me if I'm wrong here. They start with 30%, then---for the Cabriolet for example. We reduced it down to 10%. I think what we're saying is we're comfortable with that percentage as being the starting point, but we need to come back and evaluate that number and then, and then adjust from that point. Is that correct?

Matt
Cassel:

I want, I want to say it a little bit differently. When we come back and look at that number, one of the important things we need to have is the post-monitoring program. And that's where all these TDM measures are coming about. And so what our goal is, is if they're saying that the Cabriolet will reduce trips by 10%, that post-monitoring program, however it's managed, however it's monitored, needs to verify that they are achieving that 10% reduction. So we---I think [inaudible].

Commissioner
Joyce:

So, so here, here's my challenge. And I, I thought I understood that piece of it, but here's the problem. I don't want to approve a project where the number is 40%, and when we monitor it and find out it's 10%, now what? It's built. You know, those cars are all up there and we're not all of a sudden going to go up and shut down, you know, a 200 room hotel because there's too many cars coming out of the entrance. And so I, I like the idea of monitoring. I like the idea of feeding this into the whole City-wide TDM. I like where you guys are headed. I need to make a decision of do we approve this conditional use permit. And yes, I like the idea that there's a monitoring program. I want to know that you guys are pretty comfortable with the numbers to start with, and it's not like, here's a

good starting point. It's like, no, I want a, I want, I want your agreement. I want you guys to either agree with them or both stand up and disagree and say we think it's ten, we think it's 40. And I can at least go from there. And the more you guys can come to agreement, beautiful, that makes our life easier.

But we need to get it right. I mean we, we can't do all of this as post construction adjustment kind of thing. It's got to be pretty close to start with.

Commissioner

Band: So these monitoring programs. I know it's, it's typical and you've seen them done before. Who typically pays for that and who---I mean, I would assume the City is the one who is ordering it. Are we paying for it?

Alfred

Knotts: The applicant will be responsible for the majority of the monitoring. We typically---what you typically would do is put together a mitigation monitoring reporting program. And that would identify the responsible party and that would be made a condition, potentially a condition of approval. And that way it can be built into the project. So, say that the applicant didn't propose a Cabriolet, well, as a condition of approval, the, the construction of the Cabriolet is now a condition of approval, and that is put on the applicant so that they can budget it into the project. They can know how to operate it. They know where it's going to be. So it is a shared responsibility. Some of the things that I would foresee that the City Staff will be responsible for would be collecting some of the data on the street conditions, because that may not be solely the responsibility of the applicant. It also goes back to the discussion we had with the parking enforcement and things like that too.

So it is, I guess the answer is it's a shared responsibility but it should be identified who is responsible and when that mitigation measure and reporting of it is required as well.

Commissioner

Band: Okay. So is there any second or third party confirmation on the data that we're getting from---the hypothetical data we're getting from the project once it's been monitored for what they're responsible for. Are we just solely going off of, yes, we served 250 people yesterday on the Gondola.

On average we are having x-number of people parking in the parking garage.

Alfred

Knotts: It would be based on what the projected usage was, or whatever that estimate was, and then what the difference is or the delta of that and how--what the proposed, I guess adaptive measure would be all. So here's how we propose to achieve or to get to that difference that we're not getting to right now.

Commissioner

Band: Okay.

Chair

Strachan: This monitoring program, is, is a new concept as far as I can recall. Totally new. As of tonight's meeting this, I think, is probably the first time I've heard it. So, we're going to want some pretty specific contours to that. I mean, apparently these things happen all the time in other projects, so maybe an example or two taken from other projects, and then tailored to fit this one is, is where we can start. But, we need to start looking at that [inaudible] because this is the first I've heard of it.

Director

Erickson: I, I think where we're going with this, Mr. Chairman, is we've got a series of monitoring programs out there. The difficulty of the Planning Commission has had with them in the past is that they don't get enforced very much. So for example, we're supposed to be looking at Deer Crest traffic on a regular basis. We're supposed to be monitoring the employee generation at Montage, and the 25% reduction in parking at Montage. We're supposed to be monitoring the, the affordable housing requirements in all three of our large-scale MPDs. So we've got a series of monitoring programs going forward. I think where the Staff is changing course a little bit is to beef up the enforcement side in accordance with the Planning Commission and City Council direction.

Chair

Strachan: Well, and I think what Alfred was just saying is that's a cost that is borne by the applicant and not by the City. And in the examples you just gave that's a City borne cost.

Director

Erickson: Right. So just to not get too far off track, but Deer Valley is required to monitor water quality in storm water ponds. They pay for those monitoring programs. They deliver the results to our team and Wasatch County. So we're used to dealing with this. But I think the cost-sharing issue at this larger scale is something that we're going to have to take a hard look at.

Chair

Strachan: Yeah. I would agree with that. All right. Francisco, that covers your eight points.

Planner

Astorga: That covers the eight points. So the next phase is saying, is there anything that was not listed in 1-8 that we missed; that we need to look at. That we need to come back to you.

Commissioner

Thimm: Maybe it was, but I, I didn't see it specifically addressed, and that the, you know, the third party report. The, the LSC document. And in particular there were, there were a couple of things mentioned in there. One of them indicated that trips---the trip reductions document appear to be incorrectly applied. I don't know what that means in terms of quantity. I don't know if we looked at that in terms of the way the, the LSC report breaks those numbers down versus the way the Triton report breaks those numbers down. Did we look at that as part of our finding that we agree to everything in the report?

Alfred

Knotts: Yes. And I believe what that was referring to is the classification under the Institute of Traffic Engineers Manual. What type of hotel. I think it was classified as more of a general kind of, I'll just use the---

Planner

Astorga: Specialty.

Alfred

Knotts: Yeah, well a specialty hotel, yes. So it, it probably underestimated the trips so it was inconsequential to the findings. But they did want to point that out that, that, applying that rate for that type of facility was not

consistent or did not think that it was consistent with what should have been applied.

Commissioner

Thimm: And is that the 65% versus 100% factor?

Planner

Astorga: No.

Commissioner

Thimm: Okay, because that's also mentioned in the LSC report.

Planner

Astorga: Yeah, the, the 65%, that was the occupancy rate, not the different---

Commissioner

Thimm: Correct.

Planner

Astorga: Ratios provided as far as that transportation demand. Sorry, I'm not using the correct term here. So, for your first thought, let's, let us double check to make sure that it's not, that it's not a substantial effect on the trans-, on the transportation study. And I don't quite recall where we're at on the occupancy issue, which is 85%. And Gary, that's where you've got it at right?

Commissioner

Thimm: Was it 85%? Sorry. Maybe that was it. I'm---

Gary

Horton: LSC's comments were on the May draft traffic study. We have not seen revised or new comments from LSC since the other study was submitted. So all those comments, or many of those, were addressed between the draft and the new version.

Commissioner

Thimm: So in the new version, what percentage of hotel occupancy is presumed?

Gary

Horton: 85%.

Commissioner

Thimm: Not a 100%?

Gary

Horton: No.

Planner

Astorga: And, and Gary correct me. The reason why you went with 85 is because the ITE Manual indicates that specific standard, 85. Is that correct?

Gary

Horton: Two-fold. Yeah, two-fold. ITE went that way and also a similar study just done at the Canyons over this last winters. They gathered hotel occupancy rates during February, a very busy, very good ski season, and they found those same rates. So that's why we felt it was accurate for the, for the area and what's being proposed.

Commissioner

Thimm: Okay.

Commissioner

Joyce: You asked if there was anything beyond the eight points on there. Everything you have on here, at least from a direct standpoint, is kind of focused on traffic. There are some of the mitigations in there that have impacts on parking that when you start talking about off-site and that kind of thing. But it seems to be steered towards traffic. Are we going to see anything more specific about parking or---because I've still got concerns back about, about some of the parking numbers?

Planner

Astorga: Yeah, that, that's part of the third discussion that we're going to have tonight, which is anything not, not regarding transportation.

Commissioner

Joyce: Okay.

Planner

Astorga: So, so this first is just---

Commissioner

Joyce: I tend to just lump them together and I know that's a bad thing, but they just fit hand in hand with so many of the mitigations. Okay, thank you.

Chair

Strachan: All right, moving on then, I think you wanted to discuss, Francisco, whether we agree with Staff that the refinements identified in 17.2 are not in direct response to specific comments made by the Planning Commission.

Planner

Astorga: And actually, before we get to that segment phase.

Chair

Strachan: All right.

Planner

Astorga: I want to wrap up more transportation. If you could go to your packet, page 167. You've seen this list, however, we have refined it and updated the, the list where we divide it between construction impacts and temporary impacts. And we want to just survey the Commission to see if there's anything out here that jumps out that you have any clarifying question or comment regarding, again, this refined and updated list of construction and temporary---construction and temporary impacts, as well as permanent impacts, before we move on to 17.2,

Commissioner

Joyce: Um, yeah, so. I don't know.

Planner

Astorga: So we're looking at pages 167 through 171, I guess. 172, 172.

Commissioner

Joyce: So, so there were a couple of places, and I'm going to kind of jump ahead and include as part of this discussion, the feedback from the applicant that you guys just got on Friday. But I just want to kind of steer this perhaps in a way that gets us to a reasonable answer, which is, I heard from the application, or read from the applicant, we don't think some of these proposal of like year-round restrictions and things where, where they have

proposed peak season kinds of things are, are reasonable. It's, it's mitigating beyond the impact that we have.

I'm going to kind of throw this back to both of you guys. To the applicant, when you guys use things like during the peak season we'll tell some of our employees to park somewhere else and come in and shuttle in. And that's like the description, give or take a few words. That to me is meaningless. That could be one guy doesn't show up for work and parks out at the park and ride, and you've met that one day. You've got to come back with something that you guys think is realistic, that's quantifiable. If you want us to even consider what you guys are proposing, the soft fluffy things that you have in there are meaningless to me because I can't begin to evaluate their effectiveness of, of mitigation when I don't know. Are you talking three days of peak season, are you talking four months of peak season? Are you talking all of winter but not the shoulder seasons? What are you doing about the summer? You guys need to get back. And the things that we've seen from you so far are so vague.

I'll go back to you guys, now, to Staff. I think if you're going to stand up and say that, hey, a 21 or whatever it is foot wide road is adequate for traffic, and yeah, it's a little awkward getting up and down, then I have a harder time requiring that they shut down a good chunk of their construction during the entire winter. If the answer is no, you guys said the road was okay and it's okay for trucks, then you need to be able to come back and provide some more detail about why you think it's reasonable to shut things down for six months at a time, when you just said the roads are all right. And it's either got to be about the road can't handle it, which we just spent 30 minutes talking about why you said the road can handle it, or it's too much traffic, but I haven't heard that yet. There's some different things. You also talk about excavation, but if they're not doing off-site excavation then any kind of excavation limitations needs to be something more about soil and stability and things like that; not about traffic. Because if they're not hauling it off, it doesn't matter.

So, I'll go back to both groups here and go neither one of you have really justified in my mind a lot of what I would call either the soft fluffiness coming from the applicant, or the, the pretty hard end of all employees all the time. And, and---but we do have examples of that. I mean, when you look at things like the St. Regis. They park all the people down at the bottom and they run them up to the top. And there are very few

exceptions to that. And they did the same thing for construction and they did the same thing for construction for the Montage.

So, I'm looking to both groups to not just throw out these kind of mitigations. I want you guys to explain to me why you got the right one. And again I haven't heard it from either side, yet. And it's, there's probably some answer in the middle for some of these that we haven't seen yet.

Chair

Strachan: All right. My only comment on---any more comments on these, the construction and temporary impacts updated list?

Commissioner

Thimm: The, the only comment I have, it's on page 169, it talks about construction activities related to concrete pumping, major excavation, etc., will be prohibited from November 15th to April 15th. So, is this, this is something that the applicant has agreed to and, and is fully on board with?

Chair

Strachan: I don't think so.

Commissioner

Thimm: Or are these conditions that are going to be implemented as conditions of approval? Or what, what do these mean?

Director

Erickson: At this point, what these mean, these are potentially qualified conditions that the Planning Commission needs to review with information from both the applicant and the, and the Staff, consistent with Commissioner Joyce's commentary. And if the applicant says no to it, then we're going to have to figure out a different agreeable condition one way or another to mitigate heavy construction during heavy snow periods. So they are, they are not proposed conditions one way or another. They are potentially qualified conditions that need discussion or rejection on the part of the Planning Commission.

Chair

Strachan: Yeah, and it, you know my comment along those lines is let's call them what they are, you know. They shouldn't be called QS2-1B. Let's call

them potential conditions, because I don't think that's fair to either the applicant or the public to have to go through this and discern what those are. If those are conditions of approval that are being proposed to us for our consideration, then they ought to be labeled as such. And they might be wrong. We might reject them. But there's no point in my view to hiding them or, or misrepresenting what they may become at some point in the future when we get down the road closer toward a decision. Call them what they are.

Director

Erickson: What they are at this point is an attempt to measure the ability to mitigate any of the impacts in the 15 criteria.

Chair

Strachan: Well. You know, I mean.

Director

Erickson: Other than that, that's fine. If that's what the Commission wants, we can adjust it.

Chair

Strachan: QS T-1c says all contractors shall deliver and store appropriate materials and trade tools on the site so as to facilitate shuttle access and utilization of the site for and by workers. You know, to me that sounds like a proposed condition. So I think it just behooves us, especially for the public, to look through these packets and be able to give us public input on, hey, condition #14 is not going to work for x and y reasons.

Director

Erickson: We agree.

Chair

Strachan: All right. Okay. Anything else on the list.

Commissioner

Joyce: At what point do you want to get to real detail? I mean, 'cause I, I see some of these and I just don't think we're quite at the, we're quite ready. We're still at the 50,000-foot level. But I see things like QS 2-Th, or T- 2h, contractor should be required to log time and quantity of all materials delivered to or hauled, off hauled from site. All trucks shall be easily identifiable to the public and City Inspectors by unique number and

signage. I don't know what you're trying to mitigate there, but I can't, I couldn't guess. I, I tried getting really creative and I have no idea. And there's, there's a number of those that I look at that I kind of---and you've heard my one about the white noise backup thing that says, you either do it for all the construction in the City and make it an LMC Code change, which I'm good with, but that's a different path and not tied to this CUP. But I can't imagine why it's okay for the construction going on at John's, next to John's house and the trucks are going beep, beep, beep, and the trucks over here have to do whatever a white noise. I can't replicate that.

But once we get into the details of these things. I don't know if you're ready to start going through them one at a time or---it doesn't feel like it.

Chair

Strachan: I don't think we're there yet.

Commissioner

Joyce: But we have to.

Chair

Strachan: Yeah.

Commissioner

Joyce: At some point soon.

Chair

Strachan: I think that's the direction we're moving in, but I don't think, you know, we are saying in any way, shape or form that, you know, QS T-2h is all good. Because we haven't told you, Francisco, that you're way off base, you shouldn't just assume that we're okay with that. I mean, we're not at the point yet where we're walking through these step by step, sentence by sentence and determining which ones are going to stick, if any, and which aren't.

Commissioner

Joyce: I guess that's what I was looking for more than anything, is that everybody in the room is kind of on the same page. I mean, I've got dozens of questions about specifics of each one, that if we were sitting here crafting conditions of approval for a final vote, I would go through all that. But, I won't.

Chair

Strachan: Yeah. Some are close, others are not. All right. Does that give you what you need, Francisco?

Planner

Astorga: Yeah. I---for this part. So I don't know if it would be wise to now jump onto---since we've been, since we were discussing transportation, to let Gary Horton do his presentation before we switch and go into 17.2 and the revision.

Chair

Strachan: Yeah, I think that's wise.

Planner

Astorga: Me too.

Chair

Strachan: Yeah.

Commissioner

Thimm: Stay on topic.

Chair

Strachan: All right.

Gary

Horton: Okay, thank you.

Shawn

Ferrin: Can I just make one, one comment about what I'm, to make sure I'm hearing you correctly. With respect to the Staff report, and these potential conditions, we haven't seen them either. We got this on Friday. We have not had an opportunity to talk with Staff about it, but what I hear from you is that you want us to have that dialogue with Staff, and if we can come up with one that Staff and the applicant agrees on we can present it to you. And if we can't, we come up with ones that are our two opinions about it and bring it to you for discussion. But we haven't, we haven't looked at these. We haven't vetted them with all the experts that we're using. So I, I wanted you to be aware of that. And I wanted to make sure I was hearing you correctly with what you would like us to bring back to you on those.

Chair

Strachan: I think you're hearing us correctly. Okay.

Planner

Astorga: And, and just---

Shawn

Ferrin: Great. Yeah, and that's what we're, we're hoping to do with Staff is to start having a dialogue about those, look at what's the impact, what are the mitigators assigned, what are the pieces we're putting together to try to evaluate those mitigations.

Chair

Strachan: Okay, thank you.

Shawn

Ferrin: And, and this section of the Staff report was taken from the Staff report that we published last month, and we just refined and edited and updated here and there. So they've had, you know, over a month to start thinking about them.

Chair

Strachan: Well, let's not get into that. Let's just keep---

Planner

Astorga: I, I, no, but I just didn't want to---

Chair

Strachan: I understand there's going to be some back and forth about who got what when and, you know, stuff coming late and whatever, but that doesn't move the ball. Let's, let's move the ball.

Planner

Astorga: Fair enough.

Chair

Strachan: I understand where you're coming from, Francisco, but there's going to be darts on both sides on that issue.

Gary

Horton: I will try and make this a little bit quicker than I originally planned.

Chair

Strachan: Thank you.

Gary

Horton: Some of it you covered with Staff so I think it's going to be taking some of that information. And I'm going to try and answer some of the questions that I heard, so I actually appreciate the, the step and the process we went through. So, as I go along, though, please feel free to interrupt and ask a question if you feel like I am not clear.

I have also typed at the bottom of this, and I'm not going to read every one. I typed every question that I heard last time I was here. I've provided what I think is a response. I'm not going to go through every one, but if, once again, if you feel like those comments were not captured, I would love to hear that and I'll try and address them at a future time. Or via email or something.

So, Francisco, yeah, I've got it up on mine as well. So, these are the five items I'm going to try and address tonight. First off, next, next slide. So, existing conditions. And I'm going to present---this is going to be presented a little different than it flows in the traffic study. And you'll see where that comes in. I'm going to really go through existing conditions, future conditions, and future with the project, and the analysis associated in that time frame so that hopefully it captures what I think each element brings.

It shows here the traffic counts that were gathered on the originally report, and then actual counts in 2005, and the counts we gathered in 2017. So after our draft report there was a conversation that that was, that the President's Day Weekend this year happened to not be a peak or a typical President's Day Weekend. I think it was the comment from Commissioner Suesser. So what we did, Francisco, next slide, please, is there is a permanent counter located out on SR224. It gathers daily traffic volumes going up and down the road. What we did is gathered all that date in December, January, February, and March. And you can see the

red dot. There was our, it ended up being February 18th, which was Saturday of President's Day weekend. That was the 43rd percentile day. Not a typical President's Day weekend. So what we did is figured out what was the 85th percentile volume. I don't know what day it was off the top of my head. But what was the 85th percentile volume, and factored ours up compared to what we found on SR224 on February 18th, to what that volume would have been. And then we transfigured all those volumes throughout. Next slide, Francisco. Throughout all the intersections. So on the left is the day we counted in the volumes, on the right are the factored, increased factored to what is an 85th percentile, which is a typical busy ski day in Park City and Summit County.

I also believe last time there was---as a couple of Commissioners had pointed out, there was one of these numbers in here that was, had not be factored up. That has been corrected. So I appreciate that.

Let's see. Next, Francisco. So what we've done is then analyzed that information. And what you see is the levels of service and delay at each of the intersections based on existing conditions with that increase in traffic. As you can also see, Empire Avenue and Silver King currently experiences delays beyond acceptable levels. And Lowell and Silver King. You'll find out as we move along, Lowell and Silver King is a direct effect because of the backup from Empire and Silver King. And I'll get into it in the future, but understand that's why that failure is happening.

Next slide. So what we did, then, to try and forecast or to forecast 2037 or 20-year assumption---or traffic volumes. We used two methodologies. One. Summit County is currently completing the traffic model for the region, and that includes all the County. There are two items that typically go into that for the traffic related portions. One is population growth and one is VMTs or Vehicle Miles Traveled. Population growth is what we applied in this because the vehicle miles traveled, or the VMTs is still being evaluated in that study. There's some concerns, and part of that is both the County and the City anticipate that the current patterns of travel are going to change in the future. And at least that's the hope, that as transit takes board, and other things take hold, that there's potential---there will be less vehicle miles traveled than there has been in the past. And that's why---that's still being evaluated, so I couldn't apply that number. So we included a population growth with the understanding that vehicle miles traveled does not equate directly to population. But it's the method we had at the time.

If we applied vehicle miles traveled, understand when I move forward into these future slides, the impacts to the intersections would have been, even been greater, and the net impact by Treasure would have even been less. Okay? If you say there's a 1,000 at a future intersection because of population, but when you factor other things in and it's 1500, and Treasure brings in potentially 100 let's say, you know, at 1000 it's at 10%, at 1500 it's a lesser amount. So, I was trying to be conservative of what the impacts of Treasure would reflect on the intersections.

The other thing I did to verify or second---to do a second check on future numbers at the intersections was looked at the anticipated development for Bamberger, along with Park City Mountain Resort. Did a trip generation, and there was more---Bamberger is well-known. Park City Mountain Resort I had to look through the agreements in the, that are on, on file with the County. I had to read through what's entitled. And assumed that they would also do a similar type of mixed-use development. I had to assume that it wouldn't all be housing or it wouldn't all be just hotels. There'd be a variety of things. I, I really don't know for sure exactly what's going to be there so I took, you know, the common when you're doing development on something like this. I applied that and created trips from both those projects, potential projects, and applied them to the intersections. Those numbers landed within the future growth rate that was assumed just based on population. So I felt it gave a reasonable forecast of the future.

Next slide. So the next slide is the volumes from---once again I used the factor volumes on 28 and the 12.8 increase, and applied those to the future volumes. And that's just a table of total volumes at the intersection.

Next slide, please, Francisco. So this one is a representation of the analysis of those intersections, once again, without Treasure. This is a future forecast if Treasure comes on board or not. Park Avenue/Deer Valley starts to fail. Empire/Silver King was already failing so it gets worse. And Lowell and Silver King fails. So, typically at this point you look, how can we start to---what mitigation or what, what's available to make them improve the traffic operations [inaudible].

So, next slide, please, Francisco. So Park Avenue/Deer Valley. This first slide is going to focus on that. With the improvements that we added to the intersection it gets a Level of Service C in the morning, a Level of

Service E in the p.m. Once again, that is not a level of service that is ideal. And I can explain a little bit more. But let me explain the improvements we made first. A free right-turn movement from SR224 on to Empire. Right now, if you're taking a right turn there you have to come to the signalized intersection. You have to stop and you have to wait until there's gaps in the traffic. A free right turn means where you channel it and there's an island. So I can just pull off and I can pull right and around. That's with that free right. So I'm no longer constrained by the signalized intersection. And additional southbound left turn lane, so there are dual lefts from Park Avenue on to dual, on to Deer Valley. This intersection receives both Deer Valley and Park City Mountain Resort. So right now it's a single left-turn lane going that way. It would be a dual left-turn lane. The other item is coming back from the Deer Valley side. A channelized, similar like what we did on the other one, is a right-turn from westbound on to SR224 so that they get that free movement to get going on SR224. With those improvements in the morning we can get a Level of Service C and in the evening a Level of Service E. Once again, that is without Treasure. That is the future of 2037 as best we can forecast today.

To get better than a Level of Service E at that intersection in the future, you---it would require triple lefts. Meaning coming from Park City Mountain Resort, three left turns on to SR224. However, SR224 doesn't have the cap capacity for three lefts. So you're not just talking for there, you're talking chasing that all the way down and all the way down to the interstate. So, that's why it comes back to it's a Level of Service E. It's not every day of the year. It is during peak times of the year. And it's been a planned philosophy of the County and I think as well as the City. They're not going to build their way out of congestion. The hope is, and I think Alfred was mentioning this earlier, is these will drive a change in behavior patterns. People will decide not to leave during the p.m. peak. They'll stick around. They'll leave before the p.m. peak. They'll, you know, find amenities that keep them around or alter their driving patterns. Grab on transit, you know, elements like that. So, I wanted to be clear that Level of Service can be reached higher, but once again, I mean, this is just the future without Treasure.

The next slide, please. So Empire Avenue and Silver King, with the installation of a traffic signal or roundabout, it gets to a Level of Service A in the morning, and a C in the p.m. peak. Lowell Avenue and Silver King with improvements at Empire and Silver King go to a Level of Service D in

the morning and B in the evening just because the backup starts to go away. So you don't have to make any physical geometric improvements to see that.

So that's future. Now I'm going to jump on with Treasure. So next slide, please. Trip generation. I think we've talked about this quite a bit. There are four elements. Hotel. We applied a resort hotel. Employee housing dedicated to Treasure Hill so we did not have trips accounted for during the peak hour. Does that mean employees are never going to leave the site? No. But it is anticipated as probably the conditions that we're working together is that there would be a shift that would make sure that the employee shifts don't coincide with the a.m. or p.m. peak. Fairly common. It's not unheard of. So---plus the fact that they're on-site, it's anticipated they're not going to hop in their car to drive from the hotel to the commercial on-site. And they wouldn't leave the site anyway, even if they did.

Condominium townhomes, we just used the ITE standard across the Nation, so it's wherever you would gather from anywhere. And then Commercial space, we used 17,470 and we used Specialty Retail and a quality restaurant. That goes back to one of the LSC comments that, is that really what's going to be applied there. Based on what's used in the area, that's typical. Specialty retail for those people who would go stay at the site and be there. Similar, a quality restaurant. That's what we found, you know, other developments and other hotels in the area. So, that is what we applied and it's a best forecast of what we anticipate.

Next slide. These are the numbers applying those land uses. Jump to the next one, Francisco. So, trip reduction. We talked about this already, but Resort Hotel, we assumed an 85% occupancy. The next one is internal capture rate. Change from the draft to the, to the next one is a 22% internal capture rate, and that is based on an ITE worksheet methodology that calculates that number. The third one is ski runs or trails in the summer. From Park City Chamber of Commerce, there is information that gave the average, when visitors come, the average length of stay. Also the number of days they skied. So we took that and divided by it. That number was roughly 88%. So we took---that's the number of people that will ski on any given day from the tourists that come here. We assumed that only half of them, which I think is conservation, even though they are staying at the base of a resort, only half will ski there. The other half will choose to go to Deer Valley, go to the Cottonwoods, go

somewhere else. So that's why there was only a, a 43% reduction, because we assumed someone may still decide to go somewhere else. And then the Cabriolet, we used a 10% reduction. With that, these are the revised trip generation, or the, yeah, trip generation numbers.

Next slide, Francisco. And so this is the traffic analysis with the same improvements that would be anticipated with or without Treasure. So once again, this shows those improvements I talked about a few slides back. If you look at it, you receive the same level of service with Treasure as you do without. That just tells you a lot of it's the background and what's already there today.

Chair

Strachan: And those, those numbers assume the trip reduction---

Gary

Horton: They do.

Chair

Strachan: Amounts you just gave in the previous slide?

Gary

Horton: They do. Yep.

Chair

Strachan: So if those are off, these are off?

Gary

Horton: Correct.

Chair

Strachan: Of if they're on, then these are on.

Gary

Horton: Right.

Chair

Strachan: All right.

Commissioner

Thimm: So, so what triggers the improvements.

Gary

Horton: There's only so much---I'll go to the Deer Valley/Park Avenue. Signalized intersections only have so much time available, green time, we call it, for each movement. And as volumes increase, that competing green time creates that delay. So, the level of service is just a function of the average delay. If you look with Treasure, in the morning your average delay per vehicle is 29 seconds. So, and that calculates everybody that comes into that intersection or every vehicle. In the evening, at an E it's a 75.7. And so that's how you refer back to the level of service.

Commissioner

Joyce: One thing I've never quite understood, and maybe it's the difference between a stop sign and what you can do at a signal. But, I mean, if you look at the traffic patterns in the morning going---I mean the Park Avenue/Deer Valley intersection. You know, the bulk of people aren't---it's not lot an even intersection. There aren't many people coming down Park Avenue and making a left to go up to Park, to Park City to ski. I mean, you look at it, it's a whole lot of people coming up 224, a handful of people coming down Deer Valley Drive, and they're going across to go ski at Park City. And so when you see an average, I've never quite understood, because all the rest of them have westbound/eastbound. I can look at individual turns. This, this kind of ignores that and kind of lumps it into a 29 second average. But that's---

Gary

Horton: It does.

Commissioner

Joyce: You know, if the answer is the people on 224 are backed up all the way past Kearns because they've got a four-minute wait, then that's interesting to know, even though the average is 29 second. Somehow---those numbers don't work but you get the point. How, why is it different? Why don't we see the details?

Gary

Horton: So that, that information is in the appendix. I didn't bring it with me today.

Commissioner

Joyce: Okay.

Gary

Horton: It does tell you what the delay is per leg. And it actually breaks it down further. It tells you per turning movement of each leg. So on the northbound you could say the left experience this amount of delay. Those who are going through experience this amount of delay. Those turning right experience this amount of delay. That's part of the way we evaluate what improvements should be included in an intersection. So when we looked at those, the, the Park Avenue/Deer Valley, the right turns trying to get up into the Park City Mountain Resort was experiencing a lot of delay. That was having influence of the overall delay of the intersection, so that's why that free right turn was proposed.

Commissioner

Joyce: Okay.

Gary

Horton: Similar, the dual left turns going to Deer Valley. We found out that was a major delay. When you start to take that out and you try and get to the point where it's pretty well even, because if one is excessive, it does have an impact on the overall intersection.

Commissioner

Joyce: Okay, thank you.

Gary

Horton: Yeah. Next slide. So, mitigation, if you'd like to call it that. Treasure has agreed to pay their portion of the improvements that are necessary at the Park Avenue/Deer Valley intersection, along with Empire/Silver King. So this is different than the numbers that Staff has come up with. I'll tell you that right now. I'm not sure---we'll work together and I'm sure we'll find out whether we agree, or it may be a point where we just disagree. But I used two calculations. One was the change in volume. You'll see in the morning at this intersection there's 105 cars; in the p.m. 152 cars. That percent increase you can see. That equates to an average of volume of 3.15. Delay change actually in the morning---sorry, this is a future 2037 without the project, and future 2037 with the project. That's what I'm comparing, just to be clear. Delay change in the, in the morning, or in the, in the morning is zero with or without Treasure. In the evening it's 6.8, which is a 4.49. So a total average is 3.82. That's at Park Avenue/Deer

Valley. Francisco, next slide. And similar equation for the Empire/Silver King, is 8.7. I'm not going to---if you'd like I can run through the numbers again, but most engineers bore people with numbers, so I'll skip that.

Next slide. So in conclusion, two intersections require improvements with or without Treasure. It's a future need whether Treasure comes on, on board. And Treasure is willing to pay their portion of those improvements.

Next slide. So that's the end of the traffic analysis. I'm going to go to street capacity. I, I think, based on conversations and comments I've heard, I, I have not had, heard or received any responsive comments that there's concerns of street capacity from April to November. The street capacity concern is only December to March.

Chair

Strachan: I don't know that I'd assume that going forward.

Gary

Horton: Okay. All right. Fair enough. Only comments I've heard is during winter, but, okay. I'll---

Chair

Strachan: I think as your projections are going to require you---as, as you look at the growth rates throughout Summit County I think the growth is going to continue to occur 365 days a year, so it doesn't seem logical to exclude the summertime months from those calculations.

Gary

Horton: Okay. Let me---

Chair

Strachan: The project will exist during the summer months.

Gary

Horton: Correct. Let me, let me rephrase that. No comment---I haven't received any comments about concerns. The analysis and the intersection operations are of, are not meeting acceptable levels of service April through November, except for the ones that I've identified. The concerns about operations has been primarily focused December to March.

Chair

Strachan: I think based on the comments you may have heard thus far, that might be true. That doesn't mean we don't have concerns with them. I mean, I think we're drinking from the fire hose, getting a lot of information here, and we haven't had time to distill it all. It's very likely we will come back to you and say, now let's talk about the summer months and, and some of the, you know, the basis for your calculations there.

Gary
Horton: Okay.

Chair
Strachan: But, I mean, just because we haven't brought it up, you know, in this meeting or prior meetings doesn't mean it doesn't exist.

Gary
Horton: Okay. All right. I'm going to run through some basics. Street capacity. One of the things that you need to understand. There is, the engineering standards are very, I won't say big. There's a lot of ways to interpret it. You get 100 traffic engineers up here and you'd probably get 100 different answers on street capacity, especially for the type of streets we're looking at. Most street capacity is evaluated on a freeway or measures like that because they want to know how many cars. There's the through-put and free flow conditions and stuff like that. What we've talked about before, many of the times, many traffic studies that focus on areas like that, the constraints are at intersection, because that's where you stop. I drive from A to B, then I stop. When I get through there I drive to the next point. Typically, it's not reflected in the roadway.

So, just from a general standpoint, if you---and once again this is---there's 1800 vehicles per hour that can be handled on a two-lane road. That's at a Level of Service D. That's a number that you can use. I'm not saying that's what anybody wants to put on any specific street, and that's specific to a Level of Service D. Fewer cars you get a higher level of service. More cars that level of service drops.

One of the things I want to point out, and it's been talked about tonight, capacity versus speed. Some of the, I think the objection or the point of what's being planned out there is to reduce speeds. Capacity will be in direct conflict with speeds. So capacity is about moving cars. If you talk to UDOT, what do they do? They move people from A to B. So when you

ask how they fix their problems, they widen them and they make them improved. But then the enforced speed is not their issue.

So numerous impacts that, that have capacity. Francisco, if you wouldn't mind, the next slide I'm just going to list them all out. So when you start analyzing; street capacity; pedestrian accommodations and uses, number of vehicles, number of access points, shoulder widths if you have them, speed limit, horizontal clearance, divertible obstructions on the side of the street, intersection spacing. Next slide. Types of vehicles on the road. Quantity and duration of snow events. How streets are plowed and maintained after snow events. Where and how individuals elect to park. You know, and specific to here, how, how parking regulations are enforced. And, you know, service delivery needs. Do I put my garbage truck out in the road? Do I put my garbage can out there? Do I put my mail out there? All those have impacts on street capacity. And that's why I say, if you ask---

Commissioner

Phillips: You forgot one.

Gary

Horton: I'm sure I---

Commissioner

Phillips: How many people are walking down the road.

Gary

Horton: Actually, it's the very first one. I said pedestrian accommodations and usage.

Commissioner

Phillips: Oh, okay, sorry.

Gary

Horton: No, you're good, you're good. And there's probably more, but that's why I say, it's an ever fluctuating condition. You know, if you ask me to analyze it today, the number of cars parked there on the next day will be different. The number of people walking down the road. That's why if you ask 100 different traffic engineers you'll get a 100 different answers. And it depends on which viewpoint you're wanting to look from oftentimes.

So what---a few things I've come up with for you to consider. Options to maintain capacity with the new roadway cross section. The width of the asphalt available, it's just how that is assigned. From, once again, and this goes back to that previous slide, it appears that when the summer width is available people feel like operations are acceptable, at least today. If that's the case, then adding sidewalks behind the road gutter provides a location for pedestrians to walk. It allows for cars in that capacity to be maintained. Create pockets of snow storage. It may not be able to be allowed up and down the street but if you create pockets so that snow storage doesn't have to be completely hauled off the site it creates an opportunity to maintain capacity. Add parking areas as well. So if you have that competing interest of sidewalks and parking area, you may need to have some areas of both. Enforcing parking standards.

And then the last one is considering a one-way option. This is what I want to mention from before from Commissioner Strachan's questions about am I recommending one way. I'm recommending one-way as a potential safety option. There is a certain amount of travel width, as you were asking about emergency vehicles that need to get from A to B. Will one-way require more vehicle travel miles? Yes. There is definitely out of direction travel. But it's a question of is safety a high enough priority that it should come into play when winter or snow is just not able to be maintained, and the width is not available. That's why that analysis was brought is, is it even feasible. I mean, if I say one-way but it all fails at all the intersections, maybe it doesn't solve the problem. So that's why we ran the analysis. It's an option to maintain street capacity.

Francisco, would you go to the next slide? So once again, this is an analysis of the one-way condition with Treasure, and once again, the improvement at Park Avenue and Deer Valley. And it shows that you still receive an acceptable level of service and it's a viable option.

Next one, please. So, pedestrian accommodations. Bottom line, it's about improving safety for pedestrians. Install signs and painted crosswalks throughout. There's two locations for stair improvements that were recommended, and the applicant has said they would be willing to construct and still thinks it's a viable solution. And then from an applicant standpoint, typically I would not recommend pedestrians to be the traffic calming device or the friction measure for trying to reduce speeds. I generally would suggest that's done through parking and other elements. I would always recommend safe accommodations for pedestrians. So, it

would still be recommended that sidewalks along Lowell and Empire Avenue be available.

Next slide. Parking summary. So I have not gone over this in detail. Once again, I'll try and keep it short. Fourth edition of the parking generation was used. Similar to the ITE trip generation, they have numbers based on data they've gathered for different land uses. So, we have a resort hotel. They didn't have any data for parking for resort hotel, so we used a hotel, it's called urban hotel. It's the closest land use we could apply. Employee housing. Once again, we used a land use of 221 which is a low to mid-rise apartment, condominium or townhomes. They had residential condominium townhomes, suburban and urban. And I'll get into that because that's one of the big numbers that Commissioner Joyce brought up last time. And then commercial land use. They had a shopping center. They don't have retail. They didn't have good numbers on retail, so that was as close as we could apply. And then they did have on quality restaurant.

Next slide. So I put a little asterisk by that 88, because I think that was brought up last time my Commissioner Joyce. So there is a range of parking, I you look. It's 88 for urban. They found during the weekend parking generation for a condominium and townhome there's 88 for urban. And for suburban ones there's 156. So it's a huge discrepancy. I went with the lower number. And when I, when I ran all the numbers they seemed to---somewhat equal. I could have put 156 so that the weekend showed a lot more. I went with urban because it seemed to fit total parking.

Commissioner

Joyce: So, so that, that is a concern of mine is just, you know, picking the lower number when, when the question is do we have adequate parking. But I'm still stumped on one. And, and this is---you, you've got a hotel that has 30,000 square feet of commercial in it or more, support commercial, depending on plan 17 or 17.2, it's changed a bit. But ballpark, you have 30,000 square feet of commercial and 200 rooms. And I look at the parking and I get 182. And I take 17,000 square feet of commercial and I get 184. So for two-thirds of the commercial space, and 200 hotel rooms that are at 85% occupancy, I have minus 2 cars. So, so explain to me how I take 200 hotel rooms and 10,000 square feet of commercial space and park it with negative two people. Negative, negative two cars, I'm sorry.

Gary

Horton: I'll go back and look at it more. Once again, I applied the knowledge that I got out of there. I don't disagree with your comments. I understand what you're saying. And I'll---

Commissioner

Joyce: So, and just to get, just so you bring me back the right answer. So, so just so everybody's in sync here, the hotel we've got includes 30,000 square feet of support commercial, and 200 rooms. And we're saying that that has less parking required than 20,000 square feet of commercial. And, and we've---you can go back to the Master Plan. Whether it's support commercial or commercial it's all supposed to be serving the hotel, so it should be similar. Now, throw in the townhouses. If you take the higher end of the townhouses, now you've got another 150. So when you start looking at kind of ballpark, even if I said 100 townhouses was the same as 200 hotel rooms, which 'm not sure I would buy that either, now we're, we're way off, because now all of a sudden, you know, now we're really blown away. So part of it may be that the hotel numbers that we're looking at don't deal with the fact that there's 30,000 square feet of commercial.

And by the way, there's another, oh gosh, it's been so long since we've looked at this, 15, 19,000 square feet of, of meeting space. And you've heard me complain that no matter what you guys promise us for meeting space, outsiders from---not just hotel people will come to meetings at the hotel. So, that takes more parking. So when I look at this, I'm, my first guess is your hotel number is off by two or three hundred. And it probably isn't, but I could actually justify pretty damn well with, with the space that you've got sitting in that hotel. So, just, just to queue this one up just for both Staff and you guys, parking is completely broken to me right now.

Gary

Horton: Okay.

Commissioner

Joyce: And it may just be a matter of getting the right numbers in place and convincing us that they're in fact the right numbers. But at least with what

you've shown us, it, it's just, it's way off. I don't---we're not even close to, to these numbers being right. So, please fix that one before we get to a point of having to apply it, because that's just. And, and there's another piece in here that I asked that you guys haven't answered. And I don't mean---you, you asked for questions on the way and it's just appropriate here.

Gary
Horton: Yeah.

Commissioner

Joyce: One of the questions that we talk about is mitigation of employees parking off-site or on-site, and whether it's off-site is it off-site all year round or peak season. And we were going through those discussions. If the answer is during the shoulder season the employees are parking on-site, then my question was, what is a reasonable expectation of the number of employees---I'll call it the daytime shift, which is probably the busiest time. So you've got, you know, you've got 50,000 square feet of commercial, you've got meeting space, you've got 200 hotel rooms, you've got townhouses. Somebody please give me some idea of what it means for us when we say employees park off-site, employees park on-site. 'Cause if the answer, and I know this isn't right, if the answer is there are only 30 employees it's not that big a deal in here. If the answer is its 300 employees, and you've only got 450 spaces, we've got a completely different problem we have to go through. And again, my default until you guys can give me something better to work with, is it's a big number and they need to be gone all year round around. So if you, if you want something different, different than that from me personally, I can't speak for anybody else, bring me, bring me some realistic numbers. And again, I would love it if you guys would provide the numbers and our own Staff would look and go, yeah, that's pretty accurate. Give or take 10% that's accurate. If we can get agreement then, then that's great for me. Thank you.

Gary
Horton: Okay. Just for clarification. The ITE Trip Generation Manual is coming out for the 10th Edition later this year. They're still in the 4th Edition for parking. For whatever reason, parking doesn't generate as much interest. So even half the land uses they have no parking data for. So for whatever reason it's just a little harder to evaluate.

Commissioner

Joyce: So one of the things that, that I'll throw out is, and it doesn't help with the, the particular issues of how much parking do you need. But certainly from an employee standpoint, one of the things we looked at when we were looking at mass and scale and that kind of stuff was, I think it was Appendix Q in our monstrosity of data here, that was the comparison of the St. Regis, the Montage, and when we were looking at---W? Okay, Appendix W, was, was the comparison of the, the big hotels of how much, how much space they have allocated for different things. And, but I know they have some very stringent restrictions about where employees can and can't park and that kind of thing. But certainly from an employee count, if the answer is there's no magic ITE standard, if, if you came back and said, hey, you know, the 800 or 900,000 square foot Montage has, you know, an estimated 217 employees, then that would give me something solid to work with, because I think what you guys are building is fairly comparable. So it doesn't have to be an ITE standard, but I, I--- there's too many other things around here that we ought to be able to get something fairly reasonable.

Gary

Horton: Francisco, do you want to jump to the next slide? Yeah, I'm going to--- once again, based on those comments I'm going to come back with something different. Or not different, but at least more information.

Next slide. The last. Temporary construction. And I think there will be more conversation. This was just more focused on from the traffic study. I wanted to be clear it was anticipated they'll enter from Lowell, exit on Empire. Employees access to the site will be limited. It's anticipated the product delivery limitations from December to March would be different than potentially April to November. And I say summer just as a simple, simple phrase. I understand it still snows in April. I live here. Snow plow when necessary to accommodate deliveries.

And we say parking outside of the area. We mention Richardson Flats probably as an example. There's other places. There's going to be a new Ecker park and ride lot or potentially other locations. Some of that is dependent upon the contractor. Where my employees come from will depend on where I'm going to try and shuttle them from. I'm not going to tell them they've got to drive past the Ecker park and ride lot to come park at Richardson or vice-versa if they're coming from Heber or stuff like that. So some of that is dependent upon the contractor and the employee of

where they live and where they're coming from. So, and also, sometimes that will need to be fluid because the park and ride lot that maybe they had planned---what's available today may be different in five years or ten years, depending on when it's constructed and everything like that. So, understand we're---I think we'll try to come up with more information, but that's a little bit challenging because of what's available and what the future looks like.

Next slide. And I promise you I'm not going to read through all these, but these are all the questions I had last time and my response to them. So, there's three slides. I'm not going to read all of them to you. I don't know if, if you would like to look through it and see if your question was answered. Have Francisco pop to the next slide. I just wanted to make sure I captured them and I tried to respond.

Commissioner

Joyce: I do have one question that this triggered. You---back one slide. You had a thing that said the operational street capacity depends on the paved surface area. The cross section that you showed just as a picture when you had that, had a, kind of a wider street than what we've actually got to work with for Lowell. So when you said 1800 was the, you know, capacity of a two-way street, what was the assumption of how big a, a road that was?

Gary

Horton: That would be more along the lines of a freeway where you have a 12' travel lane in each direction. And all those items that I mentioned, there's no parking, there's no pedestrian conflicts, there's no access points. I mean, that whole list of items are very minimal. So that's kind of your, you can really hit a lot of capacity if you get rid of everything on the street.

Commissioner

Joyce: So, so let me offer it to you just in the grand scheme of things. If we looked at that 1800 number and then we looked at peak hours. And, and, you know, if we said 1800 is capacity if it's built like a two-lane highway, but we've only got 150 so we're good. But the answer is, no, we've got people walking in the street and we've got narrow streets and we've got snow storage and all that kind of stuff. And our peak on some of these roads is still up around like 1,000 at, at peak hours, especially in the afternoon. And that really worries me still. And, you know, I've heard our own Staff tell me I shouldn't be worried about it, but, but I'm still worried

about it. I mean, we're starting to push something at, at 1,000 cars per, per hour through Lowell and Empire through some of those intersections. And if you get, even as you get closer to 224 it actually starts getting up to like 1300, 1500 cars per hour, and we're still not on a nice highway yet. We're at least off of little, little Lowell and little Empire, but I'm, I'm still not there. So, I'm not sure where to do with that. And I may just have to finally give up and just go with our Staff's opinion on this one. But it---I, I just don't see how this works. I mean, 900 cars. When you start doing the math on that, I mean, that's a car every four seconds going through Empire. And I mean, if you've ever been there when they start backing up, you can just imagine throwing in another one every four seconds. It would take all of about, you know, a minute and a half or something before it was absolute total chaos. And, and yet that's the traffic volume we're talking about. That's the numbers that we have here and the projections for peak hours. And I just, I don't get it.

Chair

Strachan: I would---you're planning on submitting these questions and answers to Francisco, right?

Gary

Horton: I apologize. I'm actually---so the, the summary of our report, the conclusions and recommendations didn't change, but because of a table that was commented on, I'm going to resubmit that report with a few of those corrections, and, and then be done with it.

Chair

Strachan: But just in terms of these questions.

Gary

Horton: They, yeah, he already has them.

Chair

Strachan: Okay. Great.

Gary

Horton: I, yeah, I gave him a PDF list.

Chair

Strachan: Yeah, I want that for the future.

Planner

Astorga: Any, any other questions, or I think that concludes the, the transportation portion of what I wanted to cover. So we're done with one. Two more to go. Obviously, we're not going to take as long on the, the next two, and obviously we still have to have a public hearing. I see the time out sign being flashed upfront.

Chair

Strachan: Yeah. You know, we've just got two more quick things. But I've got some questions about traffic based on that presentation. I think probably the other Commissioners do as well, right? Or not.

Commissioner

Joyce: I was asking all mine, so---

Commissioner

Thimm: I outlined a lot of mine already.

Chair

Strachan: Okay. Yeah, you know, we've been at it for the better part of 2-1/2 hours. Why don't we take a little break. We'll come back and we'll finish the rest of the, the two issues and then take public comment. All right.

Break

Chair

Strachan: All right. Let's call the meeting back to order. I think what we'll do here is finish up with this traffic issue, move quickly into 17.2, finish your last question, Francisco, and then do public comments. We should be quickly on to public comments. I appreciate everybody waiting around. I know this takes a long time.

I only have one questions about the, the one-way option and the sidewalk options. You contended that those are more safety issues rather than mitigation issues. Is that, is that right?

Let's, let's separate them, too. Let's just talk about the one-way first.

Gary

Horton: One way is a---I would say it's safety and capacity. If the street width, if, if it's functioning as a one-way, which, you know, many times you see all these pictures, then at some point you've got to realize cars heading in opposite direction driving in a one-way scenario is not a safe condition. So it's---by making it one-way it actually enhances capacity, because then I'm not having to wait for you to pull into the driveway or me to pull into the driveway, and then I can go by and vice-versa.

Chair
Strachan: Right.

Gary
Horton: So it's capacity, but it is also safety. When, when you don't have the appropriate travel way, then it really needs to be considered whether it should be one-way. And that goes back to, you know, parking enforcements and everything else. So.

Chair
Strachan: And, and along those lines, the dump trucks and the construction traffic should be on a one-way loop. Right?

Gary
Horton: Correct. That's why it's going [inaudible].

Chair
Strachan: So if for whatever reason we do not elect to do a one-way loop, doesn't that increase the danger to the pedestrians? I mean, you've got to do a one-way loop for construction traffic, as you just said. But if we do that, we're sort of putting ourselves in between and rock and hard place because, you know, either we do it or we don't. And I looks like Staff's recommending that we don't, which increases the danger to the pedestrians. So which side do you come down on? More danger to pedestrians or less danger to pedestrians but poor vehicle traffic flow.

Gary
Horton: I guess I'm not equating those two together. If I'm accommodating---so let me attack the pedestrian accommodations. That's a safety element that pedestrians should not be in the same path as vehicles. They should be in a separate path.

Chair

Strachan: Granted. Yeah. What I'm asking is, if you don't pick the one-way loop, you have traffic going both directions, as Staff has recommended.

Gary
Horton: Okay.

Chair
Strachan: That increases the danger to the pedestrians, right?

Gary
Horton: Not if you accommodate pedestrians outside of the travel way. That's what I'm saying.

Chair
Strachan: Okay. So and then the only way to do that is with sidewalks?

Gary
Horton: You don't have to make a sidewalk. It could be a gravel shoulder. I mean, you have to make pedestrian accommodations. Generally, they're sidewalk or asphalt. But it doesn't have to be a hard surface.

Chair
Strachan: Okay, and there's no other option besides that?

Gary
Horton: Oh, there's plenty of---I mean, you could---

Chair
Strachan: What are the other ones?

Gary
Horton: Build a grade separated from, from all the way around there. I mean, you could put a tunnel.

Chair
Strachan: Well, what about---let's talk reasonably.

Gary
Horton: You said any other so I'm---

Chair

Strachan: Yeah, yeah, well. It's getting late, Gary.

Gary

Horton: Understood. When you're trying---I felt like you were trying to back me into a corner is what I'm saying. All right, if you're trying to say a range of opportunities, there's---

Chair

Strachan: What are the other reasonable options?

Gary

Horton: Not---yeah, it would be behind the curb and gutter, or even further separated from the curb and gutter. But no, outside the curb and gutter, outside the travel way for pedestrians.

Chair

Strachan: That puts us in a tough position, I think. I mean, if the Staff's recommending we don't put in sidewalks and we don't do a one-way option, and both of those things are necessary safety measures in your mind.

Gary

Horton: I think they're safety measures right now in my mind. I don't think Treasure is the creation of that. That's the point I'm making. Engineering standards and national standards do generally---I, I have not found something that has pedestrians walking within the roadway. Not that it can't happen.

Chair

Strachan: I would agree with that.

Gary

Horton: But that's, you know, when you design a road and you're accommodating both pedestrians and vehicles, they're generally separated.

Chair

Strachan: Well, I agree with that. All right. Anything else?

Commissioner

Suesser: Another, another difference between what you're recommending and what the Staff's recommending is that construction traffic under your recommendation comes up Lowell and goes down Empire. Is that correct? It says enter from Lowell, exit on Empire. So it leaves the project and it goes---construction traffic goes down Empire? That's the first one.

Gary

Horton: Right. That is what I recall from the conditions of the Master Plan.

Pat

Sweeney: Pat Sweeney. I mean, briefly we could go either way. It makes sense since the section on Lowell is being beefed up for the purpose of load. That the loaded vehicles go up Lowell. And the unloaded vehicles go down Empire.

Planner

Astorga: What, what the Master Plan indicates is that access to the property, the property would be Lowell and Empire. I don't believe it's specifically specified for construction traffic. And, yes, as Pat just mentioned, there was a clause in there that in the future, if the City Engineer's Office or Public Works Department was going to rebuild the road, we would, the applicant would be able to participate in thickening that layer of asphalt. Now, currently, the applicant has chosen to participate in Lowell, but he did not participate on Empire. So the consequence as outlined in the Master Plan says that if the applicant requests to also use Empire, he would have to rebuild the road.

Commissioner

Suesser: And Staff's not recommending that, though. Staff's recommending that Lowell be used for construction traffic exclusively, correct?

Planner

Astorga: Yeah. And I, I think that maybe we haven't had this specific discussion with the applicant, but that was always assumed further participation in the road thickness.

Commissioner

Suesser: And so it has nothing to do with traffic flow and pedestrian safety to use Lowell exclusively.

Planner

Astorga: I'll let Matt and Alfred answer that portion of your inquiry.

Matt

Cassel: It's assumed just because Lowell was built to handle the construction that all the construction traffic would be on Lowell. And it's not about capacity. It's about the road standing up to the pounding it would take from the construction.

Commissioner

Suesser: But Lowell, Lowell is being beefed up by the applicant, but they haven't chosen to fortify Empire? I'm not, I'm not following why Lowell has---

Planner

Astorga: That is correct. And, and I believe that the answer is that Empire was built right in the middle of the official, official negotiation between the applicant and the City. Empire was rebuilt three years ago, Matt? Four years ago.

Chair

Strachan: Well, and do we have any studies or findings that Empire can or can't accommodate the, the loads?

Matt

Cassel: From a technical term it cannot. It would have to be beefed up to handle additional construction traffic. It's a local street.

Commissioner

Suesser: And the applicant is required to do that under the MPD?

Planner

Astorga: Under the MPD I believe it says that if the applicant chooses not to participate in thickness of the road at the time of usual City reconstruction, the applicant would be obligated to rebuild the road.

Chair

Strachan: Well, that's an additional impact to the residents of Empire that---

Planner

Astorga: Yeah. And, and I'm sorry to interrupt, but we have not had an opportunity from Staff to, with the applicant to discuss construction on Empire. So I just want to make sure that the Commission understands that.

Chair

Strachan: Yeah, I, I understand that. I think we all do. That's a big problem for you guys. Just saying. All right. Let's move on. We'll tackle 17.2. Your question is, does---sorry, I didn't mean to move on too fast. Are we done with the traffic discussion? I think we are. Okay.

17.2. Does the Planning Commission agree with Staff that the refinements identified in 17.2 are not in direct response to specific comments made by the Planning Commission? I don't know. Where do people come down on this. Where do the other Commissioners come down? Commissioner Thimm, what about you?

Commissioner

Thimm: In, in looking at it there were, some of the issues were spoken to. Cliffscapes were spoken to, some of the building footprint areas were spoken to. There really wasn't enough information to get through and understand, yes, this is in direct response to our, our commentary. I didn't really see, in looking at the massing or the elevations that were provided, I didn't see such things as addressing commentary about stepping up and, and honoring the topography rather than just hogging it out, that sort of thing. And so I think that there's more needed. And there are some steps in the right direction, but I would tend to agree with Staff's commentary.

Commissioner

Suesser: I do as well. I have nothing further to add.

Chair

Strachan: Commissioner Joyce?

Commissioner

Joyce: I, I wouldn't go so far as to say, say that. I think I would take Commissioner Thimm's thing a little further. The thing is, it didn't, the, the

things that changed, unfortunately, didn't like mark something completely off my list. It was progress in the right direction. I mean, a good example of this is the reduction in support commercial from 33,000 down to 21,000. I think that's a good thing, but my problem is I don't believe---I believe that all they were allocated was the 19,000 or 17,000 square feet of actual commercial that was specified in the plan. And as we talked about, gosh it's been almost a year ago, there's a clause in there as part of the Master Plan agreement that says, you know, this is the maximum amount and, and it shall not exceed this. And so I'm still stuck on, no, you get meeting space, you get resort accessory, but you don't get support commercial. It was very clear about that to me. And so I see the reduction as being a move in the right direction but not there.

Same kind of thing with moving the, the cliffscape back. I believe we have basically a building area that was pretty clearly outlined on the map, and the area outside of that was, was converted to open space. They brought the buildings back, they brought the cliffscapes back, and got closer to being inside the building area, but it's not. And so I still have problems that there's, there's permanent cliffscape structures going into areas outside the building plat, and in restricted open space area.

So, you know, there's a couple of things like that that I think we're moving in the right direction. Same kind of thing with excavation. We were looking at close to a million cubic yards of excavation. Now we're looking at what, 860 or something like that. That's moving the right way. It's still, you know, a behemoth compared to anything Park City's ever seen. And I still think we have lots and lots and lots of steep cliffscape and excavation questions that moved the right way, we just---it's still a huge issue to me.

So I wouldn't go so far as to agree with the statement that says they weren't in direct response to specific comments made. But I would try to, I would word that a little differently that said they didn't eliminate---I don't think it eliminated any of my concerns. I think it kind of got rid of, you know, 30 or 40% of a concern, and the concern is still there.

Commissioner

Band: I agree with that. Have nothing further to add.

Chair

Strachan: Commissioner Phillips?

Commissioner
Phillips: Ditto.

Chair
Strachan: All right. Yeah, I'm on the same page as the other Commissioners.

Planner
Astorga: The, the applicant did prepare a presentation. They updated the model that we saw, I think two months ago now, to reflect 17.2. So they have asked for a presentation to show us that.

Chair
Strachan: Okay. Who's ready to go?

Planner
Astorga: As they do that, I have one slide to show you, which is the most significant concern with this application. We printed the comparison sheets that the applicant provided. And if I could get to it real quick. This one right here. It is extremely hard to follow on the computer because of the redline that you could barely see. But this is Building 4B. This is the hotel. It is the biggest building. As you can see, the red line represents where the building was, and now anything above the red line represents where the building is currently being proposed. So I just wanted you to pay---

Chair
Strachan: Under 17.2.

Planner
Astorga: Under 17.2. This is page 191 of your packets. All the other ones were about the same with the exception of the elimination of some buildings that they got rid of. But just like you pop a balloon---you push in a balloon here, it's going to pop out over, over there.

Chair
Strachan: Yep. All right.

Planner

Astorga: And this, and this building took the most of the increase in shifting. Not increase in density but shifting square footage from the elimination here to elimination over there. This is the most significant that that popped out. This is the only exhibit I wanted to show you.

Chair

Strachan: Thank you. All right. While the applicant's getting set up, why don't we tackle your last question, which is should Staff present in chronological order to us our list of questions. And the response is there too.

Director

Erickson: Do you need additional explanation of that or is, is the---

Commissioner

Phillips: I think it's pretty straightforward, right?

Director

Erickson: Text pretty clear? And I'll take this one, but basically Francisco has taken the last couple weeks to go through every one of the Minutes of our last 14 meetings, put together a list of issues and things that had not been addressed, and now we're relating them back to the 15 MPD criteria and the 8 criteria---15 CUP criteria and the criteria inside the MPD, aligning with the impacts. And so we're recommending that you review them, not chronologically, even though we will reference back to when you talked to them. We recommend that you review them according to the 15 Criteria and the MPD.

Chair

Strachan: I think that makes sense. Does that make sense to everybody else?

All

Commissioners: Yes.

Commissioner

Joyce: I agree.

Commissioner

Thimm: I agree.

Director

Erickson: Good, thank you. We're done.

Chair

Strachan: And then just in relation back to the question presented in the Staff report regarding 17.2, I was unaware the applicant had a presentation tonight to give. So I withdraw my earlier comment. I may reassert it after the presentation is made, but I don't make any decisions about whether 17.2 is adequate or not without having seen this presentation. And I don't think the other Commissioners have either.

Steve

Perkins: Good evening. I'm Steven Perkins. I'm representing the applicant. I'd like to do two things tonight. First is to present to the Commission and the public the recently completed video animations and renderings of Treasure 17.2, including a series of still shots, which depict the differences between the 17.1 images that were previously presented to the Commission, and the new 17.2 refinements.

And secondly, I would like to briefly re-summarize the goals of underlying the site planning and architectural refinements of 17.2 that were presented to the Commission last month by David Eldredge. And then in the interest of time let's just go ahead and start the animations.

The first animation is going to show the approach to the project from the golf course and the Resort Center. As we're watching the animations I want to remind everyone that they are from a birds-eye view, and do not represent how the project will appear from a car or pedestrian standpoint.

The second animation shows the approach from Deer Valley. And lastly, this animation shows the approach from Upper Main Street and Old Town.

In addition, we're going to show you a couple of short selected animations that include wintertime simulations as well.

Lastly, we're going to show the stills of 17.2 wiped in from the 11 required viewpoints requested by Staff for CUP review. These are from the Park City Mountain Resort as previous, the golf course. From the Peaks Hotel. From the City Park. From the 9th Street turnaround. From the Aerie. From the Town Lift deck. From Heber and Main. The Deer Valley Roundabout. The Marsac Building. And the 5th Street lots. We can

revisit these animations again if desired during the Commissioner's questions.

The next sequence of animated stills will show the comparison between the existing condition, the 17.1 Refinement shown at earlier hearings, and lastly, the 17.2 version all from the same vantage point.

The first three stills were from selected vantage points. The last nine are from, again from the same vantage points that were selected by the Staff for CUP review.

Commissioner

Suesser: I think these have to be much slower for us to get anything out of the comparisons.

Director

Erickson: Steve, you're going to submit these things for review?

Steve

Perkins: Absolutely.

Director

Erickson: And, and let the Commission take some time to review the situation. You don't have to guess tonight. Francisco, if I might ask a question. Have you looked at these yet?

Planner

Astorga: We have received the, the model. It was hyperlinked to the Staff report. We have received the---

Director

Erickson: I guess the question is, have you, have you checked to see if these are zoomable, excuse me zoomable in electronic form?

Planner

Astorga: Yeah. These exhibits are all listed on page 161. There are hyperlinks to it, except for the one, the video that he had, that Pat had. Nothing there. Then 17.1, 17.2. Obviously, I don't have those in video form. I have it in photograph form. And those were part of the packet. But no, I don't have them both together in the video where you could---

Director
Erickson: If the Commissioners want to look at them in more detail, could you zoom into them in still?

Planner
Astorga: Yes.

Director
Erickson: Okay.

Planner
Astorga: Yes, we could do that.

Director
Erickson: So you'll be able to do that when you see the hyperlinks.

Pat
Sweeney: Also, also, Bruce, we provided stills, individual stills of all the individual viewpoints, the selected ones and the required ones. So you can really zoom in on those.

Director
Erickson: Okay.

Planner
Astorga: Yeah. Those are the ones that we have hyperlinked on the Staff report.

Chair
Strachan: Great.

Pat
Sweeney: And you can, you, you know, you can play with it on any computer. Slow it with your finger. Make it go real slow, etc.

Steve
Perkins: As, as already been noted in your package tonight is a link to the drawings that David Eldredge presented to the Commission at the last meeting. These drawings contain very specific details that show the 17.2

Refinements and their comparison to the 2009 drawings. David's here tonight and can answer questions about that comparison if so desired.

I'd like to quickly touch on the overriding goals that drove the site planning and architectural refinements for 17.2, and the specific actions that we took to achieve them. We developed these goals taken from comments and suggestions that we received from Planning Commission or Staff and public over the course of the previous meetings. And we verified it by re-reading the Minutes of those meetings as well as our own notes.

Very simply, the goals of 17.2 Refinement are as follows: Goal #1, reduce the amount of excavation. The actions taken in order to do that include eliminating two Area 5 buildings; Building 5B and 5D. Shortening and moving Building 4B to the east, and reducing the size of the central amenities space. Raising the grade at the back of Buildings 1B and 1C. Reducing below grade accessory and circulation space. And keeping Lowell Avenue at existing grade, as opposed to the 5' lower of the 2009 drawings.

The net effect of those actions is to reduce excavation from 960 cubic yards to 812 cubic yards. And that is a more accurate estimation from Rob McMahon, our Civil Engineer, which the previous estimate did not include the changes at the 1 Buildings. And so now he's been able to incorporate all those changes, so we feel this is a pretty accurate number. That is 148,000 cubic yard difference or about 16%.

The bar chart here shows then that reduction of excavation from each of the plans. 2009, on the left, 17.1 in the middle, and 17.2 at the right side.

Commissioner

Joyce: Can I ask a quick question? At one point we had a lot of discussion about the expansion factor of when you pull out, you know, whatever. You pull out a million cubic yards or whatever, what the expansion is when you break it up and haul it up the hill and that kind of thing. And we heard numbers of 30% and 50%. And one of the things we asked was for the applicant and Staff to see if, again, if they could find an agreed to number that for our planning purposes we can use. Has that happened yet or?

Pat

Sweeney: We haven't agreed with the Staff. But we, we have an, an opinion from Applied Geotechnical Engineering Consultant, Jim Norquist, that it would

be in the range of 25%. We're doing some soils tests right now that will allow us, allow him to render perhaps a more accurate opinion on that. And we can discuss that with Staff.

Commissioner

Joyce: Okay, thank you. I just wanted to know if that was a done thing, and I just want to make sure we didn't lose it. Thank you.

Steve

Perkins: As the excavation was reduced the building footprints eliminated and moved, and the grades behind certain buildings changed. We were able to also achieve Goal #2, which is to significantly reduce site disturbance. The---according to David's calculations, the new area of site disturbance has been reduced by approximately 78,000 square feet, or 1.8 acres.

Thirdly, in addition, we have been able to lessen the height and visual impact of the cliffscapes. As noted on the chart there, the, the top of the cliffscape behind Building 4B has been reduced by approximately 16 feet. The top of the cliffscape behind Building 1B has been reduced approximately 37 feet. And the top of the cliffscape behind Building 5C has been reduced approximately 48 feet.

If you look at David's drawings, there's also details at bottom of slope and that top of slope number, if you want to see what the actual dimension of the cliffscape is in its certain locations.

While these goals are more site related and---we have also established interrelated goals that deal more with building, buildings and use. These additional goals include Goal #4, to reduce the amount of support commercial. Next slide Pat. And that we have done, which has already been mentioned in the discussion, by 12,000 square feet or approximately 36% of the, of the support commercial.

Also, to improve the parking layout and circulation, that has been by a combination of double-loaded bays and also changing a lot of the one-way roadways that we had into two-way streets.

As a result of those changes I've noted above, and others noted below, we were able to achieve Goal #6, an improvement in overall building

efficiency and a significant reduction in the percentage of back of house relative to gross square footage. That reduction includes accessory space of 37,000 square feet or 27% of the accessory space, reduction of circulation space of 17,000 square feet or 10% of that amount. And a total square footage reduction of all uses of 68,000 square feet or 7% of the gross building area. That then results in a reduced back of house---a back of house relationship to the gross square footage of 36%, compared with other similar projects as was done in the aforementioned Exhibit W. And so we've done those project comparisons using the same kind of approach that Exhibit W used. You can see the Montage, the St. Regis, Treasure 2009, and Treasure 1712 in the charts, and then of course---17.2 in the charts. And also, you can see the bar charts below with the corresponding colors for those percentages. I think the most important line to look at is the back of house line, the orange line at the top. You can see the Montage has a back of house area of about 43.8%. The St. Regis has a back of house of about 47.1%. Treasure 2009 was about 40%. And Treasure 17.2 is at now 36.2% in terms of amount of back of house.

So in conclusion, contrary to language in the Staff report, we feel that the 17.2 Refinements are substantial and relevant, and are in, are in response to comments from the Planning Commission, Staff and public. I want everyone to note, however, that the numbers and percentages still are approximate, and that the more detailed numbers are available in the 17.2 to 2009 comparisons in your packet, and the 17.2 drawings package that was submitted to Staff last month.

Thank you for your time and attention.

Chair

Strachan: Thank you. All right. Anything to say about that, Francisco?

Planner

Astorga: No. Everything is still the same from Staff's perspective.

Chair

Strachan: Yeah. Yeah, I think everything's still the same from my perspective as well. You know, it changes my opinion a little bit about whether this was done in response to our comments. Whether it goes far enough or not I think is a different issue. But decreasing the excavation certainly is something that we've brought up, and to the extent you guys have done

that, that was in response to our comments. Again, whether it goes far enough is a debate we'll have later.

All right. Anything further?

Commissioner

Joyce: Let me just throw out again. I just want to keep---make sure we don't lose track of some of the things. One of the things that was brought up last month as well was because you made changes in the retaining walls, the good news is the retaining walls are shorter than they were and they've kinda gotten pulled back in closer to the building footprint. But a part of that was being made a lot steeper. And so there was some work done---gosh back in 2009 or maybe even back in the 2003 kind of thing where there was a description of what retaining walls were going to look like and how they were going to be tiered and everything. And now it seems like that's a less like---a lot less likely to be accurate because it's just that steep now. So at some point I don't want to lose track that I don't think the design of the retaining walls that we have had access to is accurate anymore. And we'll need to see that.

Steve

Perkins: I don't know if that's true, Steve, because those retaining walls that are shown on the written and pictorial that was done in 2009 include not only retaining walls that might be adjacent to the cliffscapes areas, or in addition to cliffscapes, but also walls that would be at the front of the project where we have the, for instance, the lifts. And so, I think we were throwing out a whole range of options for those walls for you guys to consider.

Commissioner

Joyce: Okay.

Steve

Perkins: And we've selected several of those to use in those areas.

Commissioner

Joyce: Okay. I guess the big one, the big concern for us from both an excavation standpoint and then an appearance standpoint is, you know, its, it's certainly important, it's not to negate the smaller walls that are kind of down by Old Town because that's part of a transition. But when you have still, you know, 100 foot walls back behind, one of the things that was pictured in those was that you had tiers, and actually had some things

pointed out as fairly substantial plantings and things like that in there. And I think you guys are up to like 4:1 was what we were told for---

Steve

Perkins: We do. But I think if you look at David's grading plans, we still are trying to create small terraces and other pockets for that kind of planting to occur.

Commissioner

Joyce: Okay, I, I'd like to see that at some point because it's hard for me to imagine on a wall that steep that we can have much other than, you know, a little shrubbery here and there, or something like that. But if we can, that's, that's cool. I'd like to see that. 'Cause I went back through it after our last meeting and it didn't seem to apply anymore.

Steve

Perkins: And I think if you---believe it or not if you look at, if you go to look at David's drawings and then also look at what we've done with the videos, you'll see that we've tried to take those pods and that's where we've placed trees in the videos.

Commissioner

Joyce: Okay. I'll pay attention to that when we go through it. Thank you.

Chair

Strachan: All right. Nothing further? Francisco, applicant, we're all done?

Director

Erickson: I have, I have just two more from the Planning Commission in keeping with Commissioner Joyce's comments. We had also brought forward issues about making sure that the construction impacts of the conveyor system were accurately represented on the side of the mountain. Making sure that the placement of fill was accurately represented, and the over excavation for the cliffscapes was accurately represented in the drawings. So what you're looking at is 2017 vegetation overlaid with the 20-whatever ski runs, but none of the impacts of the construction going to lift towers and the conveyor system. So we asked about that information previously. We need to see it again.

Chair

Strachan: Good points.

Commissioner

Joyce: And, and I think there's a whole series of things that we haven't discussed about where exactly this dirt goes. I mean, we kind of got the, we're going to mow down 16 acres of tree in the higher area of the open space and pile the dirt there, but I haven't seen---I mean, I had questions about whether that was even allowed based on the conservation easement, and I haven't heard back on that. But even the details of what exactly does that look like and how do we retain that much soil. Because I mean, over 16 acres, even if you stacked it up straight on the sides it's 45' deep. And obviously you can't stack it straight. And you guys have depicted it in the pictures as being a, a mound. And I just don't understand how we take a, what's probably a 60' high mound of dirt on the side of a steep slope and get it to stay there and revegetate successfully without erosion issues and things. And that, that may be something that you guys can bring us a plan on. But, but we certainly haven't had the opportunity to look at that yet.

Chair

Strachan: All right.

Commissioner

Thimm: One, one, one comment. Sorry.

Chair

Strachan: I really want to get to public comment here. These guys have been more than patient.

Commissioner

Thimm: Yeah. So a comparison to the 2009 plan I think is good. I don't want us to lose sight of going back and looking at 17.2 in comparison to the original approved Master Plan. I think that is actually the model that we need to be looking at.

Chair

Strachan: Good point. Yep. All right. Let's open the public comment on Treasure Hill CUP. I appreciate everyone's extreme patience.

Public Comment

Nikki

DeForge: I almost feel given for having comments giving the lateness of the hour. Thanks for bearing with us. I'm Nikki DeForge here speaking on behalf of THINC, a non-profit group of hundreds of Park City residents and businesses. We appreciate this opportunity to share our concerns with you.

Starting with road capacity. Commissioner Joyce poised a question at last month's meeting that remains unanswered. He said how can the modeling possibly predict that the roads impacted by the Treasure Hill development will function well in the future, when the evidence shows that the roads are not functioning well now. And stated another way, I think you could ask the question, how can the Commission possibly rely on the modeling and traffic reports predicting no future capacity issues with the Treasure Hill project if the actual evidence demonstrates serious problems even now. We've all seen the videos and the photographs showing actual road conditions on Lowell and Empire. We've heard the testimony from the local residents about what it is actually like to live and drive on these roads. And having seen and heard that evidence of the real world traffic conditions, the Commission cannot possibly conclude that these roads adequately function now, much less that they will adequately function in the future with the sharp increase in traffic projected from Treasure Hill. It can't---the Commission cannot be required to focus blindly on these speculative prognostications while ignoring the actual evidence in the record of the real world boots on the ground issues with these roads.

And even in the most recent submission, the applicant makes no attempt to answer Commissioner Joyce's question. It doesn't pretend that the current road conditions along Lowell and Empire are acceptable. Instead, it makes two alternative arguments. First, it essentially says pay no attention to what the road conditions actually are like. The studies say it will all be fine when we add all of this traffic on there. But really, the past modeling and studies, including the 2015 InterPlan study that, that was mentioned earlier suffer from the same flaws as the applicant's current study. They are based on idealized road conditions and cross sections that do not actually exist on these roads. The studies assume that the Old Town roads around Treasure Hill actually function year-round as they appear on paper, again, in these cross section illustrations. In other words, that they have pristine road conditions with a handful of cars, a few pedestrians walking on clear sidewalks passed nicely spaced driveways

and on flat terrain. But that is not remotely how these roads actually function, and particularly not in the wintertime, as we've seen.

Therefore, as noted by the LSC Transportation Study in its recent review, the traffic analysis needs to include an evaluation of roadway congestion along Lowell Avenue and Empire Avenue between the site and Manor Way, reflecting real world winter traffic conditions. Snow, both on the roadway and piled, grades and the high density of residential driveways all combine to reduce the capacity of these roadways. The Avenue Consultants report likewise cautions that during winter conditions when the roadway width is reduced to one lane and vehicles must regularly yield to oncoming traffic or even backup to make way for another vehicle, the roadway capacity may reasonably be assumed to drop to as little as one-tenth of the ideal values, which would be only 60 to 120 vehicles per hour. And yet we're talking about a thousand vehicles per hour, potentially.

None of this, none of these issues are addressed in any of the applicant's studies or even, frankly, in the earlier studies that were commissioned by the City. Again, those were all based on idealized conditions that are not present here even remotely. The LSC study further notes that if such winter conditions result in one-way operation on the roads, which the evidence in the record shows it does, then this impact on capacity is not reflected in the [inaudible] and methodology used in the applicant's 2017 report. Although LSC notes that capacity under such restricted conditions as exist on these roads can be modeled using a simulation software package, the applicant has made no attempt to model that data. And, in fact, as noted by LSC, the applicant has made no attempt to address actual capacity in its report at all under wintertime conditions or otherwise. Instead, the applicant persists in relying on inherently flawed traffic studies that make projections based on inaccurate idealized conditions that are not applicable here.

Second, the applicant attempts to essentially wash its hands of any responsibility for road capacity by shifting all the blame to the City for lack of road capacity due to its recent narrowing of Lowell by 3' this summer. Of course, this argument overlooks the fact that the capacity constraints evidence in the videos and the photographs were from last winter, well before these roads were narrowed. And although the narrower width of the road will certainly have an impact on pedestrians and parking and safety, the fact remains that there is no way that under winter conditions two cars can pass on either of these roads, regardless of whether they are

25' wide or 22' wide. And that is particularly true with respect to the 300 heavy construction trucks per day that are projected to pass along Lowell Avenue.

And as the Planning Staff, LSC and Avenue Consultants all point out in their reports, capacity is less the function of width than of quality of life, traffic noise, and safety concerns. According to LSC, the latter definition is typically the definition used by jurisdictions to define the appropriate roadway capacity, not the number of vehicles that you can conceivably cram down a road. Although the applicant now complains that this definition of capacity is too subjective, the City has imposed objective criteria for measuring this in its 2011 traffic master plan, based on its knowledge of the true condition of these roads, and not some idealized assumption. It has established a threshold of 2500 daily vehicle trips on Old Town roads such as Empire and Lowell in order to maintain quality of life for residents, and safety, and ensure adequate functionality. And yet again, we're talking about 1,000 vehicles per hour coming down these roads. So the Planning Staff is absolutely correct in requiring the applicant to provide the actual daily volumes along these roads in order to determine whether the 2500 threshold will be exceeded. And frankly, the City should require these volumes to be measured both at the upper and lower portions of Lowell and Empire to ensure accuracy.

The difficulty is that the applicant did not measure this in its President's Day study. It only measured peak traffic volumes. But even based on the peak traffic volumes that have been provided by the applicant, both LSC and Avenues Consultants projected that the average daily volumes are either already exceeded on Lowell and Empire, or would be significantly exceeded with the Treasure Hill project. For example, Avenue Consultants projects that Treasure Hill would add about 2600 new daily vehicles trips to these neighboring roads. Now if all of that additional traffic were funneled exclusively on to one street, like Empire or Lowell, which---and, and Empire is where the GPS coordinates currently will direct the traffic, then the increased traffic alone as a result of this project will exceed the total threshold of 2500 daily trips allowed for these roads. Even if those 2600 new trips were equally split between Lowell and Empire, as assumed by the applicant, both roads would exceed the threshold established in the 2011 traffic plan. So if projected traffic with this project will exceed road thresholds by 35% to 55%, then the City can't possibly conclude that the capacity on these roads is adequate under its 2011 traffic plan.

And even if the decision to narrow Lowell was ill-advised or was based on incorrect modeling or whatever, the City must still evaluate the CUP criteria for this project based on the actual current road conditions today, and the future impact from Treasure on the conditions of the road as they existing today, and not based on what conditions might have been had the City done something different, of if the City were to do something different. Just because conditions now are bad does not mean that the applicant can make them far worse with impunity and without mitigation. They must account for that. The applicant must demonstrate that it can mitigate the impact of its development on the traffic and road capacity in light of the current conditions on the ground without sacrificing public safety and quality of life for the residents. This project will push these intentionally slow roads, as the City has described them, to gridlock. And that is not acceptable under the CUP criteria.

The reality here is that the winter conditions exist for five to six months of the year in these neighborhoods. They are not exceptional events or outliers that the applicant need not mitigate. But the mitigation proposed by the applicant and recommended by the Staff will not effectively mitigate these impacts.

Just a couple of examples. There's a proposal to mitigate traffic impacts by funneling all the construction traffic on to Lowell. And we've had an explanation as to why that is. Yet, the applicant's entire traffic study is premised on projected traffic numbers being equally split between Lowell and Empire. So right there, if that's a mitigation requirement, then the traffic studies are, are flawed by, you know, considerably and have to be looked at again. And keep in mind that even then the applicant's study was conducted when Lowell was 3' wider than it is now.

Another example is the potential mitigation option of adding there more feet of asphalt on the east side of Lowell during construction to try to address the issues that will arise from the 300 heavy construction trucks attempting to pass each other along Lowell every day each way. And that's 600 trips by the way. Now adding the asphalt would only get Lowell back to what it was last winter when the videos and photographs were taken showing gridlock on the roads. Again, how do you get two-way construction traffic, neighborhood traffic, garbage trucks, emergency vehicles, snow plows and pedestrians using these roads at the same time, and say that this is safe and this provide sufficient quality of life for these

neighbors. These roads were not designed or built for construction, traffic like this, and there is nothing that can be done to mitigate that without drastically harming the quality of life of the residents in violation of the CUP requirements.

Again, regardless of what the engineering numbers purport to show, the real issue, as Commissioner Joyce pointed in the last meeting, is how the roads actually function in real life, and the impact on, on quality of life of the residents.

A brief comment about the one-way road option. I, I direct you to our comments from last month where we extensively addressed this issue and pointed out numerous problems with this approach, including the fact that this would actually increase the traffic along Lowell and Empire by directing all of the traffic that is currently below Manor, such as at Park City Resort, all the way up and around the loop. There are numerous other problems that again are addressed in detail in those other letters and comments. And I won't go into those in detail tonight.

External trips. The applicant's MPD mandated that the development not be designed to attract commercial traffic from off-site. And the latest summaries, the applicant does not bother to argue that it satisfies this condition of the MPD, and it does not, as set forth in detail in our comments last month. The parking requirements, traffic projections and commercial square footage all aptly demonstrate the project is specifically designed to draw, and will in fact draw, significant external commercial traffic, and that violates the MPD. Now instead of arguing that the project is not designed to draw external traffic, which is really the issue, the applicant now suggests that it need not satisfy this MPD requirement at all so long as the resulting traffic impact is minimal or can be mitigated. Again, that is not remotely the issue. The applicant is improperly conflating the MPD approval requirements with the CUP requirements, and there is no connection. As a threshold matter, the development must comply with the MPD conditions before we ever get to the issue of the CUP criteria. Because it doesn't comply, it doesn't matter what impacts the applicant thinks it can mitigate, or how minimal it thinks those impacts might be. And in reality, the prohibit on external trips in the MPD is not simply a traffic issue. In the MPD it explains that the condition was imposed in large measure out of concern for existing businesses in Old Town. The City did not want Treasure Hill to put all of the commercial business---to pull, excuse me, all of the commercial business away from

Old Town and create a ghost town there. Because prohibition on off-site commercial is not simply a traffic issue, it cannot be mitigated through traffic controls alone, even if it weren't a threshold MPD requirement, which it is. Because this no external trips issue is an MPD requirement and not a CUP issue, the applicant cannot resolve the issue even by agreeing to the proposed mitigation measures that have been suggested in the recent Staff report.

Assuming that the applicant could demonstrate that the project was not designed from the outset to draw off-site traffic to the site, which it cannot, these measures would be imposed so that the applicant does not later attempt to drive traffic to the site after CUP approval. Again, these mitigation proposals do not relieve the applicant from demonstrating in the first place that it's project meets the MPD conditions with respect to internal---external trips.

With respect to parking, in addition to Commissioner Joyce's comments earlier, which we fully concur with, we'll add one more; and that is that the applicant argues that its parking plans for the project comply with MPD requirement, but they don't. According to Table 14 of the Triton study, that applicant's parking plans, and I think we saw that here tonight, include 178 weekday parking space, and 184 weekend parking spaces for off-site commercial traffic. This represents 36-37% of the total parking needed for the project. Because the MPD mandated no off-site commercial traffic, the applicant's parking plans requiring substantial parking for such traffic do not comply with the Master Planned Development.

As for the Refinement 17.2, we completely agree with the comments earlier that none of this, none of this results in, in bring the project into compliance with any of the MPD criteria that the previous plans violated. That includes the violation of the support commercial restrictions mentioned, encroachments outside of the building area boundary and into open space, excavation issues and drawing off-site commercial visitors. Nor does it effectively mitigate the numerous impacts of the project under the CUP criteria, such as mass and scale, compatibility, preservation of existing slope, and so forth. Based on these new plans, the project is simply a little less egregiously in violation of the Master Planned Development and the development CUP criteria.

We appreciate the opportunity to share these, these concerns with you, and we encourage the Commission to, to turn down this CUP application. Thank you.

Chair

Strachan: Thanks. Let me, let me ask you. Is it THINC's intention to provide comments on any proposed conditions by Staff and/or provide its own proposed conditions at any point?

Nikki

DeForge: I'm sorry could you---I didn't hear the first part of that question.

Chair

Strachan: Yeah, is it THINC's intention to comment on the proposed conditions like those we discussed tonight at any point, and/or supply proposed conditions of its own.

Nikki

DeForge: I don't know that we are planning to supply proposed conditions of our own. We certainly will comment on the conditions as, as they become a little more concrete. There is so much information coming, particularly at the last moment, that it's impossible to address all of those issues in our comments without taking up all of the time. But yes, we would like to do that as we move forward.

Chair

Strachan: Okay. I was just wondering where you guys kind of were planning on going?

Nikki

DeForge: Yeah. I, I think that, again, the position of THINC is that this project as proposed is a violation of the MPD, and so whatever criteria we impose might mitigate some impacts but in the long run it doesn't matter. It, it's simply---

Chair

Strachan: No, no conditions at all could ever satisfy the CUP requirements.

Nikki

DeForge: As long as it's in violation of the Master Planned Development approval, no, because that's the threshold issue. If we, if we can't reach that, then we don't even need to get to the CUP criteria

Chair
Strachan: Understood.

Nikki
DeForge: Thank you.

Michael
Kelly: Hello. I'm Michael Kelly. I've been to a number of these meetings. I'm a resident of Park City. I bought property here in 2002, 2003, built in 2005. I own a house on Lowell Avenue at the intersection of North Star. I won't repeat the various comments that my previous speaker has made because they're all relevant in my mind. I would note that unlike some of my neighbors I'm not totally opposed to a concept of their being a development at Treasure, but it needs to be reasonable in size. I'm from San Francisco so I understand density and issues and can deal with those kinds of thing. But my concern is simply that this way out of line with what's possible and what should be done, and considering what's happened in Park City over the last few years.

But my real concern is the fact that construction process is going to make life and quality of life miserable for everybody between Park Avenue and the Resort for however many years it goes on. Right now we're in the middle of redoing Lowell. This is the second summer we've been in the middle of redoing Lowell. The first one was a bust because contracts didn't work out with regard to the sewer and the water. So for a second summer Lowell is totally torn up and basically unusable by many of the residents. The construction is going to result in the road being narrowed by 3', which you obviously know about. But that's going to have a huge impact on things.

It, it's also possible, and I wonder if the Staff has looked at this issue, is the development going to require that Lowell totally be reconstructed again to deal with new sewer and new water because of the increased amount of usage by Treasure. I don't think this particular system has been designed needing that capacity. So I suspect that not only will be have to go through the construction process, Lowell's going to have to be redone totally all over again. We'll go through the same thing once again.

In particular, I'm concerned about the intersection between North Star and Lowell. There is a right-of-way and the City and Treasure can probably do whatever they want to do, but the point is that's a very steep drive, it's very difficult to access as is. One-way would make it almost impossible to come up and turn in that way. It's very steep and it would be very difficult. And I assume the only one-way rationale is to go from a north to the south. You wouldn't conceive going the other way because then you'd have all the traffic at the intersection of Empire and Lowell and, and the little road that comes up from Park Avenue. So that would make it very difficult. There, there is not currently 3' to provide for the extra 3' of construction. If the road is narrowed 3' then you've got the extra 3', but that makes it no better than it is right now. It just changes what you do with the road.

So the construction this summer, the City's done a reasonable job. Granted, it's done a reasonable job in trying to mitigate, but my guess is they had all kinds of requirements that they were supposed to do. They've done some, they haven't done others. And this is the City's own development. So what you've got to expect is that whatever mitigation they promised, whatever mitigation you imposed, it's only going to work 50% of the time. And they're not going to do it the way they're supposed to. You're going to have incredible glitches, incredible problems, and so you're going to have a real issue with regard to whatever they promise. Whatever is proposed to be done it's not going to happen the way it's supposed to. I mean, you just don't get in and out of places like this with that limited access. The City was not designed to have a million square foot development at the end of two roads that barely support the number of people that use them now.

So, you know, it's hard for me to imagine how anybody in that neighborhood is going to have a decent quality of life for the next umpteen number of years that this takes to construct, and the fact that it will always take more time and the mitigation won't work the way it's promised. Thank you.

Chair

Strachan: Thank you.

Mary

Whitesides: I had a, a visual presentation that doesn't work on his computer. Dang it.

Planner

Astorga: MAC versus PC.

Mary

Whitesides: 'Cause it was a big part of it. Anyway, I keep getting these emails from PCMC about how proud they are that net zero Park City is their goal. And on---

Director

Erickson: Would, would you just back up and put your name on the record for us, please?

Mary

Whitesides: Oh, I wrote it down so I thought you heard me write it.

Director

Erickson: No, no, Mary's got to hear it, too. Sorry.

Mary

Whitesides: Okay. Mary Whitesides, 812 Crescent Tram, or 812 Empire, depending whether you're in front of my house or in back of my house. So I get a double whammy. So Park City Net Zero wrote a big 11-page explanation of how they want to achieve net zero footprint. And I'm just going to number them here. They went into detail. You can see it on the website. They have an energy plan that is set for 100% renewable by 2022. So I called Rocky Mountain Power this afternoon and the energy that is now supplied to Park City is 30% wind and 70% coal. And, of course, we know the emissions that coal create.

They're also going around giving presentations to different organizations on---called Climate Reality Project, to raise the awareness of net zero. They've, they've added electrified buses and electrified bikes. So when you plug these in, and it's mostly generated by coal, you're getting emissions anyway. But their hope is to put in solar solution soon. They also have water management strategies on there, and they have a tree planting project with the idea of zero carbon goals.

So, with the, with the Treasure Hill construction project, net zero goals for Park City becomes a joke, both on a construction level and after it's completed. If you look at construction itself, it's one of the biggest energy guzzlers of any project in the United States. It's also one of the biggest pollution emitters.

And that's where I was going to show you the construction that's been going on around my house. The amount of trucks that turn and go down Crescent Tram. The amount of noise, the amount of carbon emissions from a diesel truck, the amount of dust that comes up into the air, and the two people coming up from 8th and coming down from Empire that have to either back up or what do they do. Some of them don't even know. So here's construction pollution.

There's water pollution. And the sources of that pollution is diesel, oil, paint solvents, cleaners, cement, and harmful chemicals. When you clear the land it produces erosion that leads to silt bearing water runoff. There's surface water runoff that carries pollutants from this site. They can poison waterways. Pollutants that soak into ground water is a source for human drinking water.

There's air and dust pollution. This generates dust from concrete, cement, wood, stone, silica, travel, soil loading and unloading, wind and erosion. Dust carries long distances and can't all be controlled by water it down. Some dust is classified as PM10, which is matter less than 10 microns in diameter, which is invisible to the naked eye and travels long distances.

Diesel, carbon monoxide, hydrocarbons, nitrogen oxides and carbon dioxides all create dust pollution. There's noxious vapors from oils, glues, thinners, paints, treated woods, plastics, cleaners. They all create dust pollution.

In addition, there's noise pollution. Source for noise are vehicles, heavy equipment and machinery, people shouting, radios turned up high is annoying and distracting and can cause hearing loss, high blood pressure, sleep deprivation, and extreme stress.

There are also co2 emissions. Exhaustion from diesel equipment, preparation, grading, excavation, construction and on-site structures. There's exhaust from water trucks to control dust emission. There's

exhaust from welding machines, electric generators, air compressors and water pumps. There's exhaust from pickup trucks used to transport workers and materials. There's exhaust from trucks delivering concrete, fuel and supplies. There's exhaust from workers who commute to the site.

As far as energy consumption there's energy used for transportation, land clearance, electric consumption, fuel consumption by trucks and machinery. Even the materials that are produced to build these developments emit---require energy. Construction waste management requires energy. Delivery of materials and machinery.

This does not address the completed project, which I'm not going to go into, but I read just this afternoon. Buildings account for 32% of co2 emission in the US. The issue for Treasure Hill is being decided by cold hard facts and codes, and yet it is a quality of life issue for our neighborhood. The developers can safely propose this project while they are insulated in their own lives by nature and quietude. I don't know how many on the Commission are located in our neighborhood. If there are none it's hard to see how they can relate emotionally to these issues. So the decision rests on cold hard facts and codes, and not the impact on human beings and their neighborhood quality of life. None of this fits into the net zero goals of Park City.

And also, I wonder what happened to common sense and actual experience. I think that should play into it. And enter on Lowell and exist on Empire. Are they going to put a sign saying do not turn down Crescent Tram, because they do and they did? And my presentation would have shown you that. That's all I have. Thank you.

Chair

Strachan: Once you get that video presentation working, Mary, you can submit it to Francisco and we can access it on line if you'd like.

Mary

Whitesides: I would to do that. Yes.

Chair

Strachan: All right.

John

Stafsholt: Hi, I'm John Stafsholt, 633 Woodside. I'd like to give kudos to this Planning Commission, because in the 20+ years of dealing with Treasure that we've done, all the previous Planning Commissions have come back and complained about size, mass and scale. It's too big. Size, mass and scale. It's too big. And they always come back bigger. This is the first time ever I've seen them come back smaller. Even if it's a little bit it's just a change in direction that I want to give you kudos for.

So I'll just limit this to some notes I took tonight around traffic that's tonight's subject. We heard the City talk about streets versus roads, and the philosophy of streets. And I believe almost a quote, that streets are for people to access roads from their homes. So the key point I'm thinking about is homes; not hotels. Hotels are not allowed uses in Old Town. They weren't planned for in Old Town. They're not allowed. And streets are for homes and residents, and they're not designed for hotels.

In 2005, previous traffic study had some Ds and I believe at least one, maybe two Fs for intersection grades in their charts. And that was over ten years ago. I would say the, the Park City Police understand that. If you're in the winter ski season, between 3:00 and 7:00 p.m. for four hours a day during the ski season, not just Saturday and Sunday. During those hours the Park City Police have marked black and white vehicles with their lights spinning really loud. No sound, but I mean, the lights make a big blue and green, whatever it is color. Blue and red color everywhere at at least four intersections for four hours a day. I mean, that is what they're staffed for. Those intersections are Empire and Park, Kearns and Park, Deer Valley Drive and Bonanza, Kearns and Bonanza. And during peak times, there's police at more than four intersections that they feel are failed. I've talked to the police about this. They are sometimes at other places such as 14th and Park where people come down from Park City, and the Deer Valley Roundabout and Heber Ave. So that wouldn't be necessary if those locations weren't failing already. And that's a cost to the City and the taxpayers now.

As far as the current presentation, you heard Mary, she lives on Crescent Tram. I noticed that in 2037 with the Treasure Hill development, the intersection of Crescent Tramway and Empire is rated as an A. Well, with that rating of an A, I think you have to question all of the assumptions that were made in that study, because there is no way Crescent Tramway is

an A today. Forget about when Treasure's built, because that's the fastest way down.

The applicant mitigations that we've talked about, maybe not all of them tonight, but we've talked about over the years, they're almost all actually impacts when we're talking about traffic. If we talked about one-way roads, what if you live at the bottom of Lowell. You gotta drive up Lowell and go around Empire to go home, or vice-versa the other way. Or to leave. I mean, to go. They tried doing that on Woodside, upper Woodside to make it one-way up. The amount of time it took me to go from my house up Woodside down Park back to where I started was a little bit less than the time it took me to drive to the Canyons from my house. I went by 13 different construction sites and it certainly wasn't more safe for me. One-way roads are not a mitigation. They're an impact.

Widening roads, we talked about in the past at least 12' of widening roads taking people's front yards and driveways. That's not a mitigation. That's an impact. Moving all parking possibly to the uphill side or the downhill side. That's not a mitigation. That's an impact. Increased enforcement for the City for parking, for snow removal. Those are costs. They are impacts and they're not mitigations at all.

All construction traffic on Lowell has to go on Lowell. It has to be a two-way street because of the MPD requirement that the street road base has to be increased by 6", and I forget how much more asphalt on top. So, if all traffic doesn't go on Lowell we do the one-way answer, or we do the other recommendation of going up Lowell and down Empire. That means the developers have to redo the road on Empire all the way down to Manor Way. That's an MPD requirement. That's a major, major neighborhood impact, and that is not a mitigation at all.

Manor and Lowell. Anybody who skis Park City knows that when the Resort's here, this is Lowell coming here, all the instructors, all the patrollers, all the hosts are out of this building. They get their, their uniforms, they get their skis and boots and they all walk across. Okay? So with all the hundreds of instructors, etc. picking up all their stuff and walking across that intersection, I just can't imagine dump trucks and semis coming up Lowell and Manor Way in the winter. It just, it kind of defies description to me. Plus, we're going to have the Bamberger parcel potentially being built in that same exact space.

Okay. Slightly off traffic. Cabriolet. We talk about that as a main, one of the main proposed mitigations. I might have missed it somewhere down the line, but I, I've never heard who actually is going to run the Cabriolet. Is it Vail? If it's Vail, how much are they going to charge each construction worker to ride the Cabriolet to work and to ride it back down. Because if they're not charging anything, I don't see why Vail would keep it open. You know, there's a profit motive there. There's no hours around the Cabriolet, and it's not that great for our neighborhood, anyway. It's mostly there to enable construction and to talk about mitigation. It's certainly not a ski benefit.

The other thing I would say, just to touch on briefly. A 100% on-site excavation storage on-site, that's impossible. I think we all know that. There's also a lot of contaminated soil that can't stay there. The applicant's own estimate in the past for Treasure was almost 20x, 20 times the amount of excavation at the Montage. It's down now from those numbers. I think it's about 16 times, I did it on the back of my paper here. When all those trucks went down Marsac during the Montage building, I know many residents who moved out. They tried to rent, their renters would leave. They left. They sold their houses, moved out of Old Town. A lot of them moved out of Park City. This is going to be much worse for everyone on Lowell, everyone on Empire, everyone Crescent, everyone on Woodside. You know, what 400 maybe families. People are greatly impacted by this, maybe move, maybe leave. It's just not right. Thank you.

Chair

Strachan: Thank you.

Kyra

Parkhurst: I'm Kyra Parkhurst. And I think you all. I feel bad that at this late hour we have to still be listening to the opposition side. And we're all exhausted, but this is really important.

The one traffic slide showed the street capacity slide and things that we should do to make this work. It was like add sidewalks. Well, is Matt still here? Matt's still here. Matt, I think---Matt did a good job like eight, ten years ago. There was a real problem in Old Town. The speeders were horrendous. The police department would be up there. People---they would let us use speeding, you know, things to track it. Speeding, as the

town developed, became horrible. Not only with people living there but construction and taxis and transportation. And when Matt---they first did Norfolk and they were like, okay, let's put a sidewalk in. Well, that didn't work. Everybody parked on the sidewalks. Everybody walked in the streets. So when it came time---and I think Lowell is not the only street that has been narrowed. Every street in Old Town as it's been improved, I believe, has been narrowed. So it's not just Lowell and they're not just picking on Treasure. So, Matt, I think the whole City Commission, we had a walking tour of Empire trying to figure out what we could do, because the sidewalks didn't work. But the speeding was so bad and we didn't want---and Matt and the whole group came and we walked up the street. And after the end of the day it was very evident that a sidewalk was not possible. The homes on the downhill side, some of them, their driveways are literally bridges that go in because the land dips so much. And so they couldn't do it on that side. The uphill side---or the, or the degree into a driveway would make it prohibitive for a truck to get into their, an SUV to get into their driveway anymore. The uphill side had the same issues. The driveways were so short that cars would be sticking out into the sidewalks and into the street. So it was pretty evident that sidewalks weren't going to work. So that's not an option. I know it's a great option sitting there with your regional maps and how to correct the situation, but the reality is when you walk up and down the street it physically cannot be done.

Then the other option was, do an immediate right turn lane. So have you talked to Cole's? Are they going to sell you part of their property to, you know, make a right-turn lane? I don't know where else the road---you're add another lane. And then these immediate right turn lanes are then going to funnel right back down into a single lane on Empire. So all that does is make the funnel a little wider and narrower, and narrower, and narrower. It doesn't really solve it at the very end where everybody's trying to go. So that's my thing on traffic.

I guess I'm, I'm just going to do a couple of things. As far as noise, the other day a guy was driving up the road with his diesel with a full load of stone trying to get up the street. I heard him barreling even before he got to my house. I got in my car. I followed him. And I said come on, like how fast were you going. And he whipped off his headphones. He said my truck is noisy, it makes a lot of noise, that's why I wear these, 'cause it'll drive me crazy. And he said and I've got a full load and it's the only way I can get up this road is if I give it some gas. He said, so live with it,

lady. So, that was one truck. So I'm not quite sure how we're going to handle all the others. Maybe headphones can be given to everyone in Old Town.

What happens if the excavation is done on the retaining walls and we find that such during excavation that they can't be terraced. Do we just sit and go, oh, well, no terracing, no flowers, no nothing? That's okay. Again, and we do want to answer all those conditional things. What guarantees on all those and what penalties would there be if all these conditional things are not met? You know, it's really easy to put it down that hours are only going to be for a certain time. Is there going to be a flagman down there when 30 trucks of concrete are backed up due to snow or traffic, and all of a sudden the hour where they can't deliver, they're going to say, sorry, gotta go back. You know, this isn't going to happen. The, the conditions are not going to happen.

The workforce housing. No one has ever said. Where does workforce housing and employees have to live on premise. Where does it start and stop? Is it seasonal workers? Is it the manager of the restaurant? Is it the manager of the hotel, is it the accountant, is it the vice-president of operations, you know, the executives, or the secretarial staff? Is everyone supposed to live on premise? And then the numbers that we've been using that throws another whole other curve into that. And then does it include the employees of the retail space and the restaurants? They aren't living---

Cabriolet, next subject. How fast and how quick are they going to be able to get employees up there? If you've got 300 employees and they're all standing in line and they're going three or four at a time in a little Cabriolet, are they already on the clock? Is the developer going to get pissed off and go forget it, I'm not paying these people to be doing that? And then they say the Cabriolet is going to be one of the first things built. So will the Cabriolet handle the----and will, will it be structurally still stable during the blasting of the excavation, or will that affect the stability of the Cabriolet and then the Cabriolet can't be used.

One thing, we went through the slides really quick. How much higher are the buildings? Those slides went through so quickly, and it's just, here's a red line. How much higher are they? I know we cut down total square foot size, but how much higher are they?

Chair

Strachan: I think it depends on the building, right?

Kyra

Parkhurst: That one that you showed us, Francisco, in the very beginning. You said in particular the red line is here.

Planner

Astorga: Yeah, well, you would like me to answer that? I mean.

Chair

Strachan: Yeah, I mean, he can answer as to that one building but I think---

Kyra

Parkhurst: Oh, that's just that one. I just wondered.

Chair

Strachan: I think I saw at least three stories in sections and then two in others. So I think it varies within the stories.

Kyra

Parkhurst: Okay. All right. It's hard. It was hard.

Chair

Strachan: Which presumably are ten feet.

Kyra

Parkhurst: I couldn't even see the red line so it was hard to see. And then, let's see. I think that's about it. I think it's just that these streets were set up in a mining, as a mining town. They were set up so, so long ago. And they, they are, there probably is not another model anywhere that can be used because it doesn't exist. And it was never made to be, you know, built up as it is at this present day, and then all of a sudden say, well, let's plop down a million square foot because I want to do it, and this I think will work. You know, the Montage. Again, the Montage. You can't keep comparing it to the Montage and the St. Regis. They are up there in the middle of nowhere; not in the middle of a residential area with great access roads. And the roads just don't---no matter what you do, you can't change the area surrounding the proposed development. Thank you.

Chair

Strachan: Thank you. All right. Anyone else from the public wishing to comment?
All right. Seeing no one we'll close the public hearing.

End of Public Comment

Chair

Strachan: Francisco, anything to close up on or?

Planner

Francisco: No, I think we, we received the, the direction from you already as we went through each item. So I don't have anything else to add.

Chair

Strachan: Great. All right. Then what we'll do is, unless there's any further comments, entertain a motion to continue.

Commissioner

Joyce: Are we just continuing, are we just continuing this out to the first meeting in October, whatever that is? October?

Chair

Strachan: It should be October 3rd?

Planner

Astorga: 11th. October 11th.

Chair

Strachan: Oh, way off.

MOTION: Commissioner Joyce moved to CONTINUE the Treasure Hill Conditional Use Permit to October 11, 2017. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 9:45 p.m.

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Approved by Planning Commission: _____

Planning Commission Staff Report

Subject: 638 Park Avenue (Kimball Garage)
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-16-03412
Date: September 27, 2017
Type of Item: Work Session – Appeal of Planning Commission’s Approval of a Conditional Use Permit (CUP) for a Private Event Facility

Summary Recommendations

Staff recommends that the Planning Commission discuss the remand of the appeal of the Conditional Use Permit (CUP) for a Private Event Facility at the Historic Kimball Garage at 638 Park Avenue at a work session, provide staff and the applicant direction, and continue the item to October 25, 2017.

Topic

Applicant: CPP Kimball LLC represented by Tony Tyler and Architect Craig Elliot
Location: Historic Kimball Garage at 638 Park Avenue
Zoning: Historic Recreation Commercial (HRC), Heber Avenue Subzone
Adjacent Land Use: Residential single-family and multi-family; commercial
Reason for review: Appeals of Planning Commission’s decisions are reviewed by the City Council; City Council remanded this CUP back to the Planning Commission on March 30, 2017.

Summary of Proposal

On September 19, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) for a Private Event Facility at 638 Park Avenue. The applicant is rehabilitating the existing historic building for Retail and other Commercial uses and is constructing a new addition to the east, adjacent to Main Street. The upper level of the addition is proposed to be used as a Private Event Facility; an exterior rooftop terrace, part of the Private Event Facility, will be over the historic building. The CUP application is specifically to allow the Private Event Facility uses. The project is currently under construction and is not subject to the CUP. Only the proposed use of the Private Event Space in the new addition and rooftop deck are subject to the CUP review.

Background

Recent History of Applications

The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016; an appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment (BOA) met on October 18, 2016, denied the appeal and upheld staff’s determination [[Staff Report](#)]

(page 23) and [Minutes](#) (page 1)]. The time to appeal that decision to the District Court has past and no appeal has been filed.

The Park City Museum had objected to a number of issues, including the removal of one (1) of the two (2) barrel vaults forming the roof of the building; however, the BOA found that the removal complied with the Design Guidelines as rooftop additions are permitted on commercial buildings in the Main Street National Register District, of which the Kimball Garage is a part of. Further, because the barrel was not visible from the primary public rights-of-way, it was appropriate to remove it to accommodate the rooftop deck addition which will sit below the parapet and will generally not be visible from the Heber Avenue right-of-way.

The BOA stressed that they found the rooftop terrace addition permissible because it would generally not be visible from the Heber Avenue right-of-way. The approval included Finding of Fact #26 specifying, “the proposal complies with Specific Design Guidelines B.1. Roofs. The BOA has determined that the original roof form, consisting of two (2) barrel vaults running north-to-south are not character-defining features of the historic structure, and, thus, the applicant will only be required to maintain the western barrel-vault.” As designed, the rooftop terrace will be setback from the Heber Avenue façade of the building in order to minimize the visibility of the necessary railing from street view. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck. (See [BOA Minutes 10.18.16.](#))

The Park City Council also approved the Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016 (See [Ordinance 2016-21](#)). The plat was recorded on February 3, 2017.

On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. It is important to note that in 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The property is currently in the Heber Avenue Subzone of the HRC District. The proposed FAR of the proposed project with the new addition is 1.45.

History of Conditional Use Permit (CUP) for Private Event Facility

On September 19, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) for a Private Event Facility at 638 Park Avenue. The applicant is in the process of rehabilitating the existing historic building for Retail and other Commercial uses and constructing a new addition to the east, adjacent to Main Street. The upper level of the addition is proposed to be a Private Event Facility that extends on to the rooftop terrace. (This CUP will allow for outdoor private events, without requiring approval of an individual Administrative CUP for each outdoor event.)

The Planning Commission reviewed a CUP for a Private Event Facility at the historic Kimball Garage at 638 Park Avenue on December 14, 2016 [see [Staff Report](#) (starting page 95) and [Minutes](#) (starting page 60)]. Under State Law and the LMC, a CUP “shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.” (LMC 15-1-10)

The Planning Commission reviewed fifteen criteria and determined that all the impacts of this application were mitigated. They voted unanimously (6-0) to approve the CUP for Private Event Facility at the historic Kimball Garage at 638 Park Avenue on December 14, 2016, according to the findings of fact, conclusions of law, and conditions of approval (See Exhibit B—Planning Commission Action Letter). The Planning Commission Chair only votes if there is a tie.

The Land Management Code (LMC) section 15-1-18 requires that final action by the Planning Commission on CUPs be appealed to the City Council within ten calendar days of the final action. The decision was appealed to the Park City Council on December 22, 2016, by residents Sanford Melville and John Stafsholt, and by Sandra Morrison of the Park City Historical Society. The appellants submitted a complete appeal to the Planning Department which was then in turn submitted to the City Recorder on December 22, 2016, of the Conditional Use Permit (CUP) approval of the Private Event Facility at 638 Park Avenue. (Exhibit C – Appeal). The appeal was received within the ten (10) day appeal period.

Staff coordinated with the applicant and the appellant in order to find a date where both parties were available; March 30th was the first date that they agreed to.

The Park City Council heard the appeal on March 30, 2017 [[Staff Report](#) (page 151), [Minutes](#) (page 9), and [Audio](#)]. Council heard considerable public comment in opposition to the impacts of the Private Event Facility. Largely, the public expressed concern about:

- Outdoor music on the rooftop terrace and noise levels
- Parking and traffic congestion due to loading and unloading
- Limited access for emergency vehicles due to limited parking availability
- Inconvenience of special events in the Main Street business core
- Compatibility of the use with adjacent residential neighborhoods

Supporters said that event planners would comply with any rules that were developed and thought the space could be a win-win for both sides. They believed the noise ordinance could be met, not dissimilar to restaurants hosting special events, and noise could be mitigated.

The Park City Council was overall not in favor of the CUP as they believed there were anticipated detrimental effects of the proposed CUP that could not be substantially mitigated. City Council expressed concern with the following:

- Noise, traffic, and parking had not been mitigated and there was concern that this use would impact the residential neighborhood and add to existing congestion.
- The level and number of events had a negative impact on Old Town, and impacts of the outdoor private event space's outdoor deck, in particular, was a concern. The glass railing of outdoor space was a sound reflector and noise had not been mitigated. City Council believed that the historic Kimball Garage location had a geographic problem because the outdoor space faced the neighborhoods uphill.
- The use was compatible with some neighbors, but not all. There were concerns about how this use and the outdoor space would impact the adjacent residential neighborhood.
- Installation of a tent on the rooftop terrace didn't meet the conditions of the BOA approval of the appeal of the removal of the barrel vaulted roof.

Prior to making a motion to remand the CUP back to Planning Commission for further review, City Council informed the applicant that they wanted to see the following mitigations:

- Limit the number of days of use
- Manage noise between indoor and outdoor spaces
- Include mechanism for incremental reviews of the facility throughout the year
- Planning Commission should specifically review Conditions 3 and 4 to better address loading, traffic, and parking. Planning Commission should also revisit Conditions 2, 5, 6, 12, 13, and 15 to mitigate by restricting reasonably anticipated noise impacts through mitigations such as more restrictive event uses, more limited hours..
- Council found that there were visual impacts related to Condition 11 regarding the tent which were not mitigated and did not address the conditions of the BOA ruling.
- Furthermore, Council requested that Planning Commission revisit Condition 15 to add an additional review component in order to mitigate impacts.

These Conditions of Approval are outlined in the Planning Commission Action Letter (Exhibit B), as well as in the Analysis section of this report as stated below. Condition of Approval #6 reads:

#6. All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.

Staff finds that City Council likely did not mean to include Condition of Approval #6 referencing signage on site as this was not discussed as part of the appeal.

Process:

Per LMC 15-1-18(J), the City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of

review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

Analysis:

The applicant submitted a response to the City Council March 30, 2017 remand. The applicant has submitted proposed mitigations to the impacts through elements of design, technology, and by placing additional restrictions on the operators of the Private Event Space as outlined below. Planning Commission should review these mitigation strategies, determine whether or not Council's direction had been met, and provide feedback.

1. Noise

City Council and the public expressed serious concerns about noise levels. Due to the geographic location of the historic Kimball Garage building at the low end of Main Street, City Council found that the noise will travel uphill and into the surrounding residential neighborhoods. Some members of City Council believed that noise within the indoor space could be mitigated; however, there were serious apprehensions as to how the noise on the outdoor terrace—either amplified music or even a chattering crowd—could be mitigated.

City Council requested that the Planning Commission review the following Conditions of Approval related to noise:

#5. The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:

- a. The owner, or his/her designee, shall provide on-site management for each aspect of the event.*
- b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.*

#13. The hours of operation within the interior shall be limited to 8am to midnight.

#15. The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

City Council's discussion included concerns about amplified noise, including music. The applicant believes their proposal has mitigated the impacts of amplified noise; however, they are not willing to relinquish the opportunity to provide amplified music on the outdoor terrace.

The applicant has redesigned the interior of the Private Event Facility in order to mitigate noise from transmitting from the interior event space to the exterior patio. The

applicant has proposed to construct a vestibule that will act as a sound barrier on the interior of the building. All connections between the event space and the exterior terrace will have a minimum of two doors in series that separate the spaces. Additionally, acoustic baffles will be installed on all ventilation outlets that serve the licensed area.

The applicant has also developed a Noise Mitigation Plan that outlines procedures to ensure, to the extent possible, minimal disturbance to local residents by activities in and around the property. The Plan will include sound limiting and monitoring equipment, training procedures for managers and other staff associated with events, an ongoing review process, and a detailed complaints monitoring system. These are all described in Exhibit D and summarized below:

- Identification of Potential Noise Sources. The applicant is proposing to install noise limiting equipment in all areas where events will take place. The equipment is linked into the electrical supply which feeds the music system. Should the decibel (db) reading exceed a level in violation of the City's Noise Ordinance, the music system will automatically cut off. Per the applicant's description, the system will be lockable and only accessed remotely or by authorized personnel such as managers, electricians, and service contractors.

The applicant is also proposing to utilize a handheld Sound Level Meter providing automatic or manual readings ranging from 40 to 130 db. The applicant proposes to monitor sound levels by taking readings at set time throughout the event both internally and externally at noise sensitive boundaries and other pre-determined places. All readings will be documented and used to provide a detailed database of noise levels both in the building and around the site.

- Managing Operations on Site. The applicant proposes an on-site manager that will be responsible for all activities on site and conversant in the applicant's Noise Management Plan. Any complaints that arise from the public or from the City will be directed to the manager. The manager will be responsible for investigating issues and taking appropriate actions to locate and remove the source of the noise and then monitor the outcome. The manager will then advise the City on the actions taken and communicate with the complainant where possible.

The applicant is also proposing to employ a security contractor on a base minimum staff ratio of 1:200 guests plus one (1) supervisor to provide security internally, monitor sound levels, and ensure external noise control. The Noise Management Plan requires security staff up to one (1) hour after the event finishes ensuring that dispersal takes place in an orderly and proper manner. Security staff will be equipped with mobile phones or radios in order to report to the Manager any incidents or complaints. As proposed, the Private Event Space will have an occupancy load of 480 people, including the interior spaces and rooftop terrace.

- Reducing Noise through Operations. The applicant has also considered ways in which to reduce external noise from the venue. No removing of used containers or emptying of used bottles to external areas will be permitted after 9pm. When music is played, sound monitoring equipment will be used and acoustic levels periodically checked. Staff will also be responsible for periodically checking in on noise levels and dealing with any noise deemed unacceptable when guests are using the external rooftop terrace. Notices will be posted on external doors asking guests to leave the premises in a quiet and orderly fashion to show respect for the local neighbors. Announcements will also be made on a regular basis electronically (on screens located throughout the premises) about noise leaving the premises. Finally, verbal announcements will be made prior to dispersal at the end of the each night.

Staff finds that steps have been taken to help with noise; however, staff finds that additional steps may be required in order to address noise that spills out into the street.

Does Planning Commission find that the additional steps taken by the applicant will sufficiently mitigate noise?

2. Compatibility with the Neighboring Uses

During the City Council meeting, Council expressed concern that the Private Event Facility may be compatible with the Main Street business district, but the use may not be compatible with the adjoining residential neighborhoods. Council requested the applicant to consider limiting the number of days and further restricting the number of hours the Private Event Facility could be programmed so that the use was not a burden on the neighborhood.

Staff had incorporated Condition of Approval #2 in an effort to help mitigate the impacts of the events on the surrounding neighborhood; however, City Council requested that Planning Commission review this Condition:

#2. Should the owner host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP, a Special Event permit may be required.

The applicant argues that this use is consistent with neighboring uses in the Heber Avenue Sub-Zone of the HRC zoning district. Within the Heber Avenue Sub-Zone, the uses are identical to those found in the Historic Commercial Business (HCB) District. The applicant disputes Council's claims and finds that the site has been consistently and commonly used as a gathering space for the community and the applicant has designed a facility to support this historic use. They contend that similar uses are already in existence such as the adjacent Restaurants, Bars, and Indoor Entertainment Facilities that are allowed uses in the Sub-Zone. They further point out that many of these neighboring restaurants and bars allow for private events and even outdoor dining (See Exhibit D-2).

The applicant argues that the standard of mitigation is meant to mitigate the “effects of any differences in use.” The applicant compared the Private Event Facility use to an Indoor Entertainment Facility; Restaurant, General; and Bar. They found that in all cases, these uses would be more impactful than the Private Event Facility given that these uses would likely be open seven days a week whereas the Private Event Facility will only be used during private events. The applicant also noted that the number of users in a single day for a restaurant or bar would be greater than the Private Event Facility due to the turnover rate of tables. They argue that many of the restaurants and bars on Main Street and Park Avenue already host events or group dining. The applicant finds that this use will actually have a smaller daily capacity and be less intensive than some of these Allowed Uses.

Staff has completed an analysis of the similar uses provided by the applicant in Exhibit D-2.

Council had asked the applicant to consider limiting the number of private events per year and/or the hours of operation to further mitigate impacts to the surrounding neighborhood. The Planning Commission may consider limiting the hours of use for the rooftop terrace.

Based on the feedback provided by City Council and the applicant’s analysis, does Planning Commission find that the use is compatible with the surrounding neighborhoods?

3. Loading, Traffic, and Parking

City Council expressed concern about traffic, congestion, and parking. There were specific concerns regarding loading and unloading on Heber Avenue and Main Street where there is already traffic congestion. They were also unsure that the traffic generated by the site could be mitigated. Because there was no parking required to be provided on-site, City Council worried that parking would be forced into the residential neighborhoods.

Council specifically requested that the Planning Commission review the following Conditions of Approval to better address loading, traffic, and parking:

#3. Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.

#4. The applicant, at its cost, shall incorporate such measures to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the events will be conducted with due regard for safety are provided and paid for by the applicant.

Initially, the applicant approached the City about street improvements to address traffic congestion and turning radii on Park Avenue, Heber Avenue, and Main Street. At the time, the City was not interested in entertaining improvements for this street as the City was working to address this in its own redesign. Since then, the applicant has been working with the Parking Department to identify possible loading and unloading zones for taxi, car services, and rideshare companies.

The applicant argues that parking demands have been met. As previously described, the Planning Director found, that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5; the determination was made on March 20, 2016. The property is currently in the Heber Avenue Subzone of the HRC District. The proposed FAR of the proposed project with the new addition is 1.45.

Staff has met with the City Engineer Matt Cassel and Transportation Planning Manager Alfred Knotts to discuss the applicant's revised proposal. The City Engineer found that this location had already been used for private events and activities when the building was in use by the Kimball Arts Center; the City Engineer did not believe the new event space would generate any significantly greater traffic to the site. The Transportation Planning Manager came to a similar conclusion. Knotts believed it was worthwhile to discuss the applicant's suggestion of changing the parking on the north side of Heber Avenue to a 15 minute loading and unloading zone; however, Knotts felt that this should be considered as part of the overall Parking Management Plan for existing loading and unloading zones within the Main Street commercial area.

Staff finds that the applicant has not proposed any new information to mitigate the impacts of parking, loading, and unloading. Those using the Private Event Facility will have the same opportunities to park at China Bridge, outlying commuter lots, and utilize the public transportation system as other visitors to Main Street.

Does Planning Commission find that the applicant has mitigated the impacts of parking, loading/unloading, and traffic?

4. Tents on the Balcony

Finally, City Council expressed concern about removing the historic roof form and then allowing for a tent. They feared that the tent was in opposition to the BOA's direction that the deck remains invisible. As indicated in the [BOA Minutes](#) (starting page 9), the BOA requested that the applicant and staff develop a set of ground rules or guidelines regarding use of the deck to prevent permanent installation of tents, umbrellas, or other outdoor furnishings that might increase the visibility of the deck.

Council specifically requested that the Planning Commission review Conditions of Approval #11 and #12 to address tents; however, City Council requested that the Planning Commission review these Conditions of Approval to ensure the impacts were being fully mitigated:

#11. The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.

#12. Any proposed tent shall comply with the following regulations:

a. The tent shall not increase the occupancy of the existing building.

- b. *The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.*
- c. *The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.*
- d. *The tent shall be no more than fifteen feet (15') in height.*
- e. *The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.*
- f. *The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.*
- g. *The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.*
- h. *The size of the tent shall be limited to 780 square feet.*
- i. *The rooftop terrace shall be limited to one (1) tent.*
- j. *The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.*

The applicant has withdrawn his request for a CUP for the tent. The applicant will go through the Administrative CUP process for any proposed temporary improvements, such as tents. The Admin-CUP requires administrative approval and will provide staff greater opportunity to add Conditions of Approval to any request for a tent. Staff will need to find that the application for any tents complies with [LMC 15-4-16](#) which only permits tent to be constructed no more than five (5) times a year on the site and for a duration of no more than fourteen (14) days each time.

Does Planning Commission find that the additional steps taken by the applicant to go through the Admin-CUP process for approval of any tent installation mitigate the impact of the tent?

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

Legal notice was published in the Park Record on September 13, 2017, according to requirements of the Land Management Code.

Public Input

No additional public input has been received by the time of this report.

Recommendation

Staff recommends that the Planning Commission discuss the remand of the appeal of the Conditional Use Permit (CUP) for a Private Event Facility at the Historic Kimball Garage at 638 Park Avenue at a work session, provide staff and the applicant direction, and continue the item to October 25, 2017.

Staff has requested the Planning Commission discuss and provide feedback on the following:

- Does Planning Commission find that the additional steps taken by the applicant will sufficiently mitigate noise?
- Based on the feedback provided by City Council and the applicant's analysis, does Planning Commission find that the use is compatible with the surrounding neighborhoods?
- Does Planning Commission find that the applicant has mitigated the impacts of parking, loading/unloading, and traffic?
- Does Planning Commission find that the additional steps taken by the applicant to go through the Admin-CUP process for approval of any tent installation mitigate the impact of the tent?

Exhibits

Exhibit A – City Council Remand Letter,

Exhibit B – Planning Commission Action Letter, 12.16.16

Exhibit C – Appeal by Melville, Stafsholt, and Park City Museum

Exhibit D – Applicant's revised submittal

Exhibit D-1—Noise Management Plan

Exhibit D-2 – Comparison of Uses

ACTION LETTER

Subject: Remand from City Council to the Planning Commission on the Appeal of a Private Events Facility at 638 Park Avenue (Historic Kimball Garage)

Project#: PL-16-03412

Date: April 14, 2017

Type of Item: Remand of a Quasi-Judicial Appeal of Planning Commission's approval of a Conditional Use Permit (CUP) for a Private Events Facility

On March 30, 2017, the City Council held a public hearing and considered a Quasi-Judicial Appeal of Planning Commission's approval of a Conditional Use Permit (CUP) for a Private Events Facility at 638 Park Avenue and hereby REMANDS the CUP and the use as proposed/configured back to the Planning Commission with specific direction as outlined below:

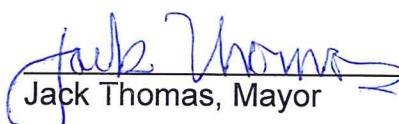
1. The Conditional Use Permit (CUP) for the Private Event Facility requires that the use is subject to the conditions and requirements of the conditional use review of LMC chapter 15-1-10.
2. The City Council reviewed the appeal of the CUP for a Private Events Facility at 638 Park Avenue (historic Kimball Garage) on March 30, 2017.
3. During the City Council review of the appeal of the proposed use, Council found that impacts from the noise from the outdoor terrace on the second level of the historic Kimball building was not mitigated.
4. Council found that the impacts of the proposed use as configured related to amplified outdoor music and human chatter could violate the City's Noise Ordinance.
5. Council found that the glass railings and open space on the deck would amplify the noise and create noise impacts on the roof deck which cannot be mitigated.
6. City Council found that impacts from the proposed use as configured related to traffic had not been mitigated. They found it impacts included likely bottlenecking on the corners of Heber Avenue and Main Street as well as Heber Avenue and Park Avenue, particularly during peak load-in and load-out times.
7. Council found that the impacts of the use would increase parking demand which has not been mitigated.
8. City Council found that unmitigated impacts included the lack of a load-in and load-out zone or a clear traffic mitigation plan for events.
9. City Council found that the use of the second level roof deck as Private Event Space as proposed was not mitigated to be compatible with the surrounding residential uses to the north and west of the site.
10. City Council found that the use of the proposed roof deck on the second level was too unrestricted and not compatible in use to neighboring structures as currently proposed. They found it was very visible due to its geographic location at the bottom of the street and it was too public and too impactful to the surrounding neighborhood as currently proposed.

11. City Council found that the proposed tent to be located on the northwest corner of the roof deck conflicted with the BOA's findings that activities on the deck should be visually minimized. Council found that a mitigation could be to require any tents to be reviewed and approved through a special events permit.
12. At a minimum, Council suggested the impacts could be mitigated by a limitation on the number of days and times the roof deck and tent would be in use.
13. City Council found that a mitigation of the impacts could include on going monitoring with the Planning Commission to ensure the applicant was complying with the conditions of approval of the CUP.
14. City Council found that mitigations of the impacts included reducing the visibility of the roof deck which was required by the Board of Adjustment.
15. The City Council found the proposed use and configuration failed to mitigate the impacts in reviewing the criteria listed in LMC § 15-1-10(E)(2), (4), (5), (6), (7), (10) (11), (12), (13) and (16) by failing to mitigate the traffic considerations including capacity of the existing streets in the Area; emergency vehicle Access; location and amount of off-street parking; internal vehicular circulation system; Fencing, Screening, and landscaping to separate the Use from adjoining Uses; signs and lighting; physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, noise vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site; control of delivery and service vehicles, loading and unloading zones, and pickup areas and within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site;.
16. Council remanded the appeal for further review of the Indoor use related to the private event facility and required additional mitigation evaluation by the Planning Commission on loading areas, traffic and parking
17. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor deck use. As proposed the impacts are not adequately mitigated. Review of the impacts and their mitigation should include at a minimum a strong re-evaluation of the design, and conditions of approval which reflect the requirements of the Board of Adjustment decision including minimum visual impacts on the roof.
18. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts specific to the overall use purposed of traffic from deliveries including loading and unloading for deliveries and load in/load out areas
19. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts specific to the overall use purposed of traffic patron use including loading and unloading and pick up and load in/load out areas
20. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of Sound and Noise created by the use of the outdoor space The impacts of the sound needs to be mitigated by keeping the sound inside of the space so it doesn't unduly impact neighbors.
21. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor space on the compatibility of the

neighborhood. Such mitigation may include denial of use of the deck beyond which is already permitted, limit number of people on the deck, limiting the use of the deck for the conditional use. Council asked Planning Commission to focus on implementing strong mitigation for impacts of use of outdoor deck including compatibility, noise mitigation concerns and impacts beyond ancillary deck use which is permitted. Mitigation should limit any noise any mitigation use beyond permitted use on the deck and consider mitigation including design changes, limitation or reduction of use by hours per days or number of days, direction of deck/event space, remove speakers, require sound insulation between indoor use and outdoor use (i.e don't permit glass separation)

22. Council asked Planning commission to review impacts related to criteria 2, 5, 6, 12, and 13 closely.
23. Council remanded the CUP for the Planning Commission to consider mitigating impacts by having an affirmative review by the City incrementally by the use, more frequently than just once a year.
24. Council asked Planning commission to review impacts related to criteria 3 and 4 address loading traffic and parking. More specific conditions are needed to mitigate current impacts.
25. Council asked Planning commission to review impacts related to Noise. Council is unable to find a way to mitigation for noise and asked Planning Commission to revisit criteria 2,5,6,12,13 and 15 to find a better way to mitigate or to restrict the use to limit the noise through more restrictive event usage or limited hours.
26. Council asked Planning commission to review impacts related to the visual impacts and found Condition of Approval 11 of the Planning Commission determination contradicts Board of Adjustment findings and impacts need to be mitigated related to tents and other rooftop visual impacts
27. Council asked Planning commission to review impacts of Condition of Approval 15 of the Planning Commission determination and consider an additional review component.

Remanded March 30, 2017


Jack Thomas, Mayor

Attest:


City Recorder's Office

Approved as to form:

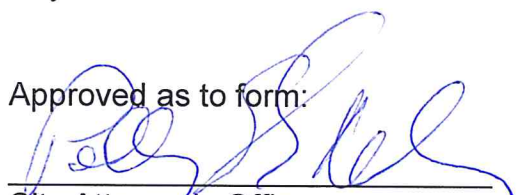

City Attorney's Office



Exhibit B



December 16, 2016

Tony Tyler
CPP Kimball LLC
C/O: Columbus Pacific Properties
429 Santa Monica Blvd. Ste. 600
Santa Monica, CA 90401

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-16-03313
<u>Subject</u>	638 Park Avenue/Historic Kimball Garage
<u>Address</u>	638 Park Avenue
<u>Description</u>	Conditional Use Permit for Private Event Facility and Tent
<u>Action Taken</u>	Approved
<u>Date of Action</u>	December 14, 2016

On December 14, 2016, the Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved the proposed Private Event Facility and Tent at 638 Park Avenue based on the following:

Findings of Fact

1. The Condition Use Permit is for a private event facility at 638 Park Avenue .
2. The property is located in the Historic Recreation Commercial (HRC) District).
3. Per 15-2.5-10he property is located in the Heber Avenue Subzone; the allowed uses within the sub-zone are identical to the allowed uses of the Historic Commercial Business (HCB) District, and the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.
4. The property is bound by Main Street to the east, Heber Avenue to the south, and Park Avenue to the west. These are all public streets.
5. The Park City Council also approved a Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016. The plat has not yet been recorded.
6. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
7. The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016. The applicant is proposing to rehabilitate the historic Kimball Garage and construct a new addition to the east, fronting Main Street.

8. An appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment met on October 18, 2016, denied the appeal and upheld staff's determination. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck.
9. The BOA found that the rooftop deck addition above the historic Kimball Garage was appropriate as the Design Guidelines permit construction of rooftop additions and the addition would remove one of the two barrel-vaulted roof forms. The addition was permissible because it was generally not visible from the primary public right-of-way along Heber Avenue.
10. On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. In 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The proposed FAR of the proposed project with the new addition is 1.45.
11. In 1984, the Kimball Art Center had a Gross Floor Area of approximately 13,477 square feet, which generates an FAR of 0.7. The 0.7 FAR is less than the 1.5 FAR that they paid for as part of the Main Street Parking Special Improvement District.
12. The minimum front/rear yard setbacks are ten feet (10'). The historic structure has a 1-foot front yard setback along Park Avenue and the new addition will have a 12-foot rear yard setback along Main Street.
13. Gross Commercial Floor Area includes all enclosed Areas of the building, but excludes parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.
14. Because 638 Park Avenue is located in the Heber Avenue Subzone, the FAR limitation of the HRC District does not apply to gross commercial floor area; however, the parking exception is only for an FAR up to 1.5.
15. The minimum side yard setbacks are five feet (5'); the historic structure currently has a side yard setback of 6 feet along the north property line. The new addition will have a 5-foot setback from the north property line.
16. On corner lots, such as this, the side yard setback that faces a street is ten feet (10'). The historic structure has a 1-foot side yard setback along Heber Avenue; the new addition will have a 10-foot setback along Heber Avenue.
17. Per LMC 15-2.5-4, a project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless

an additional Access is approved by the Planning Commission. The applicant has provided vehicular access along Heber Avenue.

18. Per LMC 15-2.5-5, no structure, including a tent, shall be erected to a height greater than 32 feet from Existing Grade; the height of the roof on the new addition is a maximum of 30.5 feet.
19. Per LMC 15-2.5-5(A)(3), mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building; the applicant is proposing parapets incorporated into the design of the street front facades in order to reduce the visibility of rooftop mechanical equipment. These parapets do not exceed 4.5 feet in height, for a maximum height of 35 feet above existing grade.
20. Per LMC 15-2.5-5(A)(5), an Elevator Penthouse may extend up to eight feet (8') above the Zone Height. The applicant has proposed an elevator penthouse on the northwest corner of the new addition. The height of the Elevator Penthouse does not exceed 38 feet in height from Existing Grade.
21. Per LMC 15-2.5-6, Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures.
22. Per LMC 15-2.5-8, all exterior mechanical equipment must be screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District. The applicant has proposed to locate mechanical equipment on the rooftop of the new addition, screening it with parapets and other rooftop screening.
23. Per LMC 15-2.5-9, all Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards. The applicant has proposed an acceptable refuse storage area along the north property line, adjacent to Main Street.
24. On the third level of the new addition, the applicant is proposing a Private Event Facility. The Private Event Facility will include 3,785 square feet of interior space on the top floor above the street level commercial spaces as well as a 477 square foot outdoor balcony and 2,530 square foot rooftop terrace.
25. The LMC defines this as a facility where the primary Use is for staging, conducting, and holding Private Events. Private Events are events, gathering, party, or activity that is closed to the general public or that requires an invitation and/or fee to attend. A Private Event Facility is a Conditional Use in the Heber Avenue Sub-zone and is not permitted in storefronts along Heber, Park, and Main Street.
26. The Private Event Facility will be accessible from a street-level lobby along Heber Avenue. Access, circulation, and lobby areas are permitted within Storefront property.

27. In 2015, the Kimball hosted an event with an occupant load of 697 people. The applicant finds that the proposed Private Event Facility will have an occupancy load of 480 people, a 32% reduction from past event occupancy loads.
28. Special Events, as defined by the LMC, are those events, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations or creates public impacts through any of the following: (A) Use of City personnel; (B) Impacts via disturbance to adjacent residents; (C) Traffic/parking; (D) Disruption of the normal routine of the community or affected neighborhood; or (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.
29. There is no vehicular access proposed. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.
30. Outdoor use of the terraces and balconies are permitted by this CUP, and shall comply with all conditions and regulations included herein.
31. Any temporary structures, such as tents, are permitted by this CUP, and shall comply with all conditions and regulations included herein.
32. The Building Department will require a fire permit for the installation of any tent in excess of 400 square feet, measured from the outside dimensions.
33. The applicant anticipates that hours of use will vary depending on the event; however, typical operating hours will be between 8am and midnight. Outdoor speakers and music will be limited to 11am to 10pm in accordance with the City's Noise Ordinance.
34. There are no open space requirements specified for this development.
35. The design complies with the Park City Design Guidelines for Historic Districts and Sites and complements the mass, scale, style, design, and architectural detailing of its neighbors.
36. The applicant has proposed an acceptable screened refuse storage area along the north property line, adjacent to Main Street. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.
37. The event space is intended to be privately owned and professionally managed. The applicant anticipates that the number of employees will vary from 4 to 40 based on the event; as previously noted, the applicant anticipates events no larger than an occupant load of 480.
38. The site is located within the Park City Soils Ordinance boundary and FEMA flood Zone A.
39. The site is located in a FEMA flood Zone A.
40. The CUP application was deemed complete on September 28, 2016 upon receipt of additional materials.

41. The proposed conditional use meets the criteria set forth in LMC 15-1-10(E).
42. The staff findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

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

Conditions of Approval

1. All standard conditions of approval apply to this Conditional Use Permit for a Private Event Facility as well as a temporary tent.
2. Should the owner host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP, a Special Event permit may be required.
3. Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.
4. The applicant, at its cost, shall incorporate such measures to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the events will be conducted with due regard for safety are provided and paid for by the applicant.
5. The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:
 - a. The owner, or his/her designee, shall provide on-site management for each aspect of the event.
 - b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.
6. All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.
7. The final building plans and construction details for the project shall meet substantial compliance with the HDDR approved on June 20, 2016 and the drawings reviewed by the Planning Commission on November 9, 2016.
8. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
9. A Utility Plan must be provided at the time of the building permit application showing the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property can be adequately screened and written approval from the utility company is provided indicating that are satisfying this condition

10. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof and/or screened from public view.
11. The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.
12. Any proposed tent shall comply with the following regulations:
 - a. The tent shall not increase the occupancy of the existing building.
 - b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.
 - c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.
 - d. The tent shall be no more than fifteen feet (15') in height.
 - e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.
 - f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.
 - g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.
 - h. The size of the tent shall be limited to 780 square feet.
 - i. The rooftop terrace shall be limited to one (1) tent.
 - j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.
13. The hours of operation within the interior shall be limited to 8am to midnight.
14. The rooftop terrace shall not be used for activities that may create dust or odor, such as but not limited to cooking.
15. The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
16. Outdoor speakers will only be allowed between the hours of 11am to 10pm.
17. The applicant agrees to abide by all current and future Park City municipal

codes.

18. The applicant must submit a condo plat in order to sell any of the individual retail/commercial units.
19. A final Construction Mitigation Plan must be approved by the Planning and Building Departments prior to issuance of a building permit.
20. All projects within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning Departments prior to issuance of a Building Permit.
21. Property is located in a FEMA flood Zone A. The lowest occupied floor shall be at or above the base flood elevation. Additionally, an H and H study must be completed showing the impacts to the flood plain. Any changes to the flood plain by 12 inches or more will require the filing of a LOMR.
22. All exterior lighting, including any existing lighting and lighting on the balcony and terrace, shall comply with the Lighting Requirements of LMC 15-5-5(I). The lighting shall be downward directed and fully shielded. Exterior lighting shall be approved by the Planning Department prior to installation.
23. In the event that sustained code violations are registered with the City regarding this use, including complaints of glare, noise, smoke, odor, grease, or traffic, the applicant will be required to address the code violation within 30 days. The Planning Department shall investigate these complaints and take measures necessary to ensure that the property owner complies with the requirements of this permit. Additionally, the Planning Department may bring forward these complaints to the Planning Commission, as deemed necessary by the Planning Director, in order to further mitigate the nuisance. Should these code violations not be mitigated, the Planning Commission may revoke this CUP.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435-615-5067 or anya.grahn@parkcity.org.

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The signature is written in a cursive, flowing style.

Anya Grahn
Historic Preservation Planner

Exhibit C

Date: December 22, 2016



Notice of Appeal to City Council, pursuant to LMC 15-1-18, of Planning Commission's decision on 12/14/16 granting the Conditional Use Permit for a Private Event Facility on the roof of the historic Kimball Garage Site at 638 Park Avenue

Petitioners: Sanford Melville
527 Park Ave., PO Box 3568, Park City
435-659-0573
smelville@outlook.com
standing: submitted written and public comment

John Stafsholt
633 Woodside Ave., Park City
435-513-2933
jstafsholt@aps-tech.com
standing: provided public comment

Sandra Morrison/Park City Historical Society
528 Main Street, PO Box 555, Park City
435-649-7457
smorrison@parkcityhistory.org
standing: submitted written and public comment

The above-named Petitioners hereby provide notice of their appeal to City Council, pursuant to LMC 15-1-18, of the decision of the Planning Commission on December 14, 2016 granting a Conditional Use Permit (CUP) for a Private Event Facility on the roof of the historic Kimball Garage site at 638 Park Avenue.

The reasons of the appeal include the following:

1. The requirements of LMC 15-1-10 for approval of a Conditional Use have not been met in this case because the use is not compatible due to its impact on the municipality and surrounding neighbors, and the conditions imposed as part of the approval do not substantially mitigate or eliminate the detrimental impacts. Specifically,
 - A. This large private commercial indoor/outdoor event facility is incompatible with the surrounding residential neighborhood, and unmitigated, as required by LMC 15-1-10(D)(2)&(4), 15-1-10(E). Further, it is inconsistent with the goals and objectives of the Park City General Plan for this neighborhood, as must be considered under LMC 15-1-10(16).
 - B. The noise which will be broadcast from this large 2500 square foot rooftop outdoor commercial event facility for 480 people, allowed to operate for as many days a year as the operators can schedule, with typical operating hours between 8am and midnight and outdoor speakers and music allowed 11am to 10pm, will most certainly negatively impact the quality of life of the surrounding residential neighborhood and the up-slope adjoining areas. These impacts have not been mitigated at all by the conditions of approval, as is required by LMC 15-1-10(E)(12).



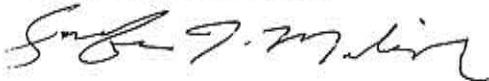
- C. The light pollution from this facility will negatively impact the surrounding neighborhood, and has not been mitigated, as required by LMC 15-1-10(E)(10).
- D. The traffic considerations and the capacity of the existing streets in the area have not been adequately considered, addressed, nor mitigated, as required by LMC 15-1-10(E)(2), (4), & (13). The Staff erroneously based its analysis on the assumption that this new large commercial event space will not generate any new traffic to the site versus previous uses of the site. No traffic study has been done to support such an assumption, and the assumption defies common sense. The frequency of large events at this location is planned to greatly increase over prior uses.
- E. The location and amount of off-street parking have not been adequately considered, addressed, nor in any way mitigated, as required by LMC 15-1-10(E)(5). Again, the Staff erroneously based its analysis on a finding that this new large commercial event space will not generate any new traffic to the site. The Kimball project is in fact eliminating existing on-site parking spaces, and is intended to vastly increase the frequency of events at this location. In addition, the parking provisions for this CUP do not meet the requirements of the International Building Code.
- F. The approval of this CUP for a large private commercial indoor/outdoor event facility for an unlimited number of events, and without having to obtain individual Administrative CUP's for outdoor events in perpetuity, improperly bypasses the controls that the City normally has over the operation of such events and their impacts on the City and its residents. There is no precedent for such a pre-approved outdoor event facility, and no real control or review of the negative impacts this incompatible outdoor commercial event facility will most certainly have on the surrounding residential neighborhoods. LMC 15-1-10.
- G. A CUP cannot be granted unless the application complies with all requirements of the Land Management Code. LMC 15-1-10(D)(1). This application for an outdoor event space on the roof of the historic Kimball Garage building violates the LMC because the historic roof form of this landmark building is not being maintained. Instead half of the double-barrel roof of the historic building is being removed and replaced by a 2500 square foot deck for the outdoor event space. "Maintain[ing] the original roof form" of a historic building such as the Kimball Garage is explicitly required by Park City's Historic Design Guidelines (Specific Guideline B.1.1, p.30), which are incorporated into the LMC by reference per LMC 15-11-11. Although the Board of Adjustment decided, on a split vote, that half of the Kimball Garage roof could be removed and replaced by a roof-top deck to facilitate the developer's project, the BOA did not determine that the Historic Design Guideline requirement to "maintain the original roof form" of the historic building was being met. To the contrary, one of the two barrel vaults or the original roof form is being allowed to be removed and changed to a flat roof-top deck.
- H. The large tent that the CUP permits on the roof-top deck of the Kimball Garage for the outdoor event facility is at odds with the concerns and reasons that the Board of Adjustment stated were important in their decision to allow the roof-top deck to replace the historic barrel roof of the Kimball Garage. The Board was concerned that no tables or chairs or umbrellas on the deck should be visible, as shown in the minutes of the BOA



hearing. However, that there would be a large tent, 15 foot tall and 780 square feet in size, installed on the roof-top deck was not revealed to the Board of Adjustment.

- I. The roof-top outdoor event facility is inconsistent with the goals and objectives of the Park City General Plan, an item to be considered under LMC 15-1-10(E)(16). Heating a large 2500 square foot roof-top deck surface and a large outdoor tent for year-round commercial event uses does not comply with the General Plan's "Natural Setting" Strategy, which instead explicitly calls for "Improving energy efficiency and encouraging conservation in homes and businesses." Park City General Plan p.44.
- J. The roof-top outdoor event facility is inconsistent with the "Sustainability" provisions of the Historic Design Guidelines, which are incorporated into the LMC by reference per LMC 15-11-11. A CUP cannot be granted unless the application complies with all requirements of the Land Management Code, per LMC 15-1-10(D)(1). The Specific Guidelines for Historic Sites state in the section "L. Sustainability" (Guidelines p.40) that efforts should be made to reduce the carbon footprint of historic buildings. Adding a large roof-top deck to a historic building and heating the outdoor deck and outdoor tent for year-round commercial event uses is not energy efficient and does not promote sustainability, and therefore this use does not meet the "Sustainability" provisions of Park City's Historic Design Guidelines.

Respectfully submitted,



Sanford Melville
on behalf of Petitioners





ELLIOTT WORKGROUP

RESPONSE TO REMAND TO PLANNING COMMISSION

KIMBALL ON MAIN PRIVATE EVENT FACILITY CUP

August 28, 2017

Provided in this document is an excerpt from the City Council Minutes motion to remand specific conditions of approval back to Planning Commission.

- *The Motion language is shown in bold italic*
- *The Conditions of Approval from the Planning Commission are shown in italics*
- The responses from the applicant following in regular text.

Loading, Traffic, and Parking

1. ***Council Member Beerman moved to remand the appeal of the Conditional Use Permit for a private event facility at the Historic Kimball Garage back to the Planning Commission related to the conditions regarding the overall facility, specifically Conditions 3 and 4, to better address loading, traffic, and parking.***

Condition 3 - Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.

Condition 4 - The applicant, at its cost, shall incorporate such measures to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the events will be conducted with due regard for safety are provided and paid for by the applicant.

Loading and Traffic - The current condition along the north side of Heber Avenue is a free two hour parking area. An early application for this project provided for design revisions to Heber Avenue that allowed for better turning radii for buses at the intersection of Heber Avenue and Park Avenue, provided an option of a drop-off lane along the north side of Heber Avenue, and envisioned an enlarged gathering area on the sidewalk along the north side of Heber Avenue. The new sidewalk and curb work was offered to be constructed and paid for by the project Owner. In discussions with the City Engineer at the time, it was explained that Heber Avenue was scheduled for a redesign and that the design issues for that area had not been resolved at the time of the meeting. The applicant agreed to work with Park City Municipal Corporation (PCMC) and wait for the modifications to be presented. This approach was consistent with the

work that was done along the Main Street portion of 333 Main Street when the design of the project was ahead of the City's schedule.

The applicant continues to be willing to work together with PCMC and requests that if the improvements to Heber Avenue are not in place, an interim solution that changes the parking along the north side of Heber Avenue to 15 minute loading and unloading. The applicant was made aware that the City is also looking to locate such a zone in the near vicinity and has been in contact with Kenzie Coulson to coordinate a potential location. This would maintain the current parking quantities, allow for drop off and pick up, and could also be a very good location for taxi, car service, and ride share companies to use. The requested revision to the parking would support alternative transportation access to the Event Facility, improve traffic flow, and reduce traffic congestion.

Parking and Traffic - One of the first reviews for the project was to receive confirmation that the property had paid into the Main Street Parking Fund. This confirmation was received, and as such confirms that parking was paid for to support up to a 1.5 Floor Area Ratio (FAR). The building as designed and submitted has a FAR less than 1.5. Additionally, the Private Event Facility Use does not have a specific parking standard. In reviewing LMC section 15-3-6 Parking Ratio Requirements For Specific Land Use Categories, it does identify an Indoor Entertainment, Theater use that is similar. This is consistent with most parking codes, as visitors to entertainment and event facilities tend to travel to the events in vehicles in larger groups as opposed to restaurant and bars where there is a tendency to travel in vehicles in smaller groups. Below are excerpts from the referenced code section.

Indoor Entertainment, Theater - 5 spaces per 1,000 sf of floor Area (equal to 1 space for every 200 sf of floor Area).

Restaurant, Standard and Bar - 1 space for every 100 sf of net leasable Area.

Based on the requirements of the LMC, the parking demand for the event space would be half of the demand for a Restaurant or Bar Use (an Allowed Use in the zone) and thus creates a smaller parking demand and reduction in traffic from that of a Restaurant or Bar.

Noise

2. *Related to the noise, Planning Commission should revisit Conditions 2, 5, 6, 12, 13, and 15, to mitigate or find a way to restrict the noise through more restrictive event uses, more limited hours and such.*

Condition 2 - Should the owner host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP, a Special Event permit may be required.

The LMC does not specifically identify or define a threshold of what type of use goes beyond a Private Event Facility Use. The only item defined in section 4-1-1.48 Special Event of the LMC

that appears relevant for a Special Event Permit threshold is item E Outdoor or temporary events that do not normally occur with the permitted use. All of the other uses contemplated under the CUP are typically associated with a Private Event Facility.

Condition 5 - The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:

- a. The owner, or his/her designee, shall provide on-site management for each aspect of the event.*
- b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.*

The applicant has developed a Noise Management Plan that addresses these issues. See attached.

Condition 6 - All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.

The applicant agrees to follow this condition.

Condition 12 - Any proposed tent shall comply with the following regulations:

- a. The tent shall not increase the occupancy of the existing building.*
- b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.*
- c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.*
- d. The tent shall be no more than fifteen feet (15') in height.*
- e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.*
- f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.*

g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.

h. The size of the tent shall be limited to 780 square feet.

i. The rooftop terrace shall be limited to one (1) tent.

j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.

The applicant has removed the tent from the application.

Condition 13 - The hours of operation within the interior shall be limited to 8am to midnight.

The applicant agrees to this condition.

Condition 15 - The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

The applicant agrees to the terms of this condition and has provided the automatic closing devices in the design. Additionally, the applicant will redesign the indoor event space, such that a vestibule will be provided between the event space and the exterior terrace area. This vestibule will create an additional sound buffer between the interior and exterior. All connections between the event space and the exterior terrace will have a minimum of two doors in series that separate the spaces. The attached Noise Management Plan which will be used for all events, incorporates the management requirements of this condition.

Inconsistencies

- 3. *There was also inconsistency in the visual impacts as related to Condition 11, which contradicts the Board of Adjustments. The Planning Commission needs to address the tent and those inconsistencies.***

Condition 11 - The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.

The applicant agrees to this condition and has removed the tent from the application.

Sound

4. *The Planning Commission needs to also revisit Condition 15, and add an additional review component.*

See response to Condition 15 above. Also see attached “Noise Management Plan” and attached “Code Comparison of Uses” for additional information on the review of Condition 15.

Also, note that the building was designed with a sound trap in the eave on the west face of the building. The insulated glass units designed for the building that face west and open onto the roof terrace have properties that absorb a portion of the sound waves. This glazing system performs better than many traditional wall surfaces with respect to sound reflection.

Exhibit D-1

NOISE MANAGEMENT PLAN

KIMBALL ON MAIN EVENT SPACE

August 28, 2017

INTRODUCTION

As professional operators we acknowledge that we have a primary responsibility to ensure that our premises do not generate excessive noise disturbance. The purpose of this Noise Management Plan is to detail the procedures adopted to ensure, to the extent possible, minimal disturbance to local residents by activities in and around the property.

A balance of needs must be achieved by ensuring social activity is not marred whilst controlling potential adverse noise effects. Our aim is to adopt the best practicable options to ensure that the conditions of the conditional-use approval are met.

The plan has been designed to prevent public nuisance and meet the requirements of the Park City Municipal Corporation (PCMC) noise ordinance.

With the Noise Management Plan, we have the following in place:

- Robust policies and procedures applied to events in the facility,
- Sound limiting and monitoring equipment,
- Training procedures for managers and other staff associated with events,
- An on going review process,
- A detailed complaints monitoring system

DEFINITIONS

- Night Time - the hours of 11:00 PM to 07:00 AM (in accordance with current guidance and legislation)
- The Premises - the building to be known as “Kimball on Main” which provides social and event facilities for Park City.
- Customers – any users of the licensed premises (to include guests and persons attending conferences and other pre-booked events).
- Security Contractor - All door supervisors provided for the event.

KEY ELEMENTS OF THE PLAN

- Minimize impact to local residents
- To satisfy the requirements of Park City Municipal Corporation
- The identification of the range of potential noise sources relating to the premises and the acceptable levels of noise arising from all specified events
- A detailed list of steps taken to manage noise leaving the premises
- A defined program of noise measurement to check that compliance has been achieved through monitoring and testing
- A Complaints Procedure
- Identification of suitable criteria for the control of music and dispersal noise impact from events
- Recommendations that all amplified music played is brought under the control of sound limiter equipment and mobile/fixed monitoring equipment. This equipment monitors levels using a built in or external microphone. If a preset sound pressure level is exceeded for a certain period of time the main power is disconnected from the sound source. Acceptable equipment is SL2000 / Adastra / NLX Sound Limiter or equal.
- Measurement of noise levels at the perimeter of the site
- Set threshold levels of music noise with the PCMC noise ordinance at which the entertainment noise limiters cut-off the power supply to any amplification system in use
- The sound levels for the entertainment areas will be set in conjunction with the PCMC noise ordinance and readings obtained in a test environment
- All managers will be aware of the limiters and the levels set
- All external entertainment suppliers will be made aware of the sound limiters within the building
- Fixed points will be allocated to enable the Manager to take readings at an event at the perimeter of the premises.
- Readings will be taken as spot checks and documented.

IDENTIFICATION OF POTENTIAL NOISE SOURCES

Sources of noise include:

- Amplified music (recorded or live) with particular attention to low frequency bass levels, public address systems, television/video
- External areas

Generally, the overriding requirement is for control of noise at source by considering:

- the specification, selection and operation of amplified music equipment
- managing operations on site
- barriers to control or reduce noise (insulation, acoustic baffles, and double glazing for example)
- Make customers aware of the consequences of late night noise and to be proactive in dealing with the problem via internal and external signage.
- Specification, selection and operation of amplified music equipment
- Actions to be taken to ensure noise and vibration from regulated entertainment shall be inaudible at the nearest noise sensitive property outside the premises.
- The installation of noise limiting equipment in all areas where events will take place. This equipment is linked into the electrical supply which feeds the music systems and will cut the supply if a db reading exceeds an unacceptable level. The equipment works on a traffic light sequence and will be visible to any performers or DJ. The red banding will only be tolerated for a set number of seconds before the system shuts down. The system also has the facility to operate at two sound level thresholds selectable remotely or by a time switch this allows a venue to operate at different levels at different periods of the day or night. The system will be lockable and only accessed remotely or by authorized personnel, i.e. managers, electricians and service contractors. Hand held monitoring equipment will also be used to ensure the accuracy of the system and also to monitor sound levels.

The hand held equipment is a Sound Level Meter, of a type used for monitoring traffic noise, industrial plant and machinery as well as noise within the entertainment industry. The meter provides automatic or manual ranging from 40 to 130db, will record maximum and minimum levels and is selectable for fast or slow response times.

Sound levels will be taken at set times throughout an event both internally and externally at noise sensitive boundaries and other pre-determined places. All readings

will be documented and used to provide a detailed database of noise levels both in the building and around the site.

MANAGING OPERATIONS ON SITE

A nominated Manager will be responsible for all activity taking place on the premises.

All managers will be fully aware and conversant with the Noise Management Plan.

Any events where amplified music is employed will be wound down in a professional manner. Music will reduce in sound and style to reflect a calmer end to an event.

On event nights all doors shall remain closed, save for access and egress.

The Manager will be available to attend the Historic Park City Alliance meetings. The Manager is the person nominated by the premises as being the person in day-to-day control of the premises when activities are taking place.

As required, a security contractor will be employed on a base min staff ratio of 1:200 customers + 1 supervisor to provide security internally and to monitor sound levels and ensure external noise control. It is not anticipated that this would generally be required.

Security Staff where required will be employed up to one hour after the event ends to make sure dispersal takes place in an orderly and proper manner.

These staff will be equipped with either mobile phones or radios and be able to communicate with the Manager to enable a quick response to any incident or complaint.

Staff will take a pro-active approach to noise management including checking noise levels as set out above.

External

The removal of used containers to external areas after 9:00 PM will not be permitted nor the emptying of used bottles until the following day.

No external regulated entertainment will take place between 11:00 PM and 8:00 AM.

External events will also be proactively managed.

- If music of any type is involved sound monitoring equipment will be used and acoustic levels periodically checked.

- When customers are using the external area, a member of staff will periodically check on noise levels and deal with any noise deemed unacceptable. Make customers aware of the consequences of late night noise and be proactive in dealing with the problem
- Notices will be displayed on external doors asking customers to leave the premises in a quiet and orderly fashion to show respect to local neighbors.
- Announcements will be made on a regular basis electronically (on screens located throughout the premises) about noise leaving the premises.
- Verbal announcements prior to dispersal will be made at the end of each night

Barriers to control or reduce noise

All ventilation outlets that serve the licensed area to be installed with acoustic baffles and thereafter retained.

Complaints Procedure

If a complaint should arise related to the use of the premises should be reported directly to the Manager.

Any complaints filed with Park City Municipal Corporation will then direct the complaint to the Manager.

If the complaint relates to the premises, the Manager will be contacted directly on a dedicated mobile phone. The Manager will then investigate the issue and take appropriate action to locate and remove the source and will then monitor the outcome.

The Manager will then advise Park City Municipal Corporation of actions taken.

The following morning the Manager will review the overnight report and communicate with the complainant where possible.

Should a response be required immediately (on the night) back to the complainant this will be done by the Manager once the response has been reported.

*Clarifications to this document are anticipated to improve the performance of the facility, subject to owner's sole discretion.

EVENT RISK ASSESSMENT

KIMBALL ON MAIN

EVENT TITLE	DATE
MANAGER	MANAGER'S MOBILE NUMBER
EVENT DETAILS	SPACES IN USE
EXPECTED ATTENDEE NUMBERS	
ORGANIZER	
CATERING (CIRCLE ONE) YES NO	
TYPE OF ENTERTAINMENT (CIRCLE ALL THAT APPLY)	NOTES:
BACKGROUND MUSIC	
LIVE DJ	
LIVE VOCALIST / ACOUSTIC BAND	
UN-AMPLIFIED MUSIC	
OTHER	
INTERNAL	
EXTERNAL	

COMPARISON OF USES

KIMBALL ON MAIN EVENT SPACE

August 27, 2017

INTRODUCTION

The project site for the Kimball on Main is located in the Heber Avenue Sub-Zone of the Historic Recreation Commercial (HRC) District. The Allowed Uses and Conditional Uses are identical to those found in the Historic Commercial Business (HCB) District. As this project is located at the heart of Historic Park City and the existing building and site has been consistently and commonly used as a gathering place for the community, the applicant chose to design a facility to support this historic use and subsequently apply for a Conditional Use Permit for a Private Event Facility.

LAND MANAGEMENT CODE REVIEW

The Kimball on Main property is located in the Historic Recreation Commercial (HRC) zone and within the Heber Avenue Sub-Zone of the HRC. The Heber Avenue Sub-Zone states in section 15-2.5-10 Heber Avenue Sub-Zone “*The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District*”. These Allowed Uses do not require any additional Planning Application or approvals. Following from section 15-2.6-2 Uses of the HCB zone are several of these Uses:

- 26. *Restaurant, General*
- 27. *Bar*
- 29. *Entertainment Facility, Indoor*

These Allowed Uses are very important to understand as the Land Management Code describes under 15-1-10 Conditional Use Review Process D) Standards For Review how CUP applications are to be reviewed for compliance. Following are the three standards from this section with comments on their resolution:

- 1. *the Application complies with all requirements of this LMC,*

As the project has been through a thorough review by Planning Staff, this project meets all requirements of the LMC as required of item 1.

- 2. *the use will be Compatible with surrounding Structures in Use, scale, mass and circulation:*

Compatibility of scale, mass and circulation were all confirmed through the multiple planning review processes and the significant amount of time spent working with the Planning Department. See “Diagrams A, B, and C” attached to this document, which describe the surrounding uses and highlights the existing Uses of Restaurants, Bars and Entertainment Facilities. As for surrounding uses, across the street to the south, east, north and west are multiple Restaurants and Bars. Church, Zoom, Tavern, Coal and Lumber, High West Distillery, Butchers to name a few. These uses are certainly compatible with a Private Event Facility as each of these establishments have been known to hold Private Events. Of those facilities, there are also outdoor dining areas associated with each of the establishments listed. The site is literally surrounded by restaurant uses, bar uses, event uses, and outdoor dining areas. See attached Diagrams A, B & C.

3. *the effects of any differences in Use or scale have been mitigated through careful planning.*

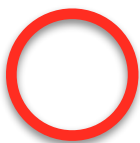
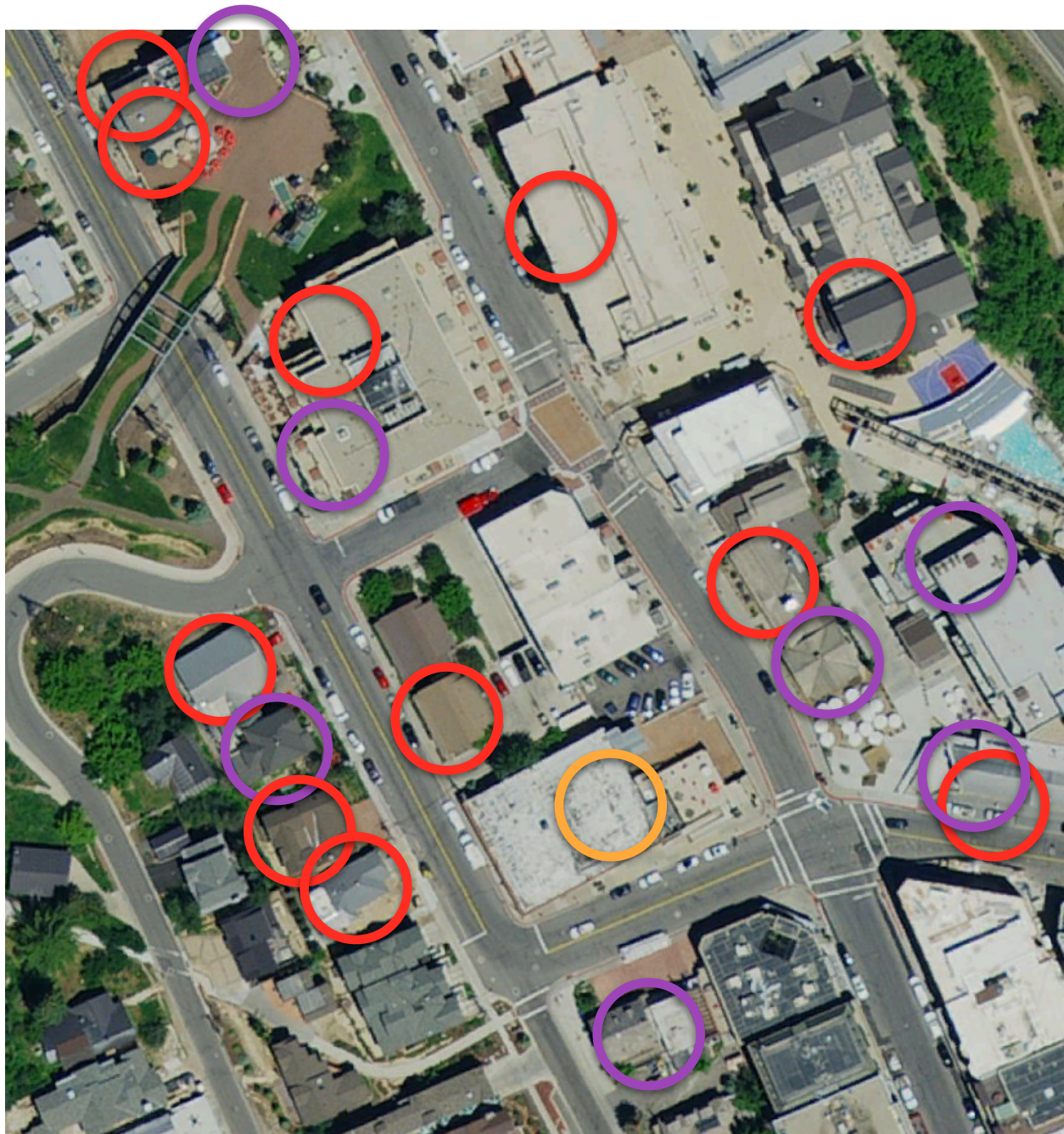
The final item deals with mitigation. The standard of mitigation from the Land Management Code is to be applied to the *“effects of any differences in Use”*.

- (a) If applied to the Allowed Use of an *“Entertainment Facility, Indoor”*, there is virtually no difference in use as it relates to the number of users. The capacity of the facility would be identical to the proposed Event Facility Use. The primary exception would be that many of the uses affiliated with an Indoor Entertainment Facility would most likely be open seven days a week throughout the entire year, whereas the Event Facility will be used significantly less. An Allowed Use of an Entertainment Facility, Indoor would very likely have a greater impact than the proposed Event Facility.
- (b) If applied to the Allowed Use and the existing surrounding use of a *“Restaurant, General”*, the capacity and thus the number of users would also be identical. The capacity is also rated at any single point in time. Restaurant use typically has multiple table turns which means the actual number of users on any given night could be as much as double the number allowed in an Event Facility. The Restaurant, General use would also most likely be open seven days a week throughout the entire year, whereas the Event Facility will be used significantly less. Additionally, at least twelve restaurants on Main Street and Park Avenue advertise the availability to host events and or group dining. An Allowed Use of a Restaurant, General would have a greater impact than the proposed Event Facility.
- (c) If applied to the Allowed Use and surrounding use of a Bar, , the capacity and thus the number of users could possibly be even greater. The capacity is also rated at any single point in time. Bar use typically has transitions in users throughout the night which means the actual number of users on any given night could also be significantly more than allowed in an Event Facility. The Bar use would also, most likely, be open seven days a week throughout the entire year, whereas the Event Facility will be used significantly less. Additionally, almost every bar on Main Street and Park Avenue also advertises the availability to host events and or group dining.

CONCLUSION

Compared to the existing surrounding uses and the Allowed Uses in the LMC described previously, the proposed Event Facility will have a similar capacity but most likely a smaller daily occupancy. The Event Facility will often have less overall users per day. And the Event Facility will also have fewer days of operation. Since the intent of the LMC is to mitigate against the effects of differences of use, at the very least, the proposed use is the same as the surrounding and Allowed Uses. In reality, the proposed use will have a less intensive use. In which case there is no effects to mitigate against.

Considering that the use is compatible with the surrounding uses, there are specific design features and management approaches that have been implemented to allow the facility to operate above and beyond the expectations of the adjacent Allowed Uses. The management approaches to reduce sound emanating from the project are found in the supplemental document "Noise Ordinance Plan" that will be required to be followed for every event.



Restaurant Use

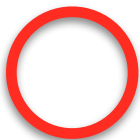


Bar Use



Project Site

DIAGRAM "A"
Restaurant and Bar Uses

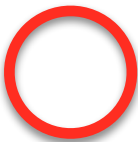
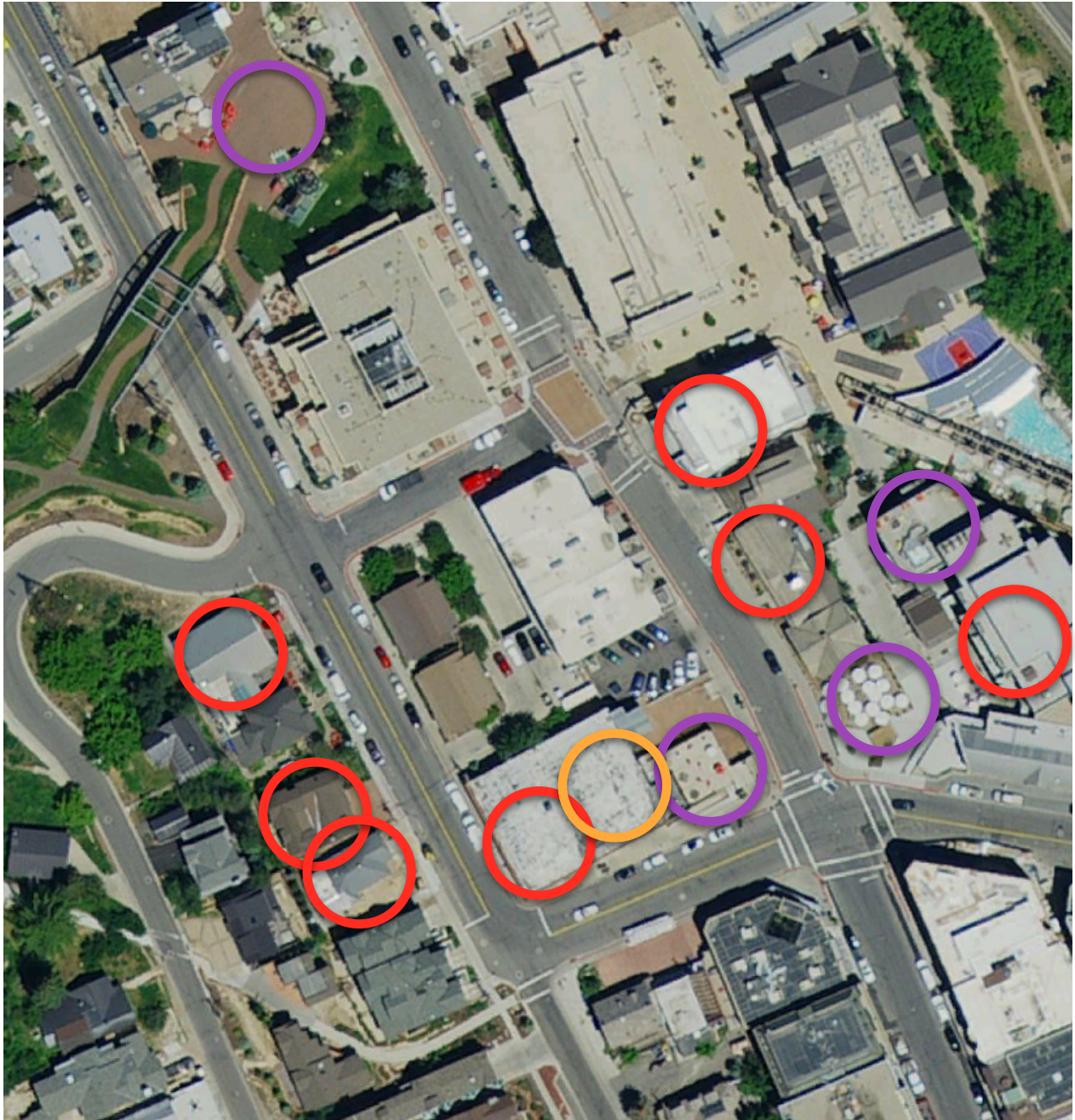


Outdoor Dining



Project Site

DIAGRAM "B" OUTDOOR DINING



Event Space



Outdoor Event



Project Site

DIAGRAM "C"
EXISTING EVENT SPACE

City Council Staff Report

Subject: 1011 Empire Avenue Subdivision
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-17-03625
Date: September 27, 2017
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the City Council conduct a public hearing and continue the item to a date uncertain to give the applicant additional time to address the location of the existing historic house and its proximity to the proposed subdivision lines.

Description

Applicant: 1011 Empire Avenue, LLC (Gavin Steinburg), represented by Bill Van Sickle
Location: 1011 Empire Avenue
Zoning: Historic Residential-1 (HR-1)
Adjacent Land Uses: Single and multi-family residential development
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.

Planning Commission Staff Report

Subject: Iron Canyon Subdivision Lot 42
Building Pad Adjustment
Author: Tippe Morlan, Planner II
Date: September 27, 2017
Type of Item: Legislative – Plat Amendment

Project Number:	PL-17-03641
Applicant:	Kathy and Howard Rothwell
Location:	2463 Iron Mountain Drive
Zoning:	Single Family (SF)
Adjacent Land Uses:	Single-family dwellings
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval.

Proposal

The applicant is proposing to adjust the building pad area shown on Lot 42 of the Iron Canyon Subdivision located at 2463 Iron Mountain Drive to match to the proposed design of the new residence. This proposal reconfigures, but does not increase the size of the existing building pad. The entire site contains 2.75 acres, or approximately 119,790 square feet.

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Iron Canyon Subdivision Lot 42 Building Pad Adjustment located at 2463 Iron Mountain Drive and consider forwarding a **positive** recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Background

October 20, 1983 – The Iron Canyon Subdivision property was annexed into Park City with Residential Development zoning.

October 28, 1983 - The original Iron Canyon Subdivision was recorded after approval from the City Council.

February 3, 2006 – An amendment to the building pad for Lot 29 of the Iron Canyon Subdivision was recorded after approval from the City Council. The new building pad remained 4,000 square feet in size.

August 24, 2006 – An amendment to the building pad for Lot 11 of the Iron Canyon Subdivision was recorded after approval from the City Council. The new building pad remained 4,000 square feet in size.

December 22, 2006 – An amendment to the building pad for Lot 5 of the Iron Canyon Subdivision was recorded after approval from the City Council. The new building pad remained 4,000 square feet in size.

November 6, 2006 – An amendment to the building pad for Lot 4 of the Iron Canyon Subdivision was recorded after approval from the City Council. The new building pad remained 4,000 square feet in size.

August 9, 2007 – A zone change for the entire Iron Canyon Subdivision from Residential Development to Single Family was approved by the City Council. As stated in the staff report for this meeting, the primary reason of the request was to disallow nightly rentals in the subdivision.

April 27, 2017 – An amendment to the building pad for Lot 43 of the Iron Canyon Subdivision was approved by the City Council. This amendment has not yet been recorded but is approved to maintain a 4,000 square feet building pad area.

July 6, 2017 – The City received a Plat Amendment application for the Iron Canyon Subdivision Lot 22 Building Pad Adjustment. The application was deemed complete on July 13, 2017, but has not yet been scheduled for Planning Commission at the applicant's request.

August 18, 2017 – The City received a Plat Amendment application for the Iron Canyon Subdivision Lot 42 Building Pad Adjustment. The application was deemed complete on August 30, 2017 and is the subject of this report.

Purpose

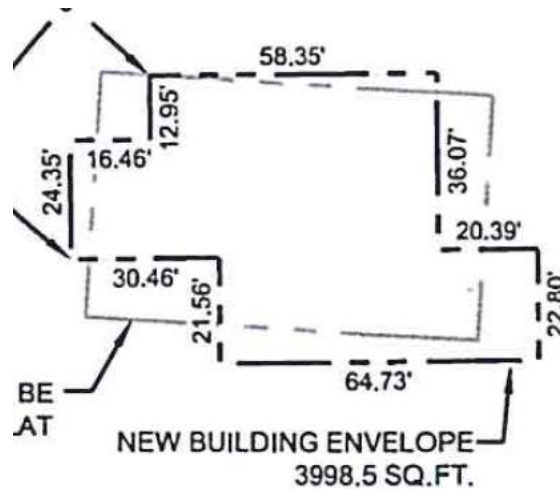
The purpose of the Single Family SF District is to:

- A. maintain existing predominately Single Family detached residential neighborhoods,
- B. allow for Single Family Development Compatible with existing Developments,
- C. maintain the character of mountain resort neighborhoods with Compatible residential design; and
- D. require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

Analysis

The purpose of the proposed plat amendment is to adjust the building pad indicated on Lot 42 of the Iron Canyon Subdivision. The Iron Canyon Architectural Review Committee has approved the plans for the proposed building pad adjustment. The square footage of the existing building pad is 4,000 square feet, and the proposed building pad is 3,998.5 square feet.

The proposed change to the building pad adds variation on both the east and west sides of the building pad. The location of the pad does not change very much from the existing pad. The front of the pad is in roughly the same location as it exists now, changing from 80 feet to 58 feet wide. The west side includes an area which pops out, although the side setback is increased from 44 feet to 48 feet at the point closest to the western property line. The east side of the proposed pad also pops out at the south side of the pad moving roughly 12 feet closer to the eastern property line. This reduces the east side setback to 19 feet at the closest point to the property line, which maintains the minimum 12 foot side yard setback requirement within the Single Family (SF) zone.



While there is no maximum building pad size or maximum house size area indicated on the plat, any approved amendments should be compatible with surrounding lots. All building pads in this subdivision exist at 4,000 square feet, as scaled off the plat, and any amendments have maintained the building pad size. This proposal is in line with the existing conditions of the subdivision and all previous building pad adjustments.

Site Conditions

A single-family dwelling is an allowed use in the SF zone. The proposed building pad meets all setbacks. The following table shows applicable Land Management Code (LMC) development parameters in the SF zoning district:

	Required	Proposed
Allowed Building Pad Size	No min or max identified; all lots recorded with 4,000 SF pads scaled from the plat as to size and location.	3,998.5 square feet
Front yard setbacks	Front Yard: 20 ft Front facing garages: 25 ft	Front Yard: 52 ft.
Rear yard setbacks	15 ft.	80 – 380 ft.

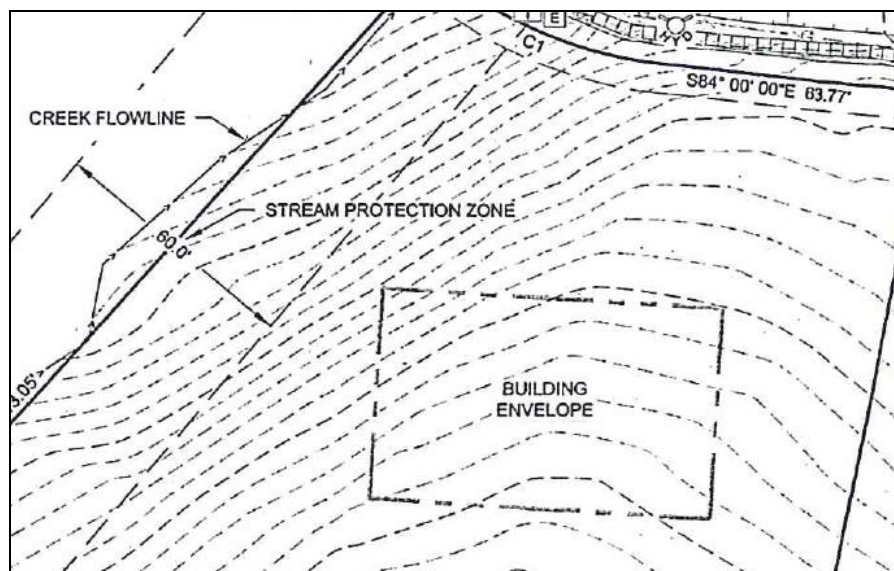
Side yard setbacks	12 ft.	West: 48 – 64.5 ft. East: 19 – 23 ft.
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There is also a stream running to the west of the property following close to the western property line as is shown on the provided survey. There is an existing easement identified as a 60 foot Stream Protection Zone recorded over the stream, and the proposed building pad does not encroach into this area. This Stream Protection Zone is shown on the proposed plat and on the recorded Iron Canyon Subdivision plat.

This subdivision is located within the Sensitive Lands Overlay (SLO) zone, although the subdivision was platted prior to the adoption of the SLO ordinance. The current SLO zone requires setbacks from stream corridors to be a minimum of 50 feet from the Ordinary High Water Mark; this means the protected area should be greater than 100 feet with 50 feet on each side of the stream plus the width of the stream. The existing easement was recorded as a 60 feet protection zone with 30 feet on each side of the average centerline of the stream. Because the Stream Protection Zone and building pad have been recorded prior to the adoption of the SLO, the existing lot and building pad location are legal and non-complying.

A majority of the identified “creek flow line” is shown on the neighboring property as indicated on the survey of this property. Assuming the ordinary high water mark falls along the property line, the proposed building pad amendment decreases the level of non-compliance reducing the amount of the building pad which falls within the 50 feet area.

Using the “creek flow line” on the survey as a point of reference, the existing building pad is setback from that line by 49 feet to 80 feet, and the proposed building pad is setback by 55 feet to 74 feet. This indicates decrease in non-compliance.





The plat has indicated a recorded building pad in the same location where the new building pad is proposed and will not require any additional setback from the stream. Staff recommends including stream protection measures as an element of the Construction Mitigation Plan at the time of building permit.

Good Cause

Staff finds good cause for this Plat Amendment as conditioned. The proposed modification to the building pad would not increase in size or impact to the site and would not change the lot configuration, density, or general location of the building pad.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

This project has gone through an interdepartmental review. No issues were brought up at that time.

Notice

On September 13, 2017, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the

Utah Public Notice Website on September 13, 2017, according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Iron Canyon Subdivision Lot 42 Building Pad Adjustment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Iron Canyon Subdivision Lot 42 Building Pad Adjustment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Iron Canyon Subdivision Lot 42 Building Pad Adjustment plat.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation are that plat would remain as is and any proposed design would need to comply within the limitations of the existing building pad as indicated on the plat.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Iron Canyon Subdivision Lot 42 Building Pad Adjustment and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)
- Exhibit B – Survey with Existing Conditions
- Exhibit C – Applicant Project Narrative
- Exhibit D – Aerial Photographs with 500' Radius
- Exhibit E – Site Photographs
- Exhibit F– Iron Canyon Subdivision Plat
- Exhibit G – Iron Canyon Subdivision Lot 29 Building Pad Adjustment
- Exhibit H – Iron Canyon Subdivision Amendment to Lot 11
- Exhibit I – Iron Canyon Lot 5 Amended Subdivision
- Exhibit J – Iron Canyon Subdivision Lot 4 Plat Amendment
- Exhibit K – Approved Iron Canyon Subdivision Building Pad Adjustment for Lot 43

Ordinance No. 17XX

AN ORDINANCE APPROVING THE IRON CANYON SUBDIVISION LOT 42 BUILDING PAD ADJUSTMENT LOCATED AT 2463 IRON MOUNTAIN DRIVE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 2463 Iron Canyon Drive has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on September 13, 2017, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on September 13, 2017, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on September 27, 2017, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on September 27, 2017, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on October 12, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the Iron Canyon Lot 42 Building Pad Adjustment located at 2463 Iron Canyon Drive.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Iron Canyon Lot 42 Building Pad Adjustment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2463 Iron Mountain Drive.
2. The property is in the Single Family (SF) District.
3. Adjacent land uses are single family residential.
4. The subject property consists of Lot 42 of the Iron Canyon Subdivision, approved in 1983.

5. The plat amendment changes small portions of the building pad area shown on the Iron Canyon Subdivision plat (recorded in 1983) to adapt to the current proposed design of the new residence.
6. The building pad is proposed to be approximately 1.5 square feet smaller than the platted building pad which is 4,000 square feet in the same general location.
7. On August 18, 2017, the City received a Plat Amendment application for the Iron Canyon Subdivision Amendment to Lot 42. The application was deemed complete on August 30, 2017.
8. The existing platted building pad is a 50 feet by 80 feet rectangular shaped pad generally located toward the front of the lot. The building pad is not tied in to the survey with exact dimensions and bearings.
9. The applicant is requesting a modification to the shape and location of the pad to result in an odd-shaped building pad.
10. The entire site contains a total area of 2.75 acres.
11. The proposed building pad complies with setback requirements of the SF zone.
12. The proposed plat amendment will not result in any further changes to the Iron Canyon Subdivision plat.
13. No remnant lots will be created as a result of this plat amendment.
14. Five (5) lots within the Iron Canyon Subdivision have completed similar building pad adjustments including the following: Lots 4, 5, 11, 29, and 43.
15. The subdivision has an Architectural Review Committee in place of a formal HOA which has granted approval of this proposed building pad adjustment.
16. There is a stream to the west of the property following close to the western property line with an existing 60 foot Stream Protection Zone recorded over it.
17. The Stream Protection Zone is shown on the proposed plat and on the recorded Iron Canyon Subdivision plat.
18. The lot is located within the Sensitive Lands Overlay zone.
19. The Iron Canyon Subdivision was platted prior to the adoption of the SLO ordinance with a recorded building pad in the same location where the new building pad is proposed.
20. The proposed building pad does not encroach into the Stream Protection Zone that is shown on the recorded subdivision plat.
21. The current SLO zone requires setbacks from stream corridors to be a minimum of 50 feet from the Ordinary High Water Mark; this means the protected area should be greater than 100 feet with 50 feet on each side of the stream plus the width of the stream.
22. The existing easement was recorded as a 60 feet protection zone with 30 feet on each side of the average centerline of the stream.
23. Because the Stream Protection Zone and building pad have been recorded prior to the adoption of the SLO, the existing lot and building pad location are legal and non-complying.
24. A majority of the identified "creek flow line" is shown on the neighboring property as indicated on the survey of this property.
25. Assuming the ordinary high water mark falls along the property line, the proposed building pad amendment decreases the level of non-compliance reducing the amount of the building pad which falls within the 50 feet area.

26. Using the “creek flow line” on the survey as a point of reference, the existing building pad is setback from that line by 49 feet to 80 feet, and the proposed building pad is setback by 55 feet to 74 feet. This indicates decrease in non-compliance.
27. Staff finds that the proposed plat amendment results in a building pad that is consistent with the pattern of development in the neighborhood.
28. This plat amendment results in a building pad that is not greater than 4,000 square feet; however, there is no maximum house size indicated on the recorded subdivision plat.
29. No gutters exist on Iron Mountain Drive. Drainage is provided by a parallel swale.
30. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement along the frontage of Iron Mountain Drive shall be shown on the plat.
4. Modified 13-D sprinklers are required by the Chief Building Official for new construction at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. New construction shall comply with Land Management Code Section 15-2.2 regarding setbacks, building height, building envelope, building pad, etc.
6. The Construction Mitigation Plan shall include stream protection measures during construction at the time of building permit.
7. All other conditions of approval and platted requirements for the Iron Canyon Subdivision continue to apply and shall be noted on the plat.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 27th day of September, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

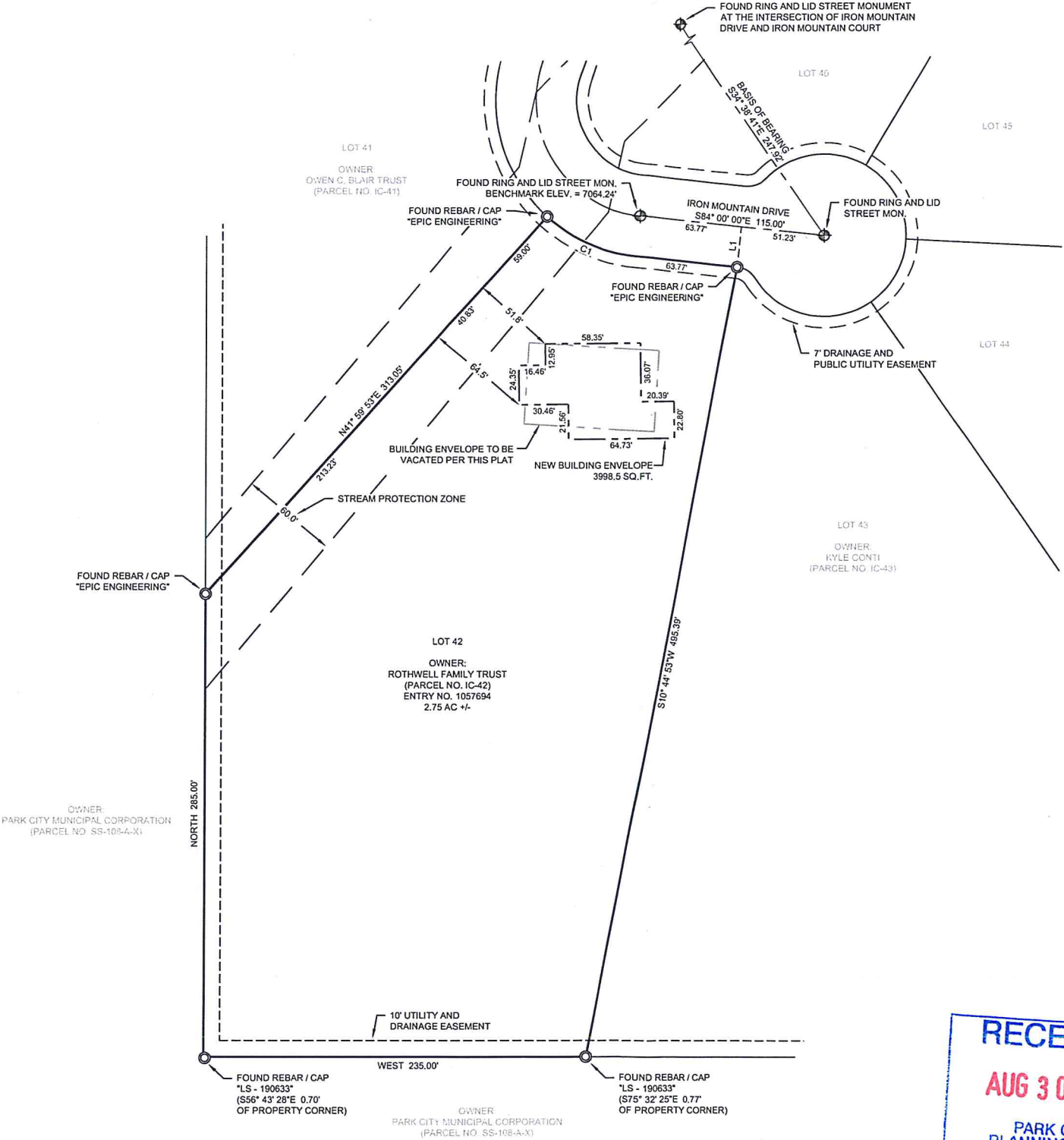
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

IRON CANYON SUBDIVISION LOT 42 - BUILDING PAD ADJUSTMENT

LOCATED IN THE:
NORTHWEST QUARTER SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH



RECORD ADDRESS TABLE	
LOT NO.	STREET ADDRESS
42	2463 IRON MOUNTAIN DRIVE

Parcel Line Table		
Line #	Length	Direction
L1	25.00	S06°00'00"W

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	60.66	96.59	35°58'54"	S65°59'03"E	59.67



OWNER'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS THAT IWE, THE UNDERSIGNED OWNER(S) OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID PLAT IRON CANYON SUBDIVISION LOT 42 - BUILDING PAD ADJUSTMENT, AND DO HEREBY DEDICATE, FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. IN WITNESS WHEREOF, IWE HAVE HEREUNTO SET OURMY HAND(S) THIS _____ DAY OF _____, 2017, AD.

BY: _____ DATE _____
HOWARD R. ROTHWELL - TRUSTEE
ROTHWELL FAMILY TRUST
BY: _____ DATE _____
KATHLEEN STEPP ROTHWELL - TRUSTEE
ROTHWELL FAMILY TRUST

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF _____) SS.
ON THE _____ DAY OF _____, 2017 A.D., PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNATURE(S) OF THE ABOVE OWNERS DEDICATION AND _____, WHO ACKNOWLEDGED TO ME THAT (S)HE EXECUTED THE ABOVE OWNERS DEDICATION AND CONSENT TO RECORD.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____

BOUNDARY DESCRIPTION

ALL OF LOT 42, IRON CANYON SUBDIVISION, ENTRY NUMBER 212520, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

NOTES

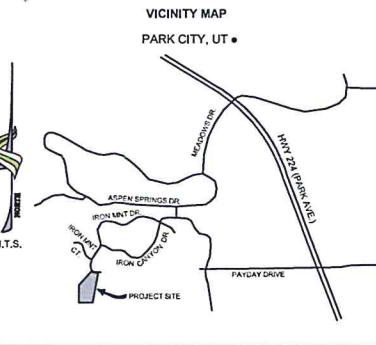
- THE PURPOSE FOR THIS PLAT AMENDMENT IS TO VACATE THE EXISTING BUILDING ENVELOPE AND PROVIDE THE LOCATION AND DIMENSIONS OF THE NEW BUILDING ENVELOPE.
- THE BUILDING ENVELOPE ON THIS LOT MUST BE WITHIN THE SEBACK LIMITS, AS PER THE LAND MANAGEMENT CODE, UNLESS OTHERWISE NOTED. THE MAXIMUM BUILDING ENVELOPE AREA MUST NOT EXCEED 4000 SQUARE FEET, PER THE ORIGINAL BUILDING ENVELOPE REQUIREMENTS.
- MODIFIED SPRINKLERS MAY BE REQUIRED BY THE CHIEF BUILDING OFFICIAL FOR NEW CONSTRUCTION, AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
- THE OWNER OF RECORD FOR LOT 42, AT THE TIME THIS AMENDMENT WAS COMPLETED, IS ROTHWELL FAMILY TRUST, PER WARRANTY DEED, ENTRY NUMBER 1057694, AS RECORDED IN THE SUMMIT COUNTY RECORDER'S OFFICE.
- THE BOUNDARY DEPICTED HEREON WAS ESTABLISHED FROM THE RECORD SUBDIVISION, FOUND MONUMENTS AND THE RECORD OF SURVEY COMPLETED FOR LOT 42, FILE NUMBER S0009063. PROPERTY CORNERS WERE FOUND AS NOTED ON THIS PLAT.
- THIS PLAT AMENDMENT IS SUBJECT TO CONDITIONS OF APPROVAL AND ALL GENERAL AND SPECIAL NOTES CONTAINED WITHIN THE IRON CANYON SUBDIVISION PLAT, ENTRY NUMBER 212520, AND ALL OTHER, ZONING REQUIREMENTS, COVENANTS, RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY, PER RECORD DOCUMENTS AND CITY OR COUNTY ORDINANCES.

SURVEYOR'S CERTIFICATE

I, PHILLIP R. CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 319686, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS IRON CANYON SUBDIVISION LOT 42 - BUILDING PAD ADJUSTMENT AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.



PHILLIP R. CHRISTENSEN
P.L.S. 319686
DATE _____



LEGEND	
BOUNDARY LINE	_____
PARCEL LINE	_____
ROAD CENTERLINE	_____
7' PUE EASEMENT	_____
10' DRAINAGE EASEMENT	_____
STREAM PROTECTION ZONE	_____
BUILDING ENVELOPE	_____
FOUND MONUMENT	○

PARK CITY COUNCIL - APPROVAL AND ACCEPTANCE
APPROVED AND ACCEPTED
THIS _____ DAY OF _____, 2017 A.D.
BY: _____
PARK CITY MAYOR

PARK CITY RECORDER - CERTIFICATE OF ATTEST
APPROVED AND ACCEPTED
THIS _____ DAY OF _____, 2017 A.D.
BY: _____
PARK CITY RECORDER

PARK CITY ATTORNEY - APPROVAL AS TO FORM
APPROVED AS TO FORM
THIS _____ DAY OF _____, 2017 A.D.
BY: _____
PARK CITY ATTORNEY

PARK CITY PLANNING COMMISSION
ON BEHALF OF THE PARK CITY PLANNING COMMISSION, THIS _____ DAY OF _____, 2017 A.D., AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.
BY: _____
CHAIR - PARK CITY PLANNING COMMISSION

PARK CITY - ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE INFORMATION ON FILE AND IN MY OFFICE ON THIS _____ DAY OF _____, 2017 A.D., AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.
BY: _____
PARK CITY ENGINEER

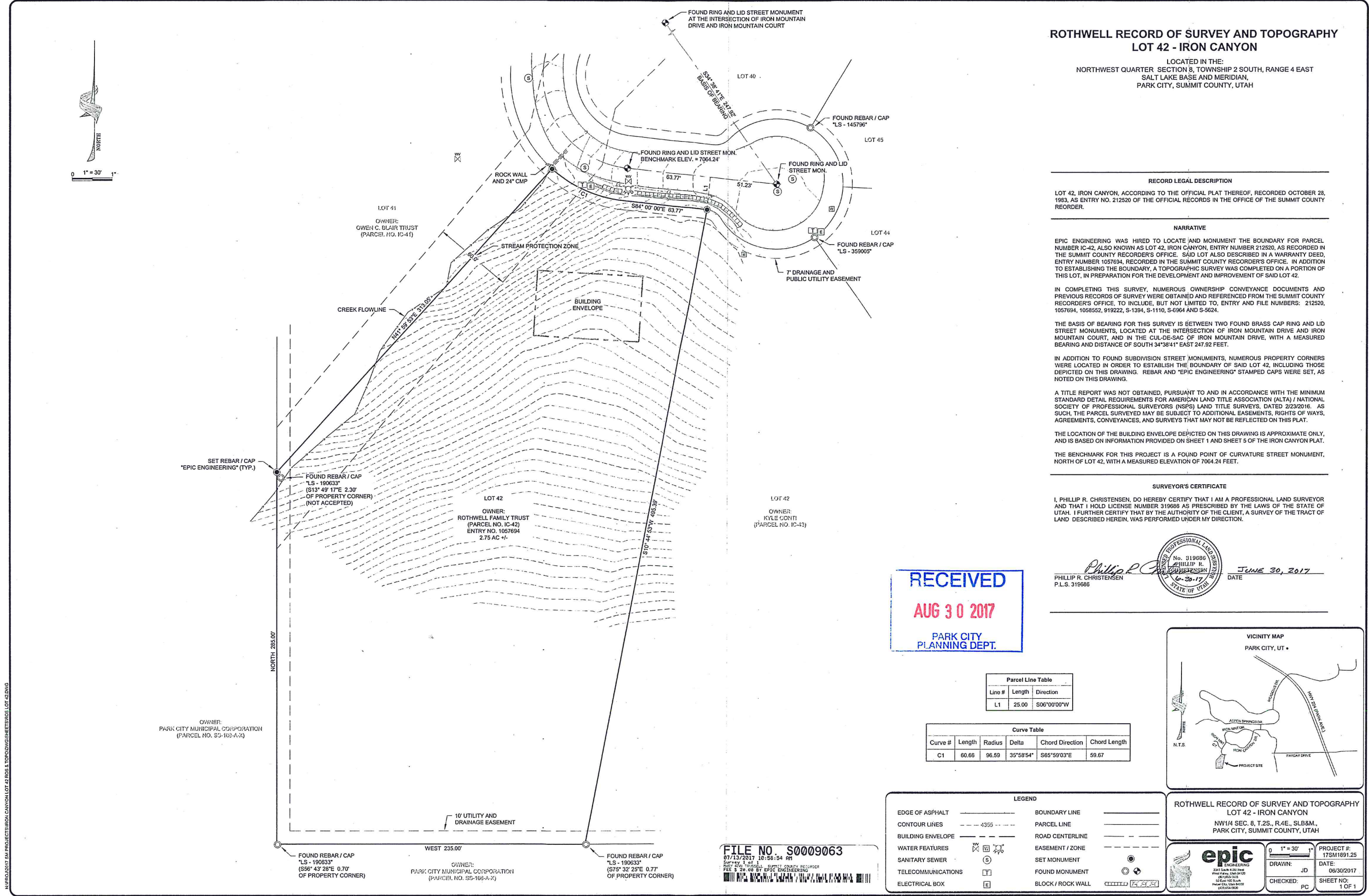
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS _____ DAY OF _____, 2017 A.D., AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.
BY: _____
S.B.W.R.D. REVIEWER

SUMMIT COUNTY RECORDER
STATE OF UTAH COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF: _____
DATE _____ TIME _____ ENTRY NO. _____
BOOK _____ PAGE _____ FEE \$ _____
BY: _____
SUMMIT COUNTY RECORDER

IRON CANYON SUBDIVISION LOT 42 - BUILDING PAD ADJUSTMENT
NW1/4 SEC. 8, T.2S., R.4E., SLB&M., PARK CITY, SUMMIT COUNTY, UTAH

3344 Valley View Drive
P.O. Box 100
Parker City, Utah 84302
(435) 644-6000

PROJECT #: 17SM1891.25
DATE: 08/30/2017
DRAWN: JD
CHECKED: PC
SHEET NO: 1 OF 1



ROTHWELL RECORD OF SURVEY AND TOPOGRAPHY
LOT 42 - IRON CANYON

LOCATED IN THE:
NORTHWEST QUARTER, SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

RECORD LEGAL DESCRIPTION

LOT 42, IRON CANYON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED OCTOBER 28, 1983, AS ENTRY NO. 212520 OF THE OFFICIAL RECORDS IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

NARRATIVE

EPIC ENGINEERING WAS HIRED TO LOCATE AND MONUMENT THE BOUNDARY FOR PARCEL NUMBER IC-42, ALSO KNOWN AS LOT 42, IRON CANYON, ENTRY NUMBER 212520, AS RECORDED IN THE SUMMIT COUNTY RECORDER'S OFFICE. SAID LOT ALSO DESCRIBED IN A WARRANTY DEED, ENTRY NUMBER 1057694, RECORDED IN THE SUMMIT COUNTY RECORDER'S OFFICE. IN ADDITION TO ESTABLISHING THE BOUNDARY, A TOPOGRAPHIC SURVEY WAS COMPLETED ON A PORTION OF THIS LOT, IN PREPARATION FOR THE DEVELOPMENT AND IMPROVEMENT OF SAID LOT 42.

IN COMPLETING THIS SURVEY, NUMEROUS OWNERSHIP CONVEYANCE DOCUMENTS AND PREVIOUS RECORDS OF SURVEY WERE OBTAINED AND REFERENCED FROM THE SUMMIT COUNTY RECORDER'S OFFICE, TO INCLUDE, BUT NOT LIMITED TO, ENTRY AND FILE NUMBERS: 212520, 1057694, 1058552, 919222, S-1394, S-1110, S-6964 AND S-5624.

THE BASIS OF BEARING FOR THIS SURVEY IS BETWEEN TWO FOUND BRASS CAP RING AND LID STREET MONUMENTS, LOCATED AT THE INTERSECTION OF IRON MOUNTAIN DRIVE AND IRON MOUNTAIN COURT, AND IN THE CUL-DE-SAC OF IRON MOUNTAIN DRIVE, WITH A MEASURED BEARING AND DISTANCE OF SOUTH 34°38'41" EAST 247.92 FEET.

IN ADDITION TO FOUND SUBDIVISION STREET MONUMENTS, NUMEROUS PROPERTY CORNERS WERE LOCATED IN ORDER TO ESTABLISH THE BOUNDARY OF SAID LOT 42, INCLUDING THOSE DEPICTED ON THIS DRAWING. REBAR AND "EPIC ENGINEERING" STAMPED CAPS WERE SET, AS NOTED ON THIS DRAWING.

A TITLE REPORT WAS NOT OBTAINED, PURSUANT TO AND IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR AMERICAN LAND TITLE ASSOCIATION (ALTA) / NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS (NSPS) LAND TITLE SURVEYS, DATED 2/23/2016. AS SUCH, THE PARCEL SURVEYED MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RIGHTS OF WAY, AGREEMENTS, CONVEYANCES, AND SURVEYS THAT MAY NOT BE REFLECTED ON THIS PLAT.

THE LOCATION OF THE BUILDING ENVELOPE DEPICTED ON THIS DRAWING IS APPROXIMATE ONLY, AND IS BASED ON INFORMATION PROVIDED ON SHEET 1 AND SHEET 5 OF THE IRON CANYON PLAT.

THE BENCHMARK FOR THIS PROJECT IS A FOUND POINT OF CURVATURE STREET MONUMENT, NORTH OF LOT 42, WITH A MEASURED ELEVATION OF 7064.24 FEET.

SURVEYOR'S CERTIFICATE

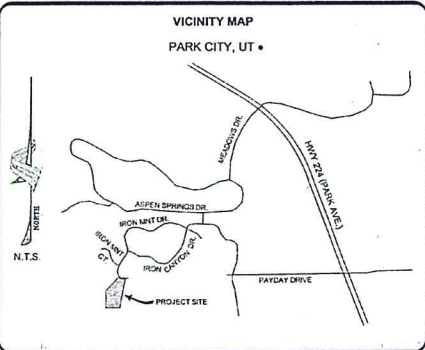
I, PHILLIP R. CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NUMBER 319086 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE CLIENT, A SURVEY OF THE TRACT OF LAND DESCRIBED HEREIN, WAS PERFORMED UNDER MY DIRECTION.



Parcel Line Table		
Line #	Length	Direction
L1	25.00	S06°00'00"W

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	60.66	96.59	35°58'54"	S85°59'03"E	59.67

LEGEND			
EDGE OF ASPHALT	---	BOUNDARY LINE	---
CONTOUR LINES	--- 4355 ---	PARCEL LINE	---
BUILDING ENVELOPE	---	ROAD CENTERLINE	---
WATER FEATURES	W	EASEMENT / ZONE	---
SANITARY SEWER	S	SET MONUMENT	●
TELECOMMUNICATIONS	T	FOUND MONUMENT	⊙
ELECTRICAL BOX	E	BLOCK / ROCK WALL	▬



ROTHWELL RECORD OF SURVEY AND TOPOGRAPHY
LOT 42 - IRON CANYON
NW1/4 SEC. 8, T.2S., R.4E., SLB&M.,
PARK CITY, SUMMIT COUNTY, UTAH

3541 South 4200 West
P.O. Box 100
P.O. Box 100
P.O. Box 100
P.O. Box 100

PROJECT #:
17SM1891.25

DRAWN: JD
DATE: 08/30/2017

CHECKED: PC
SHEET NO: 1 OF 1

FILE NO. S0009063
07/13/2017 10:58:34 AM
Survey 1 of 1
FEE \$ 20.00 BY EPIC ENGINEERING

S-9063



JAFFA GROUP

T: 435.615.6873
E: info@jaffagroup.com

1960 Sidewinder Drive
Park City, Utah 84060

jaffagroup.com

Description of Proposal:

Our clients, Howard and Kathy Rothwell, are seeking a plat amendment to change the building envelope of their current lot in the Iron Canyon Subdivision. The current envelope is a 50 x 80 FT rectangle and this new envelope proposes a new shape and orientation but will still be under the 4000 SQ FT maximum allowed in Iron Canyon.



Exhibit D: Aerial
with 500' Radius



RECEIVED
AUG 30 2017
PARK CITY
PLANNING DEPT.

RECEIVED
AUG 18 2017
PARK CITY
PLANNING DEPT.



RECEIVED
AUG 18 2017
PARK CITY
PLANNING DEPT.



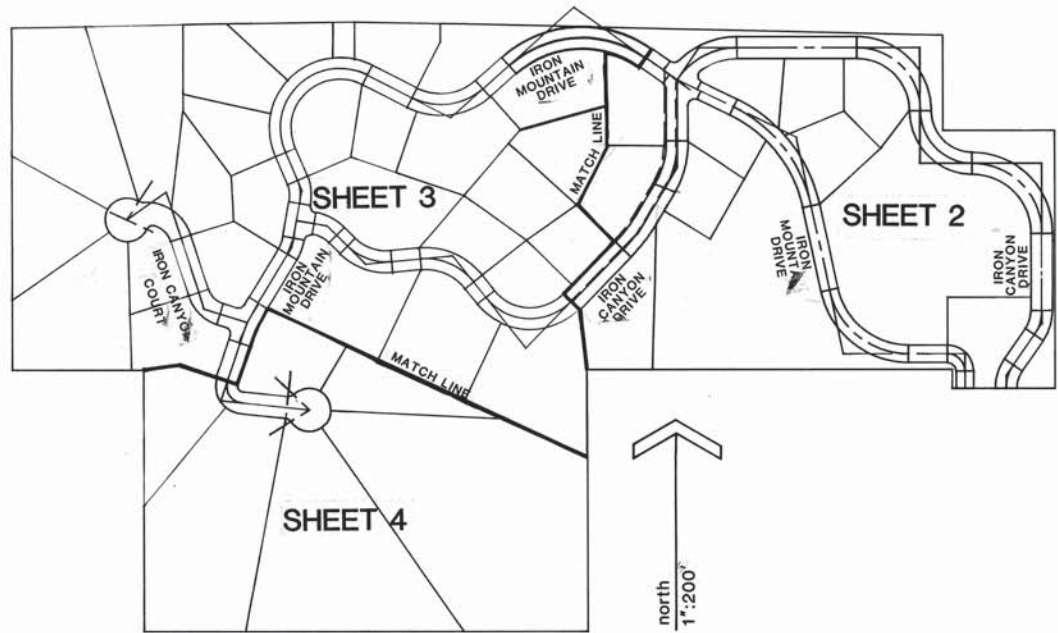
RECEIVED
AUG 18 2017
PLANNING DEPT.



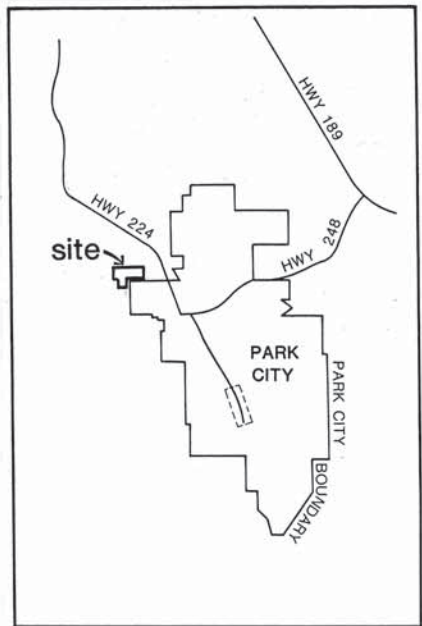
RECEIVED
AUG 18 2017
PARK CITY
PLANNING DEPT



Exhibit F - Iron Canyon Subdivision Plat



INDEX MAP



VICINITY MAP

IRON CANYON

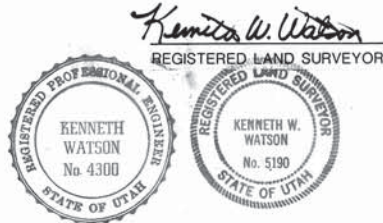
PREPARED FOR
THE BOYER COMPANY
675 EAST 500 SOUTH
SALT LAKE CITY, UTAH

PREPARED BY
ECKHOFF, WATSON & PREATOR
1798 SOUTH WEST TEMPLE
SALT LAKE CITY, UTAH

SURVEYOR'S CERTIFICATE

I, KENNETH W. WATSON, A REGISTERED PROFESSIONAL ENGINEER AND/OR LAND SURVEYOR, HOLD CERTIFICATE NO. 5190, AS PRESCRIBED BY THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HERewith, AND HAVE SUB-DIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TO BE HERE-AFTER KNOWN AS IRON CANYON, AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

SIGNED ON THIS 29 DAY OF Sept., 19 83



NOTE

- LOTS 12, 14, 15, 27, 33, 34, 40, 42 AND 43 MAY TAKE ADVANTAGE OF SETBACK VARIANCE ALLOWED AS PER SECTION 4-5.5.3 OF THE LAND MANAGEMENT CODE.
- PARK CITY WILL NOT ACCEPT STREETS FOR DEDICATION UNTIL 24 OF THE 45 LOTS HAVE BEEN OCCUPIED.
- ALL EXTERIOR BUILDING MATERIALS SHALL BE CLASS 1-RATED FLAME-SPREAD MATERIALS IN ACCORDANCE WITH UBC 4202. ALL RESIDENCES SHALL BE FIRE SPRINKLED IN ACCORDANCE WITH UBC 38-1-82.

LEGAL DESCRIPTION

IRON CANYON LEGAL DESCRIPTION

A parcel of land located in the S.W. 1/4 of Section 5 and the N.W. 1/4 of Section 8, T2S, R4E, Salt Lake Base and Meridian being further described as follows:

Beginning at a point on the south line of the S.W. 1/4 of said Section 5, said point being South 89°21'00" West 246.55 feet from the South 1/4 corner of said Section 5 to the prolongation of an existing wood rail fence running northerly; thence along the prolongation of said fence South 0°04'12" West 11.37 feet to the northerly line of the Quitclaim deed exhibit "B" as stated in book M 58 page 60 of recorded document in the Summit County recorder's office; thence West 244.02 feet; thence North 44.00 feet to the Northeast corner parcel of land described in Book F page 389 as recorded in the Summit County recorder's office; thence West 840.00 feet to the N.W. corner of Thayne Canyon subdivision No. 3 as shown on said subdivision plat; thence South 600.00 feet; thence West 1020.00 feet; thence North 543.50 feet to the South line of said Section 5; thence South 89°21'00" West 278.64 feet to the S.W. corner of said Section 5; thence North 0°12'32" West along said section line 842.84 feet, to a point on the boundary line agreement as stated in book M 230 page 626 and recorded in the Summit County recorder's office; thence North 88°50'23" East 376.77 feet; thence North 89°19'58" East 395.03 feet; thence South 88°50'22" East 1350.28 feet to a point that is defined in the boundary line agreement recorded in book M 230 page 626 in the Summit County recorder's office, the South 1/4 corner of said Section 5 as referenced in said boundary line agreement is located West 2639.77 feet from the S.E. corner of said Section 5; thence South 222.96 feet to the prolongation of an existing fence running easterly; thence along said fence and the prolongation of said fence North 89°34'50" East 264.75 feet to the prolongation of an existing rail fence running southerly; thence along said prolongation and said fence line South 0°04'12" West 579.66 feet to the point of beginning. Containing 56.21 acres more or less.

Basis of bearings being the south line of Section 4, T2S, R4E, Salt Lake Base and Meridian which has a bearing of South 89°49'21" West.

OWNER'S DEDICATION

KNOW ALL BY THESE PRESENT THAT WE THE UNDERSIGNED OWNERS OF THE DESCRIBED TRACT OF LAND BELOW, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO HEREAFTER BE KNOWN AS IRON CANYON, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND DO WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER INCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE CITY'S USE, OPERATION, AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS 13th DAY OF October, 19 83.

SIGNED Alan Boyer, Leonard Parker, Michael Grogan SIGNED _____
SIGNED _____ SIGNED _____
SIGNED _____ SIGNED _____

ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF Salt Lake } s.s.

ON THE 13th DAY OF October A.D., 19 83, PERSONALLY APPEARED BEFORE ME, THE UNDER-SIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF Salt Lake, IN THE STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNER'S DEDICATION, one IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT he SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

DeAnn D. Balli
NOTARY PUBLIC
RESIDING AT Salt Lake City
MY COMMISSION EXPIRES: 4-28-85

CITY COUNCIL APPROVAL

PRESENTED TO PARK CITY
CITY COUNCIL THIS 27th DAY OF OCTOBER
A.D. 19 83, John P. Freese, Mayor
ATTEST William R. Gathman, Recorder

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK
CITY CITY ENGINEERING DEPARTMENT ON
THIS 20th DAY OF OCTOBER A.D. 19 83.
Cris W. DeHaan, P.E.
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PLANNING
CITY PLANNING COMMISSION ON THIS 21st DAY
OF OCTOBER A.D. 19 83.

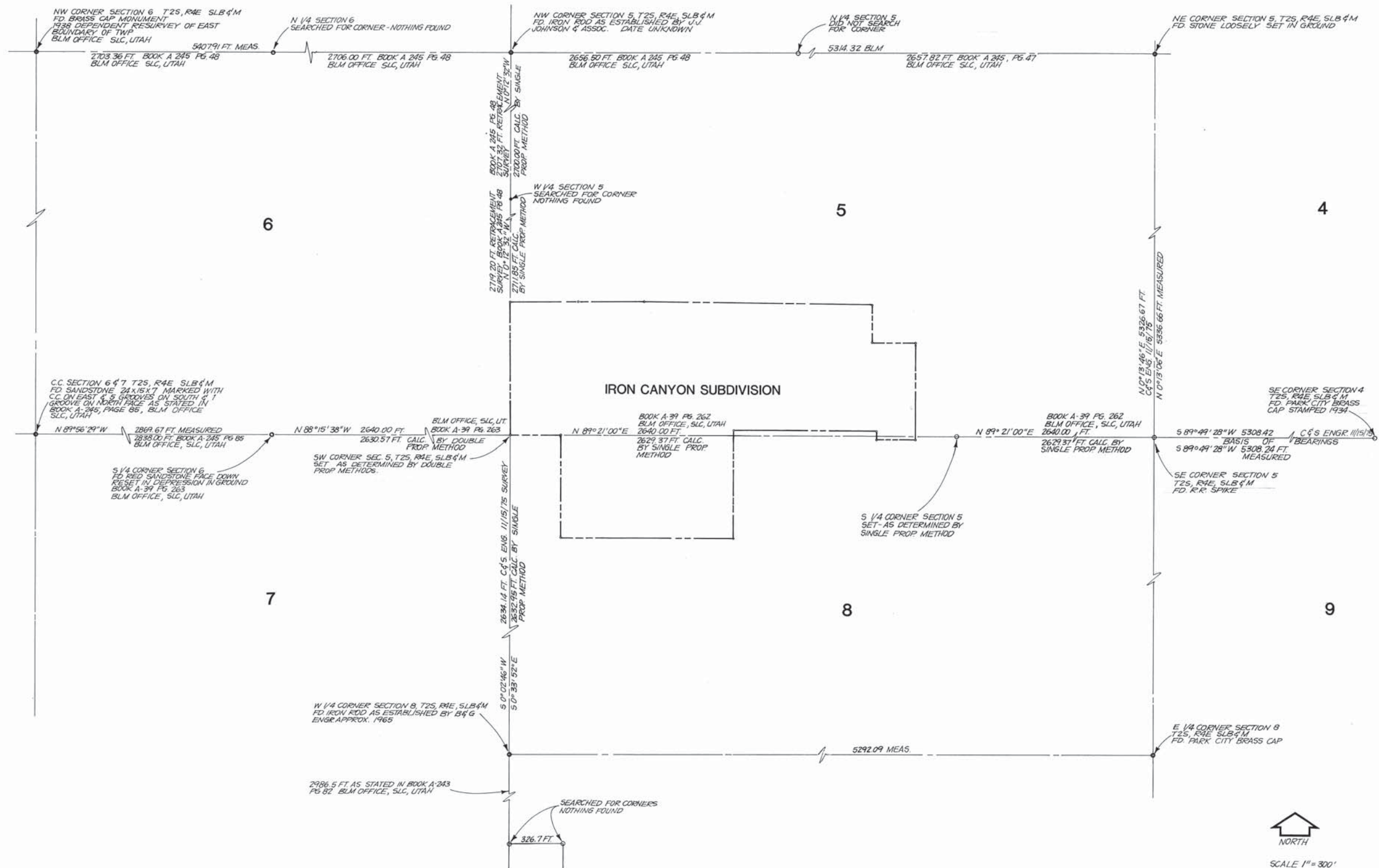
APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 27
DAY OF October A.D. 19 83.
Thomas E. Chyle
CITY ATTORNEY

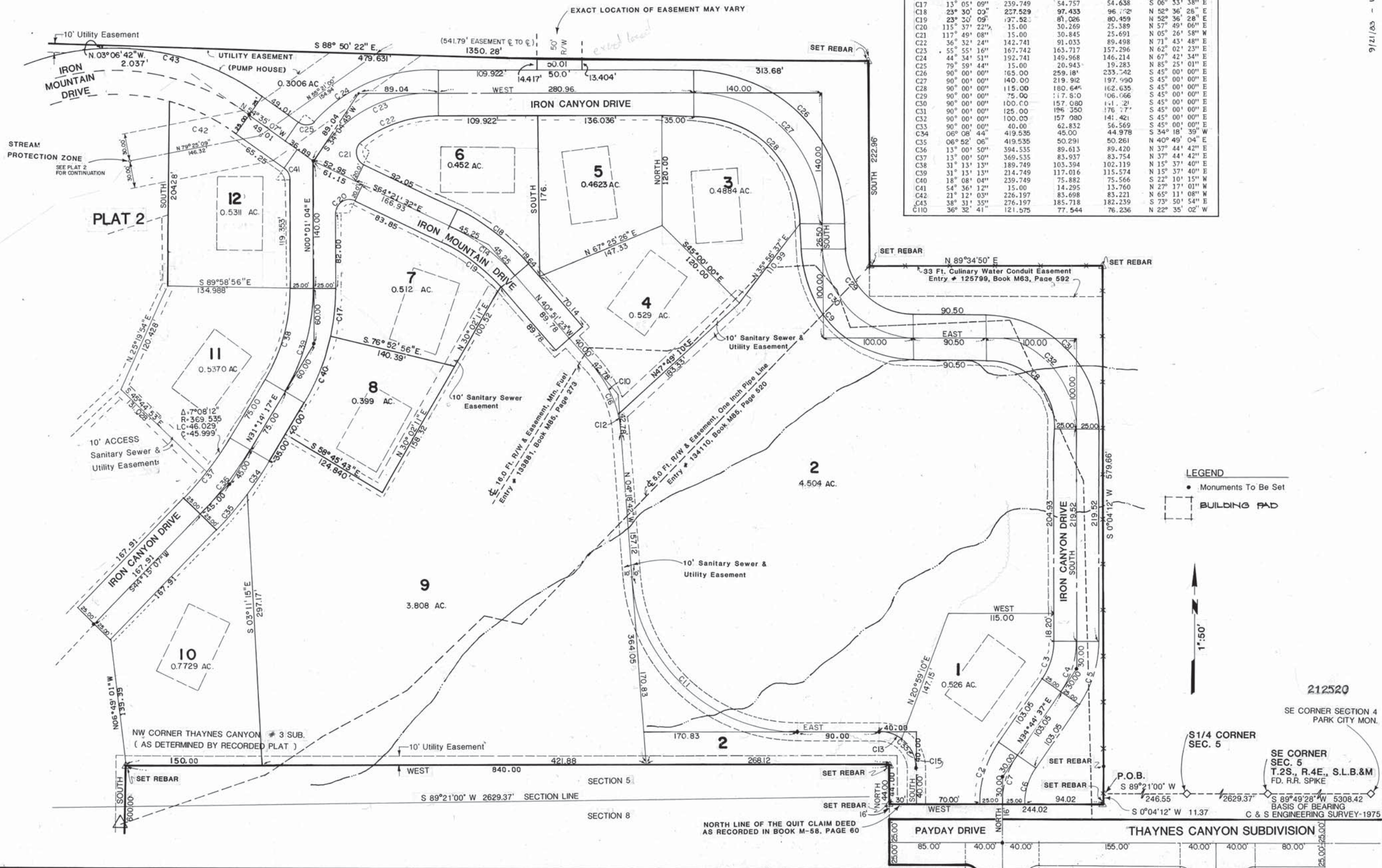
RECORDED

No. 212520 Date 10-28-83
STATE OF Utah AT 4:09
COUNTY OF Summit Fee \$97.50
RECORDED AND FILED AT THE REQUEST OF
Western States Title Co. Alan Serrano
COUNTY RECORDER

EWP ECKHOFF, WATSON and
PREATOR ENGINEERING
ENGINEERS
PLANNERS
SURVEYORS



Project Number		Sheet Number		SHEET 2 OF 5	
The Boyer Company 675 East 500 South Salt Lake City, Utah 84102					
IRON CANYON SECTION CONTROL					
Eckhoff, Watson and Preator Engineering					
ENGINEERS • PLANNERS • SURVEYORS					
By		Checked		Date	
JWW		JWW		9/5/83	
Designed		Approved		Scale	



CURVE DATA				
	Δ	R	L	C
C2	34° 44' 37"	120.896	73.31	72.192
C3	34° 44' 37"	70.896	42.990	42.335
C4	34° 44' 37"	95.896	58.15	57.263
C5	34° 44' 37"	70.896	42.990	42.335
C6	34° 44' 37"	95.896	58.15	57.263
C7	90° 00' 00"	125.00	196.350	176.777
C8	27° 34' 43"	129.575	62.369	61.769
C9	86° 41' 18"	184.195	275.472	250.508
C10	08° 57' 58"	129.575	20.277	20.275
C11	38° 10' 09"	40.00	26.647	26.157
C12	23° 30' 09"	217.529	89.230	88.606
C13	51° 49' 51"	40.00	36.185	34.964
C14	36° 32' 41"	129.575	62.369	61.769
C15	13° 05' 09"	239.749	54.757	54.638
C16	23° 30' 02"	237.529	97.433	96.102
C17	23° 30' 09"	137.52	81.026	80.459
C18	115° 37' 22"	15.00	30.269	25.389
C19	117° 49' 08"	15.00	30.845	25.691
C20	36° 32' 24"	142.741	91.033	89.498
C21	55° 55' 16"	167.742	163.717	157.296
C22	44° 34' 51"	192.741	149.968	146.214
C23	79° 59' 44"	15.00	20.943	19.283
C24	90° 00' 00"	165.00	259.18	233.742
C25	90° 00' 00"	140.00	219.912	197.990
C26	90° 00' 00"	115.00	180.64	162.635
C27	90° 00' 00"	75.00	117.610	106.066
C28	90° 00' 00"	100.00	157.080	141.121
C29	90° 00' 00"	125.00	196.350	176.777
C30	90° 00' 00"	100.00	157.080	141.121
C31	90° 00' 00"	40.00	62.832	56.569
C32	06° 06' 44"	419.535	45.00	44.978
C33	06° 52' 06"	419.535	50.291	50.261
C34	13° 00' 50"	394.535	89.613	89.420
C35	13° 00' 50"	369.535	83.937	83.754
C36	31° 13' 13"	189.749	103.394	102.119
C37	31° 13' 13"	214.749	117.016	115.574
C38	18° 08' 04"	239.749	75.882	75.566
C39	54° 36' 12"	15.00	34.205	31.760
C40	21° 12' 03"	226.197	83.698	83.221
C41	38° 31' 35"	276.197	185.718	182.239
C42	36° 32' 41"	121.575	77.544	76.236
C43				
C110				

9/21/83 - UPDATE

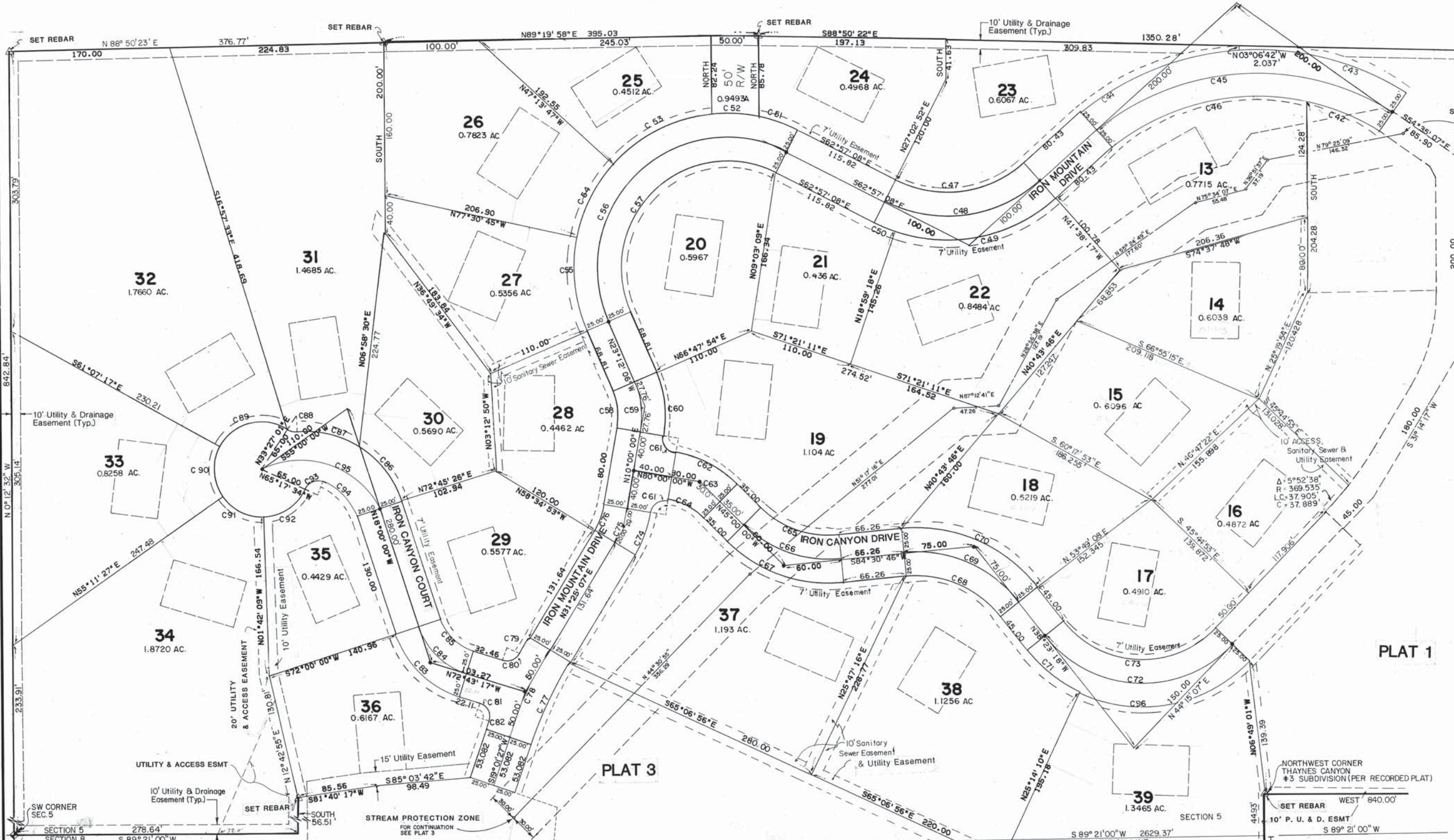
ECKHOFF, WATSON and
PREATOR, ENGINEERING
SALT LAKE CITY, UTAH 84115
ENGINEERS • PLANNERS • SURVEYORS

EWP

The Boyer Company
875 East 500 South Salt Lake City, Utah 84102

IRON CANYON

Project Number
Sheet Number
SHEET 3 OF 5



CURVE DATA				
Δ	R	L	C	CHORD BRG.
C44	38° 31' 35"	276.197	185.718	182.239
C45	77° 03' 10"	251.197	337.816	312.929
C46	55° 51' 07"	226.197	220.497	211.870
C47	68° 41' 09"	121.359	145.485	136.928
C48	68° 41' 09"	146.359	175.454	165.135
C49	60° 37' 35"	171.359	181.320	172.979
C50	8° 03' 34"	171.359	24.104	24.084
C51	14° 47' 29"	162.373	41.918	41.802
C52	17° 44' 37"	162.373	50.285	50.084
C53	41° 44' 33"	162.373	118.296	115.697
C54	30° 16' 57"	162.373	85.819	84.824
C55	35° 41' 22"	162.373	101.142	99.514
C56	140° 55' 23"	137.373	336.264	258.381
C57	140° 14' 58"	112.373	275.069	211.359
C58	33° 12' 06"	68.121	39.475	38.925

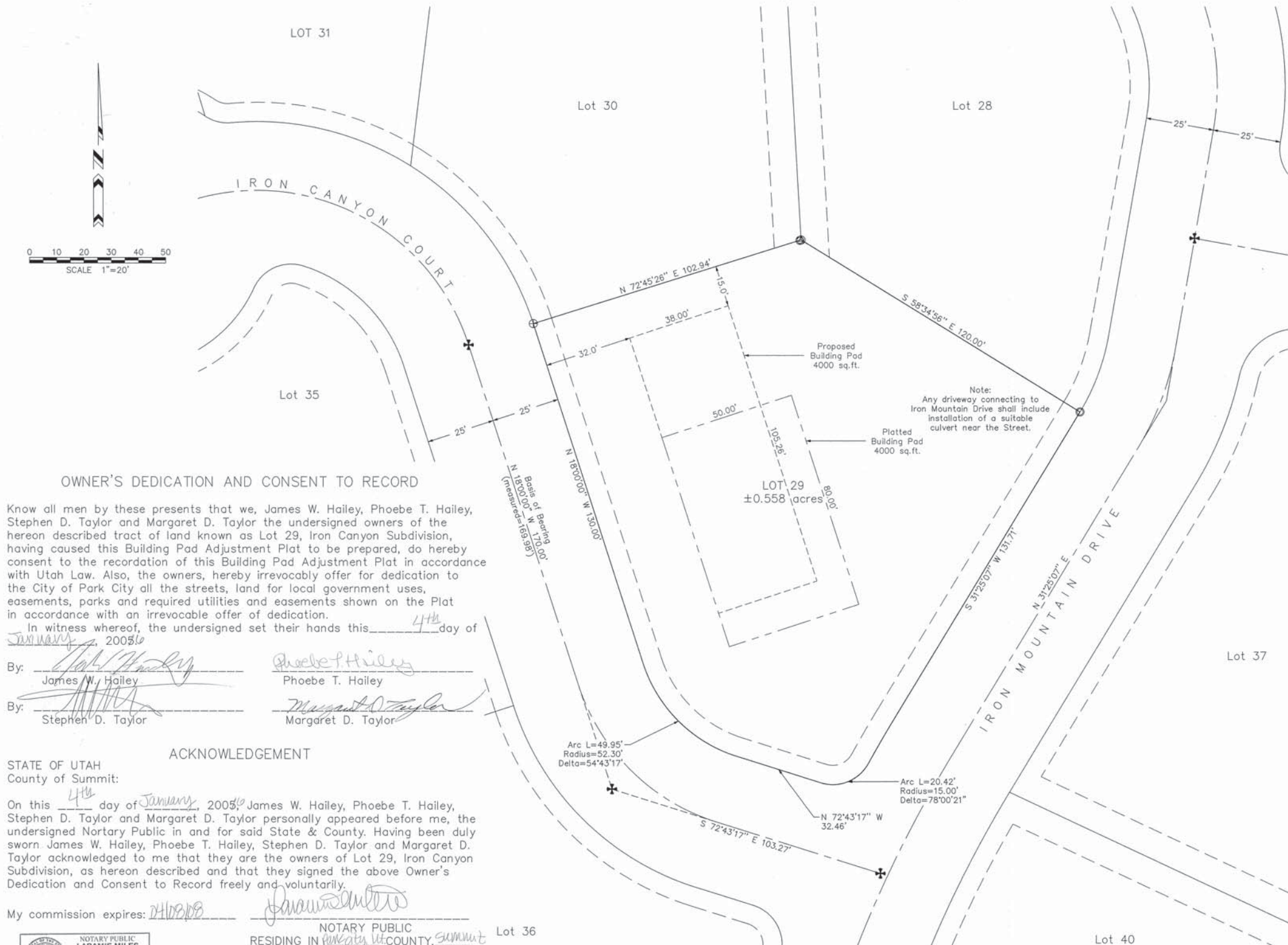
CURVE DATA				
Δ	R	L	C	CHORD BRG.
C59	33° 12' 06"	93.121	53.962	53.210
C60	33° 12' 06"	118.121	68.448	67.495
C61	90° 00' 00"	15.00	23.56	21.21
C62	35° 00' 00"	120.148	73.394	72.258
C63	35° 00' 00"	95.148	58.123	57.223
C64	35° 00' 00"	70.148	42.851	42.188
C65	50° 29' 14"	102.255	90.104	87.217
C66	50° 29' 14"	127.255	112.133	108.540
C67	50° 29' 14"	152.255	134.162	129.864
C68	57° 05' 56"	112.849	112.849	107.865
C69	57° 05' 56"	137.849	137.375	131.761
C70	57° 05' 56"	162.849	162.289	155.656
C71	26° 22' 32"	156.872	72.214	71.578
C72	97° 21' 35"	131.872	224.083	198.080

CURVE DATA				
Δ	R	L	C	CHORD BRG.
C73	97° 21' 35"	106.872	181.601	160.528
C74	21° 25' 07"	130.753	48.879	48.595
C75	21° 25' 07"	105.753	39.533	39.303
C76	21° 25' 07"	80.753	30.187	30.012
C77	12° 23' 40"	435.466	94.202	94.018
C78	12° 23' 40"	460.466	99.61	99.416
C79	02° 08' 45"	485.466	18.181	18.18
C80	78° 00' 21"	15.00	20.422	18.881
C81	92° 44' 57"	15.00	24.282	21.716
C82	01° 00' 13"	485.466	8.502	8.502
C83	54° 43' 16"	102.298	97.701	94.030
C84	54° 43' 16"	77.298	73.824	71.050
C85	54° 43' 16"	52.298	49.948	48.071
C86	40° 05' 26"	106.396	74.446	72.937
C87	37° 02' 28"	106.396	68.783	67.592
C88	38° 34' 54"	15.00	10.101	9.911

CURVE DATA				
Δ	R	L	C	CHORD BRG.
C89	94° 34' 18"	50.00	82.529	73.475
C90	63° 41' 15"	50.00	55.278	52.761
C91	56° 53' 36"	50.00	49.649	47.634
C92	63° 35' 25"	50.00	55.493	52.688
C93	82° 40' 10"	15.00	21.643	19.814
C94	54° 37' 24"	56.396	53.766	51.752
C95	107° 00' 00"	81.396	152.007	130.861
C96	70° 59' 03"	156.872	194.350	182.157

CURVE DATA				
Δ	R	L	C	CHORD BRG.
C89	94° 34' 18"	50.00	82.529	73.475
C90	63° 41' 15"	50.00	55.278	52.761
C91	56° 53' 36"	50.00	49.649	47.634
C92	63° 35' 25"	50.00	55.493	52.688
C93	82° 40' 10"	15.00	21.643	19.814
C94	54° 37' 24"	56.396	53.766	51.752
C95	107° 00' 00"	81.396	152.007	130.861
C96	70° 59' 03"	156.872	194.350	182.157

Iron Canyon Subdivision
Lot 29
Building Pad Adjustment



NARRATIVE

- 1. Survey requested by: James W. Hailey, et al.
- 2. Purpose of survey: building pad adjustment.
- 3. Basis of survey: found Street Monuments as shown.
- 4. Property monuments found as shown.
- 5. Located in the Southwest Quarter of Section 5, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
- 6. See the official plat of Iron Canyon Subdivision, for other possible easements, restrictions or setbacks.
- 7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
- 8. The Street address of the Lot is 2451 Iron Mountain Drive.

LEGAL DESCRIPTION

All of Lot 29, Iron Canyon Subdivision, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; containing 0.558 acres, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that we, James W. Hailey, Phoebe T. Hailey, Stephen D. Taylor and Margaret D. Taylor the undersigned owners of the hereon described tract of land known as Lot 29, Iron Canyon Subdivision, having caused this Building Pad Adjustment Plat to be prepared, do hereby consent to the recordation of this Building Pad Adjustment Plat in accordance with Utah Law. Also, the owners, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks and required utilities and easements shown on the Plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this 4th day of January, 2005.

By: James W. Hailey, Phoebe T. Hailey, Stephen D. Taylor, Margaret D. Taylor

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this 4th day of January, 2005, James W. Hailey, Phoebe T. Hailey, Stephen D. Taylor and Margaret D. Taylor personally appeared before me, the undersigned Notary Public in and for said State & County. Having been duly sworn James W. Hailey, Phoebe T. Hailey, Stephen D. Taylor and Margaret D. Taylor acknowledged to me that they are the owners of Lot 29, Iron Canyon Subdivision, as hereon described and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: 11/10/08

NOTARY PUBLIC
RESIDING IN Park City, UT, County of Summit

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said property.

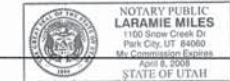


Date: Dec 13, 05

J.D. Gailey LMR#359005

Legend

- Found Street Monument
- Found rebar & cap-LS 359005
- Found rebar & cap-LS 163961
- Found rebar & cap-LS 187821
- Utility & Drainage Easement
- Platted Building Pad
- Proposed Building Pad



Alpine Survey, Inc.
19 Prospector Dr.
Park City, Utah 84060
(435) 655-8016

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS
ON THIS 4th DAY OF JAN 2006
BY: [Signature]

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 12th
DAY OF JANUARY, 2006 A.D.
BY: [Signature]

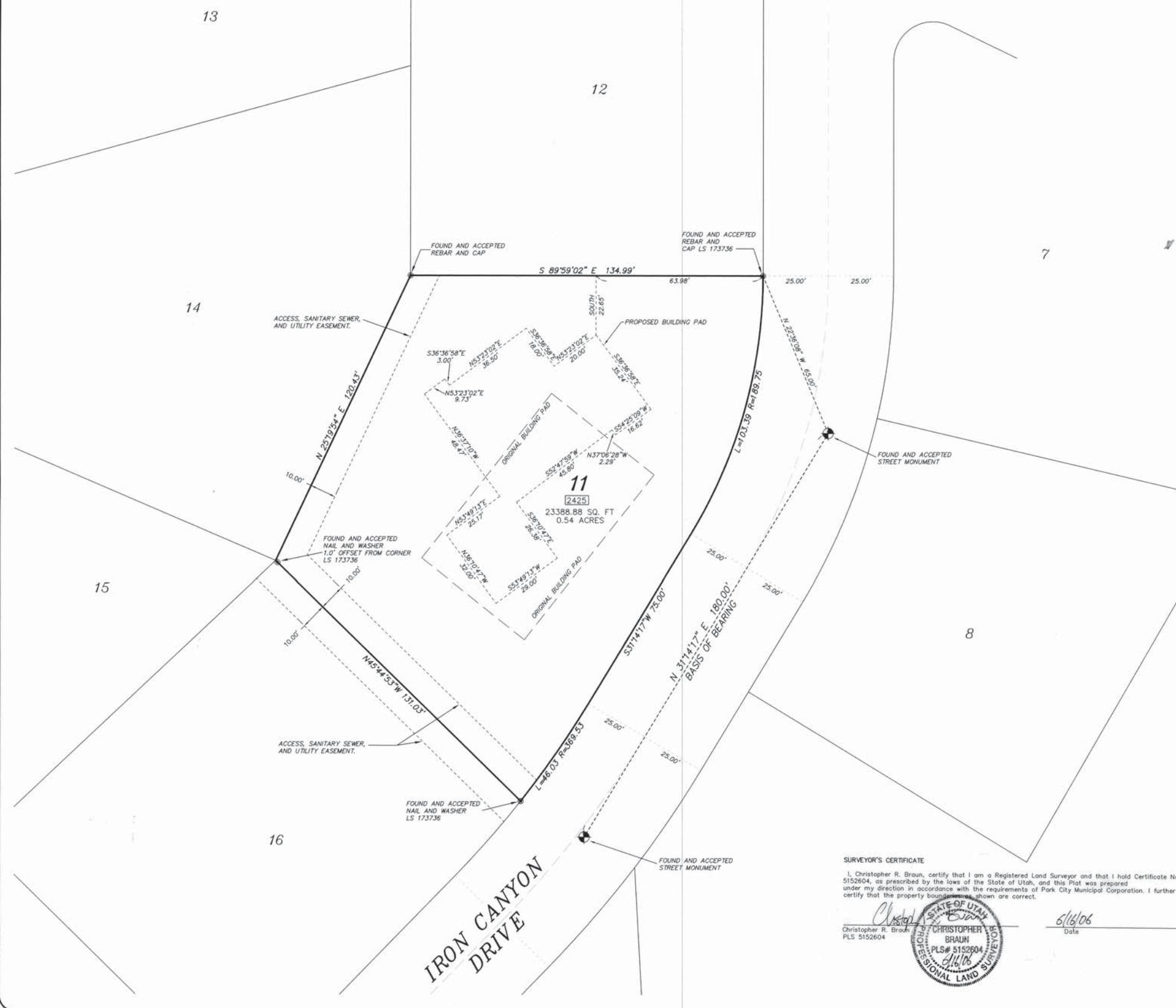
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 5th
DAY OF JANUARY, 2006 A.D.
BY: [Signature] PE
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 17th
DAY OF JANUARY, 2006 A.D.
BY: [Signature]
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 10th DAY OF
NOVEMBER, 2005 A.D.
BY: [Signature]
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 10th DAY OF NOVEMBER,
2005 A.D.
BY: [Signature]
MAYOR

RECORDED
#767452
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF FIRST AMERICAN TITLE
DATE 1/13/06 TIME 12:37 PM BOOK PAGE
31st FEE
Mary Ann Russell - deputy RECORDER



IRON CANYON SUBDIVISION
AMENDMENT TO LOT 11

LYING WITHIN THE SOUTHWEST QUARTER OF
SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

OWNERS DEDICATION AND ACKNOWLEDGMENT FOR LOT 11 IRON CANYON SUBDIVISION PLAT AMENDMENT.

Known all men by these presents: That the undersigned are the owners of the herein described tract of land, hereafter to be known as the Lot 11 Iron Canyon Subdivision Plat Amendment. In witness to thereof we have here into set our hands this ____ day of ____ 2006.

Michael E. Corcoran
Michael E. Corcoran
Gail B. Corcoran
Gail B. Corcoran

ACKNOWLEDGMENT

State of Utah
County of Summit

On this 23 day of June, 2006, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, Michael G. Corcoran and Gail B. Corcoran, being duly sworn acknowledged to me that they are the owner of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Leslie A. Marchess
Notary Public
My commission expires: October 31, 2009

LEGAL DESCRIPTION

ALL OF LOT 11 LYING WITHIN IRON CANYON SUBDIVISION PLAT, ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDER'S OFFICE.

THE PURPOSE OF THIS PLAT AMENDMENT IS TO CHANGE THE BUILDING PAD TO BETTER REFLECT THE LOCATION OF THE CURRENT AND PROPOSED STRUCTURE ON THE LOT.

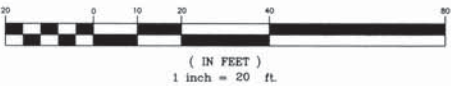
ORIGINAL BUILDING PAD AREA	PROPOSED BUILDING PAD AREA
4,000 SQUARE FEET	3,983.3 SQUARE FEET

BUILDING PAD AREA DECREASED
16.7 SQUARE FEET

[2425] ADDRESS ON IRON CANYON DRIVE



GRAPHIC SCALE



SURVEYOR'S CERTIFICATE

I, Christopher R. Braun, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152604, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries shown are correct.

Christopher R. Braun
Christopher R. Braun
PLS 5152604
6/16/06
Date

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK CITY CITY COUNCIL THIS 1st DAY OF JUNE A.D. 2006. AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

Dana Williams
Mayor
Paul M. Satt
City Recorder

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY CITY ENGINEERING DEPARTMENT ON THIS 10th DAY OF JULY A.D. 2006

Eric W. Oltman
City Engineer

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 24th DAY OF MAY A.D. 2006.

Michelle
Chairman

SEWER DISTRICT APPROVAL

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS 16th DAY OF June A.D. 2006

B. D. K.
S.B.W.R.D.

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 11th DAY OF August A.D. 2006

Paul M. Satt
City Attorney

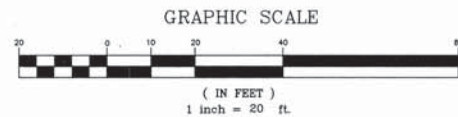
RECORDED

No. 186378
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:

Equity Title
Date: 8-24-06 Time: 8:38 A.M.
Fee: \$31.00 *Denise Bowen*
County Recorder



Exhibit I - Iron Canyon Lot 5 Amended Subdivision



IRON CANYON LOT 5 AMENDED SUBDIVISION
LYING WITHIN THE SOUTHWEST QUARTER OF
SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



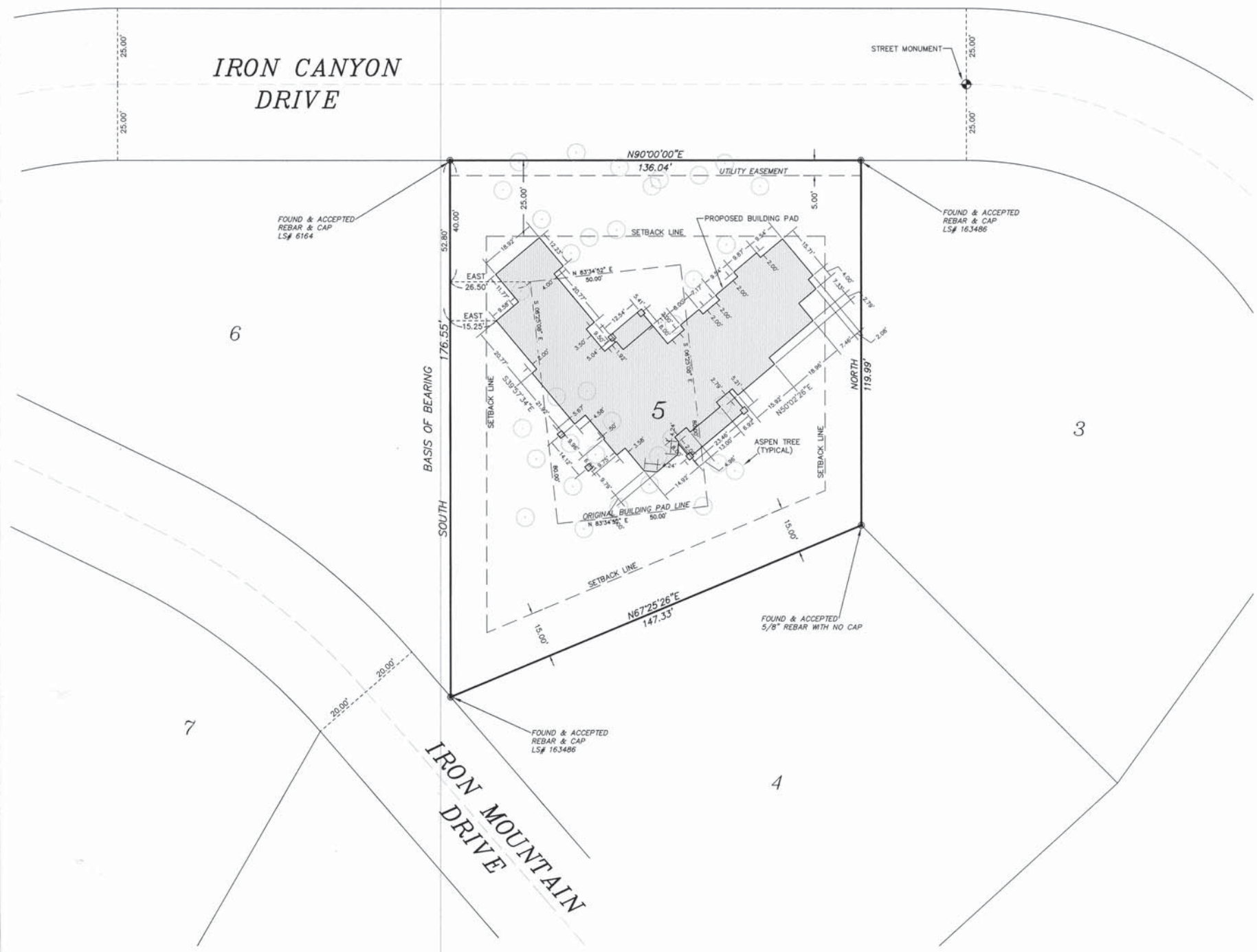
SURVEYOR'S CERTIFICATE
I, Christopher R. Braun, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152604, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.
Christopher R. Braun
Christopher R. Braun
PLS 5152604
10/16/06
Date

OWNERS DEDICATION AND ACKNOWLEDGMENT FOR LOT 5 IRON CANYON SUBDIVISION PLAT AMENDMENT.
Known all men by these presents: That the undersigned *Keith G. Bernhart* the owner of the herein described tract of land, hereafter to be known as IRON CANYON LOT 5 AMENDED SUBDIVISION in witness to thereof we have here into set our hands this 30 day of November 2006.

Keith G. Bernhart, Trustee of The Bernhart Family Trust dated February 28, 2004
Scott L. Jaffa NOVEMBER 30, 2006
Gennie R. Bernhart, Trustee of The Bernhart Family Trust dated February 28, 2004

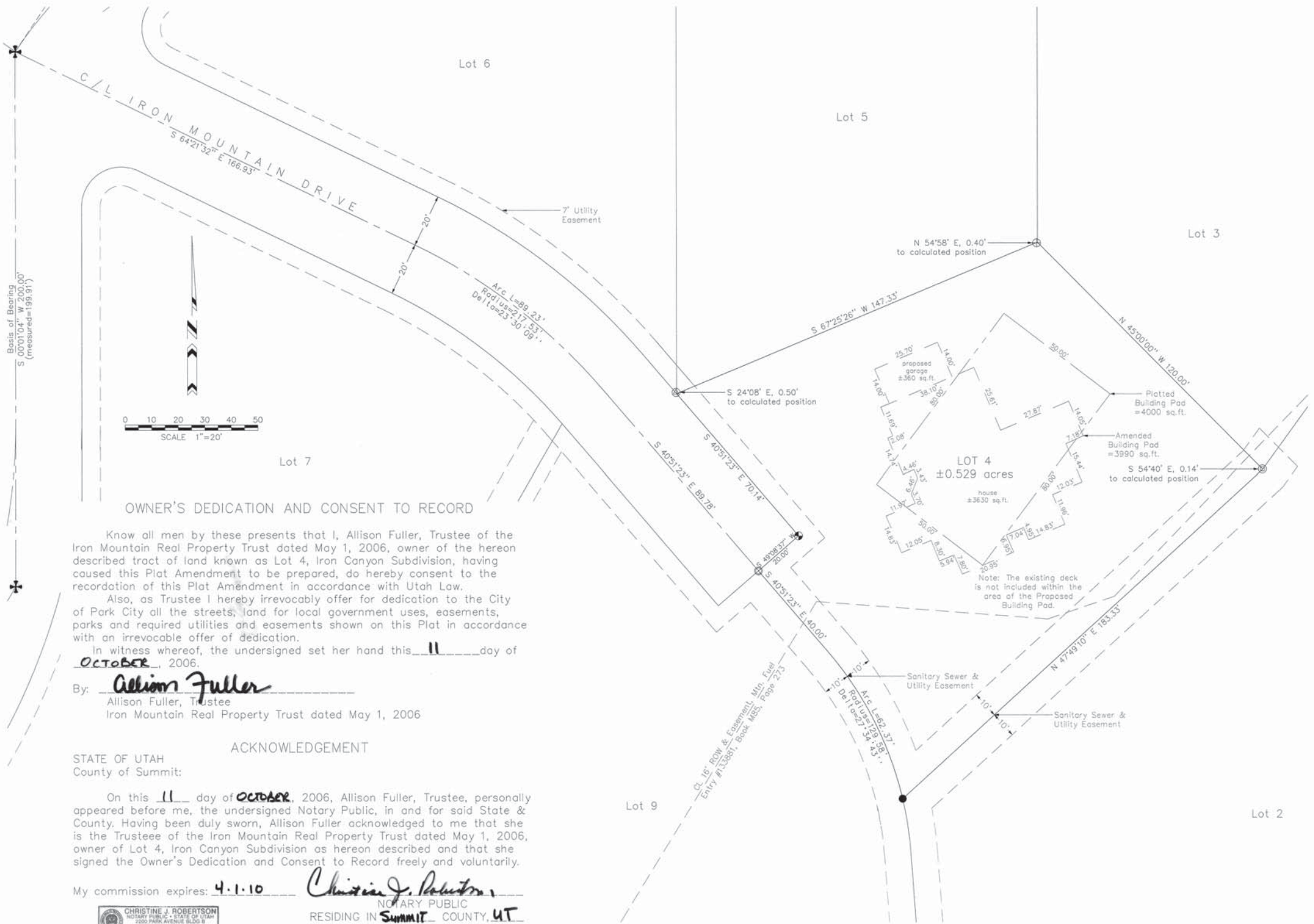
ACKNOWLEDGMENT
State of Utah:
County of Summit:
On this 30 day of November, 2006, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, *Keith G. Bernhart and Bonnie R. Bernhart, Trustees of The Bernhart Family Trust dated February 28, 2004*, *Scott L. Jaffa*, NOVEMBER 30 2006 me that they are the owner of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.
Sharon C. Bauman My commission expires: 7-13-2010
Notary Public

LEGAL DESCRIPTION
ALL OF LOT 5 LYING WITHIN IRON CANYON SUBDIVISION PLAT, ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDER'S OFFICE.
THE BUILDING PAD ON THIS LOT MUST BE WITHIN THE SETBACK LINES SHOWN ON THE RECORDED IRON CANYON SUBDIVISION PLAT AND MUST MAINTAIN A MAXIMUM AREA EQUAL TO OR LESS THAN THE ORIGINAL BUILDING PAD'S 4000 SQ. FEET.
PROPOSED BUILDING PAD SIZE: 3824 SQ. FEET
ALL OTHER CONDITIONS OF APPROVAL AND PLATTED REQUIREMENTS FOR THE IRON CANYON SUBDIVISION WILL CONTINUE TO APPLY.
THE STREET ADDRESS OF LOT 5 IS 2414 IRON CANYON DRIVE.



CITY COUNCIL APPROVAL PRESENTED TO THE BOARD OF PARK CITY CITY COUNCIL THIS 28th DAY OF SEPTEMBER A.D. 2006. AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED. <i>John Williams</i> CITY RECORDER	CITY ENGINEER APPROVED AND ACCEPTED BY THE <u>PARK CITY</u> CITY ENGINEERING DEPARTMENT ON THIS <u>30th</u> DAY OF <u>NOVEMBER</u> A.D. 2006 <i>Eric W. DeLeon</i> PE CITY ENGINEER	CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 13th DAY OF SEPTEMBER A.D. 2006. <i>Michelle</i> CHAIRMAN	SEWER DISTRICT APPROVAL REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS <u>17th</u> DAY OF <u>November</u> A.D. <u>2006</u> <i>B.D.</i> S.D.W.R.D.	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS <u>12th</u> DAY OF <u>December</u> A.D. 20 <u>06</u> <i>Sharon C. Bauman</i> CITY ATTORNEY	RECORDED No. <u>199969</u> DATE <u>12/22/06</u> TIME <u>3:19 PM</u> STATE OF <u>UTAH</u> COUNTY OF <u>SUMMIT</u> RECORDED AND FILED AT THE REQUEST OF: <u>FIRST AMERICAN TITLE CO. OF UTAH</u> FEE \$ <u>31.00</u> <i>Alan Spriggs</i> COUNTY RECORDER	PARK CITY SURVEYING, INC. P.O. BOX 3003 PARK CITY, UTAH 84060 435-649-2918 FAX 649-4637
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Iron Canyon Subdivision
Lot 4
Plat Amendment



NARRATIVE

1. Survey requested by: Allison Fuller.
2. Purpose of survey: building pad adjustment.
3. Basis of survey: found Street Monuments as shown.
4. Property monuments found as shown.
5. Located in the Southwest Quarter of Section 5, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. See the official plat of Iron Canyon Subdivision, for other possible easements, restrictions or setbacks.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. The Street address of Lot 4 is 2409 Iron Mountain Drive.

LEGAL DESCRIPTION

All of Lot 4, Iron Canyon Subdivision, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; containing 0.529 acres, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said property.



10/6/06
Date

J.D. Gailey, License No. 359005

Legend

- ✱ Found Street Monument
- ⊕ Found rebar & cap-LS 173736
- ⊙ Found rebar & cap-LS 154491
- ⊙ Found rebar & cap-LS 163486
- ⊙ Found rebar & cap-unreadable
- Found 5/8" rebar-no cap
- ⊙ Found rebar & cap-LS 359005
- Utility & Drainage Easement
- Platted Building Pad
- Proposed Building Pad

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that I, Allison Fuller, Trustee of the Iron Mountain Real Property Trust dated May 1, 2006, owner of the hereon described tract of land known as Lot 4, Iron Canyon Subdivision, having caused this Plat Amendment to be prepared, do hereby consent to the recordation of this Plat Amendment in accordance with Utah Law.

Also, as Trustee I hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks and required utilities and easements shown on this Plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set her hand this 11 day of OCTOBER, 2006.

By: Allison Fuller
Allison Fuller, Trustee
Iron Mountain Real Property Trust dated May 1, 2006

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this 11 day of OCTOBER, 2006, Allison Fuller, Trustee, personally appeared before me, the undersigned Notary Public, in and for said State & County. Having been duly sworn, Allison Fuller acknowledged to me that she is the Trustee of the Iron Mountain Real Property Trust dated May 1, 2006, owner of Lot 4, Iron Canyon Subdivision as hereon described and that she signed the Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: 4-1-10

Christine J. Robertson
NOTARY PUBLIC
RESIDING IN SUMMIT COUNTY, UT



Alpine Survey, Inc.
19 Prospector Dr.
Park City, Utah 84060
(435) 655-8016

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS
ON THIS 11 DAY OF OCTOBER, 2006.
BY: B. D. D.
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 23rd
DAY OF August, 2006 A.D.
BY: M. H. H.
CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 17TH
DAY OF OCTOBER, 2006 A.D.
BY: Chris A. Deane
PARK CITY ENGINEER

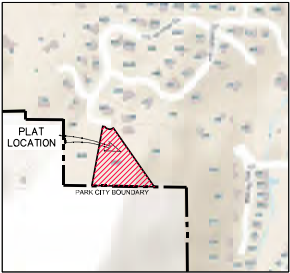
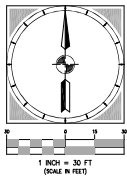
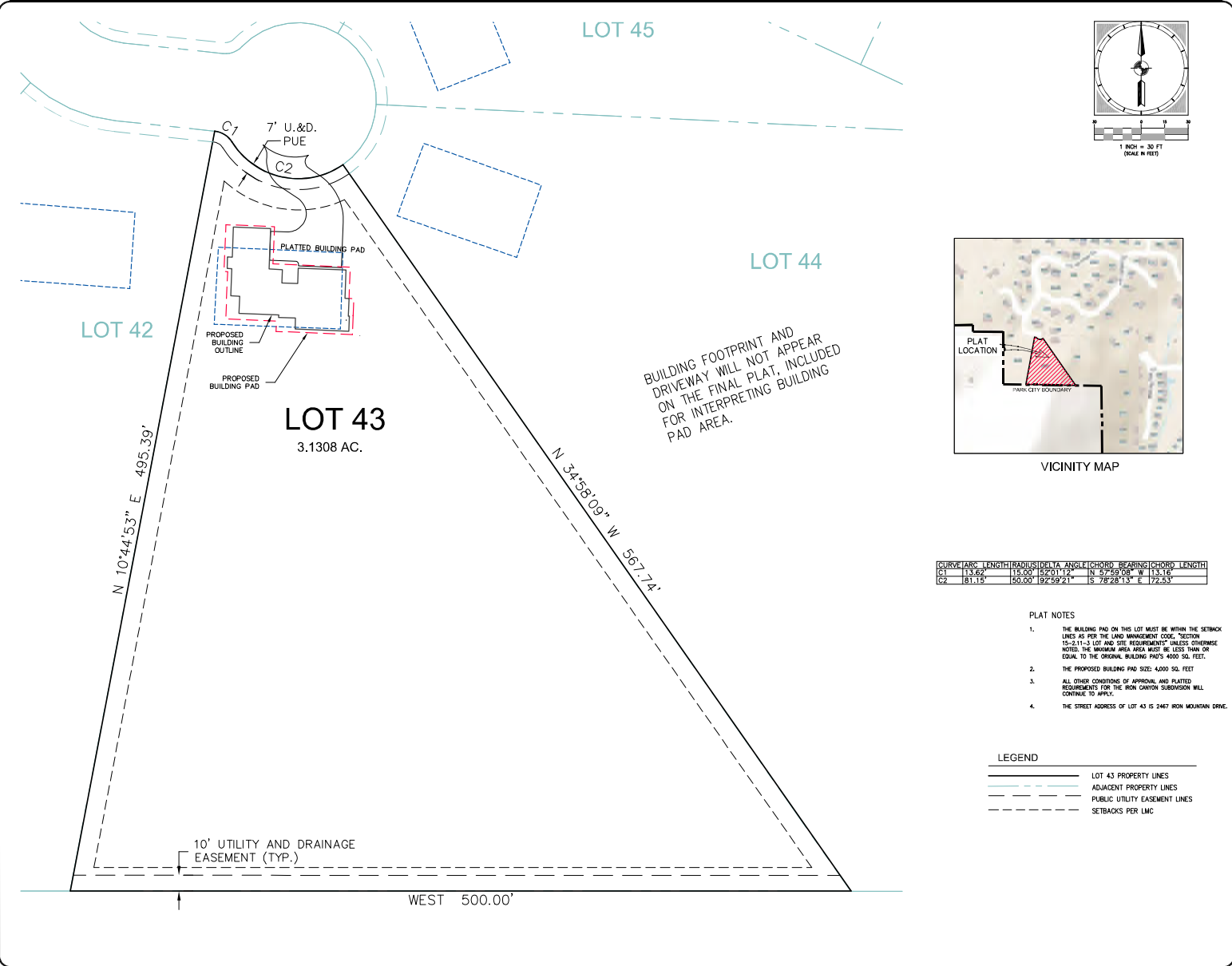
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 17TH
DAY OF OCTOBER, 2006 A.D.
BY: M. H. H.
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 14th DAY OF September,
2006 A.D.
BY: John M. Scott
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 14th DAY OF September,
2006 A.D.
BY: Dana Williams
MAYOR

795864 RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF Equity Title
DATE 11-6-06 TIME 10:37 AM BOOK --- PAGE ---
FEE \$31.00 Manuel A. Bowen, Deputy
RECORDER

Exhibit K - Approved Iron Canyon Subdivision Building Pad Adjustment for Lot 43



VICINITY MAP

CURVE/ARC	LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	113.62	15.00	152°01'12"	N 57°59'08" W	113.16
C2	81.15	50.00	192°59'21"	S 78°28'13" E	172.53

PLAT NOTES

1. THE BUILDING PAD ON THIS LOT MUST BE WITHIN THE SETBACK LINES AS PER THE LAND MANAGEMENT CODE, SECTION 15-21-11 LOT AND SITE REQUIREMENTS UNLESS OTHERWISE NOTED. THE MAXIMUM AREA MUST BE LESS THAN OR EQUAL TO THE ORIGINAL BUILDING PAD'S 4000 SQ. FEET.
2. THE PROPOSED BUILDING PAD SIZE: 4,000 SQ. FEET
3. ALL OTHER CONDITIONS OF APPROVAL AND PLATED REQUIREMENTS FOR THE IRON CANYON SUBDIVISION WILL CONTINUE TO APPLY.
4. THE STREET ADDRESS OF LOT 43 IS 2467 IRON MOUNTAIN DRIVE.

LEGEND

- LOT 43 PROPERTY LINES
- ADJACENT PROPERTY LINES
- PUBLIC UTILITY EASEMENT LINES
- SETBACKS PER LMC

PROJECT

C16-041

SHEET

1

PROJECT

LOT 43-IRON CANYON SUBDIVISION

BUILDING PAD ADJUSTMENT

LOCATED IN THE

NORTHWEST 1/4 OF SECTION

8, TOWNSHIP 2 SOUTH,

RANGE 4 EAST, SLB&M

SUMMIT COUNTY, UTAH

DRAWN BY:

SCS

REVIEWED BY:

BC

SCALE:

1" = 30'

ISSUE DATE:

01/24/2017

Summit Engineering Group Inc.
Structural - Civil - Surveying
40 WEST CENTER • PO BOX 1794
SALT LAKE CITY, UTAH 84103
PH: 435-451-0228 • FX: 435-451-0231

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SUMMIT ENGINEERING GROUP, INC.

REGISTERED PROFESSIONAL ENGINEER

STATE OF UTAH LICENSE NO. 14579

ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM SUMMIT ENGINEERING GROUP, INC.

BOUNDARY DESCRIPTION

ALL OF LOT 43 LYING WITHIN IRON CANYON SUBDIVISION PLAT, ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDER'S OFFICE.

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-36-603 OF THE UTAH CODE, I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 14579 IN ACCORDANCE WITH TITLE 58, CHAPTER 23, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

BING CHRISTENSEN

PROFESSIONAL LAND SURVEYOR

DATE

SURVEYOR'S SEAL

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I (WE) THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, HEREAFTER TO BE KNOWN AS IRON CANYON LOT 43 AMENDED.

IN WITNESS WHEREOF, I (WE) HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 2017.

FEE OWNER (OR AGENT)

PRINTED NAME

DATE

FEE OWNER (OR AGENT)

PRINTED NAME

DATE

ACKNOWLEDGEMENT

STATE OF _____) S.S.

COUNTY OF _____)

ON THIS _____ DAY OF _____, 2017, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____, IN SAID STATE OF _____, THE SIGNER OF THE ABOVE OWNER'S DEDICATION, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND AND HE SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

NOTARY PUBLIC

APPROVAL AS TO FORM

APPROVED AT TO FORM ON THIS _____ DAY OF _____, 2017.

PARK CITY ATTORNEY

PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2017.

CHAIRMAN

PARK CITY COUNCIL

PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS _____ DAY OF _____, 2017, AT WHICH TIME THIS PLAT AMENDMENT WAS APPROVED.

BAYOR

CITY RECORDER

PARK CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____, 2017.

PARK CITY ENGINEER

SEWER DISTRICT APPROVAL

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS _____ DAY OF _____, 2017.

S.B.W.R.D.

RECORDED

ENTRY # _____ DATE _____ TIME _____

STATE OF _____ COUNTY OF _____

RECORDED AND FILED AT THE REQUEST OF: _____

COUNTY RECORDER



PLANNING DEPARTMENT

Planning Commission Staff Report

Application: PL-16-03352
Subject: LMC Amendments
Author: Anya Grahn, Historic Preservation Planner
Hannah Tyler, Planner II
Date: September 27, 2017
Type of Item: Legislative – Land Management Code Amendment

Recommendation

Staff recommends that the Planning Commission review the proposed administrative and substantive amendments to the Land Management Code (LMC) regarding LMC Chapters 15-2.1-5(C), 15-2.2-5(C), and 15-2.3-6(C) and LMC 15-15 Definitions, as described in this report, conduct a public hearing, and consider forwarding a positive recommendation to the City Council pursuant to the attached Draft Ordinance.

Description

Project Name: LMC Amendments regarding Roof Form on residential structures within the H-Districts, subject to the Design Guidelines for Historic Districts.

Location: Historic Zoning Districts: Historic Residential-Low Density (HRL), Historic Residential (HR-1), Historic Residential (HR-2)¹

Proposal: Revisions to the Land Management Code clarifying and limiting the use of Flat Roofs in the Historic Residential Zone Districts.

Reason for Review: LMC Amendments require Planning Commission review and City Council review and action.

Background

In Park City, Planning staff has two (2) primary tools to apply to development in the Historic Districts--the Land Management Code and the Design Guidelines. The Design Guidelines are intended to fulfill the policy directives provided in the General Plan and the Land Management Code. The purpose of the Design Guidelines are to act as a guiding document for design, while the LMC sets forth the specific land use parameters for development.

Since 2015, staff has been working with the HPB to revise the Design Guidelines. Staff's desire was to provide greater clarity and conciseness so that the Land Management Code and Design Guidelines work in harmony and are not contradictory. The Design Guidelines are intended to be a living document; however, the document

¹ Staff did not include the Historic Residential Medium Density (HRM) District as [LMC 15-2.4-7](#) does not include requirements for roof pitch.

had not been updated since it was adopted in 2009. Between 2009 and 2015, staff found that the document in its current form was vague, lacked specificity, and did not address all of the different issues that we as staff saw in Old Town.

Staff has proposed amendments to the Design Guidelines for residential development (both Historic and New Construction), including Universal Guidelines, General Compatibility, and Specific Guidelines for Design Elements (such as porches, windows/doors, foundations, etc.). Below is a list of HPB Staff Reports and Minutes where Compatibility and related Design Guidelines were discussed:

- May 4, 2016 – [Staff Report](#) (starting page 108 [part II of packet]) + [Minutes](#) (starting page 15)
- February 1, 2017– [Staff Report](#) (starting page 79) + [Minutes](#) (starting page 10)
- April 5, 2017 – [Staff Report](#) (see page 270 for compatibility) + [Minutes](#) (starting page 21)
- June 7, 2017 – [Staff Report](#) (see page 83 for compatibility) + [Minutes](#) (starting page 15)

As part of the Design Guideline revisions, staff has spent considerable time discussing mass, scale, and form with the HPB in order to craft our Design Guideline revisions. Staff met with the HPB on the following dates to specifically discuss flat roofs:

- August 3, 2016 – [Staff Report \(starting page 107\)](#) + [Minutes \(starting page 16\)](#)
- March 1, 2017– [Staff Report \(starting page 153\)](#) + [Minutes \(starting page 36\)](#)
- June 7, 2017 – [Staff Report \(starting page 87\)](#) + [Minutes \(starting page 15\)](#)
- August 2, 2017 - [Staff Report](#) (starting page 159 [part II of packet]) + (Draft Minutes attached as Exhibit C)

Since August 3, 2016, staff has collaborated with the HPB to develop Land Use controls for flat roofs that not only foster the goals of the General Plan, but also support the recently proposed amendments to the Design Guidelines. As you will see in the above links to the staff reports and minutes over the past year, staff's journey with HPB included:

1. Staff first proposed Land Management Code (LMC) changes to the Historic Preservation Board on August 3, 2016. During the meeting, staff heard the following from the HPB:
 - Flat roofs and pitched roofs need to work together to reflect the historic character of Old Town.
 - Sustainability is important; however, there may be other ways to reaching our goals of sustainability that are not exclusive to flat roofs.
 - Overall, the HPB understood the market demand of rooftop decks; however, they found that we needed to maintain the historic character of Old Town as the primary design guidance. Pitched roofs better contribute to the historic character.
 - The HPB requested that staff look for guidance from the National Trust for Historic Preservation and also seek ways to better define and limit green roofs and rooftop decks.

Echoing the public comment received during the August 3, 2016, meeting, staff has found that there were several factors that contribute to the negative and positive impacts of rooftop decks:

- Green roofs and rooftop decks are changing the look and feel of Old Town.
 - Flat roofs often become rooftop decks. We have heard concerns that these rooftop decks elevate activity levels so that they now intrude into adjacent private living spaces, such as bedrooms. They become noisy and the visibility of people on rooftop detracts from the Old Town experience.
 - As developers maximize footprints, there is no longer sufficient open space in the backyards for activity areas. Rooftops become outdoor living areas to compensate for the loss of open space. At that same time, the mass and scale of new houses and additions are increasing because outdoor living spaces have moved to the roof.
 - There are potential sustainability advantages of flat roofs, such as snow retention and runoff water collection, etc.; however these factors should be utilized without of our national and local historic district listings.
2. On September 21, 2016, staff held a public outreach session with the design community to discuss flat roofs. The luncheon was attended by architects, contractors, and designers. What we heard was:
- Need a better explanation of how much of the roof needs to be vegetated in order to be considered a green roof.
 - Need definitions of deck, roof deck, and roof terrace.
 - Better defining the location of the roof deck in relation to streetscape and neighborhood.
 - LMC should incorporate height exceptions to incentive pitches.
 - Consider wall heights and compatibility on the streetscape.
3. Staff returned to the HPB on March 1, 2017, with a revised proposal to address the August 3, 2016 and September 21, 2016 comments. Staff received the following feedback from the HPB:
- The HPB was concerned about unintended consequences based on the numerical values being set to define the location and height of flat roofs.
 - The HPB found that additional massing could be created due to the need for a railing on active flat roofs that were being used as outdoor living space.
4. Staff returned to the HPB on June 7, 2017, with another revised proposal. Staff received the following feedback from the HPB.
- The HPB was concerned at the complexity of the metrics and requested a simplified approach.
 - The HPB found the definitions to lack clarity.
5. Staff returned to the HPB on August 2, 2017, with the revised proposal addressing the concerns regarding the metrics, definitions, and clarifications. The HPB approved the revised ordinance with no amendments to the proposed

language.

Staff brought the proposal, recommended positively by the HPB, to Planning Commission on August 9, 2017. Planning Commission requested additional information regarding the history on the topic (provide above) and more analysis (provided herein) and continued this item to September 27, 2017. Staff has worked to vet the proposal with the HPB and aims to address a deeper analysis and broader history to give Planning Commission a thorough understanding of how we landed here with the current proposal.

In 2012-2013, the Planning Commission and City Council most recently discussed roof form, bulk, and mass as part of the LMC amendments in 2012-2013 that addressed building height.

On November 21, 2013, the Park City Council adopted amendments to the Land Management Code as [Ordinance 13-48](#). These amendments included adding a provision that limited the maximum interior height of a structure to 35 feet, measured from the lowest floor plane to the point of the highest top plate that supports the ceiling joists or roof rafters. The Planning Commission and City Council discussed these changes to the LMC on the following dates:

- Planning Commission, August 22, 2012 [[Staff Report](#) + [Minutes](#)]
- Planning Commission, September 12, 2012 [[Staff Report](#) (starting page 229) + [Minutes](#)]
- Planning Commission, September 26, 2012 [[Staff Report](#) (starting page 79) + [Minutes](#) (starting page 13)]
- Planning Commission, November 28, 2012 [[Staff Report](#) (starting page 153) + [Minutes](#) (starting page 17)]
- Planning Commission, January 9, 2013 [[Staff Report](#) (starting page 5) + [Minutes](#)]
- Planning Commission, February 13, 2013 [[Staff Report](#) (starting page 3) + [Minutes](#)]
- Planning Commission, May 8, 2013 [[Staff Report](#) (starting page 227) + [Minutes](#) (starting page 9)]
- Planning Commission, June 26, 2013 [[Staff Report](#) (starting page 145)] (*This staff report contains a thorough history of previous staff reports and minutes as exhibits.*)
- Planning Commission, October 9, 2013 [[Staff Report](#) (starting page 259) + [Minutes](#) (starting page 25)]
- City Council, November 21, 2013 [[Staff Report](#) (starting page 190) + [Minutes](#) (starting page 6)]

Prior to 2009, the Planning Commission had expressed interest in amending the LMC to “encourage construction of historically compatible structures that contribute to the character and scale of the historic district,” and maintain the existing residential neighborhoods. The LMC at the time already included a requirement that primary roof pitches be between 7:12 and 12:12. There was a perception that steeper slopes produced greater masses due to the excavation and number of stories allowed, and the

Planning Commission's objective for the amendments was to bring the mass and scale back into perspective, create compatible designs, and reduce environmental impacts.

The purpose of these amendments was largely to find ways to encourage compatible design in Old Town. The Planning Commission spent considerable time working on definitions for "story" and crafting height regulations that would reduce the mass and bulk of structures, especially when they climb the hill on steep slopes. The interior height requirement largely originated in finding a way to balance full stories and split levels while maintaining heights that were consistent with the scale of historic development. Size, visual impact, and commonality with projects in the neighborhood was a primary concern and both Planning Commission and City Council; they wanted to see compatible design within the Historic District while allowing for creativity and diversity of design.

During a joint Planning Commission-City Council work session, the group again emphasized that the goal of the amendments was to create forms compatible with historic volumes and encourage construction of historically compatible structure that contributed to the Historic District.

- City Council, April 2, 2009 [[Staff Report](#) (starting page 28) + Work Session [Minutes](#) (starting page 2) and Regular Session [Minutes](#) (starting page 9)]
- City Council, April 9, 2009 [[Staff Report](#) (starting page 32) + [Minutes](#) (starting page 9)]

When City Council passed the ordinance, they added the provision allowing green roofs as a way of encouraging sustainability in the H-Districts. This provision had not been previously discussed in detail with the Planning Commission, who later lamented in 2013 about the compatibility of flat roofs and green roofs within the Historic District.

Analysis

Staff has provided the following analysis based on Planning Commission feedback from the August 9, 2017 meeting.

Recommendation based on HPB Feedback:

After the HPB Meeting on March 1, 2017, staff completed several walking field-surveys of Old Town to identify flat roofs that were constructed using the existing LMC and Design Guidelines. HPB had provided feedback regarding the proposed "quantitative" LMC amendments and staff set out to vet the proposed LMC amendments against the desired outcomes. Staff's intentions were to identify flat roofs in the context of:

- Mass and scale within the neighborhood;
- Impacts of roof decks and Green Roofs; and
- Design compatibility with Historic Structures.

Overall, staff found that there are few flat roof examples. They are still in the minority of buildings currently existing in Old Town. Despite the relatively low numbers of flat roofs, the decks have a high proportion of negative discussions regarding neighborhood compatibility and compatible relationships to historic properties. Based on our weekly Design Review Team (DRT) meetings, we have found a growing demand for flat roofs

and Mountain Modern architecture. The HPB has considered flat roof structures to be less than compatible to neighboring historic sites and less than compatible with predominant patterns of the neighborhood.

Photographic examples of compatible roof forms were identified in the August 9, 2017 Planning Commission [Staff Report](#) (starting page 170). In addition, staff provided digital 3D renderings of potential flat roofs using the proposed LMC Amendment (starting on page 174). Staff's analysis of the photographic and digital renderings included:

- There are few examples of structures with a flat roof as the primary roof form that are compatible with the Historic District. Those that are most successful blend into the district by using traditional siding profiles and materials, traditional window and door sizes and proportions, and traditional window and door designs.
- Staff found that using a quantitative flat roof calculation could create monotonous designs which would not achieve the desired outcome. Staff found that the most successful examples of flat roofs incorporated flat roofs into the overall design; however, flat roofs were not the primary roof form in many of these cases.

Staff recommends disallowing flat roofs along the primary façade in order to maintain compatible streetscapes by disallowing flat roofs as the dominant roof form. This new direction for the LMC Amendment will still allow for flat roofs, but the roof pitch of the main roof form visible from the right-of-way must be between seven: twelve (7:12) to twelve: twelve (12:12) (unchanged from the current code). The seven: twelve (7:12) and twelve: twelve (12:12) roof pitch is consistent with that of Historic Structures throughout Old Town. Staff finds that this still allows for flexibility in design of new infill construction and new additions while maintaining the integrity of the Historic District. The “sustainable and snow benefits” of flat roofs can still be achieved as well.

In addition, staff is proposing to cap the maximum height of decks (including the parapets, railings, and similar features) at twenty-three feet (23') so as to limit the nuisance and visual impact of roof decks on the neighborhood. Currently, roof decks (including parapets, railings, and similar features) are permitted up to the zone height. This sometimes creates decks that are three (3) plus stories above Final Grade. Staff finds that this proposed revision will have positive impacts on both the livability of Old Town, but also the compatibility of non-historic infill and Historic structures.

General Plan Analysis:

As stated previously, the goals of the flat roof LMC Amendments are to better align the Design Guidelines and the LMC. The Design Guidelines are intended to fulfill the policy directives provided in the General Plan. The General Plan is composed of four (4) sections according to the Park City Visioning process that resulted in the following Core Values:

- Small Town
- Sense of Community
- Natural Setting
- Historic Character

The Core Values were identified by the City's residents in 2009 as the foundation upon which the community should begin to look at its future. Since Historic Character has been identified as a Core Value of the Community, specific Goals were identified in the General Plan. Staff has identified Goals, Objectives, and Community Strategies in the General Plan Volume I that address Historic Preservation, specifically compatibility (integrity, mass, scale, historic fabric, etc.) which directly correlate to the LMC Amendments proposed for flat roofs:

*Core Value: **Historic Character***

- **Goal 15:** Preserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.
 - **Objective 15A:** Maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.
 - **Objective 15B:** Maintain character, context and scale of local historic districts with compatible infill development and additions.
 - **Community Planning Strategy 15.8:** Periodically review newly constructed infill projects for suitability and compatibility of infill development within the Historic Districts. Identify issues that threaten the aesthetic experience of the districts and refine the Design Guidelines and/or LMC based on findings. The aesthetic experience should be measured from the pedestrian experience at street frontage. In addition, the influence of site design and architecture should be analyzed in the review.
 - **Community Planning Strategy 15.9:** Continue to update review criteria for development on steep slopes to prevent incompatible mass/scale within the historic districts based on findings of periodic reviews of ongoing projects.

Within Goal 15, the following table identifies the characteristics of Compatible development. Staff's intent is for the proposed LMC Amendment to align with the characteristics identified in this chart:

What is Compatibility in Historic Park City?	
It is...	It is not...
In scale with the neighborhood	Obtrusive
Aesthetically unique	Generic
Quaint and charming	Cold or hostile
Respectful of historic building's heights	Too tall
Deferential	Disrespectful
In context with surrounding structures	An outlier in the neighborhood
Approachable	Overwhelming
Sustainable	Energy consumptive
Inter-connected	Out of place
Small-scale	Overbearing
Subordinate	Massive/Large-scale
Colorful	Gaudy
Harmonious	Incongruous
Complementary to existing buildings	Distracting to the existing fabric

In addition, the General Plan Volume 2 includes Detailed Strategies for accomplishing the Historic Character Goal. Staff has identified the applicable Detailed Strategies and definitions applicable to the proposed LMC Amendments:

Detailed Strategy: [Historic Character](#)

- **Strategy:** Defining Compatibility, Mass, Scale and Subordinate Design
 - **Why Does Compatibility Matter?** The Historic District as a whole should be perceived as a historic resource; however, this whole is comprised of significant parts. New construction and additions must contribute to the overall historic character of the neighborhood, rather than detract from it, in order to protect the historic integrity and coherence of the historic district. For this reason, design reviews are necessary to ensure that new construction and additions maintain the overall feel and composition of the neighborhood by taking a holistic design approach. While historic structures represent their era of significance, the district as a whole is not frozen in time. It is necessary to create appropriate infill, spur investment, and promote the economic vitality of the community.
 - **Measuring Compatibility:** The compatible design of new construction and additions creates a harmonious appearance along streetscapes and the district as a whole. Similarities between structures and designs are necessary to preserve the neighborhood's overall historic integrity, character, and composition.
 - **Defining Mass:** Mass refers to the three-dimensional geometric composition of a building or the overall bulk of the structure. When designing new buildings or additions to existing historic buildings, the overall size and shape of new construction must be compatible to the historic context of the neighborhood. This can be achieved by minimizing the visual impact of the overall mass, form, and scale through breaks such as changes in wall plane or roof heights.

- Defining Scale: In architecture, scale refers to a certain proportionate size, extent, or degree, usually judged in relation to some standard or point of reference. Scale is a unifying factor in the design of new infill and additions within the historic district and helps maintain the visual consistency of the neighborhood. Moreover, scale is also used to describe windows, doors, porches, as well as building materials such as cladding and trim. These elements all contribute to the visual coherence of new and historic buildings within the historic neighborhood.
- Defining Subordinate: In architecture, scale refers to a certain proportionate size, extent, or degree, usually judged in relation to some standard or point of reference. Scale is a unifying factor in the design of new infill and additions within the historic district and helps maintain the visual consistency of the neighborhood. Moreover, scale is also used to describe windows, doors, porches, as well as building materials such as cladding and trim. These elements all contribute to the visual coherence of new and historic buildings within the historic neighborhood.

Staff is proposing the following based on HPB feedback of the HPB and General Plan implementation analysis:

Design Guideline Analysis

As the HPB reviews and revises the Design Guidelines, much of their discussion with staff has centered on compatibility. Initially, staff held a work session that solely focused on compatibility [[Staff Report](#) (starting page 114)]. Through this work session, staff worked with the HPB to develop a sidebar focused on compatibility to include in our revisions. (The HPB has forwarded a positive recommendation to City Council for this sidebar; however, Council has not yet reviewed it.) The sidebar again helps define compatibility:

Compatibility & Complementary

Compatibility and Complementary are terms often used in historic preservation to describe the relationship between two structures or a historic structure and its new addition. Many characteristics and features contribute to compatible and complementary design. These include:

- *Form*
- *Mass and scale*
- *Roof shapes*
- *Building height*
- *Height of floor elevations*
- *Setbacks*
- *Materials*
- *Repetition or rhythm of openings-to-solids*
- *Rhythm of entrances and/or porches*

- *Window and door sizes, proportions, and patterns*
- *Orientation of entrances*
- *Landscaping*

The following proposed amendments to the LMC are based on City Council direction. Following significant consideration and discussion, the HPB unanimously forwarded a positive recommendation to Planning Commission for the amendments outlined in red below:

15-15 Definitions:

Staff is proposing the following amendments to definitions:

DECK:

- A. Platform Deck: Open structure above the ground that is located in the front yard, rear yard, or side yard of a Site.
- B. Deck, Rooftop: Open structure located on or above the roof framework and the enclosed gross floor area of a Structure.

ESSENTIAL HISTORIC FORM. The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past. These physical characteristics include, but are not limited to the structure's form, Principal and Primary Roof Forms, window and door configuration, and materials.

FLAT ROOF. A roof form with less than or equal to a 2:12 (two:twelve) roof pitch.

PRIMARY ROOF FORM. The roof shape with the largest area of the Total Roof measured in level square feet is the Primary Roof Form. The square feet of architectural features such as dormers, cupolas, chimneys, elevators, etc. is not included in the calculation of the total level square feet of the Primary Roof Form.

CONTRIBUTORY ROOF FORM. The most visually prominent roof form viewed from the primary public right-of-way. Contributory Roof Form is determined by a three-dimensional visual roof analysis. Appropriate Contributory Roof Forms for residential Structures include gabled, hipped, and shed roofs.

SECONDARY ROOF FORM. Any roof shape included in a Structure's Total Roof, but not included in the calculation of the total level square feet of Primary Roof Form.

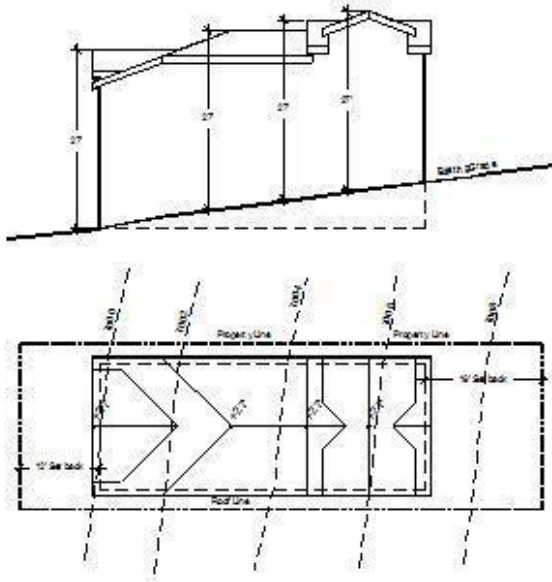
TOTAL ROOF. The protective framework sheltering a Structure's Footprint.

15-2.1-5 Building Height

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of

approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

- A. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
- B. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.
- C. **ROOF PITCH.** ~~The primary roof pitch must be between~~ The roof pitch of a Structure's Contributory Roof Form shall be between seven: twelve (7:12) and twelve: twelve (12:12) and shall occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way. ~~A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design~~ Secondary Roof Forms may be below the required 7:12 roof pitch and located on the primary façade (such as porches, bay window roofs, etc). The Primary Roof Form cannot be a flat roof (less than or equal to two: twelve).
 - 1. The roof pitch of Secondary Roof Forms may be less than seven: twelve (7:12).
 - 2. Secondary Roof Forms may be Rooftop Decks so long as they are not more than 23 feet in height above Existing Grade. This height includes any railings, parapets, stairs, and similar constructions on the Roof Deck.
 - 3. The height of railings, parapets, stairs, and similar constructions on a Green Roof or Flat Roof are included in the calculation of Building Height. Decks, hot tubs, outdoor cooking areas, and seating areas are not permitted on Green Roofs.
 - 4. A Structure containing a flat roof shall have a maximum height of thirty-five feet (35') measured from the lowest floor plan to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the Green Roof, including the parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.



5. Accessory Structures may be below the required seven: twelve (7:12) roof pitch.

D. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

1. Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
2. Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.
3. **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:
 - a. The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.
 - b. The proposed option is the only feasible option for the elevator on the Site.
 - c. The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.
4. **GARAGE ON DOWNHILL LOT.** The Planning Commission may allow additional Building Height (see entire Section 15-2.1-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, Section 15-3. The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

Process

LMC amendments are processed according to LMC § 15-1-7. Amendments to the LMC require Planning Commission review and recommendation and City Council review and adoption. City Council final action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites and published in the Park Record on July 22 and September 16, 2017, per requirements of the Land Management Code.

Public Input

Public input was taken at the August 3, 2016; March 1, 2017, and June 7, 2017 HPB meeting as well as at the Planning Department's public outreach to the design community. Staff has noticed this item for public hearing on August 3, 2016; March 1, 2017, and June 7, 2017. The Planning Commission held a public hearing on August 9, 2017, and formally continued this item to September 27, 2017. Staff has included Public Comment as Exhibit B.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion to a date certain or uncertain.

Significant Impacts

Should the Planning Commission not forward a positive recommendation, the City Council may still consider approving these amendments, otherwise the LMC will remain as-is. No changes will be made regarding flat roofs.

Staff finds that the proposed LMC amendments are necessary in order to promote compatible infill and design within the Historic District, specifically the HRL, HR-1 and HR-2 zoning districts. Greater clarity is also needed to define Flat Roofs, Green Roofs, and Decks so that we can better control the placement of and activity that can occur on these features in the designs that impact the historic district neighborhoods.

Recommendation

Staff recommends that the Planning Commission review the proposed administrative and substantive amendments to the Land Management Code (LMC) regarding LMC Chapters 15-2.1-5(C), 15-2.2-5(C), and 15-2.3-6(C) and LMC 15-15 Definitions, as described in this report, conduct a public hearing, and consider forwarding a positive recommendation to the City Council pursuant to the attached Draft Ordinance.

Exhibits

Exhibit A – Draft Ordinance

Exhibit B – Public Comment

Exhibit C – Draft HPB Minutes, 8.2.17

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING SECTION 15, CHAPTERS 2.1, 2.2, 2.3, AND CHAPTER 15 2.5 REGARDING ROOF PITCHES; LIMITING THE LOCATION, HEIGHT AND USE OF FLAT ROOFS AND GREEN ROOFS ON PRIMARY FACADES; AND AMENDING ASSOCIATED DEFINITIONS

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to protect Historic structures and neighborhoods, and the economic investment by owners of similarly situated property (currently Historic); and

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings; and

WHEREAS, these buildings are among the City's most important cultural, educational, and economic assets;

WHEREAS, individual members of the Historic Preservation Board, ("HPB") the official body to review matters concerning the design of buildings within the City, have made recommendations to City Council to encourage compatible design;

WHEREAS, the pending amendments to the Land Management Code ("LMC") and the Historic District Guidelines and any revisions to the Historic Building Inventory are expected to be completed within the next six months;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, that:

SECTION 1. AMENDMENTS TO TITLE 15- LAND MANAGEMENT CODE CHAPTER 2.1 (Historic Residential-Low Density (HRL) District). The recitals above are incorporated herein as findings of fact. Chapter 2.1 of the Land Management Code of Park City is hereby amended as redlined (Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15- LAND MANAGEMENT CODE
CHAPTER 2.2 (Historic Residential (HR-1) District). The recitals above are incorporated
herein as findings of fact. Chapter 2.2 of the Land Management Code of Park City is
hereby amended as redlined (Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15- LAND MANAGEMENT CODE
CHAPTER 2.3 (Historic Residential (HR-2) District). The recitals above are incorporated
herein as findings of fact. Chapter 2.3 of the Land Management Code of Park City is
hereby amended as redlined (Exhibit C).

SECTION 4. AMENDMENTS TO TITLE 15-LAND MANAGEMENT CODE
CHAPTER 15 (Definitions). The recitals above are incorporated herein as findings of
fact. Chapter 15 of the Land Management Code of Park City is hereby amended as
redlined (Exhibit D).

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon
publication.

PASSED AND ADOPTED this ____ day of
_____, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibit A- Amendments to Title 15- Land Management Code Chapter 2.1 (Historic Residential-Low Density (HRL) District), Section 5 (Building Height)

15-2.1-5 Building Height

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

- E. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
- F. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.
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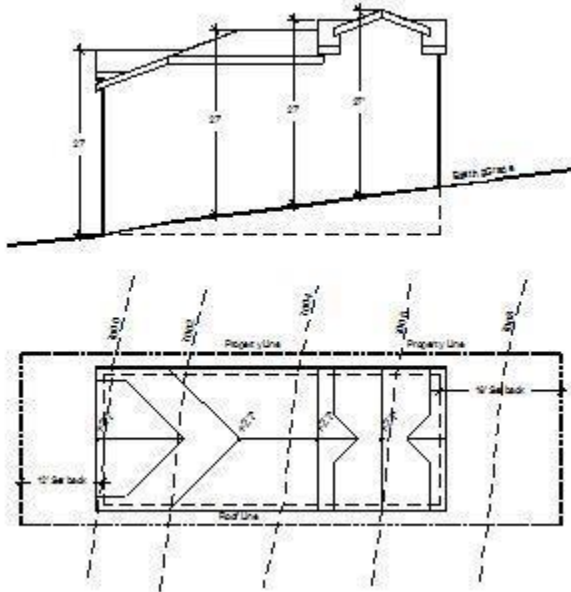
1. The roof pitch of Secondary Roof Forms may be less than seven: twelve (7:12).

2. Secondary Roof Forms may be Rooftop Decks so long as they are not more than 23 feet in height above Existing Grade. This height includes any railings, parapets, stairs, and similar constructions on the Roof Deck.

The height of railings, parapets, stairs, and similar constructions on a Green Roof or Flat Roof are included in the calculation of Building Height. Decks, hot tubs, outdoor cooking areas, and seating areas are not permitted on Green Roofs.

4. A Structure containing a flat roof shall have a maximum height of thirty-five feet (35') measured from the lowest floor plan to the highest wall top plate that

supports the ceiling joists or roof rafters. The height of the green roof, including the parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.



5. Accessory Structures may be below the required seven: twelve (7:12) roof pitch.

H. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

1. Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
2. Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.
3. **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:
 - a. The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.
 - b. The proposed option is the only feasible option for the elevator on the Site.
 - c. The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.
4. **GARAGE ON DOWNHILL LOT.** The Planning Commission may allow additional Building Height (see entire Section 15-2.1-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and

front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, Section 15-3. The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

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Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 09-14 on 4/9/2009

Amended by Ord. 09-40 on 11/5/2009

Amended by Ord. 13-48 on 11/21/2013

Amended by Ord. 2016-44 on 9/15/2016

Amended by Ord. 2017-XX on ?

Exhibit B- Amendments to Title 15- Land Management Code Chapter 2.2 (Historic Residential (HR-1) District), Section 5 (Building Height)

15-2.2-5 Building Height

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

- A. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
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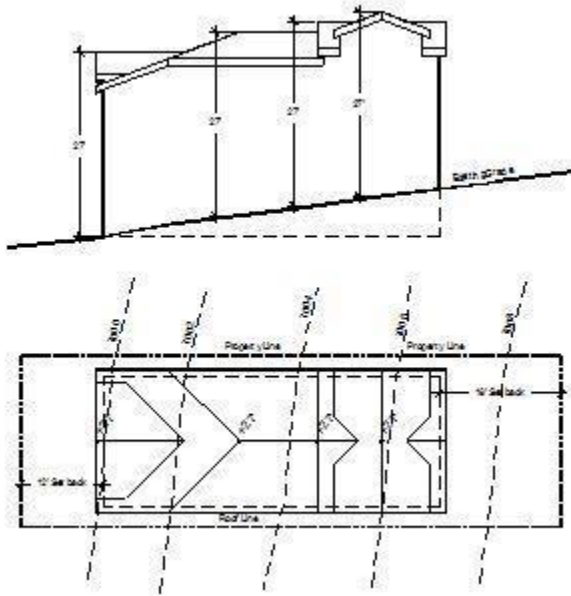
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4. A Structure containing a flat roof shall have a maximum height of thirty-five feet (35') measured from the lowest floor plan to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the green roof, including

the parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.



5. Accessory Structures may be below the required seven: twelve (7:12) roof pitch.

D. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

1. Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
2. Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.
3. **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:
 - a. The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.
 - b. The proposed option is the only feasible option for the elevator on the Site.
 - c. The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.
4. **GARAGE ON DOWNHILL LOT.** The Planning Commission may allow additional Building Height (see entire Section 15-2.1-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the

garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, Section 15-3. The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

A. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

1. Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
2. Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
3. **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:
 - a. The proposed height exception is only for the Area of the elevator. No increase in square footage is being achieved.
 - b. The proposed option is the only feasible option for the elevator on the Site.
 - c. The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.
4. **GARAGE ON DOWNHILL LOT.** The Planning Commission may allow additional Building Height (see entire Section 15-2.2-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, Section 15-3. The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 09-14 on 4/9/2009

Amended by Ord. 09-40 on 11/5/2009

Amended by Ord. 13-48 on 11/21/2013

Amended by Ord. 2016-44 on 9/15/2016

Amended by Ord. 2017-XX on ?

Exhibit C- Amendments to Title 15- Land Management Code Chapter 2.3 (Historic Residential (HR-2) District), Section 6 (Building Height)

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

- A. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
- B. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.
- C. **ROOF PITCH.** ~~The primary roof pitch must be between~~ The roof pitch of a Structure's Contributory Roof Form shall be between seven: twelve (7:12) and twelve: twelve (12:12) and shall occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way. A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design Secondary Roof Forms may be below the required 7:12 roof pitch and located on the primary façade (such as porches, bay window roofs, etc). The Primary Roof Form cannot be a flat roof (less than or equal to two: twelve).

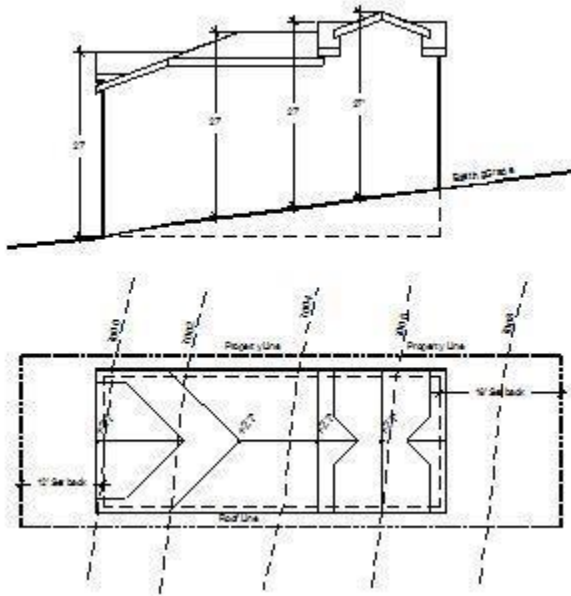
1. The roof pitch of Secondary Roof Forms may be less than seven: twelve (7:12).

2. Secondary Roof Forms may be Rooftop Decks so long as they are not more than 23 feet in height above Existing Grade. This height includes any railings, parapets, stairs, and similar constructions on the Roof Deck.

The height of railings, parapets, stairs, and similar constructions on a Green Roof or Flat Roof are included in the calculation of Building Height. Decks, hot tubs, outdoor cooking areas, and seating areas are not permitted on Green Roofs.

4. A Structure containing a flat roof shall have a maximum height of thirty-five feet (35') measured from the lowest floor plan to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the green roof, including

the parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.



5. Accessory Structures may be below the required seven: twelve (7:12) roof pitch.

D. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

1. Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
2. Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.
3. **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:
 - a. The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.
 - b. The proposed option is the only feasible option for the elevator on the Site.
 - c. The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.
4. **GARAGE ON DOWNHILL LOT.** The Planning Commission may allow additional Building Height (see entire Section 15-2.1-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the

garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, Section 15-3. The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

Adopted by Ord. 00-51 on 9/21/2000
Amended by Ord. 06-56 on 7/27/2006
Amended by Ord. 09-10 on 3/5/2009
Amended by Ord. 09-14 on 4/9/2009
Amended by Ord. 09-40 on 11/5/2009
Amended by Ord. 10-14 on 4/15/2010
Amended by Ord. 13-48 on 11/21/2013
Amended by Ord. 2016-44 on 9/15/2016
Amended by Ord. 2017-XX on ?

**Exhibit D- Amendments to Title 15- Land Management Code Chapter 15
(Definitions)**

DECK:

- C. Platform Deck: Open structure above the ground that is located in the front yard, rear yard, or side yard of a Site.
- D. Deck, Rooftop: Open structure located on or above the roof framework

and the enclosed gross floor area of a Structure.

ESSENTIAL HISTORIC FORM. The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past. These physical characteristics include, but are not limited to the structure's form, Principal and Primary Roof Forms, window and door configuration, and materials.

FLAT ROOF. A roof form with less than or equal to a 2:12 (two:twelve) roof pitch.

PRIMARY ROOF FORM. The roof shape with the largest area of the Total Roof measured in level square feet is the Primary Roof Form. The square feet of architectural features such as dormers, cupolas, chimneys, elevators, etc. is not included in the calculation of the total level square feet of the Primary Roof Form.

CONTRIBUTORY ROOF FORM. The most visually prominent roof form viewed from the primary public right-of-way. Contributory Roof Form is determined by a three-dimensional visual roof analysis. Appropriate Contributory Roof Forms for residential Structures include gabled, hipped, and shed roofs.

SECONDARY ROOF FORM. Any roof shape included in a Structure's Total Roof, but not included in the calculation of the total level square feet of Primary Roof Form.

TOTAL ROOF. The protective framework sheltering a Structure's Footprint.

Amended by Ord. 2017-XX

Exhibit 2

Anya Grahm

From: Anya Grahm
Sent: Wednesday, August 02, 2017 8:53 AM
To: Doug Stephens; Jack Hodgkins; Lola Beatlebrox; pugg.holmgren@gmail.com; Randy Scott
Cc: Hannah Tyler; Bruce Erickson (bruce.erickson@parkcity.org)
Subject: FW: For HPR Board August 2nd Meeting; Flat Roof Amendments to LMC

[This is public comment regarding flat roofs for tonight's meeting. I'll also be handing out hard copies of this.](#)

Thanks,
Anya

From: William Tew [wptew1@gmail.com]
Sent: Monday, July 31, 2017 11:35 AM
To: planning
Cc: Pam Maupin
Subject: For HPR Board August 2nd Meeting; Flat Roof Amendments to LMC

Dear Historical Preservation Board,

As residents of Old Town, we have followed with interests the discussions of the Historic Preservation Board on the issue of flat roofs in our Historic District (HR1). We feel strongly that flat roofs are not compatible with the character of Old Town and should not be allowed as a primary roof form and that there should be clear restrictions on uses of flat roofs. Of specific interest has been the Echo Spur development in HR1 on Rossie Hill consisting of 7 flat/green roof homes. We are neighbors of Echo Spur and since late 2014 we have communicated our objections to the Planning Staff as each home has come up for review.

Three homes have been completed, two under construction, with two lots remaining. The design of these homes was approved by Planning Staff without input from the Planning Commission. Most unfortunately, at the time of design approval, there was no clarity in the LMC on flat or green roofs in the Historic District other than "they could not be painted green".

As a result, we now have a ridgeline defined by a row of flat roof homes that are incompatible with the design, mass, and scale of the surrounding neighborhood. Moreover these flat roofs are nothing more than party decks masquerading as "green roofs". In fact, one of these homes has bright green artificial turf on the roof in lieu of living plants. Roof top railings, privacy walls, ventilation pipes, and air handling units well exceed 27 feet above grade. See the attached photos taken: 1. from our back yard, 2. from a neighbors back yard, and 3. street view from intersection of Rossie Hill Drive and Echo Spur Road.

We encourage the HPB to propose amendments to the LMC that clearly define when and where flat roofs are allowed in our Historic District and what uses are permitted. This is essential to protect the unique character of Old Town. We understand that any amendment to the LMC will require Planning Commission a recommendation and City Council adoptions. Hopefully, the requisite amendment can be approved soon. Further delays will only increase the flat roof visual pollution in our Historic District. Without appropriate amendments to the LMC, we will continue to see Echo Spur type developments within our Historic District.

Sincerely,

Pam Maupin & Bill Tew

525 Rossie Hill Drive
PO Box 2321
Park City, Utah 84060
mobile: 435-640-9640
wptew1@gmail.com
wptew@icloud.com







Anya Grahn

From: sskelle@gmail.com
Sent: Tuesday, February 28, 2017 5:51 PM
To: Anya Grahn; Hannah Tyler; Bruce Erickson
Subject:just a couple more things....

Thanks for meeting today. I missed one minor point:

P315: you note that the Green Roof, including parapets, should not extend more than 24 inches above the top plate. Keep in mind that the thickness of a GR is roughly 12 inches, and therefore a parapet will only be 12 inches above the grass on the GR...while the GR is not "habitable", people will still be going up there for maintenance, etc. I believe the Building Code requires that parapets/fencing around any portion of a structure that can be accessed by people is 3 feet, so I don't think the 24 inch recommendation jives with the Building Code. Requiring that the parapet be compliant with Building Code seems to be an easy fix, particularly since the LMC already provides for a variety of roof height exceptions like mechanicals, flues, etc. that can be up to 5 feet above the roof.

Separately, I would like to talk more about the potential abuse of building strategies that use stand alone garages on uphill lots to get around the 35 foot rule. While 422 Ontario didn't maximize that play, I could see others doing so. This may be a vast oversimplification, but why can't the LMC simply state that, for uphill lots, the 35 foot rule applies to new garages whether or not the garage is attached? Please let me know what you think.

Thanks
Sean

Sent from my iPad

Exhibit 3

Historic Preservation Board Meeting
August 2, 2017

2. Consideration of an ordinance amending the Land Management Code Section 15, Chapters 2.1, 2.2, 2.3, and 2.5 regarding roof pitches and limiting the use of flat roofs to protect streetscape façades.
(Application PL-16-03352)

Planner Hannah Tyler noted that the HPB has previously seen these LMC amendments to address flat roofs in Old Town in all of the H Districts. She would quickly review the amendments and requested that the Board provide feedback. The Staff would be presenting these amendments to the Planning Commission next week and passing along the feedback from the HPB.

Planner Tyler remarked that the biggest changes were to the definitions to add clarification. The names were very close and it was easy to get them confused. The definition for primary roof form did not change, but they ended up changing contributory roof form to bring it back to how they were looking at the streetscape with some of the contributory status. Director Erickson explained that the primary roof form is the largest chunk of roof, and the contributory roof form is from the streetscape and contributes to the rhythm and scale of the street.

Planner Tyler added clarification on c) roof pitch. This is where they try to address the roof pitch at the street. She noted an error in the language which states, "The roof pitch of a structure's primary roof form shall be between....". She corrected "primary roof form" that to say "contributory roof form." The Staff requested that to be between 7:12 and 12:12 to maintain a pitch rather than having flat roofs on the streetscape that the Staff finds would not contribute to the overall style of Old Town. The language was also changes to say, "They shall occupy a minimum of 20' from the front façade", meaning that anything after 20' feet could then go into a flat roof or less than 7:12. Planner Tyler emphasized that the intent was to add clarification on how they were treating the roof at the street.

Chair Stephens understood that the contributory roof and the primary roof could be the same roof. Planner Grahn replied that they could be but they do not have to be.

Planner Tyler stated that the intent is to add flexibility to keep it from being so predictable that every house looks the same. There was a push to allow some type of flat roof in these designs. Chair Stephens asked if part of the roof on the streetscape, if it is not the primary roof or the contributory roof, could be flat. Planner Grahn replied that as long as it is clear that it is a secondary roof form, for example a porch roof, it would probably be acceptable because the pitched roof would be the most visible at the street. Porch roofs or side roofs would be the secondary roof form. Chair Stephens stated that he was not as concerned on a single lot. However, on a larger lot a flat roof on a larger new home could

help minimize the massing from the street and keep it more in the rhythm of the street. He was having a hard time finding the flexibility and the intent.

Planner Grahm thought they needed to keep in mind that in revising the Design Guidelines they have been pushing for the modules to match the volumes of historic structures. She thought that would help them key in on the secondary forms. Chair Stephens clarified that he wanted a better understanding of how the Planning Commission would interpret that. He asked if it was just that they were trying to avoid flat roofs except for porches. Planner Grahm replied that the Staff would prefer not to see any flat roofs on the street front, unless it is on a porch or another element. The intent is to have a pitched roof because it contributes more to the streetscape.

Director Erickson stated that the intention is to hold rooftop decks below 23' and minimize the appearance of flat roofs from the primary façade, but also consider them positively if they reduce the appearance of bulk and mass of the building. For example, if the building looks bigger for whatever reason, they would probably look at a flat roof to reduce that appearance.

Board Member Hodgkins asked if there would still be a height limit on that flat roof. Director Erickson stated that if it is not a deck the height could be up to 17', which is the zone height. Planner Grahm remarked that if someone intends to add a rooftop deck, the maximum height would be 23' with the railings to avoid having third or fourth story party decks.

Chair Stephens understood the interpretation and he agreed with it because it could allow for good architecture. Director Erickson noted that the pictures this amendment was modeled after were not included in the Staff report. The HPB previously reviewed some of the picture during their discussion about rhythm and scale on the street for the Historic District Guidelines. They developed the model to reduce volume and mass and maintain the pitched roofs as best as possible. The Staff also wanted to make sure they could accommodate a transitional element between the historic structure and new construction that may want a flat roof.

Chair Stephens thought the pictures would be helpful. His concern was how the design community would interpret the flexibility. Director Erickson believed there was motivation on the part of the City Council to eliminate flat roofs generally. The Staff see theoretical benefit in a green roof, as well as a benefit in the less than steep roof to reduce bulk, mass and scale, and the effect of the contributory roof form. Director Erickson commented on the flat roof at the Washington school and other structures with flat roofs. Director Erickson stated that if the HPB votes to move this forward, he would work with Planners Grahm and Tyler to see if they can clarify that the contributory roof form flat area cannot be more than x-amount of the total contributory roof. He noted that the 20' modular is

roughly that of a historic building form module. Once they step out of that module it can probably go to a flat section and transition.

Chair Stephens was satisfied that his concerns had been answered. He does not want all the new construction in Old Town to look the same and this amendment allows creativity for the design community to design something that helps keep the rhythm and pattern. Chair Stephens thought this was going in the right direction.

Board Member Beatlebrox understood that the contributory roof form was not the secondary roof form, but the secondary roof form can be a flat roof. However, the language states, "a roof that is not part of the contributory roof form may be below the 7:12 roof pitch". She thought that would be the secondary roof form by definition. Planner Grahn answered yes. Planner Tyler stated that the language should correctly read, "a secondary roof form may be below 7:12".

Chair Stephens asked if the zone height was 27' or 35'. Planner Grahn stated that the zone height is 27' above existing grade. Chair Stephens read, "A structure containing a flat roof shall have a maximum height of 35' measured from the lowest..." Planner Grahn thought that related to the interior height, but she would relook at the numbers. Planner Tyler noted that if he was referring to the language on page 272, Item 4, that is Code and the language is correct. It basically allows a maximum of 35 from the lowest floor plane to the top plate. It is the internal height. Director Erickson clarified that the external measurement is 27' and the internal measurement is 35'. Chair Stephens confirmed that there is not a height benefit for doing a flat roof. Director Erickson replied that he was correct.

Board Member Hodgkins believed they were focused on this in an effort to get some continuity in roofscape as they look out over Old Town. He asked if there were spots on the hills that would not be considered in this jurisdiction where they could end up with large flat roof structures that would work against what they were trying to accomplish. Planner Grahn thought there could be further down on Lowell as it gets closer to the Resort, or directly across going up the hill. Director Erickson believed the rest of the Historic District was well protected from incursions other than the R-1 on Deer Valley. There may also be weak spots in the RC zone north of the Library where those lots on Woodside and Empire are in the HRM and the HR-1 zones. Planner Tyler stated that parts of Woodside down by the Library Park was in the Historic District, and the rest was in Resort Commercial. Director Erickson remarked that that transition area could be affected as well.

Director Erickson stated that Echo Spur took the green roof option as opposed to the design review option. At the time the Planning Director had the authority to approve a green roof, which allowed it to be flat rather than meet the Design

Guidelines. The one-story contemporary house at 11th and Lowell also took the green roof option. He pointed out that it was still in the model, but the intrusive rooftop decks would be eliminated once this ordinance is approved.

Board Member Beatlebrox referred to the public comment from Pam Malpin and Bill Tew that was included in the Staff report. They were concerned about the infill on Rossi Hill Drive and Echo Spur road. She asked if that would be allowed if this ordinance is passed. Planner Grahm replied that with the proposed ordinance they would at least be required to have a pitched roof at the front of those buildings. She believed that would reduce the amount of flat roof that is visible on those designs.

Director Erickson clarified that the new Historic District Guidelines, including this ordinance, would revise the larger windows down to a more architecturally compatible size and scale of the windows. The materials could probably move forward as shown. The flat roof deck would go away. Solar panels on the roof are not defined as a green roof so they have to add grass. Director Erickson believed the solar panels were too steep to meet the current Code. He assumed that three-quarters of the unit would not be approved.

Chair Stephens understood that you could have a flat green roof but without an active deck on it. Planner Grahm answered yes. A roof plan would have a pitch at the street, and could have a series of steps depending on the grade. However, if the majority of the roof form would be flat, it is required to be green. Chair Stephens stated that in reading the green roof ordinance, it thought it was one or the other. Someone would either choose the green roof ordinance or the design review process. He understood that if a builder or designer chooses the green roof ordinance they could design a totally flat roof. Planner Grahm explained that under the new provisions, they would be required to pitch the roof at the street for the first 20'. After that it could be flat at the zone height, which is 23'. Chair Stephens clarified that the new ordinance would impact the green roof ordinance. Director Erickson replied that he was correct. Chair Stephens asked if that was stated in the proposed ordinance so there would be no confusion. Planner Grahm thought the language regarding the contributory roof form and the requirements for a flat roof would make it clear.

Director Erickson understood that the HPB was saying that the contributory roof form could not be a green roof or flat at zone height. It would have to be 23' for the deck height, or a secondary roof form. Planner Grahm offered to add a sentence to clarify the intent.

Director Erickson stated that this proposed ordinance would go to the Planning Commission and then to the City Council. If the HPB was comfortable with this ordinance and did not need to see it again, they could forward a recommendation this evening.

Chair Stephens opened the public hearing.

Ruth Meintsma, 305 Woodside, stated that the contributory label was genius and she commended the person who came up with it. Ms. Meintsma remarked that primary is the roof shape with the largest area. She understood that largest area means it has to be 51% or more. She pointed out that a pitched roof could be a lot more area if it was calculated by the decking.

Director Erickson replied that the total level squared. They were not counting the pitch.

Ms. Meintsma noted that the language talks about 20' to the rear of the building measured from the façade as viewed from the public right-of-way. However, she asked if there could still be confusion as to what is the façade.

Planner Grahn stated that they could add "primary façade", but the façade is always the face of the building. She did not think there would be too much confusion.

Ms. Meintsma understood that if there are two public right-of-ways, it has to be the primary facade. For example, if a house is on the corner, it would be on the main street.

Chair Stephens closed the public hearing.

Chair Stephens liked how they were not permitting decks, hot tubs, outdoor cooking areas and seating areas on green roofs. He commented on the parapets around it and asked if there was something in the Building Code to address it. Director Erickson stated that it is not perfectly clear in the Building Code. Some buildings with green roofs do not have parapets at fence height, and other people claim they need to have the railings to meet OSHA standards. He did not believe there was a reason for the parapet for anyone doing maintenance on the roof.

Chair Stephens asked about stairs for access. Planner Grahn replied that stairs and access would be addressed on a case by case basis based on the size of the lot. Chair Stephens remarked that a green roof could be active at 23'. Director Erickson answered yes. Planner Grahn pointed out that an active deck would not be allowed at the zone height of 27'.

MOTION: Board Member Holmgren made a motion to move the proposed ordinance forward to the Planning Commission and the City Council for input and approval. Board Member Hodgkins seconded the motion.

Historic Preservation Board Meeting
August 2, 2017

VOTE: The motion passed unanimously.

The meeting adjourned at 5:54 p.m.

Approved by _____
Douglas Stephens, Chair
Historic Preservation Board