



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 25, 2021**

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

EX OFFICIO: Alexandra Ananth, Senior City Planner; Rebecca Ward, Senior City Planner; Gretchen Milliken, Planning Director; Browne Sebright, Senior City Planner; Mark Harrington, City Attorney; City Planner, Austin Taylor

1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m.

The following written determination was read:

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

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

2. ROLL CALL

Chair Phillips noted that all Commissioners were present.

3. MINUTES APPROVAL

There were no minutes to approve.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken reported that people with Android devices were having difficulty connecting to the Zoom link for this meeting and explained how to connect.

Commissioner Kenworthy disclosed that he is often approached at events about a wide variety of City issues and he has had no discussions on a substantive level with regard to any application. He further stated that he and Commissioner Suesser met with the developer of the Snow Park Project before the application was submitted. He also disclosed that he has been a substantial seasonal housing landlord for Deer Valley and others for over a decade. He encourages those who wish to speak to him on a Planning Commission issue to submit an email or join in the public comments. With regard to the application under consideration, he affirmed that he would not render any decisions until the application is completed, and nothing outside of the public hearings would affect his judgment.

In response to an inquiry from Commissioner Kenworthy regarding these disclosures, City Attorney, Mark Harrington stated that the aforementioned disclosure need only be made during the first public hearing on the application and they could assess further disclosures as the matter proceeds.

Commissioner Hall disclosed that she recently became a member of the 1981 Club, which is owned by Deer Valley. She stated that this membership will not have any impact on any decisions regarding Deer Valley's application.

6. CONTINUATIONS

There were no continuations.

7. WORK SESSION

A. Deer Valley Snow Park Proposal – Project Overview with Respect to Parking and Site Circulation. PL-21-04811.

Senior City Planner, Alexandra Ananth, reported that the Planning Department resolved the threshold issues regarding the appropriate application needed for this proposal. The applicant submitted an application for an amendment to the Deer Valley Master Planned Development permit ("MPD"). This application will run concurrently with the Phase One Conditional Use Permit ("CUP") application, submitted previously. Planner Ananth stated that the Planning Department agreed to keep this matter on the agenda in a Work Session format to allow Deer Valley to finalize the MPD application, which was submitted earlier in the day.

Planner Ananth reported that the previous month's meeting involved a high-level introduction and overview of the project as well background information on existing conditions and the goals and objectives of the City's General Plan for the Lower Deer Valley neighborhood. The current presentation will focus on the proposed site circulation, as well as the applicant's off-street required parking calculations.

Planner Ananth reported that the City will be hiring a third-party Transportation Engineer to assist with the review of this project. She anticipated that the City's consultant will supplement their analysis for the October 2021 meeting. For the next meeting scheduled for September 22, 2021,

they intend to focus on the site design, height, and density of the project, as well as the transit and mobility hub.

Vice-President of Development, Rich Wagner, explained that the presentation on-site circulation will be focused on the south parking garage ingress/egress, as well as vehicle/pedestrian circulation through the plaza area. Overall traffic and transit circulation will be presented after the third-party review.

In response to an inquiry, Planner Ananth reported that they have issued a Request for Quote ("RFQ") for the third party consultant, and anticipate selecting the consultant in the near term. She noted that the project site is governed by the existing MPD, which is the 12th Amendment to the Restated MPD permit. The applicant's proposal will be the 13th amendment to the MPD. The Land Management Code ("LMC") sets forth the processes and requirements for both the MPD and CUP. She added that the City's affordable housing requirements and General Plan for the Deer Valley Neighborhood also sets goals, objectives, and requirements for the project. She referenced the City's various adopted Transportation Plans including the Complete Streets Resolution, Transportation Demand Management Plan, and the Traffic and Transportation Master Plan, which must also be considered.

The City's Vision 2020 Report, which identifies traffic and transportation as the biggest challenge facing Park City in the next five to 10 years will also govern this application. It embraces the City's new "transit first and car optional" philosophy. It calls for the City and its partners to reimagine transit using the best service models and technologies available.

Planner Ananth stated that this presentation will focus on the Phase One CUP request, which includes the overall transportation site plan, as well as the south parking structure and the new transit and mobility hub. She explained that there will be an expansion of the Snow Park Lodge as part of the later phases of this project, as well as development of a parking structure north of Deer Pass Road.

She explained that the applicant has proposed significant changes to the existing neighborhood traffic patterns, effectively creating two dead-end roads by splitting Deer Valley Drive West and Deer Valley Drive East at the Y intersection. The proposal contemplates that Deer Valley Drive West would serve as the primary public transportation route to the resort, ending at the transit mobility hub. It would also provide general traffic access to the Royal Street area as well as to trails and development. The applicant has proposed that Deer Valley Drive East serve as the primary access for all other vehicles accessing the Deer Valley neighborhoods and the resort, including the proposed parking structure.

Planner Ananth reported that the City has requested that the applicant submit additional information to clarify how this plan would restrict general ski traffic from using Deer Valley Drive West. They have also requested an Active Transportation Plan clarifying that the existing sidewalk and trail loop would remain intact for pedestrians and cyclists. Additional detail on the reconstruction of the Y intersection was also requested.

Planner Ananth stated that the Phase One parking structure will have primary access on Deer Valley Drive East, one entrance on Deer Valley Drive West, and two entrances on Doe Pass Road. She explained that the proposed garage will have four levels and a paid parking system would be implemented. The reimagined arrival experience along Deer Valley Drive East will allow for guests to either drop off in front of the Snow Park Lodge, park in the garage, or utilize a valet

parking option. She noted that the proposed entrance to the P-1 level is very close to the mobility hub, and staff has expressed concern that this could create congestion in that area. They would like to ensure that the applicant and the City's Transportation Engineer review this configuration carefully.

The application included only one elevation of the garage, so staff requested additional elevations and views. Planner Ananth explained that because Phase Two involves the vertical development and wraps a portion of the garage structure, they need further information on what Phase One would look like, in and of itself. She reported that the applicant proposed a new transportation and mobility hub along Deer Pass Drive. It is expected that the bus station will have a minimum of six (6) bus stalls, with a separate ride share zone located on Doe Pass Road. There will also be a drop-off/pick-up zone in front of the Snow Park Lodge. Planner Ananth expressed her belief that the drop-off/pick-up zone is at least as large as the existing zone but they have requested the applicant provide further information.

Planner Ananth stated that elevators, escalators, and a pedestrian route would lead up from the parking garage and mobility hub to a new village envisioned for the top of the garage. The lifts will be relocated closer to the new, expanded base area. She noted that the applicant has also identified an area to house a future gondola terminal. Staff requested additional details on the proposed transit and mobility hub, including a list of proposed amenities, plans, and elevations and a geometric plan showing that the turning radius would be sufficient for both Park City and High Valley Transit systems.

Planner Ananth reported that the entire Snow Park Village project will require 2,262 off-street parking stalls. The LMC allows the Planning Commission to reduce parking requirements to prevent excessive parking based on a parking analysis submitted by the applicant. Planner Ananth stated that Deer Valley Resort is seeking approval of 1,810 parking stalls, which equates to a 452 stall, or a 20% parking exception.

Currently, there are 1,340 surface parking stalls, and the resort utilizes up to 140 on-street parking spaces on limited occasions. The applicant has proposed 1,500 parking stalls for the resort. Staff requested more detail on the Community Events Center, which carries with it a parking requirement of 252 stalls. She explained that the applicant's Transportation Analysis estimates a parking reduction of 17% based on the implementation of paid parking, as well as a reduction of up to 9% for shared parking. No credit was taken for increased transit use. The City would like the project to achieve a modal split similar to the Park City Mountain Base area; therefore staff requested more information from the applicant on this issue.

The applicant reportedly indicated that a 20% parking reduction would be appropriate due to the nature of the ski resort as the major parking generator over the new uses, which would be complementary to the resort. Planner Ananth reported that staff requested that the applicant provide further analysis on the proposed parking exceptions based on the MPD requirements, which will be presented to the third-party consultant for review. The applicant must also provide a Parking and Transportation Demand Management Plan.

Planner Ananth presented a list of additional information requested from the applicant. She noted that they have also requested an analysis of the modal split goal to reduce traffic and congestion in the City and the lower Deer Valley Neighborhood in general. In collaboration with the applicant, they created a proposed project schedule, which includes simultaneous review of the MPD and CUP. In September, they envision reviewing the site design, height, density, and the mobility

hub. In October, they expect to revisit site circulation, parking, utilities, and construction phasing. Sustainability, remaining project issues, the proposed subdivision application and, if appropriate, findings of fact and conditions of approval are expected to be ready for discussion in November 2021, with a projected final vote on this application set for December 2021.

Chair Phillips expressed his appreciation to the applicant for working with staff on the threshold issues and for working on a 13th amendment to the MPD concurrent with the CUP. He stated that pursuing these applications at the same time would be a more efficient path forward. Mr. Wagner commented that the massing and blocking of Phases Two and Three are placeholders with the ultimate plan still to be determined.

Peter Pillman from IBI Group, provided an overview of the topics that would be covered in the presentation. He stated that the building designs they are presenting are tied to the use areas and are being utilized for density, unit equivalent, and parking calculations. They will also be addressing pedestrian circulation, parking calculations, and the logic that went into the parking reduction strategy. Mr. Pillman also stated that the Commission will be shown the garage details and he will address issues regarding access and mitigating the potential conflicts with transit. They also plan to address the emergency egress plan.

Mr. Pillman noted that the main circulation issues will be deferred until the City's consultant is retained. The current traffic circulation conditions involve intersections that are oriented so that most traffic comes in and flows along Deer Valley Drive West, then splits between the high road and the low road. The resort itself unveils itself as one reaches the flagpole, where vehicles, buses, and pedestrians are brought into the heart of the on-site activities. He stated that their logic involved separating those uses and all of that activity. They propose to sever that end of Deer Valley Drive and change the location of the traffic and transit routes, which would improve the features and comply with the City's objectives of pedestrian and alternative transit modes.

Mr. Pillman highlighted the transit priority roads, shown in green on the graphic, as well as the primary vehicle and day-skier access, shown in blue. He commented that they will address the Y intersection at future meetings but commented that the idea behind reconfiguring it was to make the natural flow of traffic come down to Deer Valley Drive East allowing them to provide guests with a better approach to the resort, as well as introduce signage and wayfinding for parking locations before visitors get to the end of the road. This configuration will also allow them to maintain the upper road as a transit priority road.

Mr. Pillman explained that with this plan, as one drives along Deer Valley Drive East, the approach will include a natural right turn into the garage, allowing for better traffic flow. The wayfinding and signage system will allow them to indicate parking availability. He also explained that this system not only separates the distance between the vehicles and the pedestrians, it also vertically separates the pedestrian experience from the vehicles since the plaza deck is several floors above the garage. Elevators and escalators will take people from the garage or the mobility hub to the plaza deck. He stated that this will create a much nicer resort experience on the way to Ski Beach and the lifts. Mr. Pillman stated that cutting the roadway off at the face of the Snow Park Lodge allows a much better interface between parking and transit, and the resort guests.

Commissioner Suesser asked if there is day-skier parking in the north parking lot. Mr. Pillman stated that it is contemplated that for the overflow days the north parking lot could be utilized. The lot also houses employee parking. He added that they have contemplated two potential ways for

users of the north parking lot to access the plaza. One involves a bridge from the north to the south lot and the other would involve some sort of site circulating transit on peak days.

In response to an inquiry from Chair Phillips regarding parking availability and congestion, Mr. Pillman stated that the expectation is that they would use a parking management system so that the visual signs outside of the garages advise motorists where available parking is located. The type of system they propose was shown to the Commission and it was noted that it is similar to that used at the Salt Lake City Airport. Dave Nicholas from IBI Group stressed that signage and wayfinding would be installed at key decision points so that a driver would not drive past entrance points.

In response to an inquiry regarding day-skier parking on level P-1, Mr. Pillman stated that there will potentially be some day-skier parking available there, although the primary day-skier parking levels will be on P-2 and P-3. As those levels fill up, they could direct people towards the north garage or to P-1. He noted that the parking management system will keep the best parking spots utilized while directing overflow to other areas as required. The parking garages are designed to be separate. Mr. Pillman noted that the most efficient parking garages do not have ramping, which allows for maximum stall counts within the structure. He reiterated that with good traffic management and signage, they would be able to direct people easily to available parking. Mr. Nicholas added that they are effectively utilizing Deer Valley Drive East as the ramp between parking levels, with separate entrances for each level as well as flat floor plates. This design is user-friendly and will improve the guest experience.

Mr. Pillman addressed the anticipated uses of the parking garage levels and stated that P-1 is the lowest level that would have an entrance off of Doe Pass Road. The hotel and development above will utilize level P-1 and it could also be valet parked. A portion of this level would also be available for day-skier parking on peak days. It was anticipated that levels P-2 and P-3 would be used primarily for day-skier parking.

Mr. Pillman explained that level P-3, which is proposed to have 455 parking stalls, will be the primary day-skier garage and loaded first. The secondary day-skier level will be P-2, which is the first entrance along Deer Valley Drive East. The level at P-2 would have 368 parking stalls. He noted that the garage entrances are adjacent to the existing grade to minimize ramping.

Commissioner Kenworthy asked if the parking plan includes any underground drop-offs within the garages. Mr. Pillman stated that they have not included underground drop-offs, but noted that the transit facility would be underground and covered. In response to a question from Commissioner Suesser, Mr. Pillman explained that the garage plan would involve excavating in a terraced fashion up the slope. The garage decks would not be stacked on top of one another, with the exception of a slight overlap between levels P-2 and P-3.

Mr. Pillman clarified that they have worked with the assumption that level P-1 would be utilized for hotel and development on the plaza deck, with a portion available for overflow day-skier parking. At the beginning of each day, day-skier parking would be initially directed to level P-3. Once P-3 is filled, traffic would be directed to level P-2; if and when that level becomes full, traffic would then be directed to level P-1 or to the north lot. He stated that currently, the north lot is a surface parking lot with over 500 parking stalls.

Mr. Wagner added that level P-1 would be designated for the hotel, commercial and day-skier uses. It would take on the proposed 96 units for the lifestyle hotel as well as the commercial

requirement for the project and day-skier overflow. He noted that there is some wiggle room in terms of where they park employees between the north parcel and P-1. He anticipated being able to present a more detailed plan regarding the parking layout at the next meeting. Mr. Pillman responded to a question about level P-4 and stated that it would have 131 parking stalls and would likely be used for valet parking, hotel parking, and potential overflow.

With respect to the intersection of Doe Pass Road and Deer Valley Drive East, Mr. Pillman stated that it is contemplated that most transit vehicles would use Doe Pass Road to enter the mobility hub and then loop back out. He added that there currently are bus stops along Deer Valley Drive that would remain. Specific details regarding routes are still to be determined, but they expect some transit vehicles to be circulating in the area.

He added that a majority of transit vehicles would come in from the top of Doe Pass Road, stop at the mobility hub and then go back out at the top, staying on the transit priority road to avoid traffic. Mr. Pillman explained that passenger vehicle circulation would depend on the season and time of day. They want to limit the number of passenger vehicles in the area to ensure the smooth flow of the transit vehicles. He anticipated that the Traffic Management Plan would call for mitigation of passenger vehicle traffic on the transit route; however, at this point, they have a framework that can be developed collectively with the City and the transit agencies to arrive at a system that works.

Commissioner Thimm commented that the entrance to P-1 is very near to the mobility hub circulation loop, and with over 400 stalls in P-1, he questioned the car count entering and exiting P-1 at peak use times. Mr. Pillman stated they anticipate that P-1 would be used by hotel and development traffic, which would not conflict with the day-skier arrival/departure times, but agreed that this is something that still needs to be worked out as a managed access point. He adding that there is some flexibility in moving the parking entrances, but noted that they are tied to the proposed road grades to minimize ramping.

Commissioner Thimm also asked whether the north entrance into level P-2 and the west entrance into level P-3 would be considered secondary entrances. Mr. Pillman stated that the grade allows two entry points into these parking levels. Depending on the time, season, and use requirements, traffic could be directed to the upper entrance. Alternatively, they could have a secondary entrance or dedicated exit during peak times.

Chair Phillips expressed concern that this concept mixes too many single-occupant vehicles with transit vehicles. He suggested that close attention be paid to this plan since transit will be an important component of achieving the modal split. He offered that a way to mitigate this could be to have only a right turn out of P-1 and P-2 to direct traffic to the primary vehicle route.

Commissioner Thimm commented that if they are routing vehicles out of P-1 and P-2 to the east, then they are creating potential conflicts with the transit path. He noted that if the secondary access points in P-2 and P-3 were dedicated exits, they could then direct traffic to the primary vehicle route, which might mitigate potential conflicts with bus traffic. Mr. Pillman noted that there are many opportunities with this plan and they are looking at something that would work year-round. Commissioner Thimm agreed and expressed that the plan must be able to function in the worst-case scenario.

Mr. Pillman noted that parking is currently designated in the proposal as “open parking.” They are in discussions with operations personnel at Deer Valley as well as parking consultants to

refine the need for potential “reserved parking” areas. Mr. Wagner confirmed that they are working through the assignment and location of parking, but opined that the general layout would work well. He highlighted the need for discussion regarding ski school drop-off locations.

The flexibility of the plan is significant and Mr. Pillman noted that there are many available solutions and options to talk through. Chair Phillips added that in addition to ski school drop-offs, consideration should be given to drop-offs for the Deer Valley Academy.

Mr. Nicholas presented the site plan and reiterated that it represents a concept to allow them to determine square footage for parking calculations and to ensure that they are within the entitlements that currently exist. He noted that they have looked at the Active Transportation Plan, and they recognize the importance of looking at the site from a trailhead perspective, including connections to existing trails and pedestrian systems in the area. He specifically highlighted the multi-purpose pathways along Deer Valley Drive and noted that this proposal would ensure that they are connected with continuous, seamless pathways. They also have a pedestrian loop around the south village area with a multi-purpose pathway connecting through the upper plaza.

He listed other pedestrian improvements, including a sidewalk along the east side of Deer Valley Drive East that would connect users across the street to the village as well as connections to existing pathways around the Lakeside area. They are also looking for strategic locations for bike parking stations throughout the village from Snow Park Lodge to the Lakeside area.

Mr. Nicholas clarified that the 8 – 10 foot multi-use paths could include pedestrians, strollers, bikes, and e-bikes. Commissioner Thimm suggested that a 12-foot multi-use path should be considered. In response to a question from Commissioner Suesser, Mr. Nicholas confirmed that the existing multi-use path around The Ponds that goes up to Deer Valley Drive West are 8 feet wide, while the existing multi-use path along Deer Valley Drive East is 10 feet wide. Mr. Wagner added that they would also be assessing striping ideas along Deer Valley Drive East for on-street bicycle facilities.

Jon Nepstad from Fehr & Peers introduced Seishi Yamagata also from Fehr & Peers to speak to the factors that went into the breakdown of the 20% reduction in parking. Mr. Yamagata explained that they took the proposed land use numbers and looked at the required parking rates set forth in the LMC. The ski resort also provided them with parking counts during peak times. He commented that the Urban Land Institute (“ULI”) provides a parking analysis methodology that looks at the benefits of shared parking.

Mr. Yamagata stated that the ULI shared parking analysis suggests a 9% reduction in parking based on the shared land use characteristics. He explained that Fehr & Peers has an internal tool that allows them to analyze the effects of paid parking by evaluating items ranging from occupancy, dwell time, and volume. Using this tool, they calculated that paid parking could result in a parking reduction of up to 17%. Mr. Yamagata stated that the calculations support a 26% parking reduction, but to be conservative, they utilized a 20% reduction. Mr. Wagner added that they chose to take the 20% reduction because it reduces the parking count while allowing enough parking to support the business operations of the resort itself.

Mr. Nepstad emphasized that the internal operations of the garages would be highly managed and informative for arriving visitors in an effort to reduce the stress of getting to the parking structures and finding available parking. In response to an inquiry from Commissioner Kenworthy,

Mr. Wagner advised that they currently park approximately 250 – 300 of the 3,000 total employees at Snow Park. This plan contemplates 250 – 300 parking stalls for employees.

CUTBOW Principal Consultant, Hannah Tyler, addressed how the parking calculations relate back to the Development Agreement. They received feedback during the last Planning Commission meeting asking how the parking calculations were formulated and how they could expect the Planning Commission to approve a garage for uses that had not been clearly defined for the phases beyond Phase One.

She stated that this is a resort-based development and Deer Valley Resort is and would continue to be the operator of the resort during and after all phases of construction. Deer Valley Resort's visioning process for the overall programming of the base resort contemplates a guest experience that starts from arrival and extends to the ski experience and departure. This process resulted in a projected use mix for the Snow Park Development that would align and complement the desired programming.

Ms. Tyler added that the developer worked this visioning process into the existing entitlements established by the Development Agreement. She noted that even though a third part developer would be assisting in the construction and overall process management of Phases Two and Three, Deer Valley would still be at the table and they have established what they envision as their ideal use mix.

She reported that Deer Valley proposed that in order to successfully create the programming and desired guest experience, they would need a certain amount of square footage for guest amenities and other commercial uses. The project architects have projected square footages for those assigned uses, assigned the use type, established unit equivalents (UE) for those uses, and then utilized the parking requirements from the LMC.

While the owners and operators of the commercial spaces and hotels have not yet been identified, they are able to determine the parking requirements. She stressed that Phases Two and Three would not exceed the parking calculations presented. Fehr & Peers has assigned the reduction in the parking requirement based on shared uses and other factors and the project will not exceed the density in the future Phases, nor the parking requirements that are established.

She presented a chart identifying the projected uses and how the parking reduction was applied. Square footages and UE's that are assigned are also listed in the chart and tied back to the Development Agreement UE's. She expressed that this should give the Commission the confidence in not only the calculations but also how the 1,810 parking spaces would be realized throughout the phasing of the project.

Commissioner Suesser asked if the uses anticipated by Deer Valley are allowed in the MPD. Ms. Tyler stated that the Development Agreement establishes a broader spectrum UE count at 209.75 and blanket square footage for commercial. She pointed out that the chart reflects that there are no UE's assigned to commercial because of the blanket allowance. She explained that the blanket UE calculation of 209.75 gives Deer Valley the ability to be more flexible on what they decide to put into the various phases of the development. Ms. Tyler added that due to the lack of specificity regarding allowable uses in the Development Agreement, the chart presented should give the Commission more clarity and assurance that when the future phases come in, they would be in compliance with overall density, and the parking will already have been assigned for those uses.

Commissioner Thimm asked how they arrived at the 1,500 stalls for day-skier parking. Ms. Tyler stated that parking calculation is a combination of what currently exists, plus what has been allowed on the street. Commissioner Thimm agreed with the 20% reduction in day-skier parking.

Commissioner Thimm then asked whether Fehr & Peer's analysis supporting a reduction based on paid parking also supports the reduction for residential, hotel, and commercial parking. Mr. Nepstad stated that the parking would be managed internally but acknowledged the merit in evaluating the rate based on different managed uses.

After discussion regarding timing and the presentation of specific issues, Mr. Nicholas turned to the topic of drop-off zones and walking distances. He reported that currently, the distance from the passenger vehicle drop-off zone to the Carpenter Lift is 330 feet with a 12-foot vertical grade change. From the bus transit drop-off, the distance is 480 feet with a 15-foot vertical change. He also showed the walk distances and vertical grade changes from Lots 1, 2, 3, 4, and 5.

He stated that the concept plan separates the passenger vehicle drop-off from the mobility hub and pulls the chair lifts further down into the village. With this proposal, there would be no vertical grade change from the vehicle drop-off to the Carpenter Lift and Silver Lake Lift, and the walking distance would be 200 feet and 300 feet, respectively. From the mobility hub, the overall distance to the Silver Lake Lift would be 750 feet, 200 feet of which would be via escalator. The 50-foot vertical elevation change would also be via an escalator. The Carpenter Lift would be another 250 feet from the mobility hub.

Mr. Nicholas presented a slide representing the existing drop-off area, which shows it to be just under 1,000 lineal feet. The existing shuttle drop-off is 250 lineal feet, while the bus lane is 286 lineal feet. The proposal calls for the passenger vehicle drop-off zone to be approximately 1,200 lineal feet, while the mobility hub would have approximately 575 lineal feet of curb space for buses and shuttles.

Mr. Wagner explained that all drop-off areas would include a newly reimagined arrival sequence that is far better than what currently exists. The drop-offs will accommodate more vehicles and provide a flatter, shorter walk for pedestrians. Commissioner Johnson asked if the tighter turns will negatively impact the function of the drop-off zones and circulation through them. Mr. Wagner stated that they do not see any issues, and indicated that the specific design will be presented at a future meeting. He commented that the area has three lanes and will function well with the added benefit of a flat walk to the lifts. Commissioner Johnson added that this design eliminates the daycare drop-off, which could increase traffic in the drop-off zone unless a different solution is reached.

Michael Demkowicz from Alliance Engineering addressed the comments from the last meeting regarding emergency access. He presented an exhibit demonstrating the alternate opportunities to exit the area in the event of an emergency. He explained how Royal Street and Mellow Mountain Road will be utilized to exit the area. He noted that while Deer Crest Road has a private road and gate system, it could be used in the event of an emergency to get large volumes of people out of the area. Additionally, there are dirt road emergency access opportunities from Deer Crest Road and The Oaks Development that will lead people out to the frontage road along US 40 and allow a return to Richardson Flat. Mr. Wagner added that a key consideration is that Snow Park is always considered a part of the Deer Valley MPD, so when the egress roads are

developed, this project was already considered as part of that strategy. The plan is more than sufficient to address the emergency egress issues.

Chair Phillips opened the public hearing.

Jim and Brenda Bauer reported that they live directly across the street from this project site and have been long-time Park City residents. Mr. Bauer stated that the applicant has already indicated that they are looking for quick approval to accommodate the construction schedule. He had faith that the Commission has heard this argument in the past and that it would not become part of the decision-making process that is to grade plans that work in the long-term for the overall benefit of the City. The concerns of the neighbors and the rest of the community surround the elevations and how they would be established. He has written to the Planning Commission on these concerns. Mr. Bauer commented that they are surprised that the circulation plan appears to propose turning Deer Valley Drive East into a service road, which presents issues for the residents who live in the neighborhood. He noted that if the original Master Plan is compared to this plan, this plan is much more grandiose. Instead of one hotel contemplated in the Master Plan, the site would have a myriad of hotels.

Jack Thomas identified himself as the former Mayor of Park City. He expressed appreciation to the Planning Commission for their work. He also thanked Deer Valley for being a patient, community team player in Park City. They have been a part of the community for a long time and have engaged with, and supported the City for decades. He mentioned their efforts for affordable housing, support for non-profits, and engagement with other communities and resorts. He stated that this proposal is a culmination of thinking that occurred over several decades. He acknowledged that it takes a lot of time to comprehend a plan that is this significant, and offered that the decision-making should be slow and contemplative to make sure that everyone knows what the plan entails. He stressed that this is not a reactionary design; it has been deeply contemplated and shared with many people over the past few decades. Mr. Thomas added that Deer Valley is a resort that is readily willing to listen and support the underlying values of the community.

Michael Kerby reported that he attended one of the outreach meetings and is very familiar with ski resorts and bases and what it takes to develop a resort design. He noticed how much thought and effort was put into this and stated that it is a very well thought out design, from the traffic flow plan to moving the lifts closer to the village. He has been in Park City for 15 years and is excited about this project. He knows that the Commission will conduct its due diligence and work through the process but highly supports this project to be part of the community. He stated it reminds him of Whistler Village in Vancouver, Canada. He sees this as a well-planned ski village that would be the closest the lower 48 states would have to Whistler.

John Lindell expressed appreciation for the effort of all involved in this project. He has resided in the area for 20 years and is on the Lower Deer Valley Coalition that represents the neighborhoods. He stated that they need a clearer understanding of the heights and expressed concerns about traffic and parking. One issue that has not been raised was the reduction in bus services. He wanted to know more about that reduction. He also did not hear anything about the impact of paid parking and reduced parking on the neighborhood and suggested that people would likely end up parking on the neighborhood streets. Mr. Lindell stated that the current walkways around The Ponds are three feet wide and are used as multi-use trails. He stated that these walkways need attention during this process. He also raised the issue of the anticipated noise not only during the lengthy construction process but also once the project is complete.

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

Chair Phillips commented that these discussions provide the opportunity to provide early comments and concerns. He expressed hope that the community stays engaged in this process by providing input so that it may be taken into consideration. Based on his experience with large projects like this, the timelines given at the outset are typically exceeded. He expressed that the timeline presented for this project is very aggressive and he doubts that it will be met, but they are committed to working through this project with Deer Valley.

He referenced a comment from the prior meeting, where Steven Issowits, Deer Valley Vice President of Real Estate and Resort Planning, stated that the idea would be to attract day-skiers into enjoying the amenities after skiing, which could reduce some of the afternoon traffic impacts. Chair Phillips stated that even though there may not be a way to calculate the impacts that concept might have, it made him consider other ways to mitigate afternoon traffic issues, not just for this project but for others as well. He requested input on how they could expand on these ideas. He suggested that since paid parking is a significant component of this plan, reducing rates after a certain hour could potentially be used to soften the outflow in the evening and incentivize people to stay longer. Another option could be validations from restaurants.

Chair Phillips recognized Mr. Issowits who requested to comment. Mr. Issowits stated that he would like to focus on the framework at this stage. He acknowledged that there is still work to do with the City in terms of operations, but the goal of the framework was to use the elevations to create the most efficient methods for vehicle travel and parking. He highlighted the discussion surrounding the entrances to P-1 and P-2, and flexibility built into the framework as to where visitors can ingress and egress and how they could be directed.

In terms of parking reduction, he noted that they have utilized many of the assumptions that the City has included in the visioning process over a number of years, and they align well with the development. They are dramatically increasing the size and amenity of the transit center and how it flows into the resort as well as decreasing walking distances to the lifts by pulling the lifts down into the village. Mr. Issowits stated that in regard to the uses assigned to level P-1, the more residential uses would be less transient than day-skier traffic, which highlights why they have focused on who they planned to park in each garage.

He expressed appreciation to everyone working on this project and specifically thanked Planner Ananth. He also expressed appreciation for the neighbors, who have given their time for meetings to share their ideas and concerns. The input helps them work through issues in a detailed way to help them build a great project. Chair Phillips added that most, if not all future meetings would be solely on this project.

Commissioner Kenworthy liked the way the plan begins by addressing parking needs and he feels it creates more flexibility than the existing transit concerns. He also liked that the parking includes employees. He noted that at first glance, the new transit zones look like a win-win. He was impressed that the applicant responded to Commissioner Suesser's questions regarding an evacuation plan. He expressed appreciation to Planner Ananth, as well as former Mayor Jack Thomas for still contributing to the City.

Commissioner Suesser reiterated that the 13 items included in the Staff Report are items that need to be addressed. She would also like to see the proposed amendment to the MPD and

would like more details on the number of hotels proposed. She noted that the Event Center, which was described as a compatible use with the ski resort and development base, might also draw from the broader community. She liked the applicant's approach in presenting the circulation plan and parking first and noted that it is refreshing to see the thought and planning that has gone into this proposal.

Commissioner Van Dine agreed with Commissioner Suesser's comments and requests regarding the Event Center. She added that the multi-use paths need to be bigger, and noted that because there is so much bike traffic in the area and around the City in general that addressing the bike traffic is essential. She appreciated the efforts in the Transit Report to determine where potential visitors would come from.

Commissioner Johnson echoed the comments of the other Commissioners and stated that the City's checklist should answer many of his questions and is looking forward to the applicant's response. He referenced the suggestion of using Treasure Mountain as overflow parking, and with the potential dim future of that property, he moving forward, he would like to hear a backup plan for that proposal.

Commissioner Hall agreed with the prior comments of the Commissioners. She expressed appreciation for the applicant's quick response to Commissioner Suesser's request from the last meeting.

Commissioner Thimm noted that his comments were expressed during the presentation and expressed appreciation for the effort that has gone into this proposal. He stated that it would be important for them to fully understand how they would minimize any traffic impact on the neighborhoods, both during construction and post-construction. He would also like to understand the plan for rubbish and deliveries. He thanked Mayor Thomas for calling in and for inviting him to sit on the Commission. Chair Phillips echoed those comments regarding Mayor Thomas.

Commissioner Suesser added that she would like information on the location of loading docks and delivery access points.

After a brief recess, Chair Phillips took a brief roll call to confirm the presence of Commissioners.

8. REGULAR AGENDA

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

City Planner, Browne Sebright, reported that staff recommended that a public hearing be opened for this agenda item, and then it be continued to the September 22, 2021, Planning Commission meeting.

In response to a question from Chair Phillips regarding why these items remained in the Regular Agenda, Planner Ananth explained that an item would be listed under Continuations if it had been heard before and then came back before the Commission.

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

the public hearing.

MOTION: Commissioner Thimm moved to continue the 3805 Fox Tail Trail – Plat Amendment to the September 22, 2021, Planning Commission meeting. Commissioner Kenworthy seconded the motion.

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

- B. 3805 Fox Tail Trail – Rezone – The Applicant Proposes Reallocating the Estate and Recreation Open Space Zoning for Parcel PCA-S-98-SEC-11 to Create an 8.85-Acre Area in the Estate Zoning District for the Construction of a Single-Family Dwelling Outside of the Ridge Line Area and a 23.89-Acre Area in the Recreation Open Space Area to be Dedicated to Park City Pursuant to Conservation Easement. PL-21-04865.**

Planner Sebright reported that staff recommended that a public hearing be opened for this agenda item and it continued to the September 22, 2021, Planning Commission meeting.

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

MOTION: Commissioner Thimm moved to continue the 3805 Fox Tail Trail – Rezone to the September 22, 2021, Planning Commission meeting. Commissioner Kenworthy seconded the motion.

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

- C. Land Management Code and Municipal Code of Park City Amendment – On January 4, 2018, the City Council of Park City Adopted Resolution No. 01-2018 to Establish a Complete Streets Policy. The Proposed Amendments Codify an Updated Complete Streets Policy in Municipal Code of Park City Title 14, Chapter 8, and Amends the Land Management Code Chapters 15-6, Master Planned Developments, and 15-7, Subdivisions, to Reference the Complete Streets Policy. PL-21-04738.**

City Planner, Austin Taylor, reported that he is part of the Transportation Planning Department who recommended that the above item be continued to an unspecified date. He explained that this item involves a Complete Streets Policy that codifies the resolution adopted in 2018 that the City already follows. He noted that the City is already designing streets to take into account the needs of all street users. The recommended continuation would allow them to continue to revise the amendment and obtain additional feedback from other departments.

Commissioner Suesser asked if Complete Streets applies to affordable housing development projects. Planner Taylor responded that Complete Streets applies to all public and private streets, so if an affordable housing project creates a new street, then the Complete Streets standard would be applied.

Planner Taylor clarified that the Complete Streets standard does not mean that every street has a bike lane or a sidewalk on both sides; they do not have the room for that in Park City. It means that throughout the City they will strive to have a complete network, and where there is space,

they will install that infrastructure. Commissioner Suesser asked specifically about sidewalks and Planner Taylor confirmed that sidewalks are part of the standard.

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

MOTION: Commissioner Thimm moved to continue the Land Management Code and Municipal Code Amendment Concerning Complete Streets to a date uncertain. Commissioner Kenworthy seconded the motion.

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

D. 1913-1915 Prospector Avenue – Plat Amendment – Amend Lot F of the Gigaplat Replat with an Access Easement Connecting Prospector Avenue to the Rail Trail, Gigaplat Replat, First Amended and Restated, Park City, Utah, in the General Commercial Zoning District. PL-21-04864.

Planner Ananth reported that the above matter involves an application for an access easement in Parking Lot F in Prospector Square, which is located in the General Commercial zone. This is a shared parking lot for the uses in that area. The City is requesting to amend the existing plat with an access easement to maintain public access in perpetuity between Prospector Avenue and the Rail Trail. She stated that the Prospector Square Property Owners' Association owns the access easement area. No other changes to the plat are proposed.

Planner Ananth presented an aerial map showing the lot and the location of the access easement. She commented that the City recently improved the area with a new staircase and handicap-accessible access to the Rail Trail. This access easement provides access in perpetuity and also clarifies maintenance obligations. She presented the plat showing the new access easement. She mentioned that a similar project was recently approved on Parking Lot G in the Prospector Square area.

The proposed plat amendment was reviewed in accordance with LMC Chapter 15-7 and she reported that Staff found good cause for this plat amendment as the access easement would maintain and solidify access from Prospector to the Rail Trail. Planner Ananth also stated that staff recommends the Commission hold a public hearing and consider forwarding a positive recommendation for the City Council's consideration at its' September 23, 2021 meeting.

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

MOTION: Commissioner Thimm moved to forward a positive recommendation for the 1913-1915 Prospector Avenue Plat Amendment to the City Council for consideration on September 23, 2021, subject to the following:

Findings of Fact:

1. The property is located at 1913-1915 Prospector Avenue in the General Commercial (GC) Zoning District.

2. Ordinance 14-28, approved by the City Council on June 5, 2014, approved the Gigaplat Replat, relocating the two development pads and common parking layout for 1913-15 Prospector Avenue and Parking Lot F.
3. The proposed easement amends this plat.
4. The plat amendment formalizes an access easement on the existing walkway that connects Prospector Avenue to the Rail Trail located south of the property.
5. The easement will maintain public access in perpetuity and defines the maintenance agreements between the City and property owners.
6. No additional density is created nor is any additional parking required.
7. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this Plat Amendment as the access easement will ensure public access from Prospector Avenue to the Rail Trail and will define maintenance agreements.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions, including LMC § 15-7.
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 Attorney and City Engineer will review and approve the final form and content of the Plat Amendment 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 Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. A Plat Note shall indicate that any Conditions of Approval of the Gigaplat Replat shall continue to apply.
4. A Plat Note shall indicate that the Plat is subject to Ordinance 2021-XX.

Commissioner Kenworthy seconded the motion.

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

E. 633 Park Avenue – Condominium Plat Amendment – Expand the Second Level by Enclosing a Portion of the Deck at the Rear of the Building, the Crescent Condominiums First Amended Amending Unit B, Park City, Utah, in the Historic Recreation Commercial Zoning District. PL-21-04858.

Planner Ananth reported that the Crescent Condominiums is a three-unit condominium recorded in 2006, and located in the Historic Recreation Commercial zoning district. The applicant is proposing to expand the second level of Unit B by 51 square feet, which involves enclosing the rear deck and converting it to private ownership. She added that no additional parking requirements are triggered by this plat amendment and the expansion is located outside of the rear setback.

Planner Ananth presented a map showing the location of the property on Park Avenue at the intersection with the Crescent Tram. She also presented the existing second-floor deck and area proposed to be enclosed. The plat amendment was also presented. She reported that staff finds good cause for this condominium plat amendment, as it would expand the private area with no change to the building's footprint and no impact on the light, air, or privacy of adjacent residents. The Homeowners Association (HOA) has approved this application, and no public streets, right-of-way, or easements would be vacated or amended as a result of this plat amendment. Staff recommended that the Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for their September 23, 2021 meeting.

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

MOTION: Commissioner Kenworthy moved to forward a positive recommendation for the 633 Park Avenue Condominium Plat Amendment to the City Council for consideration on September 23, 2021, subject to the following:

Findings of Fact:

1. The property is located at 633 Park Avenue in the Historic Recreation Commercial (HRC) Zoning District.
2. The Crescent Condominiums is a 3-unit condominium building originally recorded in 2006.
3. The proposed amendment is to expand the second level of Unit B 51 square feet, by enclosing a portion of the limited common ownership deck at the rear of the building and converting the enclosed portion to private ownership.
4. The 631/633/635 Homeowners Association approved the proposed additions in a letter dated June 10, 2021.
5. The additions do not change the number of residential Lots, Density, or require additional parking.
6. The enclosed deck meets all setback requirements.

7. Staff finds Good Cause for this Plat Amendment as the Amendment expands the unit owner's private area with no change to the building's front façade and no impacts to the light, air, or privacy of adjacent residents.
8. No Public Streets, Right-of-Way, or easement has been vacated or amended.
9. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this Plat Amendment as the Amendment expands the private area of Unit B with no change to the building's front façade and no impacts to the light, air, or privacy of adjacent residents.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions, including LMC § 15-7.
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.
5. No Public Streets, Right-of-Way, or easements have been vacated or amended.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. The applicant shall receive Historic District Design Review approval prior to the issuance of a building permit for the enclosed deck.
4. A Plat Note shall indicate that any Conditions of Approval of the Crescent Condominiums Plat, shall continue to apply.
5. A Plat Note shall indicate that the Plat is subject to Ordinance 2021-XX.

Commissioner Johnson seconded the motion.

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

F. 1013 Northstar Avenue – Steep Slope Conditional Use Permit – The Applicant Requests a Steep Slope Conditional Use Permit for a New Single-Family

Dwelling on a Vacant Lot in the Historic Residential – 1 Zoning District. PL-21-04808.

Planner Sebright reported that the applicant's representative, Jonathan DeGray, as well as the applicant, Greg Schott, were present. He explained that this is the first of two items related to 1013 Northstar Avenue. This item involves the Steep Slope Conditional Use permit. 1013 Northstar Avenue is just less than one acre in size. The applicant is requesting a Steep Slope Conditional Use permit for a new single-family residential dwelling on a vacant lot in the HR-1 District. The entire lot is at a 30% slope or greater, and the development is proposed for the lowest portion of the lot to the east.

Planner Sebright explained that this lot is on a private road on the historic Crescent Tram Grade. The survey illustrates that the grade is consistent throughout the entire lot. The building would be located on the bottom-most portion of the lot with required setbacks and access through a driveway. He presented photographs showing the existing streetscape and a rendering of the proposed building. Based on staff's analysis of the proposal, they concluded that the proposed single-family dwelling complies with the HR-1 zoning district requirements, including lot size, width, maximum building footprint, setback, building height, and parking requirements.

Additionally, staff concluded that the proposal complies with the criteria for development on steep slopes. The construction on this lot is to be clustered on the easternmost portion of the lot, which is the lowest elevation. Staff found that it complies with requirements for access, terracing, and setback requirements. Planner Sebright added that the terracing portion of the design was raised during the Historic District Design Review process and, as a result, the final design has an approximate 20% reduction of the number of retaining walls from previous versions. The retaining walls that exist now are primarily located around the driveway.

Planner Sebright added that staff's analysis of the proposal in terms of visual analysis, and building form and scale was based on the applicant's submission of what the cross-canyon view would be for this development. Staff also evaluated dwelling volume and building height as it relates to other developments within the subdivision. He noted that this is the second-largest lot in the subdivision, and is comparable in footprint and in percentage based on lot size.

Planner Sebright reported that this development went before the Development Review Committee and underwent the applicable reviews by City departments. The only comment received was from Public Utilities, which indicated that there is a known issue with water pressure on the uppermost floors of the building in this subdivision. Staff has not received any public input at this time. He stated that staff recommended that the Planning Commission review the proposed plans, conduct a public hearing, and consider approval of the Steep Slope Conditional Use permit.

Commissioner Suesser expressed concerns about the proposed retaining walls and terracing. She requested images of driveway access and garage door location. Planner Sebright referred back to the streetscape rendering and noted that the garage is proposed for the front of the building. He noted that part of the reasoning for the location of the garage was to minimize the cut and fills required for the driveway. The driveway access is to the north.

Commissioner Suesser commented in an effort to decrease massing, they generally try to configure garage doors on structures of this size to the side of the structure. Planner Sebright agreed and noted that this was a point of discussion amongst the design review team. Commissioner Suesser reiterated that she has concerns about the size, length, and height of the

retaining walls and the length and height of the terracing, and requested more information on those dimensions.

Planner Sebright presented additional views of the proposed driveway.

Chair Phillips commented that this might fall under that part of the Code that prohibits altering existing terrain by more than four feet for residential buildings. He noted that it appears that this may be why the terracing was proposed. Jonathan DeGray, AIA stated that the terracing around the driveway falls under an exemption in the Code that allows them to exceed the four-foot limit to allow access to the home and to the driveway. He explained that they have tried to maintain the four-foot limit, noting that there is only a small portion on the right side of the elevation where they struggled to match grade. In that location, the wall would be 5 ½ to 6 feet tall at its maximum. Everything else on the rendering is 4 feet or less.

Chair Phillips agreed that access is exempt from the Code requirement.

In response to a question from Commissioner Suesser, it was confirmed that this home would be part of the Northstar HOA. It was reported that the HOA approved the plan, and has requested the drainage plan, which is being prepared.

Commissioner Suesser requested confirmation that this application was properly noticed, as she was surprised that they have not received comment from anyone in the Northstar Development about this project. Planner Sebright confirmed that notice was sent, and stated that he has heard from members of the HOA, but no other public comments were received. Mr. Schott added that the HOA's Architectural Review Committee has reviewed the plan and they are very supportive of the project.

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

MOTION: Commissioner Kenworthy moved to approve the Steep Slope Conditional Use Permit for 1013 Northstar Drive, subject to the following:

Findings of Fact

1. The property is located at 1013 Northstar Drive.
2. On December 21, 2020, the Planning Department received the current Historic District Design Review (HDDR) application for the construction of a new single-family dwelling at 1013 Northstar Drive.
3. The HDDR application was approved on April 25, 2021.
4. On April 6, 2021, the Planning Department received a complete application for an Administrative Steep Slope Conditional Use Permit (SS-CUP) for "Construction on a Steep Slope" at 1013 Northstar Drive. The property is located in the Historic Residential (HR-1) District. The lot contains 41,967 square feet and it is an uphill lot.
5. The property is located in the Historic Residential (HR-1) District.

6. The lot contains 41,967 square feet. It is an up lot, and the average slope of this lot is 49%. The average slope within the footprint is 49%. The average slope beneath the proposed driveway is approximately 13%.
7. Access to the property is from Northstar Drive, a private street.
8. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes, and duplexes. The streetscape is dominated by homes setback from the street. The homes are a mix of one- to two-story residential developments, with a few three- to four-story houses.
9. The proposal complies with LMC 15-2.2-2(A) as a Single-Family Dwelling is an Allowed Use in the HR-1 zone.
10. The proposal complies with LMC 15-2.2-3(A) as the minimum Lot Size for a Single-Family Dwelling is 1,875 square feet, the proposal is 41,967 square feet.
11. The proposal complies with LMC 15-2.2-3(E) as the maximum building footprint allowed is 3,500 square feet and the Applicant has proposed 3,497 square feet.
12. The proposal complies with LMC 15-2.2-5 Building Height. The zone height is twenty-seven feet (27') from Existing Grade, and the tallest portion of the proposed building is below 27 feet from Existing Grade.
 - a. A structure is required to have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate supporting the ceiling joists or roof rafters; the applicant is proposing an interior height below 35 feet.
 - b. The LMC also requires a 10-foot horizontal step on the downhill façade that takes place at a maximum height of 23 feet from where the Building Footprint meets the lowest point of existing Grade; the applicant has incorporated a horizontal step on the façade of the building.
13. The proposal complies with LMC 15-3-6(A) as a Single-Family Dwelling requires two (2) parking spaces per Dwelling Unit. The applicant has proposed a total of four (4) covered parking spaces.
14. The proposal complies with LMC 15-2.2-6(C)(1), as the proposed single-family dwelling is located on the lot in a manner that reduces the visual and environmental impacts.
15. The proposal complies with LMC 15-2.2-6(C)(2), as the applicant submitted a photographic visual analysis, including street and aerial views, to show the proposed streetscape (See Exhibit D). As demonstrated by the visual analysis, the proposed new single-family dwelling fits within the context of the slope, neighboring structures, and existing vegetation. The neighborhood consists of historic houses with one- to two-story additions, one- to two-story new houses, and a few three- to four-story new residential developments. The visual analysis and streetscape view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated.

16. The proposal complies with LMC 15-2.2-6(C)(3), as the proposed driveway leads to the driveway and the garage.
17. The proposal complies with LMC 15-2.2-6(C)(5), as the new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
18. The proposal complies with LMC 15-2.2-6(C)(6), as the applicant broke up the mass of the new structure by incorporating multiple rooflines and articulation of the wall planes. By breaking up the structure into a series of individual smaller components, the entire structure is more compatible with the overall mass and scale of the Historic District.
19. The proposal complies with LMC 15-2.2-6(C)(7), as the new structure complies with all applicable setbacks. The applicant has worked to break up the mass and scale of the structure through incorporating smaller components, multiple rooflines, and articulation of the wall planes.
20. The proposal complies with LMC 15-2.2-6(C)(8), as the proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed single-family dwelling and surrounding structures.
21. The proposal complies with LMC 15-2.2-6(C)(9), as the proposed new construction complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. The height of the tallest portions of the new structure is below 27 feet above existing grade. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.
22. The property was posted and notice was mailed to property owners within 300 feet on August 10, 2021.
23. The 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, specifically section 15-2.2-6(C).
2. The Use is consistent with the Park City General Plan.
3. The effects of any differences in use of scale have been mitigated through careful planning.

Conditions of Approval

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. The CMP shall include language regarding the method of protecting adjacent structures.
3. 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.
4. This approval will expire on August 25, 2022, if a Building Permit has not been issued by the building department before the expiration date unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Director or Designee on August 5, 2021, and the Final HDDR Design.
6. Fire sprinklers are required, to the satisfaction of the Chief Building Official, for all new construction on this lot.
7. All exterior lighting shall be down directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
8. Construction waste should be diverted from the landfill and recycled when possible.
9. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.

Commissioner Thimm seconded the motion.

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

G. 1013 Northstar Avenue – Accessory Dwelling Unit – The Applicant Requests an Accessory Apartment Conditional Use Permit for a New Single-Family Dwelling on a Vacant Lot in the Historic Residential – 1 Zoning District. PL-21-04809.

Planner Sebright stated that this application seeks a conditional use permit for an accessory apartment for the single-family home on this property. He reported that the total living area is approximately 8,000 square feet for the home. The accessory apartment would be approximately 990 square feet and would have one bedroom and one bathroom. He presented the first level plan to illustrate the proposed location of the accessory apartment in the lower-left corner of the building, with a separate entrance.

Planner Sebright reported that staff reviewed this application and determined that it complies with the requirements of the HR-1 zoning district. It complies with lot size, lot width, footprint, setbacks, and height. He referred back to the site plan presented for the previous item. He referenced the Accessory Apartments code requirements and language and stated that this apartment meets the size requirements and accommodates all required parking on-site. It also complies with all additional requirements, including density limits of accessory apartments in the surrounding neighborhood and ownership. Staff looked at all homes within a 300-foot radius and found no other approved accessory apartments.

Planner Sebright noted that there are conditions of approval regarding required deed restrictions, limits on use for nightly rentals, and HOA notification. He reported that the Development Review Committee reviewed this application, and other than the aforementioned comments regarding water pressure, there were no concerns from other departments. Staff has not received any public input. Staff recommended that the Planning Commission review the plan for the accessory apartment, conduct a public hearing, and consider approving the Accessory Apartment Conditional Use permit.

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

MOTION: Commissioner Thimm moved to approve the Conditional Use Permit for an Accessory Apartment for 1013 Northstar Drive, subject to the following:

Findings of Fact

1. The property is located at 1013 Northstar Drive.
2. On December 21, 2020, the Planning Department received the current Historic District Design Review (HDDR) application for the construction of a new single-family dwelling at 1013 Northstar Drive.
3. The HDDR application was approved on April 25, 2021.
4. On April 6, 2021, the Planning Department received a complete application for a Conditional Use Permit (SS-CUP) for an Accessory Apartment at 1013 Northstar Drive. The property is located in the Historic Residential (HR-1) District. The lot contains 41,967 square feet and it is an uphill lot.
5. The property is located in the Historic Residential (HR-1) District.
6. The lot contains 41,967 square feet, with Steep Slopes throughout the lot.
7. Access to the property is from Northstar Drive, a private street.
8. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes, and duplexes. The streetscape is dominated by homes setback from the street. The homes are a mix of one- to two-story residential developments, with a few three- to four-story houses.

9. The proposal complies with LMC 15-2.2-2(A) as a Single-Family Dwelling is an Allowed Use in the HR-1 zone.
10. The proposal complies with LMC 15-2.2-3(A) as the minimum Lot Size for a Single-Family Dwelling is 1,875 square feet, the proposal is 41,967 square feet.
11. The proposal complies with LMC 15-2.2-3(E) as the maximum building footprint allowed is 3,500 square feet and the Applicant has proposed 3,497 square feet.
12. The proposal complies with LMC 15-2.2-5 Building Height. The zone height is twenty-seven feet (27') from Existing Grade, and the tallest portion of the proposed building is below 27 feet from Existing Grade.
 - a. A structure is required to have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate supporting the ceiling joists or roof rafters; the applicant is proposing an interior height below 35 feet.
 - b. The LMC also requires a 10-foot horizontal step on the downhill façade that takes place at a maximum height of 23 feet from where the Building Footprint meets the lowest point of existing Grade; the applicant has incorporated a horizontal step on the façade of the building.
13. The proposal complies with LMC 15-3-6(A) as a Single-Family Dwelling requires two (2) parking spaces per Dwelling Unit. The applicant has proposed a total of four (4) covered parking spaces.
14. The proposal complies with LMC 15-4-7(A)(1), as the proposed Accessory Apartment is approximately 1,063 square feet in size, comprising approximately 13.23% of the square footage of the entire building.
15. The proposal complies with LMC 15-4-7(A)(2), as the proposed Accessory Apartment contains one bedroom, requiring one (1) parking space in addition to DRAFT the two (2) parking spaces required for the primary residence. The proposed design has an approximately 864 square foot garage area (24 feet by 36 feet), which will provide four (4) parking spaces.
16. The proposal complies with LMC 15-4-7(A)(3), as the proposed design contains one (1) Accessory Apartment on the Lot.
17. The proposal complies with LMC 15-4-7(A)(4), as the Applicant submitted a Historic District Design Review application to building a new Single-Family Dwelling on the property, which was approved on August 5, 2021.
18. The proposal complies with LMC 15-4-7(A)(5), as there are no properties within a 300' radius of the Applicant's Property boundary with recorded Accessory Apartments with Deed Restrictions.
19. The proposal will comply with LMC 15-4-7(A)(6), as stipulated in Condition of Approval 4.
20. The proposal will comply with LMC 15-4-7(A)(7), as stipulated in Condition of Approval 4.

21. The proposal will comply with LMC 15-4-7(A)(8), as stipulated in Condition of Approval 3.
22. The proposal will comply with LMC 15-4-7(A)(9), as stipulated in Condition of Approval 4.
23. The property was posted and notice was mailed to property owners within 300 feet on August 11, 2021.
24. The 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, specifically section 15-4-7.
2. The Use is consistent with the Park City General Plan.
3. The effects of any differences in use of scale have been mitigated through careful planning.

Condition of Approval

1. All Standard Project Conditions shall apply.
2. The proposed project shall comply with all conditions of approval per the Historic District Design Review PL-21-04730.
3. If an Accessory Apartment permit is granted, neither the main Dwelling Unit nor the Accessory Apartment shall be rented for periods of time less than thirty (30) days.
4. A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states: a. "A permit for an Accessory Apartment was issued to _____, the current Owner of this Property on DRAFT _____. This permit runs with the land and is automatically transferred to the new owner by the Sale or Transfer of this Property, provided, however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7(B)(1). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner. The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short-term rentals of less than thirty (30) days.
5. Prior to, or at the time of Application for a permit for any Development, the Applicant shall file with the City evidence of notification to the appropriate registered Owners association(s).
6. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.

7. 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.
8. This approval will expire on August 25, 2022, if a Building Permit has not been issued by the building department before the expiration date unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Director or Designee on August 5, 2021, and the Final HDDR Design.
10. Fire sprinklers are required, to the satisfaction of the Chief Building Official, for all new construction on this lot.
11. All exterior lighting shall be down directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.

Commissioner Kenworthy seconded the motion.

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

H. 199 Daly Avenue – Steep Slope Conditional Use Permit – The Applicant Proposes Constructing an Accessory Garage into the Rear Steep Slope of a Significant Historic Site in the Historic Residential – 1 Zoning District. PL-21-04837.

Senior City Planner, Rebecca Ward, explained that 199 Daly Avenue is a historic home where the applicant is proposing to remodel the addition at the back of the home. As part of that remodel, the applicant proposed a detached garage be constructed into the steep slope. The slope is greater than 30% and requires Planning Commission review and approval. The lot is over 5,000 square feet in size. She reported that this application was presented to the Planning Commission on July 15, 2021, and was continued to today to allow for clarifications on the roof deck and the renderings for the proposed detached garage. Planner Ward reported that the applicant made changes to the proposal by removing the rooftop deck and replacing it with a green roof. The applicant also produced updated renderings for the detached garage, slope restoration, and landscaping.

Planner Ward presented a rendering showing the historic structure and the proposed driveway that goes from the rear of the property to the detached garage. She also presented renderings of views from the southern neighbor that shows how the garage would be located beneath the slope, with the green roof above. The Landscape Plan shows the green roof that would replace what was originally designed as an active, outdoor deck.

She reported that the proposal complies with the zoning district requirements and the Steep Slope Conditional Use Permit requirements. She noted that they have included conditions of approval from the engineering department that relate to slope stabilization. The construction department also included conditions of approval since the construction would be close to a lot line. The applicant and the adjacent property owner also agreed to additional conditions of approval.

Planner Ward noted that the Engineering Department has requested to review the final plans with the applicant before they apply for the building permit, to ensure that the slope would be stabilized. The building permit will require access agreements between the applicant and the adjacent property owner prior to construction. The applicant and the adjacent property owner have agreed to a heated driveway, a common fence between the properties that would be retained or replaced, a green roof with a solid wall separating the properties, and the reconfiguration of the driveway to preserve the cottonwood tree.

Planner Ward reported that the Planning Department included a condition of approval that the detached garage would not be converted to a dwelling unit and the area above the garage would remain a green roof. Staff recommended the Planning Commission conduct a public hearing and consider approving the Steep Slope Conditional Use Permit, subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Commissioner Suesser requested clarification regarding the hot tub area shown on the renderings. Planner Ward clarified that the hot tub would be placed at the rear of the property in compliance with the setbacks to the rear property line. She explained that the active roof space previously proposed has been shifted further into the property. Commissioner Suesser commented that slope stabilization with a Steep Slope application is something she has not heard before and asked why this application includes stabilization. Planner Ward stated that based on this specific site, additional studies and assurances from the City Engineer were required. She added that sometimes these issues are addressed at the building permit phase, but in this case, the City Engineer weighed in during the Development Review Committee process and outlined those requirements specific for this site.

Planner Ward directed the Commission to those portions of the plan that address soil stabilization details and stated that the City Engineer requested to review each of these plans prior to the building permit phase.

Commissioner Suesser reiterated her question asking why there were not similar conditions of approval as part of the Northstar Drive application. Planner Ward stated that this is an unusual site and explained that the back of the property is a uniquely steep slope, which would explain the additional conditions.

Steven Swanson, on behalf of the applicant, explained that the City owns the property above and to the east of this lot, which is zoned as Open Space. The slope likely exceeds 30%.

Chair Phillips understood that slope stabilization as a condition of approval for this application is specific to this lot and is not required for every property. He noted that the City has stepped up its shoring and excavation requirements, and particular attention is likely being paid to this application because of the circumstances of the lot.

In response to a question from Commissioner Suesser, Planner Ward stated that the slope exceeds 30%, but was unsure of the actual slope. Mr. Swanson estimated that the slope is approximately 40% in some places. He added that if the application were approved, they would submit the appropriate shoring design and implement that plan during excavation. He explained that the plan calls for them to essentially build a concrete vault that would be buried up to 8 or 9 feet on the deepest end. He estimated that 60-70% of the building would be completely underground when complete.

Commissioner Suesser asked if there is a slope that would take an application outside of the Planning Commission's approval authority. Planner Ward stated that it would depend on the zoning district as well as whether a lot was within the Sensitive Lands overlay. This property is not within that Sensitive Lands overlay. She stated further that based on Staff review, this proposal complies with the Historic Residential-1 zoning district and the Steep Slope Conditional Use Permit criteria specific to this zone.

Commissioner Thimm noted that page 270 of the Staff Report shows that the slope is actually supported by the roof of the garage and not just a retaining wall. He agreed that extra scrutiny is well warranted and applauded the City Engineer for bringing it forth, whether it is City property above or not.

Chair Phillips thanked the applicant for taking the Commission's prior comments into consideration. He stated he is much more in favor of the changes proposed and had no further concerns at this point.

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

MOTION: Commissioner Kenworthy moved to approve the Steep Slope Conditional Use Permit for 199 Daly Avenue, subject to the following:

Findings of Fact

1. 199 Daly Avenue is a Significant Historic Site on the Park City Historic Sites Inventory.
2. 199 Daly Avenue is in the Historic Residential – 1 Zoning District.
3. The Applicant proposes a detached garage to be constructed within a slope greater than 30% and requires a Steep Slope Conditional Use Permit.
4. Planning Commission approval is required for Steep Slope Conditional Use Permits on Lots greater than 3,750 square feet. 199 Daly Avenue is a 5,750- square-foot lot.
5. The purposes of the Historic Residential – 1 (HR – 1) Zoning District are in part to encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and to maintain existing residential

neighborhoods and to establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

6. The Minimum Lot size for a Single-Family Dwelling in the HR-1 is 1,875 square feet. The Lot is 5,750 square feet.
7. The Minimum Lot width in the HR-1 is 25 feet. The Lot width is 57.5-feet wide.
8. The Maximum Building Footprint for a 5,750-square-foot lot in the HR-1 is 2,081 square feet. The Building Footprint is 1,460 square feet.
9. Front and Rear Setbacks for Lots up to 100 feet in length in the HR-1 are 12 feet and 13 feet for a total of 25 feet. The Front Setback exceeds 30 feet; the Rear Setback is 12 feet.
10. Side Setbacks for Lots up to 62.5 feet wide in the HR-1 are five feet for a total of 14 feet. The northern Side Setback is five feet; the southern Side Setback is 8.9 feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures. New construction shall meet the Setback requirements.
11. The detached garage is an Accessory Building.
12. The HR – 1 Zoning District establishes the following Setback exceptions for Accessory Buildings:
 - a. Rear Setback Exceptions include detached Accessory Buildings not more than 18 feet in height located a minimum of five feet behind the front façade of the Main Building and maintaining a minimum Rear Setback of one foot. Such structure must not cover over 50% of the Rear Setback. The detached garage is proposed to be 14 feet in height and is located more than five feet behind the front façade of the Significant Historic Structure with a Rear Setback of one foot, covering less than 50% of the Rear Setback.
 - b. Side Setback Exceptions include one private driveway leading to a garage.
 - c. Detached Accessory Buildings, not more than 18 feet in height located a minimum of five feet behind the front façade of the Main Building, maintaining a minimum Side Setback of three feet. The detached garage is proposed to be 14 feet in height and is located more than five feet behind the front façade of the Significant Historic Structure and maintains a Side Setback of three feet.
13. The Planning Commission reviews Steep Slope Conditional Use Permits pursuant to the criteria outlined in LMC Section 15-2.2-6.
14. LOCATION OF DEVELOPMENT – development is located and designed to reduce visual and environmental impacts of the Structure. The detached garage is proposed to be located at the rear of the site within the steep slope to mitigate the visual impact.

15. **VISUAL ANALYSIS** – the Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the proposed access and building mass and design and to identify the potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. The accessory garage will not be viewable from Vantage Points, which are defined in LMC § 15-15-1. Rather, the garage will be embedded into the Steep Slope. Please see Exhibit E to view the Applicant's submitted garage visual analysis.
16. **ACCESS** – Access points and driveways must be designed to minimize Grading of the natural topography and to reduce the overall Building scale. Side Access to garages is strongly encouraged, where feasible. The driveway will be constructed with minimized Grading of the natural topography and will be located on the relatively flat area of the Site.
17. **TERRACING** – the project may include terraced retaining Structures if necessary to regain Natural Grade. The Applicant proposes the construction of a four-foot retaining wall above the accessory garage to provide terracing and to stabilize the slope.
18. **BUILDING LOCATION** – Building, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the front yard. The Significant Historic Structure Front Setback exceeds 30 feet. New construction on a similar-sized Lot in the Zoning District must meet a 12 to 13-foot Front Setback. As a result, the Building Footprint is 620 square feet smaller than what is allowed under the LMC. A gravel pad in the front yard currently provides parking for the Significant Historic Structure. The detached garage will allow the Applicant to replace the parking area in the front yard with landscaping.
19. **BUILDING FORM AND SCALE** – Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low-profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the Main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage. The garage is subordinate in design to the Significant Historic Structure and will be located at the rear of the property.
20. **SETBACKS** – The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a wall effect along the Street front and/or the rear lot line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. The proposed detached garage meets the Accessory Building Setback requirements of the HR-1 Zoning District.
21. **DWELLING VOLUME** – The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. The minimum size requirements for Single-Family Dwellings are 11 feet wide and 20 feet deep. The proposed garage dimensions are 14.6 feet in width by 19.6 feet in depth.

22. BUILDING HEIGHT | STEEP SLOPE – The HR – 1 Zoning District Height is 27 feet. The Planning Commission may require a reduction in Building Height for all or portions of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood's existing residential Structures. The Significant Historic Site is below the 27-foot height limit and the detached garage is proposed to be 14 feet in height.

Conclusions of Law

1. The Application complies with the Land Management Code Chapter 15-2.2, Historic Residential – 1 Zoning District, and LMC Section 15-2.2-6, Development on Steep Slopes.
2. The Use will be Compatible with surrounding Structures in scale and mass.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
2. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit and 1 LMC § 15-3-4(A)(1). shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
3. 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.
4. This approval will expire on August 25, 2022, if a building permit has not been issued by the Building Department before the expiration date, unless the Applicant submits an extension request in writing to the Planning Department and the Planning Director approves an extension of this approval.
5. The detached garage shall not be converted to a Dwelling Unit.
6. The Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction prior to submitting a building permit, subject to City Engineer approval.
7. The Applicant shall submit a geotechnical report and design of the temporary shoring and final slope stability prior to submitting a building permit, subject to City Engineer approval.
8. The Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.

9. The Applicant shall submit a landscape bond to ensure the stabilization and vegetation rehabilitation is complete prior to submission of a building permit.
10. The Applicant shall demonstrate the driveway can properly slope away from the Significant Historic Structure without a retaining wall or grading along the southern property line prior to submission of a building permit, subject to City Engineer approval.
11. The Applicant shall complete an Access Agreement allowing property access to adjoining properties to complete the construction proposed to be within five feet or less from the Lot line or steep slope prior to submitting a building permit.
12. The Applicant shall work with the Planning and Building staff to comply with the required garage depth in compliance with Building and Fire Codes.
13. The driveway shall be a heated driveway.
14. The fence along the common 199 Daly Avenue and 203 Daly Avenue lot line shall be retained or replaced.
15. A solid wall shall separate the green roof on the detached garage along the common 199 Daly Avenue and 203 Daly Avenue lot line.
16. The driveway shall be constructed in a way that preserves the cottonwood tree located along the southern 199 Daly Avenue lot line.
17. The area above the detached garage shall remain a green roof.
18. The building permit plans shall be in substantial compliance with the August 25, 2021 plans reviewed as part of this Steep Slope Conditional Use Permit. The Applicant shall notify staff if any changes to the plans are proposed prior to submitting a building permit application.

Commissioner Hall seconded the motion.

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

I. 7 Perseverance Court Plat Amendment – The Applicant Proposes Amending the Limits of Disturbance for Lot 8 of the Evergreen Subdivision in the Residential Development Zoning District. PL-21-04845.

Planner Ward reported that the applicant has proposed to amend the Area of Disturbance for Lot 8 of the Evergreen Subdivision. She presented an exhibit that showed the location of 7 Perseverance Court that sits along Silver Lake Drive. In the original plat approval, there was an Area of Disturbance that was established for the lot. She reported that the single-family dwelling on the lot was built in approximately 1994. It already exceeds the designated Area of Disturbance, so the applicant is seeking an amendment to reflect the as-built condition, and to further extend it to allow for a ground-level patio and an upper-level deck extension. Planner Ward walked the Commission through the graphic that illustrates the proposed plat amendment and pointed out the 20-foot ski easement along Silver Lake Drive, as well as the side and fence setback.

There have been other amendments to Area of Disturbance in this subdivision. In 1994, there was an amendment to Lot 15 to preserve mature evergreens on the site. In 2005, there was an amendment to clean up a ski easement and an addition to a home on Lot 10. Additionally, in 2007 there was an amendment to resolve a ski easement, encroachment, and covered deck, and in 2020, Lot 1 sought an amendment to expand the buildable area by 990 square feet.

Planner Ward reported that the City Council enacted an amendment in 1995 that clarified the Area of Disturbance for the lots in this subdivision. The amendment states that the Area of Disturbance represents the boundary in which all building and associated construction disturbance shall occur. When the building footprint is established, the limits of construction disturbance shall be no greater than 15 feet beyond the foundation wall. The amendment also provided that the building footprint could shift within the Area of Disturbance and driveway access shall be no wider than 20 feet. She noted that the Evergreen Architectural Committee must approve deviations.

The applicant submitted Evergreen Architectural Committee's approval on August 2, 2021. The approval was subject to the following three conditions:

- The expansion does not encroach on the recorded ski easement;
- The site maintains all lot setbacks required by the LMC; and
- The final design matches the architecture and materials used in the existing home.

Planner Ward reported that the applicant agreed to a condition of approval to remove any encroachments into the 20-foot ski easement and agreed that new construction would not encroach into that easement. The applicant also agreed to restore the landscaping within that easement prior to final inspection.

Finally, the applicant also agreed that the architecture and materials would match that used in the existing house. She noted that the Planning Commission must make a finding of good cause prior to forwarding a positive recommendation to the City Council. She explained that "good cause" is defined in the LMC as providing positive benefits and mitigating negative impacts on a case-by-case basis to include such things as:

- Providing public amenities;
- Resolving existing issues and non-conformities;
- Addressing issues related to density;
- Promoting excellent and sustainable design;
- Utilizing best planning and design practices;
- Preserving the character of the neighborhood and of Park City; and
- Furthering the health, safety, and welfare of the community.

Planner Ward reported that they received quite a bit of public input regarding this application, which were submitted to the Commission as Exhibit L. Most of the concerns centered on the potential for increased outdoor noise to adjacent properties due to the increased square footage to the outdoor deck and patio. Concerns were also expressed regarding potential impacts to the trees on the site. Staff recommended that the Planning Commission review the proposal, conduct a public hearing and determine whether there is good cause to forward a positive recommendation to the City Council for their meeting on September 23, 2021.

Planner Ward mentioned that representatives of the applicant, Jared Edgel, and Michael Johnston, were present and wished to share information with the Commission regarding this application.

Mr. Johnston explained that he is a Principal Engineer with Summit Engineering Group, and represents the owners, Julianne and Derek McDowell. With regards to the concerns about trees being removed, he stated that there are no trees that would be removed. He also clarified that the existing house is smaller than the Area of Disturbance and the proposal would not exceed the Area of Disturbance but rather expand across it. He stressed that the applicant is not asking for an expansion of the Area of Disturbance, just a revision to the shape to include the as-built house and approximately nine feet to the rear to allow them to expand the deck to accommodate outdoor tables and chairs.

Commissioner Suesser referenced the public input and asked whether the “hardship” language in the LMC is applicable to this application. Planner Ward stated that because the applicant submitted a plat amendment, the standard of review is “good cause.” She felt there was some confusion in the public input about whether this would be presented to the Board of Adjustment or the Planning Commission.

In response to an inquiry from Commissioner Thimm regarding whether the applicant provided an outline of “good cause” to support approval, Planner Ward referenced the plat note that was amended in 1995 that provided that Architectural Review Committee approval supports approval of the plat amendment. She noted, however, that even with Architectural Review Committee approval, this plat amendment still requires a finding of “good cause.”

Commissioner Thimm stated he was looking for something from the applicant that addressed one or all of the items listed in the Code that establishes “good cause.” He acknowledged that his struggle with this application is the “good cause” requirement.

Mr. Johnston responded that the “good cause” of nearly all plat amendments is the happiness and enjoyment of property rights by the applicant and generally does not involve some public benefit. The fact that lot boundaries are changed, easements are moved and building areas are changed or expanded was evidence that plat amendments come before every legislature in the State of Utah. He stated that Park City has a list of factors that constitute “good cause,” but he offered that the most important thing is the happiness and enjoyment of property rights.

He argued the U.S. Constitution that protects the life, liberty, and the pursuit of happiness, is primarily accomplished by protecting property rights from undue and unnecessary curtailment. He also pointed out that the Utah Constitution strongly supports the right of people to enjoy their property with undue burdens and regulations, unless those rights are significantly detrimental to the public.

Mr. Johnston stated that he has personally applied for at least a dozen plat amendments in Park City in the past decade, and none of them had a “public benefit.” The “good cause” of each of those plat amendments was the personal satisfaction and happiness of the property owners to enjoy their property in a manner consistent with City standards and norms. He referred back to the 1995 Amendment that required approval by the Architectural Review Committee. He stated that he was hard-pressed to see how a lot line adjustment or any other plat amendment meets the definition of “good cause” as defined in the Code. Nevertheless, there is “good cause” for this application because the property owners desire to do it.

Commissioner Johnson asked about conflicts with the 20-foot ski easement. Planner Ward explained that the 20-foot ski easement runs along Silver Lake Drive, and the current structure does not encroach on that easement. She stated that the proposed plan would not encroach, but because the original plans show some minor encroachments, the Architectural Review Committee made it a condition of approval that the final plans would be modified to remove any encroachments into the easement.

She clarified that there were current minor encroachments that would have to be removed and any new construction must be outside the ski easement.

Chair Phillips assumed that the rock retaining walls that used to exist on the property were present to retain the grade difference from the patio level. He wondered whether the reconfigured patio would require retaining walls to allow for the patio extension. Mr. Johnston confirmed that they would install 4-foot concrete walls within the Area of Disturbance.

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

Commissioner Kenworthy commented that pursuant to LMC Section 15-15-1, he does not find any of the required "good cause" for this application. Commissioner Suesser agreed.

Commissioner Thimm suggested that the statements in the Staff Report indicating that resolving existing non-conformity establishes "good cause" has been met. That said, he finds none of the good cause elements were met to extend the Area of Disturbance. He suggested continuing the hearing on this application to allow either the modification of the application to limit it to resolving existing non-conformance or to establish good cause.

Chair Phillips agreed with Commissioner Thimm and added that he would need to have a better understanding of the proposed retaining walls and the grade difference in relation to the surroundings. He noted that if the applicant returns on this application, he would likely go to the site so he could better understand the proposed amendment.

Mr. Johnston stated that they could return with more extensive drawings to address the Commission's comments. With respect to the issue of "good cause," he stated that just last year, this Planning Commission approved a change to the Area of Disturbance on Lot 1 that more than doubled its size from 3,120 square feet to 6,260 square feet. He stated he would provide "good cause" as requested, but stood by his prior comments that "good cause" to the citizens and property owners is not necessarily a public benefit. Plat amendments occur all the time and it is difficult to show the required "good cause." He emphasized that "good cause" is more than the list found in the Code, which only states that it "may" include these findings.

He confirmed that the applicant would be happy to return and provide the requested information.

Planner Ward requested that if this matter were continued, that it be continued to September 22, 2021. She also highlighted that the Staff Report included links to ordinances that have approved changes to Areas of Disturbance on lots within the Evergreen Subdivision, along with a summary of the cause to support those amendments.

Chair Phillips reiterated his concerns regarding the grade changes and his request for further information on that issue. He expressed concern with having the addition right on the line and suggested pulling back on the size of the expansion.

MOTION: Commissioner Suesser moved to continue the hearing on 7 Perseverance Court --Plat Amendment to the September 22, 2021, Planning Commission meeting. Commissioner Johnson seconded the motion.

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

9. ADJOURN

Commissioner Suesser moved to adjourn the meeting.

The meeting adjourned at approximately 9:20 p.m. The meeting adjourned at approximately 9:10 p.m.

APPROVED 9.8.2021