

# PARK CITY MUNICIPAL CORPORATION

## PLANNING COMMISSION

### CITY COUNCIL CHAMBERS

### July 26, 2017



## AGENDA

**MEETING CALLED TO ORDER AT 5:30PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF July 12, 2017**

**PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda***

**STAFF BOARD COMMUNICATIONS AND DISCLOSURES**

**WORK SESSION – *Discussion items only, no action taken***

Proposed amendments to Title 6, Chapter 3 of the Municipal Code regarding Park City's Noise Ordinance to minimize conflicts in neighboring commercial and residential zones and other technical updates.

*Review, discussion, and recommendation to City Council*

*Deputy Chief 83  
Building Official  
Downard, &  
Assistant City  
Attorney Lake*

King's Crown Project located at 1201-1299 Lowell Avenue: Master Planned Development consisting of 27 single-family lots, 25 condominium units, 7 townhouses, and 18 affordable housing units; Conditional Use Permit for 4 multi-unit dwellings; and a Plat Amendment to subdivide all lots and units.

*Work session, public hearing, and consideration of motion to continue the public hearing to a future date*

*PL-17-03515 100  
Planner  
Astorga*

### CONTINUATIONS

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

*Public hearing and continuation to August 23, 2017*

*PL-17-03537 155  
Planner  
Morlan*

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

*Public hearing and continuation to date uncertain*

*PL-17-03439 156  
Planner  
Tyler*

1364 Woodside Avenue – Woodside Park Affordable Housing Project Phase I – Conditional Use Permit – Proposal for a Parking Area with five (5) or more spaces for use by the Woodside Park Affordable Housing Project Phase I.

*Public hearing and continuation to date uncertain*

*PL-17-03452 157  
Planner  
Tyler*

1353 Park Avenue (actual building to be located at 1354 Woodside Avenue) – Woodside Park Affordable Housing Project Phase I – Conditional Use Permit – Proposal for an eight-unit (8-unit) Multi-Family Dwelling as a part of the Woodside Park Affordable Housing Project Phase I.

*Public hearing and continuation to date uncertain*

*PL-17-03453 157  
Planner  
Tyler*

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----|
| 1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue – Woodside Park Affordable Housing Project Phase I – Master Planned Development – A proposed affordable housing project will be located at the site of the former Park Avenue Fire Station Parcel and will consist of four (4) single family dwellings, an eight-unit (8-unit) Multi-Family Dwelling, a thirteen-car (13-car) Parking Lot, and a Pedestrian Easement running east-west. | PL-17-03454      | 158 |
| <i>Public hearing and continuation to date uncertain</i>                                                                                                                                                                                                                                                                                                                                                                                             | Planner<br>Tyler |     |

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----|
| Land Management Code Amendments regarding Master Planned Development Applicability in the Historic Residential (HR-1), Historic Residential (HR-2), and Historic Residential-Medium (HRM) Density Zones in Chapter 15-6-2 Applicability in Master Planned Developments. | PL-17-03661      | 159 |
| <i>Public hearing and continuation to August 9, 2017</i>                                                                                                                                                                                                                | Planner<br>Tyler |     |

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

|                                                                                                                                                                                               |                   |     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----|
| 277 McHenry Ave – A plat amendment requesting to combine the two existing lots located at 277 McHenry Avenue into one lot of record and to formally dedicate Right-of-Way for McHenry Avenue. | PL-16-03165       | 165 |
| <i>Public hearing and possible recommendation to the City Council on August 17, 2017</i>                                                                                                      | Planner<br>Morlan |     |

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| Land Management Code Amendments regarding Conventional Chain Businesses for the Storefront Enhancement Program in Chapter 15-2.5-2 Uses in the Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in the Historic Commercial Business (HCB) Chapter, and associated definitions in Chapter 15-15 Defined Terms. | PL-17-03586      | 187 |
| <i>Public hearing and recommendation to City Council</i>                                                                                                                                                                                                                                                                 | Planner<br>Tyler |     |

**ADJOURN**

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JULY 12, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Kirsten Whetstone, Planner; Hannah Tyler, Planner; Anya Grahn, Planner; Mark Harrington, City Attorney, Jody Burnett, Outside Counsel

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REGULAR MEETING

**ROLL CALL**

Chair Strachan called the meeting to order at 5:30 p.m. and noted that all Commissioners resent except Commissioners Thimm and Band, who were excused.

**ADOPTION OF MINUTES**

June 28, 2017

MOTION: Commissioner Joyce moved to APPROVE the Minutes of June 28, 2017 as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed. Commissioner Suesser abstained since she was absent from the June 28<sup>th</sup> meeting.

**PUBLIC COMMUNICATIONS**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Erickson reported that at the request of the applicant, 4001 Kearns, the film studio subdivision, will be continued to a date uncertain. The Planning Commission should open a public hearing when the item comes up on the agenda and continue it to a date uncertain.

Director Erickson remarked that the agenda was revised and the Consent Agenda would occur after the Work Session.

Commissioner Phillips noted that his term, as well as the terms for Commissioners Campbell and Joyce were expiring, and he assumed that the Mayor had extended their terms. Director Erickson answered yes.

Director Erickson announced that Council Member Worel had invited the Commissioners to a joint dinner with the City Council. He asked that they choose a date on the survey and the dinner will be scheduled on the date that everyone could be available.

#### 1003 Woodside Avenue – Memo to the Planning Commission

Director Erickson explained that this item was in response to the Planning Commission's request for a determination on the A-frame at 1003 Woodside. The memo was included in the Staff report. It was an information only item. The Staff wanted to inform the Commissioners of their determination, and that they were moving forward on getting the ski era homes designated as an official Era so they can begin to establish criteria. Director Erickson stated that if the Planning Commission wanted to discuss the information, it would have to come back on a future agenda.

Commissioner Joyce was satisfied with the response. The Staff was working on future definitions for what is currently undefined as Ski Era. He was unsure what more they would ask this evening. Commissioner Phillips asked the Staff to keep the Commissioners updated.

Director Erickson stated that part of the Staff Communication to the City Council on the Historic Preservation Update, the Staff would inform the Council that they will be giving this some thought in 2017/2018.

#### **CONTINUATIONS (Public Hearing and Continue to date specified.)**

1. Land Management Code Amendments regarding Conventional Chain Businesses for the Storefront Enhancement Program in Chapter 15-2.5-2 Uses in the Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in the Historic Commercial Business (HCB) Chapter, and associated definitions in Chapter 15-15 Defined Terms.  
(Application PL-17-03586)

Chair Strachan opened the public hearing.

Michael Barille, Executive Director for Historic Park City Alliance, stated that the draft ordinance was discussed at their last meeting. For years the Alliance has had a position statement on tenant mix within the Historic District, and he was directed to revise that



position to reflect support for the ordinance. He believed there was broad support for the idea of trying to preserve the uniqueness and authenticity of the types of businesses and the type of landscape and architecture in the District that the membership sees as the fundamental economic driver for their businesses. Mr. Barille stated that he would be providing in a full position statement in two weeks.

Angela Moschetta commented on the announcement that Park City recently made about acquiring the Bonanza Park parcel and creating an arts and culture district. They keep talking about the historical nature of Old Town and the authenticity of culture they want to preserve, and she thought it was worth considering how they can preserve some type of authentic Park City feeling there, so if they end up limiting the number of formula businesses on Main Street, they do not end up creating something that contrasts the type of art and culture that the new district would like to promote. Ms. Moschetta stated that she has been circulating a petition which currently has over 300 signatures both offline and online. A number of people in Park City are in favor of finally making a strong movement on this issue. She would be providing more specifics in two weeks.

Mr. Moschetta noted that the packet indicates where it would be limited to nine, and another place where it would be limited to 19. She wanted to know the total number that would be allowed up and down Main Street.

Planner Hannah Tyler explained that it was split by zone because it would be attached to the uses of each zone. Therefore, the HCB, which is upper Main, south of Heber, would allow up to 19. The HRC zone, north of Heber, would allow up to 9. Planner Tyler noted that the Staff would provide a complete analysis at the July 26<sup>th</sup> meeting and explain how they achieved those numbers. That is currently the proposal and why there were two separate numbers totaling 25, which is approximately 20% of the streetscape.

Ms. Moschetta asked how many they currently have combined in both zones. Planner Tyler replied that there are 14. It would be an increase of 9. Planner Tyler clarified that the HCB redlines actually said HRC, and that would be updated in the Staff report on July 26<sup>th</sup>. She noted that in the footnote it says "in the HRC up to 19 are allowed". That should correctly read HCB.

Chair Strachan closed the public hearing.

MOTION: Commissioner Suesser moved to CONTINUE the Land Management Code Amendments specified on the Agenda to July 26, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. 1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue – Woodside Park Affordable Housing Project Phase I – Plat Amendment – Proposal for a three-lot (3-lot) subdivision to create the Woodside Park Subdivision Phase I.  
(Application PL-17-03439)

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

Commissioner Joyce understood that it was within the City's purview to do this as an applicant, but he wanted to know the reason for the two pieces of the Woodside Affordable Housing being done as two MPDs instead of one.

Planner Tyler explained that this was Phase I, which would be in the HRM density zone. Therefore, they were doing the Historic District First, and other would be a separate zone in the RC. The intent was to do the Historic District piece first and then move on to the recreation focused development.

Commissioner Phillips stated that the adjoining neighbors came to mind and he asked if it needed to be done as one. Director Erickson remarked that it was across the street so it did not have to be done as one.

MOTION: Commissioner Joyce moved to CONTINUE 1333 Park Avenue, 1353 Park Avenue and 1364 Woodside Avenue – Woodside Park Affordable Housing Project Phase I – Plat Amendment to July 26, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. 1364 Woodside Avenue – Woodside Park Affordable Housing Project Phase I – Conditional Use Permit – Proposal for a Parking Area with five (5) or more spaces for use by the Woodside Park Affordable Housing Project Phase I.  
(Application PL-17-03452)

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

MOTION: Commissioner Joyce moved to CONTINUE 1364 Woodside Avenue Phase I, conditional use permit to July 26, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

4. 1353 Park Avenue (actual building to be located at 1354 Woodside Avenue)– Woodside Park Affordable Housing Project Phase I – Conditional Use Permit – Proposal for an eight-unit (8-unit) Multi-Family Dwelling as a part of the Woodside Park Affordable Housing Project Phase I . (Application PL-17-03453)

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

MOTION: Commissioner Joyce moved to CONTINUE 1353 Park Avenue Conditional Use Permit to July 26, 2017. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

#### **WORK SESSION – Discussion items only, no action taken**

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

The project team introduced themselves. Jason Glidden, Housing Development Manager for Park City Municipal; Steve Bremmer, Architect and Project Manager from Elliott Workgroup; Jonathan Weidenhamer, Economic Development Manager for Park City and the City Council's representative on this project; Craig Elliott with Elliott Work Group.

Planner Tyler stated that this MPD was being presented in work session format to hear input from the Planning Commission. The MPD is known as Woodside Park Affordable Housing. This was Phase I. The applicant was prepared with a presentation this evening.

Planner Tyler provided a brief background. The MPD will be located in the Historic Residential Medium Density Zone (HRM). The area of the MPD is approximately 26,940 square feet and it will consist of an eight unit, multi-unit dwelling, four single-family dwellings and a 13 car parking lot. The property is located between Woodside and Park Avenue on the site of the soon to be demolished former Park Avenue Fire Station. It will consist of both historic and non-historic structures. Planner Tyler reported that the City Council has reviewed this proposal and was featured in City Project Open Houses to gather further public input on this proposal.

Director Erickson asked about public notice. Planner Tyler replied that it was noticed for this meeting to property owners within 300 feet, as well for all of the Historic District Design Reviews. Commissioner Phillips asked if the HDDRs were also 300 feet. Planner Tyler stated that HDDRs are noticed to property owners within 100 feet. Those owners were noticed multiple times because it was also noticed when this project went before the Historic Preservation Board. She noted that signs were also posted on all sides of the site.

Craig Elliott presented the big picture and how the property is defined. He identified the project location, which is bound by Park Avenue and Woodside. Woodside is the parcel in Phase I. The other phases will come along at a later point in time. Mr. Elliott thought it was important to understand that part of the long-term planning process was to define a pedestrian connection that went from Empire all the way to the City Park. When they laid out the project, particularly the first phase, they thought about it from a global perspective, in addition to the individual site. They were asked to look at this from a number of different perspectives, in addition to the affordable components.

Mr. Elliott reviewed the proposal submittal, which was contained in the Staff report. He presented the site plan showing the existing conditions and pointed to Park Avenue and Woodside. He indicated the location of a historic house, the fire station, and the lot that is accessed from Woodside that was combined with the parcel.

Mr. Elliott remarked that they looked at this project from several perspectives, but they were primarily trying to understand what would be appropriate on each side from each street, and how to address it. He showed where Park Avenue leaves the condominiums and moves into the smaller houses. They looked at creating a smaller scale on Park Avenue, and as it moves toward the Resort it moves into higher density. Mr. Elliott stated that the expectation was how to develop this project so that it fits within the context of each street and works as a flow between the Resort and City Park. They had proposed renovating and restoring the historic house at 1333 Park Avenue, a reconstruction of the historic house at 1353 Park Avenue, and a new house at 1343 Park Avenue. On Woodside they proposed a slightly larger single-family house and four townhouses. Each of the townhouses are two-bedrooms, with an associated adjacent studio apartment. They flip back and forth from Woodside to a developed common green space in the center between the units. Mr. Elliott stated that part of creating the affordable housing component goes beyond creating places for people to sleep and store their belongings. The intent is to create a community. The green space in the center is a common area for people to gather. Mr. Elliott pointed out that the townhouses flip one side to the other. One enters on Woodside and the other enters off of the green space common area.

Mr. Elliott indicated the location for a proposed parking lot, which is covered parking with solar panels. The 13 parking spaces service the project. He pointed out how a number of architectural components blend the historic scale with the smaller spanning 12:12 pitches, and integrated with green roof elements within this project. He believed it creates a nice balance between the historic components and the contemporary components along the west side of the property.

Mr. Elliott noted that with an MPD an analysis is done on the property to understand the capacity of the property. He stated that the project presented would have approximately 52% open space.

Mr. Elliott referred to the site plan and indicated a public sidewalk that would connect the Resort base area, Park Avenue, and the City Park. The sidewalk crosses over Park Avenue and accesses directly into City Park and the Miner's Hospital. He explained why these connections are important and how they will improve some of the ways to move throughout town.

Mr. Elliott reviewed a color-coded plan. The green showed the open space, purple showed the building locations, and the parking area.

Mr. Elliott provided an aerial imagery looking from Park Avenue. He indicated the parking area with the two roof canopies, the connecting pathway, and the green space. Another aerial imagery looked from above Woodside back towards the City Park. He indicated the primary townhome entrance and the studio apartment entrance. The intent is to create a variety of scale within that space, as well different levels of opportunity for people to move into an affordable product. Mr. Elliott presented other images showing the different elements of the project from various views.

Mr. Elliott presented a rendering video moving through the project, which he believed would give everyone a sense of the massing and scale and how it fit in with the context.

Jonathan Weidenhamer remarked that it was a difficult task to balance the goals for density and housing units. In conversations with the City Council, they continually asked how they could get more density to the site and still respect the neighborhood and the scale. He believed the design team had a done a good job finding that balance. Mr. Weidenhamer stated that they also balanced the parking, which is tied to more bedrooms and density. The cost of development was another issue, as well as affordability. They were averaging 60%-80% of the average median income, and that drives the cost. The last trade-off for the City Council, was ownership versus rental. Mr. Weidenhamer noted that they met with the City Council several times before

reaching the point of having Mr. Elliott and his team design the project. He was pleased with the result. The team also included community development, economic development, budget and housing. It was a good process. Mr. Weidenhamer commented on how important it was for the City Council for the project to respect the neighborhood scale. Moving from Park Avenue across Woodside was part of a larger master planning process and setting bookends for what they do in the neighborhood. Having the smaller scale on Park Avenue and then moving into more height and scale as it gets closer to the Resort will continue as they move into the next phases. Mr. Weidenhamer thanked Mr. Elliott for a quality proposal.

Chair Strachan asked about the process since there was a plat amendment, two CUPs and an MPD. Mr. Elliott stated that several parcels were being reconfigured, and those parcels were reconfigured once before with the Fire Station and other pieces. He expected to go through the MPD process simultaneously so the Commissioners and the public could see what they were doing with the CUP and the Plat Amendments.

Director Erickson explained that the proposed process for the Planning Commission is to clean up the plat and work on the MPD. The MPD will require a conditional use permit for the parking. A development agreement would eventually have to be ratified. Director Erickson noted that the underlying lot lines need to be removed before anything else could be approved.

Chair Strachan clarified that it was only for Phase I. Director Erickson stated that Phase II would come forward early next year, but the City Council needs to provide clarity on their goals for this type of housing going in the RC zone. It will show the connection to the Resort and it will respect Library Park and how this project fits together. It also affects their thinking on the Senior Center. Director Erickson noted that the Senior Center and the historic homes have already been through the Historic Preservation Board.

Chair Strachan believed most of the comments and questions from the Planning Commission will be how this ties into the other phases. He encouraged Mr. Elliott to at least provide a rough sketch of those other phases, so they can see how they tie in. Mr. Weidenhamer stated that part of Mr. Elliott's initial scope was to develop a concept site plan against some bookmarks. They have general buy-in from the City Council on a combination of townhomes and multi-family/apartment. At this point Jason Glidden and Anne Laurent were developing an RFP for Phase II, and that will be tied to a housing project at the Yard as well. The RFP would not be released for possibly one or two months. Mr. Weidenhamer remarked that they really only have some of the high level Master Plan concepts, and he would be happy to provide those for context, but it would only be neighborhood connectivity and some general assumptions on a range of

density. Chair Strachan thought the Planning Commission would like to see that to help get an idea of context.

Commissioner Phillips requested additional information on how the affordable housing would be deeded and how it relates to the accessory units.

Rhoda Stauffer, Park City Housing Specialist, stated that the City puts deed restrictions on all affordable units, and the same would apply to these units. The units would be owned and the owners of the townhomes would be required to rent their accessory apartment in an affordable manner. Those would be deed restricted as well. Commissioner Phillips wanted to make sure that the accessory apartments are used as affordable housing and not as a guest area for the owner. Ms. Stauffer noted that there is a criminal ordinance in place and if people do not abide by the deed restriction they can be liable.

Director Erickson clarified that they were studio apartments and not accessory apartments. It is an important distinction within the Code. Planner Tyler explained that it was considered another unit in the multi-unit dwelling. The Land Use Code does not regulate who owns them, so they are being treated as a much smaller unit. Accessory apartments are for single-family dwelling, and because this is a multi-unit is not an actual accessory. Even though the deed restriction will treat them as accessories, for this purpose it is just another unit. Planner Tyler remarked that for the Planning Commission review who owns them or how they operate will not make any difference.

Commissioner Suesser asked if the studio unit could be owned by someone other than the owner of the townhome. Ms. Tyler replied that in theory there could be eight different owners; however, the plan proposes that the studio units would be rented. Commissioner Phillips assumed the rents would be regulated by the City. Ms. Stauffer answered yes.

Commissioner Joyce wanted to know what would make someone rent out the studio versus using it as a three-bedroom unit. Mr. Elliott replied that they are designed as separate units and there is no connection between the interiors. Ms. Stauffer stated that when someone buys a unit, they fully acknowledge that legally they need to rent the studio in accordance with the deed restrictions.

Commissioner Suesser asked if there was a time limit. For example, could they lease it for only six months. Ms. Stauffer replied that they were still working out the details of the deed restriction.

Commissioner Joyce understood what the City was trying to accomplish, but it was difficult for him to figure out how to review the units. He requested a clearer explanation when they come back. He had concerns with the idea that they were separately deeded but they would be tied together, and a buyer of one unit would have an obligation to rent another unit. In his opinion, it felt like an accessory apartment but it was clearly not; and that should have ramifications on parking, ADA and other issues if they are separate units.

Community Development Director, Anne Laurent, explained that there are two different aspects. One is how it is treated under the Code definitionally, and the second is street talk and how to talk about it. She offered to come back with a more thorough explanation.

Director Erickson asked the Planning Commission to think about how they handled 1450/1460 Park Avenue, and how the site plan accommodates the parking. He noted that the one unit in the southwest corner has its own parking. This projects offers a combined parking lot, which is part of the MPD. He also noted that by doing the joint parking in the way it was designed, it actually reduces driveways entering onto Park Avenue, which is consistent with the General Plan and the HRM zone. By combining the parking, they reduced driveways onto Park Avenue, protected the historic homes, and gave the house in the southwest corner its own parking.

He suggested that the Planning Commission should look at the open space calculation. This is brownfield redevelopment, and as an MPD that requires 30% open space. Currently, Mr. Elliott's calculations show approximately 50% open space. They believe the open space is usable, and that is one criteria the Commissioners should consider when reviewing this site.

Director Erickson believed there would be more clarity on the ownership issues going forward. The applicant was looking for input on the site planning issues this evening.

Commissioner Suesser asked if the parking structure was for all the units except for the large unit in the southwest corner, or just for the townhouse. Mr. Elliott replied that it is a parking lot with a cover over it, similar to a carport. Commissioner Suesser clarified that it was not just for the townhouse units. It could be used by the other buildings with the exception of the unit in the southwest corner. Mr. Glidden stated that it would not be used by the historic structures. Mr. Elliott explained that the historic structures are exempt, but the 13 spaces in the parking lot could be broken out within the ownership in a number of different ways. He stated that they have provided more parking than the minimum requirements.



Commissioner Suesser asked if there was bike storage. Mr. Elliott answered yes. There is an enclosed trash and recycling structure on the back side. Below the townhouse units is an access that has a storage area for each of the units. One of the goals was to find storage for all the Park City gear.

Commissioner Joyce could not recall anywhere in the Historic District that had a similar type of covered parking, and he asked if the two canopies would create a problem in the District. Planner Tyler stated that it was reviewed by the Design Review Team. Part of the level of their review besides being appropriate on the site, is whether it is appropriate on the streetscape. She noted that fencing and extreme landscaping was added between Woodside and where the actual carport starts. The Staff felt that because it is a story or less, the parking was visually mitigated in a way that satisfies the Design Guidelines, as well as the internal Preservation Team. The Staff was in support, and the HPB saw it as a broad overview and they did not have any issues. Planner Tyler remarked that the covered parking was scrutinized from the beginning. She believed they had worked with the applicant to get the sustainability of the solar panels, and still allowing for snow shed above the cars.

Commissioner Joyce requested a schematic drawing showing the carport looking from up above and back towards the Resort to get an idea of what it would look like from Empire looking down. Mr. Elliott offered to provide more detail at the next meeting.

Commissioner Phillips commented on the carport roof and asked if they had considered the glare and the angle of the sun hitting. Mr. Elliott stated that it was relatively flat and there would be little impact. He had not done any significant studies, but from they can see there is great coverage. He asked if Commissioner Phillips had something specific he would like them to look at. Commissioner Phillips did not think the angle would be a problem, but he wants to makes sure it does not shine into someone's house.

Commissioner Phillips thought the presentation and illustration were a work of art. He was impressed by what Mr. Elliott and his team have done.

Commissioner Joyce was unable to tell where there would be snow storage for the snow coming off the covered parking. He requested more detail on that issue with the MPD. Mr. Elliott stated that they have been looking at snow removal and snow shedding and they would have more detail in the next step.

Chair Strachan asked if there was precedent for the townhome/studio apartment concept in the City, County or anywhere else. Director Erickson stated that there are townhomes in Homestake, Ironhorse, and Claim Jumper. Mr. Elliott remarked that in Old Town it goes directly from small-scale single family to large-scale flats. One issue

they were trying to address was making the transition in scale between the stacked flat units to single-family. Townhouses make that change in scale and provide architectural variety. Director Erickson names several studio apartments in Prospector. He was unaware of any combination townhouse/studio apartments like the ones being proposed. Chair Strachan assumed there would be families in the townhomes, but the studios would have renters. He was concerned that the combination with a common wall could be problematic.

Mr. Elliott stated that his daughter just graduated from college and she would love the opportunity to live in a studio apartment in Park City. He pointed out that many kids who grew up in Park City would like to return and the studio apartments would be an option for a year or two. Mr. Elliott stated that the City Council goal was not only to address people moving through the process of homeownership, but also to address younger people coming back to Park City.

Chair Strachan did not believe occupancy would be an issue. He thought it was important to create a community and it does not work if neighbors are angry with each other. He suggested that they find precedent for a similar project to show that it does work well. Mr. Elliott believed they could find other examples to bring back at the next meeting.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

## **CONSENT AGENDA**

1. 243 Daly Avenue – Steep Slope Conditional Use Permit (SS CUP) application for the construction of an addition to a historic house, designated as Significant on the City's Historic Sites Inventory. The addition proposes at least 200 square feet of Building Footprint to be built upon an existing slope of 30% or greater.  
(Application PL-17-03656)

This item was originally scheduled as a regular agenda item, but the agenda was amended to place this on the Consent Agenda. Chair Strachan noted that typically the Planning Commission does not hold a public hearing on the Consent Agenda unless a specific item is moved to the regular agenda for discussion. However, because this item it was originally on the regular agenda and scheduled for public hearing he thought

they should take public comment. City Attorney Mark Harrington suggested that the Planning Commission could open the public hearing and if there were no comments, they could approve the Consent Agenda. If discussion is requested, the item would be removed from the Consent Agenda.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan asked if the Commissioners had any issues that would require this item to be pulled from the Consent Agenda for discussion. There were no issues.

MOTION: Commissioner Joyce moved to APPROVE the Consent Agenda. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 243 Daly Avenue

1. The property is located at 243 Daly Avenue.
2. The Park City Council approved the 243 Daly Avenue Subdivision at this location on June 9, 2017. The final Mylar has not yet been recorded.
3. A Historic District Design Review (HDDR) application was approved on May 23, 2017. The HDDR approval included a Condition of Approval that required the Planning Commission to approve the Steep Slope Conditional Use Permit (CUP) prior to issuance of a building permit to construct the addition.
4. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone. There is an existing historic home on the property.
5. A single family dwelling is an allowed use in the HR-1 District.
6. Following recording of the plat amendment, the lot will contain 5,552.93 square feet. This is an uphill lot with an average slope of approximately 54%. The greatest slope on the property occurs in the center of the property, where the slope can reach up to 126%.

7. Access to the property is from Daly Avenue, a public street.
8. Two (2) parking spaces are proposed on site in a paved driveway adjacent to Daly Avenue.
9. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes. The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments, with a few three- to four-story houses directly across the street from 243 Daly Avenue.
10. The proposal will create a single family dwelling of approximately 2,114 square feet, including the existing basement area.
11. An overall building footprint of 1,164.82 square feet is proposed, including the addition. The maximum allowed footprint for this lot is 2,032.26 square feet.
12. The proposed addition complies with the front and rear yard setbacks. The minimum front and rear yard setbacks are 15 feet, for a total of 30 feet; the applicant is proposing a 31-foot front yard and 49-foot rear yard setback, for a total of 80 feet.
13. The proposed addition complies with the side yard setbacks. The minimum side yard setbacks are 5 feet, for a total of 18 feet. The historic house has a 5-foot side yard setback on the north and 2-foot setback on the south, for a total of 7 feet.
14. Per LMC 15-2.2-4 Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.
15. The proposed addition complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty-seven feet (27') in height.
16. The proposed addition has an interior height of 27.8 feet, below the required interior height of 35 feet.
17. The proposed development is located on the lot in a manner that reduces the visual and environmental impacts of the structure. The majority of the mass and bulk of the building will be below grade, so that only a one- to two-story addition will appear above grade on the hillside. The addition will be further shielded by the historic house.

18. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Daly Avenue streetscape. The proposed house is compatible with the surrounding structures as the majority of the mass and bulk of the house will be buried underground based on this analysis. The addition is limited to one- to two stories in height above grade, consistent with neighboring development along Daly Avenue.

19. Access points and driveways have been designed to minimize grading of the natural topography and reduce the overall building scale. The applicant proposes to pave the existing gravel parking pad and patio area in the front of the lot. No change to the grade of the existing parking pad is proposed.

20. In the rear yard, the slope increases dramatically to form the wall of the canyon. The project has incorporated terracing to regain Natural Grade by creating a series of terraced garden beds connected by landscaped stairs. The stairs are no more than 30 inches above grade. Final grade will be changed no more than 4 feet from Existing Grade to create the terraces, and the proposed retaining walls will measure no more than 6 feet in height.

21. Buildings, access, and infrastructure are located to minimize cut and fill that would alter the perceived natural topography of the Site. The new development has been located in such a way as to minimize cut and fill. As proposed, the design steps with the existing grade and is compatible with the neighborhood. The majority of the bulk and mass of the new addition will be concealed below grade. The areas above grade will appear to be one- to two-stories in height, which is compatible with the existing house and neighborhood.

22. The building mass is oriented with the lot's existing contours. The proposed development steps with the grade and is broken into a series of individual smaller components that are compatible with the historic house and the district. The building maintains a low profile as it steps with the existing contours and much of its bulk and mass is concealed below grade. The proposal is consistent with the Design Guidelines for Historic Districts and Historic Sites.

23. The applicant has incorporated setback variations to prevent a wall effect and reduce the building scale and setbacks on adjacent structures.

24. 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 design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

25. No lighting has been proposed at this time. Lighting will be reviewed at the time of the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.

26. On May 17, 2017, the Planning Department received an application for a Steep Slope Conditional Use Permit (CUP); the application was deemed complete on June 5, 2017.

27. The property was posted and notice was mailed to property owners within 300 feet on June 28, 2017. Legal notice was also published in the Park Record in accordance with requirements of the LMC on June 24, 2017.

28. The property is located outside of the Soils Ordinance.

29. The findings in the Analysis section of this report are incorporated herein.

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

#### Conclusions of Law – 243 Daly Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically, section 15-2.2-6(B).
2. The Use is consistent with the Park City General Plan, as amended.
3. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval – 243 Daly Avenue

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. No building permit for construction of the new addition shall be issued until the 243 Daly Avenue Subdivision plat is recorded.
5. This approval will expire on July 12, 2018, 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.
6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on July 12, 2017, and the Final HDDR Design.
7. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade unless an exception is granted by the City Engineer per the LMC, Chapter 4.
8. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
9. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be 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.
10. Construction waste should be diverted from the landfill and recycled when possible.
11. 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.
12. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

13. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

### **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

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

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

Chair

Strachan: Francisco, how are we going to do it tonight?

Planner

Astorga: Well, I want to provide a brief introduction, which simply outlines the Staff report, and then we want to turn the time over to the applicant where they want to take 15 minutes each and discuss their Constructability Assessment Report, Refinement 17.1, and then Refinement 17.2. And then I would like to take the time back to go over the main three identified issues on the Staff report regarding excavation, geo-technical, and constructability. And then we will request that we have the public hearing, and then we will probably have your deliberations. And then we'll have you continue the item to the August 9<sup>th</sup> meeting.

Chair

Strachan: All right.

Planner

Astorga: If that's okay.

Chair

Strachan: Sure. Fifteen minutes each for each of you, the two applicants sitting here. Is that your understanding or---



Pat

Sweeney: There's three of us. Rob is going to take most of it, and then myself and David Eldredge and Steve Perkins are going to rapid fire go through 17.1 and 2. (Inaudible) but we're going to try and make it 45 minutes. It's all backed up with a lot of information. It's on our website now.

Director

Erickson: Pat do you want to grab a microphone.

Pat

Sweeney: Pat Sweeney for the applicant. So should I speak for a minute or---

Chair

Strachan: Yeah, just in terms of the procedure we're going to follow tonight.

Pat

Sweeney: Sure. So, so once again, Pat Sweeney for the applicant. We're going to speak as a group. Rob's going to take most of the time with the Constructability Assessment Report, and myself. David Eldredge, Architect, Steve Perkins, Land Planner, are going to talk about the refinements in what we call 17.1 and 17.2. And it will be rapid fire. There's a lot of information. We have posted a link, or place a link on our website, treasureparkcity.com on the home page, the left upper hand corner has all the files and all the references and all the reports. So, so they're available.

Chair

Strachan: All right. So I think what we'll do is we'll hear from Francisco, we'll hear from the applicant, and then Francisco will close it out. We'll take a break, we'll recess since it sounds like we're going to be here for a little while, and then we'll have public comment.

On a broader level, Mr. Sweeney, where are we on the timeline overall? Do you feel you guys are on schedule?

Pat

Sweeney: Yes.

Chair

Strachan: Okay. And what is on schedule mean to you?

Pat

Sweeney: We, we would like to see a vote in October. We think that makes sense for a lot of reasons.

Chair

Strachan: And you're ready? You are confident you'll be there?

Pat

Sweeney: Yes.

Chair

Strachan: Okay.

Pat

Sweeney: We're, we're going to provide some tools to help you all understand where we are, and the public as well, the Staff. And we think we'll be there. We think at some point we've got to wrap it up and put it in a package and see what you think.

Chair

Strachan: I'd agreed with that. I think what the Planning Commission, and they can correct me if I'm wrong, is give us at least, you know, a month or a month and a half warning about what meeting you feel is going to be your last to present information to us, so that we know going forward that that's the date certain. Fair enough?

Pat

Sweeney: That's fair enough. And do you want to talk about that right now or just talk with the Staff or---

Chair

Strachan: Yeah, why don't we talk about that right now.

Pat

Sweeney: So, in general, we think that we can get all the pieces together by the next meeting. They'll be a few lingering things as always. And as part of that we'll have what's called a written and pictorial that's required by the Code, or used to be. I assume we still, we still have that requirement. That's about an hour read with a lot of pictures. And then a lot of references or links on our website to---for people to go as deep as they want. We want to wrap up traffic next meeting. We will have the report, and at least a response to the

request from Staff for an analysis of the operational capacity. And Gary Horton will present that next meeting. We will go into more detail about the refinements of 17.2 at the next meeting, and at least address in a succinct, clear, complete way some items we haven't, such as employee housing. And then I think we need September to do whatever everybody wants to do in terms of responding to questions, information. And we could also do another meeting in the first part of October for the same thing, and then we would like the vote to---on the second meeting in October if possible.

Chair

Strachan: Okay.

Pat

Sweeney: And part of that, I mean, to be real honest with you, I know that there's two or three of you guys who are going to be gone, or would like to be gone maybe already.

Chair

Strachan: You bet.

Pat

Sweeney: And moving on hopefully to better things. But, so the timing seems right. If we go past that point then we jump into a whole new era, and we have to jump over Thanksgiving, Christmas, Sundance.

Chair

Strachan: Yeah, yeah.

Pat

Sweeney: We kind of go backwards in our opinion.

Chair

Strachan: Okay. All right. All right, so you see kind of the last meeting where you provide substantive information to us being the second meeting in September? Is that what I heard?

Pat

Sweeney: First meeting in August, first meeting in September, first meeting in October if you'd like, vote second meeting in October. If that makes sense to you.

Chair

Strachan: All right. Okay. When I say okay, I'm not speaking on behalf of Staff.

Pat

Sweeney: Right, and I understand.

Chair

Strachan: They may have a very different understanding of that timeline because they may not have all the information they need. But I just want to figure out where you guys are coming from and I appreciate that.

Pat

Sweeney: Right.

Chair

Strachan: All right. I'll leave it to Bruce and Francisco to digest that information that you probably just learned, but let's roll on with tonight. Okay? Unless the Commissioners, just scheduling questions. Anything? All right. Let's go.

Planner

Astorga: All right. So the first thing I was going to reiterate is that we anticipate transportation traffic study final August 9<sup>th</sup>, subject to us receiving it by July 20<sup>th</sup>. I do not have it so I need, we need, me and my team, we need enough time to review it. So the applicant has been made aware of that due date.

The other thing that I just want to quickly update you on is that our public comment website is completely up-to-date. Since the last June meeting we had we only received one additional public comment. So if you check that you'll have all public comments there.

The next thing is that as suggested by the applicant, that's what we said, 15/15/15 for their Constructability Assessment Report. And we did write a big portion within the staff report. And I would like to come back to that.

Refinement 17.1, we have received it fully, but we're still waiting for Refinement 17.2, which we've received it partially. So we gave the applicant the same due date. If we want to talk about that during the August 9<sup>th</sup> meeting, July 20<sup>th</sup> is their deadline.

And the other thing before I turn the time over, I want to say that the quality/technology that the applicant has been engaged in in the presentation

you're about to receive is quite impressive. You'll see it. And we, the Staff wanted to acknowledge that publicly as far as what the applicant has been doing to prepare this massing model with the drone that you're about to see. So we're grateful for that. And that is in conjunction to 17.1.

And that's all I have other than we'd love to have some more additional time at the end of their presentation.

Chair

Strachan: You bet.

Planner

Astorga: Thank you.

Chair

Strachan: All right.

Pat

Sweeney: So briefly, Rob, Rob is going to take, go first, and he's going to talk about the constructability, and then he's going to weave in some information about 17.1. By way of reminder over the last year or so, we've talked about dotting I's and crossing T's, and that's what 17.1 is. It's doing everything we think we can possibly do to the application in its 2009 form, and taking care of some things that we think we could improve on. It's eight things. We call them refinements, they're significant.

17.2 takes it one step further. I think it was Commissioner Band who is not here who asked us to do, to see if we could do something different more, and we pushed ourselves. These things are very simple, but they involve millions of clicks by David Eldredge in particular, our architect. And that's what 17.2 is. And we'll get into that.

So, I'm going to---I need to just put this up and then Rob is going to take over, and lickety-split, I think, Rob. Hit the high points of your report. It is on the web, once again, home page, upper left-hand corner.

Rob

McMahon: I'm Rob McMahon. I am a civil engineer with Alta Engineering, and I am the author of the Constructability Assessment Report. The first thing I guess I want to say is just the purpose of the constructability assessment report. Previously there were a lot of items that were scattered about, and we want

to have one report where we brought the CUP related items, and a lot of the Staff and Planning Commission comments into one place that contains all the items that are to be anticipated in the construction of the project. So, that's pretty much the purpose of the report. And so then the scope of the report is, it's a report, really, to confirm the feasibility of the construction of the project.

Through the past year we've retained qualified professional consultants in each of the areas that we covered in the assessment report. We also met with the Park City Engineering Department and the Park City Public Works Departments to get their concerns and to address those. So, that's pretty much the scope of it.

And so then the outline---what I wanted to cover tonight was I divided into three main areas. The outline that's up above is a little more detailed for each individual area that we covered in the report. But tonight, what I've done is I've divided it into three general areas. The first area is the excavation. You know, basically the quantity and the placement of it. The second general area covers the soils management and the water source protection and the service utilities. And the third general area is the construction phase activities, covering things like the employee traffic issues, the construction impacts and the construction mitigators.

So the first item would be the excavation. And a little historic background to it. In 2008-9 a presentation was made to the Planning Commission, and at that time---

Chair

Strachan: Just be careful with that mic pretty close to you. We're getting a bunch of crackling.

Rob

McMahon: Oh, sorry.

Chair

Strachan: You may need to back it off a little bit. I think that's probably it right there.

Rob

McMahon: Okay, sorry about that.

Chair

Strachan: No problem.

Rob

McMahon: So in excavation, a little historic background. In 2008, slash 9, the planning packet, the CUP packet was presented to the Planning Commission and [inaudible] an excavation management report, and it dealt specifically with the excavation. At that time, we took the 2009 plans and we did an estimation of the excavation quantities. And that is depicted there. And that is in the 2009 Constructability Report. And pretty much I divided it into the four areas based upon the topography, the building locations, and just from my experience what, what perhaps a contractor would go in and go about this. So pretty much defined four sites, and that has been reviewed and been presented previously.

Then through the refinement process of 17.1 and 17.2 that Pat referred to, that affected the excavation quantities, and it was one of the primary drivers for the refinements. So here we have, what I was---can we go back to the 17 point---so this is the 17.2 delineation of the new excavated quantities that are to be expected. And this is a graphical representation. This isn't in the report, but we thought we'd just bring this out and show the reduction in the original 2009 quantity of 960,000 yards, and all the way down to the 17.2 where we got it to 868,500. It's about a 90,000, 91,000 cubic yard reduction.

Just an item to note, since 17.2 hasn't been completed and all the I's dotted and the T's crossed, but the 17.2 quantity could change. And I took my best shot at it and it's, it's pretty accurate in the engineering standards because I was able to do an engineering analysis on that. But if anything, that 17.2 quantity will, will go down, it won't go up through further completion of 17.2.

So, once we excavate it, one of the main items of the Treasure project, one of the mitigating factors, was to keep all the excavated material on site. And it's been a reoccurring theme through the presentations and, you know, resulting in a huge reduction in the construction related traffic trips on the local streets, trying to reduce the hauling of any kind of excavated material.

So this is an exhibit of the placement zones. Another historic note, and I noticed that it was noted in the Staff report. In 2009 the Park City Mountain Resort, it was a different climate, a different ownership. And the Treasure owners and developers had a relationship with the previous owners of the Park City Mountain Resort, and there were discussions of placement of the

excavated material. We took some trips up on site. Basically, really dealing with that Treasure Hollow area and the bottom of the Crescent Tram, and their issue of the grades and their own soil management issues. And so they were receptive to accepting various amount of material, but we never really got down to any kind of agreements or quantities. And that's why in the 2009 assessment, in the Excavation Management Report, there we had Creole accepting a much less amount of material and anticipating transporting a large amount of material up into that Treasure Hollow site. And so that's why there was kind of a plus or minus approach to that Excavation Management Report.

Since then the ownership has changed and the developer has decided to go with keeping all his material on the property that he has. So, it was more of a known quantity.

Pat

Sweeney: There's one exception. We do have an agreement to put some material right, excuse me, where is it. We do have an agreement to do that. That's on upper Payday.

Rob

McMahon: And that has always been an issue with the past owners of the Resort. Payday has a dual fall line and it could use some work from a ski run construction cross-section approach. The primary zone is the Creole Gulch, and that's where we're placing upwards of a million cubic yards.

The two zones that are outside the---the one zone that's outside the property boundary and also the Kings Crown Ski Run are secondary zones. And they are much less in scale.

Chair

Strachan: And do you have agreements to put anything on those?

Pat

Sweeney: Yes. Those---that's in the existing agreements, plus we own the upper part of Kings Crown. So Rob, I think you gotta rock it.

Rob

McMahon: Okay. So the, well, so, even in the placement of the material, part of the strategy is to place the material so that it enhances the ski run and ski access into the Old Town core. There's always been an issue of having a,



you know, a beginner/intermediate access into the Old Town core. And so in, in this process we are constructing ski runs both into the Treasure project, but also into the Old Town core area where we create a green slash blue access into the Old Town core area. The Creole Run as we know it will change dramatically, and it will continue to have a ski run down the perimeter of the placement zone of the material. And quite frankly, the material placement zone itself is going to be a great ski run if it is developed in that manner.

This is a 3-D visualization. We met with the representatives of Vail to just give them a birds eye view of what things could look like. And this is a 3-D rendering of what the Creole Gulch would be transformed into. And Pat is outlining the ski runs that we propose.

Pat  
Sweeney: Those are the new, those are the new runs.

Rob  
McMahon: The next slide is---so these are stills out of the rendering that you're going to see. We just picked a couple of stills to show that placement zone. And you can see the placement zone that exists. And there's a winter view of it. It---and that's the placement zone right there. It is, and you'll see that in the rendering. But this is just a still of both a fall view and then the winter view.

Pat  
Sweeney: We'll go in---you'll see a better version of this with the video rendering.

Rob  
McMahon: And that, you know, is the general outline of the excavation. We did retain applied geo-technical consultants, a geo-technical firm that has been involved in the Treasure project for over 15 years. And we met with them and presented the exhibits that you have seen, and also the---we discussed the placement of the material in the Creole zone. And we asked them to evaluate on a feasibility basis if, if---we asked them to weigh in on it and give us an opinion letter. We discussed the possible approaches to the placement and received a favorable feasibility report from them. They felt like that it can be done. And we even discussed, you know, some rough outlines of possible approaches to it.

We also retained---because the excavation and the material placement is a specialty item, we also retained a specialty contractor, a heavy civil

contractor that deals specifically in excavation. Robinson Construction. And they've dealt with projects of this scope. And we asked them for an opinion letter as well. And they provided us with a feasibility analysis and a rough outline of what they thought they could move that amount of dirt and put it up on the hillside.

Chair

Strachan: Is that on the website?

Rob

McMahon: It's on the website. It's contained in the constructability report as a reference, all those letters.

Chair

Strachan: Which we have. That's part of this packet. We've seen it. Okay.

Rob

McMahon: Yes.

Chair

Strachan: That's, there's nothing more?

Rob

McMahon: Right.

Chair

Strachan: Okay.

Rob

McMahon: Right. So then the general area #2 is, you know, covers the soils management and the service, the service utilities. There exists four sites on the Treasure property that are mine overburden sites, and they're pretty much the material that came out of the shafts and were placed outside of the entry portals. And it's interesting to note, I direct you to the reference of the Hansen, Allen and Luce letter where they go in and they analyze the difference between a mine tailing, which has been chemically processed, and the actual molecular structure of the material is altered so that the leeching, it becomes an issue. The material that exists up on the Treasure site is overburden. It hasn't been chemically altered. And when material---it, it, and so it's pretty much the same as the material that's going to come out of the entire excavation site. And the chemical properties and molecular

structure of material that hasn't been altered by a chemical process is much less susceptible to leeching. And they go into detail on that in their analysis. So I would direct you to that report that they have presented for more detail on that.

That being said, the material, the overburden material we did a, we surveyed the material and estimated the quantities. It's less than 3500 cubic yards. We asked the applied geo-technical for a protocol, a suggested protocol to deal with the material. And they suggested and recommended to encapsulate the material on site in environmentally acceptable areas. And I believe that that is still the preferred method for the EPA to deal with mine overburden in area, and has been employed in Park City previously.

What we're looking at here, this is a part of the Hansen, Allen and Luce presentation or opinion report. And Hansen, Allen and Luce is a hydro-geologic firm located in Salt Lake City, and they have been employed by Park City Municipal dealing with the Spiro Tunnel. They're very familiar with the Spiro Tunnel. They're very familiar with the Spiro Tunnel water protection zone. And we asked them to analyze the possibility or the impacts of the Treasure project excavation on the water sources of Park City Municipal. In essence, they did an overview and a geologic, hydro-geologic analysis of the existing topography in the area that the Treasure project is and the Spiro. To boil it all down, it's a detailed report, but pretty much the flow that they predict flows from the southeast to the northwest. Or am I getting that wrong? The southwest to the northeast. Excuse me.

They also note that the---in order for any kind of influence for the Treasure project to enter into the Spiro Tunnel water source, it would have to flow up the hydro-geologic gradient. And their conclusion was that it did---would not influence the, the Spiro Tunnel, and even recommend looking at the Spiro Tunnel water source protection boundaries, which I think has been looked at before, whether or not they're drawn in the right area or not.

Pat  
Sweeney: And also I think concluded, Rob fairly stated, that it wouldn't affect any of the water sources in Park City.

Rob  
McMahon: Right, yes. So then moving right along, the service utilities. Pretty much service utilities are divided into two main categories. There's the City, the City provided utilities; and those are water and storm drainage. Then

everything else is handled by either a special improvement district or private concerns. We met with, I previously stated, we met with the Works Department, we met with the Engineering Department, we met with Snyderville Basin Water Reclamation District and provided a sewer master plan for them, and discussed the project to bring them up to date. And then we contacted the anticipated utility providers, gas, telecommunications, power. And what typically is a requirement in the construction of contracts is to provide service provider letters, which pretty much states that service is available, and they will provide it. And, and that's---we secured service provider letters from all of the above. Park City Municipal does not issue service provider letters.

What was determined from the meeting with public works was that a water line to service the Treasure project to provide service flows and culinary flows to the project would require a 12" water line. And it, they have a preferred alignment that is what they would like it to come up Lowell Avenue. And in the current Lowell Avenue project there is an area that is provided for that future water line that could go in when needed during the construction.

Snyderville Basin Water Reclamation District gave us a service provider letter. They asked us to direct the flows to their preferred main line, which is down Empire. And then we discussed all the---a concept utility plan was provided to all the service utility providers for them to review. And then we secured the service provider letters.

Pat

Sweeney: Preston, this is for you. This one's hard to read. That's Comcast. But, anyway, they're all there.

Rob

McMahon: So then a concept utility plan was, was, what was prepared. And then---and I stress concept utility plan because what we deal with there is we deal with the internal concept of how storm drainage and a water line and a storm drainage system would take place. On the concept utility plan we provide the outfalls for the storm drain and for the sewer to connect into the existing infrastructure of the utilities.

You're ahead of me, Pat. You're moving me right along.

Pat

Sweeney: Adam's given us a schedule, Rob.

Rob

McMahon: Okay, well. All right, which brings us to the area number three, which is the construction phase activities. The construction phase activities cover, you know, a number of items; employee transportation, material deliveries, you know, overview of the construction methodology and the construction phasing. The impacts, the mitigation factors.

Big D Construction back in 2006, they made several presentations to the Planning Commission. And in 2006 of January they provided, they presented a detailed presentation of addressing those items that I just mentioned. And so I would reference you to that to take a look at that for further detail. That is provided in the report as a reference. We met with Big D. We presented them with the current 17.2 plan, 17.1/17.2, to bring them up-to-date to the current application before the---you guys, the CUP. And we asked them to relook at their original assessments and presentation, and to validate whether or not it was still current and whether or not it was still viable. And we received an opinion letter that verifies both those items from Big D Construction. They go through several items. I'll just kind of outline those as we go through those.

The construction staging is a CUP requirement. One of the advantages of Treasure is that all of the construction will be able to take place---all of the construction staging, vehicular parking will be able to take place on the project site itself. There's enough area in that site to be able to do that. And so the construction staging---to reduce the amount of impact to the surrounding neighborhoods as much as possible, the expeditious, expeditious establishment of an initial construction staging area would be a priority to come right off of Lowell, establish that first, and then go right into a berming, fencing, screening and aggressive re-vegetation to create that buffer right off the street so that the initial staging is mitigated and bermed, and the impacts reduced. And then as the staging progresses, it would follow what we anticipate as the construction phasing, which would progress further into the site and move further away from the Lowell/Empire entry. It's speculation at this point, but most likely the excavation and the construction of the initial parking garages will occur at the same time so that the, the parking garage itself will be able to serve as a lay down construction staging area for the vertical construction. The nature of the parking garages being built to accommodate fire trucks and ambulances are such that they are large spaces so that they will be able to accommodate material deliveries and off-loading.

The next item that Big D covered was the construction phasing. Again, you know, the, the construction, the initial excavation, its anticipated that the excavation and the vertical construction of the parking garages will occur concurrently. Again, we---on the construction phasing we asked Big D to give a time frame on what they thought they could be able to do a project of this size. And they are, they have done projects of this size before. And they anticipated a three to five-year construction phase or, or timing. Robinson Construction felt that they could move that material out of that site in about 2-1/2 years.

There could be---not sure how the actual construction will go. It is anticipated that the collaborative effort between the, the contractor, developer at the time, and the City will issue either one overall permit for the entire project, or a series of permits for the different areas of the buildings. That is yet to be determined. The other aspect of the construction phasing that we can say at this time, and it's a priority, is that the Town Lift will operate each season, and ski access into the Old Town core area will remain a priority.

Moving right along. Then we, then we---really relying on the, the experts that do this for a living and it's the contractors. And they provided a whole approach to the mitigation of the construction of the project. This is a summary of the mitigators that they have outlined.

The first one, construction traffic. The very first one, the Treasure owners participated in the Lowell Avenue vertical structural section to be able to handle the construction traffic. Reason it's a mitigator is because it---and it is anticipated that because of the increased structural section to handle the construction traffic, that when the project is absolutely completed, that it would result in an overlay surfacing of Lowell Avenue to bring it back to acceptable street, you know, the, the utility, or the Public Works requirements. Other than---if we didn't participate in the enhanced road section, it would be another year project or so to reconstruct Lowell Avenue from the ground up. The cost to be able to put the money upfront in a construction road, if you will, underneath the residential road is considered a mitigator.

Big D outlined remote parking and a shuttle system for the employees to the project. Deliveries would be limited to favorable weather conditions.

It's not anticipated that they're going to order a concrete pour when there's a three-foot snow storm predicted for the next two weeks.

The other effort that Big D put into the construction traffic is to put a lot of effort into the traffic control coordination with the surrounding neighborhoods to have a project website, to have a communication available with newsletters and projected construction scheduling for all the---both the City and the neighbors. And fully anticipated that a construction schedule will be reviewed and updated on a regular basis with, with the Park City Building Department.

The next item that was covered, again construction staging. Pretty much the, the same item.

We asked Big D to take a good look at the construction scheduling. And they---again, time is of the essence. They're, they want to be as efficient as possible. That's really what they're bottom line is all about. Again, the construction schedule would be a collaborative effort between the Park City Building Department and the contractor. Again, the hours of work will comply with the ordinances and the ultimate construction mitigation plan that is developed. And they're fully aware of the event structure of Park City and of the difficulties that are presented during those events, and have anticipated the reduced crews during busy holidays and special events and reduced construction activities.

And the environmental mitigators. It's something that they have to contend with all the time. It's something that is part of their entire process of construction. Again, the fencing, screening, berms, proactive re-vegetation. Fully aware of the proximity of the neighborhoods they did a pretty good job of outlining their mitigation as far as the fencing and screening.

Again, the remote parking and shuttles. The coordinated material deliveries. It's going to be in their best interest to have materials lay on the ground the shortest time possible. Basically being delivered and put in place on an on-demand basis.

Adherence to noise ordinances. They deal with the noise issue as just a daily basis. And fully anticipate, again, the traffic control meetings, the communication with the public, and the coordination with Park City. The development of a storm water pollution protection plan, typically that is

done once the contr-, a construction project is complete, or rather approved. And the contractor has the responsibility to apply, through a notice of intent, to secure a storm water pollution prevention permit. Park City has gotten proactive on that and they are beginning to push the storm water pollution prevention plan into the construction plans so that the contractor knows beforehand what he has to adhere to.

Best Management Practices is a term that they, that is coined through that process. Those are a defined set of practices for [inaudible] dust control, water runoff protection, various other factors that are contained in the storm water pollution prevention plan. Wash stations. They are fully aware of having no material get out on the streets. We really believe that the material is going to go up on site so there won't be a haul through the neighborhoods.

That is a general outline of the report. The report goes into more detail on the feasibility of the project. A list of references are also included in that report that gives some historic framework, if you will, of how this has evolved and developed over the years. And so I would direct you to that for further detail.

Pat  
Sweeney: So, Adam, we could, we could go for a break now and we will do the rest of it in 20 minutes.

Chair  
Strachan: Great. I, you know, unless the other Commissioners really feel strongly about it, I'd probably like to roll right into that 20-minute presentation.

Pat  
Sweeney: Okay.

Chair  
Strachan: That gives the public a chance to digest it all, gather their thoughts before the public comment. But I'm, you know, whatever you guys think. If you feel you need to take a break now.

Pat  
Sweeney: I'm good. I think we can do it that way.



Chair

Strachan: Can you do it. All right. If you need to take a, you know.

Pat

Sweeney: No, we're good. So if Steve Perkins and David Eldredge would joint me for this. Once again, 17.1 is, is basically 2017.1, and it has the dotted I's, crossed T's. And it really boils down to eight building things that then result in reduced cliffscapes as well because of improve geo-technical information. But we eliminate the mine exhibit. Adam, I don't know if you were around, Bruce you were around, but that was something that we had a long time ago. We threw that overboard a long time ago.

We shipped the commercial and residential from the Mid-station side, or from the Creole side back to the Mid-station side based on the recommendation of Staff. To accommodate that residential coming back, we added a floor to 1B. We added or eliminated a story from a building that you all are, I believe, familiar with in the middle of the project. We'll show that on the renderings a lot better. That's called 3B. We added some steps here and there in 4A, 5A, we eliminated a couple of stories on the west wing of 5A. All to accomplish some stepping, some massing changes that we, we thought we heard request for along the way. We converted 5B to flats. That gave us some extra space up there that allowed us to do some of these massing changes. We also stepped the west end of 5C. That all resulted in reducing the cliffscapes. And that resulted in the video rendering which I'm going to show right now.

So I'm just going to sit here and people can watch this. Hopefully, you've got good images on your screens up there. This video, by the way, is on the information that I mentioned earlier; home page, upper left-hand corner.

#### Video plays

These are the required viewpoints, and you'll see the project wiped in in each of them, including the excavated material.

Pat

Sweeney: So once again, that is on the web. What I'm going to do now is go to some, some of the stills. These are also on the web. And I think that if anybody wants to kind of study not only the video rendering, but all the various views that are incorporated in the video rendering, you can go to

these stills. And they, they [inaudible] organized somewhat like this, and you basically have the skills and then you can go to any of these. And I'm just going to pick some. And I'm just going to pick some, and if you have questions later we can go back. But for example, you can kind of look and see what's happening in areas that you are interested in. That's what the stills are all about.

In the same area we have the views, the required views, which show quite well some of the ski terrain we're talking about that would result from this project. And they're, they're all there so you can take the time to look at them. There's a lot of information in each one of them. This, this one we think, in particular, demonstrates how the texture of the project fits in with the texture of Old Town.

To give you a sense of what was behind all this work, this view is the various viewpoints that we were required to shoot photos from and render from, and you, you've seen all of those.

David Eldredge, who is sitting next to me, went through the entire project, literally layer by layer, and there are a lot of them, about 50 with information that is quite really amazing. So these are not just pretty pictures. There's a lot of detailed, accurate, architectural work that went into this presentation. This is a summary of all the numbers. And the bottom line is that's the current number that we're talking about. A little over a million square feet in this 17.1.

There's elevations as required by the Code. And you can see those in some detail. There are also sections that go with these. A lot, a lot of information there.

David put together a comparison. This is also on the web. And some of the technical numbers for Francisco in this letter, but also some drawings that help show the reduction in cliffscapes. And this, this one here---David you can speak up, but there's quite a bit of reduction in between, or behind the Mid-station buildings. He has also shown where the buildings have changed in elevation. The drop floors, additional floors, that sort of thing. That's all in there.

The next really---the next item, and I'm going to go into that. This is in draft form. It's 17.2, and once again those are, those are refinements to the best that we could do with 2009, which is 17.1, based on what we

believe we have heard from you all and the Staff. And they involve some more dramatic things. This is where the cliffscape, the top of cliffscape used to be. And now it's moved to here. So there's some significant reduction in site disturbance, visual disturbance, and excavation quantities. The main run going through the project was widened as a result of moving these buildings down and inward. I believe that was something that Steve Joyce asked about. This is the outline of the previous building. You can see where we've moved it down, down and inward.

The items that, that really add up to substance would be on this slide and the final slide of the other presentation, so let me go back to that really quickly. And they basically have to do with accepting the grade at Lowell and Empire, eliminating two building footprints, 5B and 5D, transferring the mass from those to 4B and 5A and 5C, compressing the footprint of 4B, more efficient parking underground, centralized check-in, a more efficient design which we're finalizing right now of 1B and 1C, that brings the cliffs even further down and in, and results ultimately in less excavation, cliffscapes, site disturbance and accessory.

If we go briefly back to here, the bottom line really boils down to the elimination of excavation and disturbance. And also when we get the final numbers we'll see that there's less gross square footage.

David, do you want to add anything? A brief commentary?

David  
Eldredge: Unless there's questions.

Pat  
Sweeney: I think the next step would be that we can, Adam, take a break if you think it's time, and then we can go to specifics and answer questions using this material.

Chair  
Strachan: All right. Why don't we do that, Francisco. Let's take a break. And we'll come back and we'll see what Francisco has and then have public comment. So we'll take ten. Thanks.

Break

Chair

Strachan: Call the meeting back to order. Francisco, you were going to lead us off. Why don't we get going?

Planner

Astorga: Great. So the first thing I want to say is that Staff does appreciate the applicant willing to place all of the constructability assessment documents all in one place. It's 231 pages or 321, I don't want to count again; but those are the number of references that are part of that Constructability Assessment Report, so we do acknowledge and appreciate that.

With that said, if you were trying to follow along with their presentation, on page 204 of your Staff report, the specific reference that Commissioner Strachan was Reference 5. We did not print all of the references. We couldn't print the 231 pages.

Chair

Strachan: Yeah.

Planner

Astorga: And the geo-technical opinion letters, they're all listed under Reference 4. So I just quickly want to indicate three things that we outline in the Staff report. The first one is that regarding the excavation, it is a little bit of a change from the former excavation plan, specifically at the Creole zone, excavation zone. Not excavation zone, but where they're going to place the excavated material, which was formerly listed at 125,000 cubic yards, and now it's over a million. So I'm working with the City Civil Engineer, the City Engineer to analyze that. On that same token, when we move on to the geo-technical, some of our concerns indicate on that last May 20, 2017 letter from AGECE indicates statements as in AGECE has been requested to proceed. AGECE investigation will include providing their professional opinions and recommendations. And we've done a preliminary analysis on the many opinion letters and soils reports and whatnot where Mr. Matt Cassel is here, he can expand upon those if the Planning Commission request. It's listed on page 201.

Regarding the constructability. Staff, we find that we need specificity. I don't know, Pat, if you could go to your presentation page where you had the outline for the construction staging for me real quick, where we, we don't have specificity. We've got statements written such as, as soon as possible, we will proceed with caution, we will progressively plant material.

We need to know what it is exactly that they want to do. This is our opinion. The submitted documents do not outline specific mitigation measures aligned with direct and indirect construction impacts within Old Town. We don't recommend that we solely rely on the CMP, the Construction Mitigation Plan, because of the adjacency, the location of the proposal within Old Town, and also because of the size and scale of the project.

So the construction staging exhibit, I think it was the very first one. While you're doing that, as we listed on page 203---. Yeah, right here. The first statement, the word expeditiously, what does that mean. Second statement, it talks about doing it as soon as possible. What does that mean. Third statement has the same theme such as will comply with applicable codes. We, we are having issues as we need specific materials. We did get the Big D letter, which indicated that they estimate that the entire construction would be three to five years. And that's great, but we need more information, such as how long they will take for excavation. Today we heard it would be about 2-1/2 years. How about the foundation work, how long will that take? How about going vertical, how long will that take? We need specificity in their proposal. So that has been a little bit of the specific theme.

And the question that Staff had, that we have for Planning Commission is that do we agree with the current approach, which is we will comply with all applicable codes. Or do we go with the approach that Staff is suggesting which is provide that information right now so we can analyze it. That is the last question that we placed on 203.

And pretty much that, that's all I have. I will be more than happy to answer any questions. We did invite Mr. Matt Cassel, City Engineer, to see if you had any additional questions about the, the geo-technical comments that we provided in the Staff report. And that's all I have.

Chair

Strachan: Great. Thanks, Francisco. Commissioners any questions for either the applicant or Francisco before we open public comment?

Commissioner

Suesser: Francisco, make sure I understand the comment in the Staff report about the AGECS letter from May 15<sup>th</sup>, 2017. That states that they will proceed with the recommended scope of the work and to conduct the geo-

technical investigation. So some have been done but AGEK has not done a geo-technical investigation and they plan to. Is that what that means?

Planner

Astorga: That's how we read their letter.

Commissioner

Suesser: Okay. So maybe Mr. Sweeney can help us understand when we should expect that study.

Pat

Sweeney: The answer to that is Jim Norquist is the principal of Applied Geo-Technical Engineering Consultants has been involved in the project for over ten years. He wrote a letter in 2003 that he thought this project was phaseable, including placing the dirt on our property or on the Park City Mountain. He wrote another letter recently saying the same thing. He has recommended that we do further studies in anticipation of moving ahead. And we have signed a contract for those and they are to happen this summer. I don't believe it's his opinion, and I think we could probably get him here to say that, that it would change what he considers the feasibility. It's just one more step in the process of moving towards a final design.

Chair

Strachan: The only question I have is, have you provided Staff with the information that you gave the service providers, like the water company and Summit County to get them to issue your service providers letters.

Planner

Astorga: If I could answer that. The letters have been submitted and we, they, they're all referenced in the packet from Reference 8 through 11. The comment that we wrote is that each one has something to this effect, that it's, that they would apply services based on subsequent receipt of payment of all required fees, including impact fees, signed contracts, reviewed development plans, and other specific requirements.

Chair

Strachan: Yeah, and what I'm wondering is---

Planner

Astorga: That's what each letter says.

Chair

Strachan: What did the applicant give to them to allow them analyze whether they could provide, for instance, enough water or enough sewage service.

Planner

Astorga: That, that we, we don't have.

Rob

McMahon: And what I did, is I proceeded that concept utility plan to each utility provider. And we also showed that to the Public Works Department just to bring everybody up to speed on the current application before you guys.

Chair

Strachan: So all of those service letters are based on the concept utility plan?

Rob

McMahon: Correct.

Chair

Strachan: Okay.

Pat

Sweeney: We also had met, had meetings with Roger McClain, and Clint and, is Brent or Brian Atwood at the Sewer District. We had a couple meetings with Roger and company, and then we had one with, with Atwood and who was the other person at the Sewer District.

Rob

McMahon: Kevin. Kevin Berkley.

Chair

Strachan: Where is that concept utility plan? Is that on the website too?

Rob

McMahon: And its part of the assessment report.

Chair

Strachan: Which one?

Rob

McMahon: The constructability assessment report. It's one of the exhibits.

Planner

Astorga: I believe it's on Exhibit B in your packet.

Pat

Sweeney: It's this one. Page---

Chair

Strachan: E4, E4.0 and E4.1.

Pat

Sweeney: You got, yeah.

Chair

Strachan: Okay. All right, any other questions. All right. Let's open the public comment. Let's get an idea just in case we need to take a break in the middle of public comment. How many people are planning on providing public comment? All right, great. We should be fine then.

Let's open the public hearing on Treasure Hill CUP. Please don't forget to sign in.

### Public Comments

Brian

Van Hecke: Hi, I'm Brian Van Hecke with THINC. And before I start I would like to have one request to see if it's possible to have these sessions recorded and available to the public online, much like we do the City Council meetings. I have two young kids that are under five, I travel. Not everybody can be here that wants to be here. Is that possible? Can we do that? Why can't we---can we do that? We do it for City Council meetings. Can we do it for the Planning Commission meetings, especially the ones where Treasure Hill is involved.

Chair

Strachan: I'm not sure I've got a clean answer for you tonight on like the IT involved in that, but we can look into it.



Brian

Van Hecke: Okay, that, that would be great. I think a lot of people would appreciate that. And I know a lot of people are following this and can't make the meetings and would like to hear it.

Chair

Strachan: Understood.

Brian

Van Hecke: Yeah, okay. Thanks. So I'm going to read some prepared comments from our attorney, Nikki DeForge, who could not be here tonight. So I'm going to pretty much stick to her comments. These comments were made, obviously, prior to the presentation this evening, and are based on previous proceedings in, in the packet.

So, yeah, from Nikki DeForge, who is our attorney at THINC.

(Mr. Van Hecke read the following comments from Nikki DeForge)

First, as a general observation, the applicant is continuing his practice of withholding the prerequisite, or the requisite detail on the Treasure Hill project, and promising it at some unknown time in the future. It obtained its Master Plan approval based on one set of plans and promises, and was expressly directed by the City at that time, that it would need to provide detailed information on those plans at the conditional use review stage. Then it substantially revised those plans and promises during this year's long conditional use review process, claiming that it was not bound by the plans it provided at the master plan stage. Now, the applicant hopes that the City will let them off the hook again and simply grant a conditional use permit without having much of the detail needed for the project. The applicant promises to provide that detail later still, and simply expects the City to trust that the details will actually resemble what was approved as part of the Master Plan. But, the devil is always in the details. As part of the Master Plan approval, the applicant was required to provide that detail now. It cannot be allowed to punt the ball even further down the road and hope that no one will notice any inconsistencies between what was actually approved in 1985, and what is potentially to be built up there.

So talking about construction plans and traffic, as for its construction plans, paragraph 9 of the MP specifies that at the time of conditional use

review approval, individual projects or phases shall provide detailed construction staging plans. Instead of providing detailed construction staging plans for the CUP review, the applicant's constructability report provides nine sentences. As for construction phasing, the report includes only five sentences. As the Planning Staff noted, there is no time frame at all for the various construction phases such as excavation, footing, foundation, vertical construction and so on. Although the applicant previously submitted a few more details in the 2006 presentations made by Big D to the Planning Commission, it is unclear from Big D's May 30<sup>th</sup>, 2017 construction feasibility report, which applicant just submitted, whether that report incorporates anything from the 2006 presentations. In the 2017 version, Big D predicts three to five years of construction, but merely provides 13 bullet points statements, each one sentence or less to describe the entire construction process. Those bullet points consist almost entirely of vague suggestions and recommendations, like have a controlled construction entrance, provide a safety certified flaggers, provide a project website to communicate schedules to neighbors. These are merely feel good statements devoid of any real substance. They certainly do not qualify as detailed construction [inaudible] plans as required by the MPD approval.

To the extent that the 2017 Big D letter incorporates any of its prior presentations to the Planning Commission, there is a great deal of inconsistencies, and much to be concerned about. For example, in their presentation, Big D claimed on the one hand that construction traffic would travel one-way to the project from Lowell and back to Empire. But in the 2017 letter, they state that heavy construction traffic will be limited to Lowell. This means that the largest construction vehicles would be occupying both of the very narrow lanes of Lowell at the same time. And keep in mind that all other traffic will be going in both directions during construction, regardless of what construction routes may be. There is no explanation of how construction traffic will be mitigated. Also, in those 2006 presentations, Big D predicted up to 10 construction delivery employee shuttle trucks per hour along Lowell and Empire. That number appears to only include trucks going to the site, and not any vehicles coming back the other direction on Lowell. Based on the stated construction hours of 7:00 a.m. to 9:00 p.m. for every day but Sunday, that could mean up to 280, 280 construction related vehicles, vehicle trips per day on Lowell. Six days a week for three to five years. All of those vehicles are expected to arrive via Empire/Silver King intersection, which is already at failure rate according to the applicant, without the inclusion of

any construction traffic. And the Big D diagram show the trucks being forced to cross into oncoming traffic lanes at that intersection and others in order to navigate the turns at all. This will be gridlock. Yet none of this was figured into the recent traffic studies that the applicant presented last month. There is simply no possible way for the narrow historic streets in neighborhoods of Old Town to possibly handle this type of construction traffic for years, and years, and years.

Moving on to landscaping and erosion control. The Master Plan also required on page 15, that the applicant provide the detailed, and this is in quotes, "provide the detailed landscaping plans and erosion control revegetation methodologies for minimizing site impacts at the time of conditional use review". Instead of detailed methodologies, the 2017 Big D report merely states that it could implement aggressive revegetation and landscaping of areas closest to neighbors, and install temporary erosion and sedimentation control facilities in accordance with best management practices. The Planning Staff notes that even applicant's own geo-technical experts have concluded that the hillside is creeping, but that there is only a short inadequate section on the slope, on slope stability in the geo-tech reports. AGEK has stated merely that it will provide its professional opinions and recommendations on this, and related geo-technical issues, which we still have no idea what those might be, despite the requirement for detailed methodologies at the time of conditional use review. Applicant has not provided anything remotely resembling detailed erosion control methodologies, as was required at the time of conditional use review. These concerns are on top of the violations of express limits found in the MPD with respects to excavation. Mr. Stormont, our other attorney, highlighted these limits in his September 2<sup>nd</sup>, 2016 letter to the Planning Commission at pages 5 and 6 of that letter. But by way of a reminder, one example of an express limit found in the MP approval is on page 11 of the approval with respect to the tallest buildings, "Tallest buildings have been tucked into Creole Gulch where topography combines with densely vegetated mountainside to effectively reduce the buildings visibility". End quote. That, tucked into Creole Gulch, is a clear and express requirement of the MP approval. Yet, the current plans eliminate any possibility of a tuck that follows the slope of the existing mountainside, and replace it with blasted cliffscapes. And to make matters even worse, those cliffscapes sit outside the building area boundary, again in violation of the express requirements of the MP approval. Mr. Stafsholt highlighted this problem in his September 14, 2016 public comments. And Mr. Stormont outlined the legal problems

associated with this problem in his October 4, 2016 letter to the Planning Commission at pages 3 through 5, and in his November 7, 2016 letter at pages 2 to 4, which we would ask you all to review carefully and consider.

Now, we have a revised excavation plan that adds yet another violation of the MP approval. We've already talked about paragraph 9 of the approval requiring detailed construction plans, which we do not have, but that same paragraph also states "cut and fill shall be balanced and distributed on site whenever practical, with any waste material to be hauled over City specified routes. I'll read that again. "Cut and fill shall be balanced and distributed on-site whenever practical, with any waste material to be hauled over City specified routes". Yet revision 17.1 shows approximately 100,000 cubic yards of material being relocated off site in the Payday placement zone. This is most apparent on page 222 of tonight's packet, and is yet another clear violation of the requirements of the MP approval. That MP approval in 1986 did not anticipate or approve affecting neighboring property with 100,000 cubic yards of material, period. Of course, as Staff has noted, we also have no explanation as to how areas that could previously only hold 125,000 cubic yards of material can now hold more than 1 million cubic yards. Further, THINC would encourage Staff and the Planning Commission to carefully consider whether a 25% swell figure is appropriate, as our resources tell us that 40% is a very conservative swell figure, and 50% is far more realistic. Taking all these problems together, you have multiple violations of the MP approval, and a complete failure to satisfy CUP criteria 15. That criteria requires consideration of slope retention and appropriateness of the proposed structure to the topography of the site. The current plans do not retain any of the existing slope, highlighting that the proposed structures are far from appropriate to the topography of the site. The MP approval contemplated smooth terrain and buildings tucked into the hillside. But the current plan has retaining walls, cliffscapes with huge drop-offs, and fully exposed buildings. Those profound impacts to Park City, Historic Park City, removing the mountainside cannot be mitigated.

Some comments on Exhibit 17, Refinements. As for the latest refinements found in Exhibit 17, they are yet another example of the applicant purporting to give with hand, while actually taking more with the other. It's so-called efforts to mitigate project impacts are in reality simply a shifting of impact from one criteria to another. For example, the applicant proposes to eliminate a story or reduce a footprint from one building here or there, then add stories to other buildings, which may

result in the applicant exceeding the height limitations of the master plan. We would ask that this be clarified. It also claims to be mitigating impact by reducing excavation, grading and square footage, but the reduction is from the 2009 plans, not from what was approved in the Master Plan. When compared to the Master Plan approval, the applicant's claimed reductions are (inaudible). It now claims a 11,500 square foot reduction from its 2009 plans. This in reality is still hundreds of thousands of square feet more than its Master Plan approval. It now claims a reduction of roughly 100,000 cubic yards in excavated material from its 2009 plans, but the excavation required is far greater than what was proposed at the Master Plan stage, because they are going much, much deeper and further back into the mountain than they originally indicated. Instead of having the buildings partly underground and partly above ground, the current plan is to blast the entire mountain away, and to do much of that blasting outside of the building area boundary, and to move much of that blasting material off site, all in violation of the MP approval.

We would refer to THINC's numerous prior public comments on these projects, as they remain just as applicable now as they were when they were submitted. At the end of the day, the applicant still far exceeds their approval, and they do not comply with the CUP criteria that must be considered at this stage. In conclusion, I would like to again reiterate how much we all appreciate the Planning Commission and Staff considering our concerns. And I thank you.

Chair

Strachan: Thanks.

Brian

Van Hecke: Thank you.

Chair

Strachan: Will you submit that letter?

Brian

Van Hecke: Yes.

Chair

Strachan: And then also it referenced some resources in there regarding the swell factor. To the extent you have those resources and can submit them to Staff, it might be helpful.

Brian

Van Hecke: Sure. Yes, sure.

Chair

Strachan: Thanks.

Brian

Van Hecke: Thank you.

Cynthia

Fowler: Good evening. My name is Cynthia Fowler. I have a home on Empire Avenue. We have had this property since the 1960s. Our family built a home there called the Ski Shack. It was on four lots. It was nine stories high. It was beautiful. It was a great home for Park City. It was a replicate of the Coalition Mine Building. Unfortunately, in 1975 it burned to the ground. In the mid-80s, my mother went, because she wanted to resurrect our nine-story home on Empire Avenue, and it was approved through the Planning Commission. We never built it, you all know that. However, it was approved, not built. Now we're going to fast forward to 2007. My mom has, my mom and my parents were in failing health and we divided, or we came to Park City to see what we could do and build. So, we brought our old plans for Ski Shack, and they looked at us and they said, you can't do this. And I said, but 1985 when my mom came here it was approved. And they said, your mother did not come every single year to get it re-approved. You had to reapply every single year. You can't build this. So my question first of all, is, did you reapply every single year? Because I never saw it come up to get this approved. I know it was approved in 1985. So was the Ski Shack. Was it approved every single year to be extended.

Chair

Strachan: You know, it's not really a question and answer session. I'll summarize by saying that issue has been looked at in depth and analyzed by our legal counsel and theirs in depth, and the conclusion has been that they haven't waived any of the rights that they obtained in '86. And so to the extent that helps, that's the answers. But generally, in the future---

Cynthia

Fowler: I couldn't do it. I couldn't build my nine-story home.

Chair

Strachan: Well see, this is kind of one of the reasons why we don't engage in a question and answer session.

Cynthia

Fowler: Okay, that, that's fine. Then just, that's my question. Just so it's on the record.

Chair

Strachan: Okay.

Cynthia

Fowler: So, I had to go. We divided our property into four lots and I built my little home. I submitted plans and it was during your moratorium in Old Town. I had to scale back. I was the only person building at the time. I couldn't even put my three bedrooms where I wanted them. Somebody on the Commission told me I had to use bedrooms, and that my teenage kids, my son and daughter could sleep together, which was a joke. Anyway, I build my home. I'm happy. I got it. But that was my question, because I, you know, we would have loved to have built that nine-story home. But it wasn't right, and we knew it wasn't right for Park City, either. So, there you have it.

My other question is that they originally wanted to widen Empire Avenue. I don't see how taking away my property is going to help them. Because in the---when you guys redesigned my home to have it where I had to have a two---I had a two-car tandem, you guys redesigned it. I had to put a bedroom down there. So I lost my parking, too.

My other question, is the Fire Department. Has the Fire Department weighed, weighed in on this project. I don't know that. I haven't seen anything from the Fire Department. I do know that when I needed them this, this winter they got stuck in traffic on Empire Avenue, and it took them a long time to get there as I was standing out of the house. It was only a carbon monoxide alarm, that's all I needed, but it took them forever. I do know our home in 1975 burned to the ground in 13 minutes. If I were to wait a fire department with the traffic and everything that is going on, on Empire Avenue, we would have more fires, more homes burned to the ground, even though I've got sprinklers.

The other question I have is your soil study. It's showing that it is creeping. And then you also want to use explosives. And also, that the soil is toxic. Has the Department of Air Quality also weighed in, and have they looked at the soil? My question, to see what their report. That would be a really interesting report. So I would like to see what the Department of Air Quality has to say, because in one sentence you're saying we're going to encapsulate, and then the next I hear you're going to blow it up. And then that puts all the toxic soil up into the air. So just curious as to how that's going to happen.

The other issue that I heard tonight is your 12" water line. And again, the soil sample is creeping, the mountainside is creeping. How can you guarantee that a 12" water line is not going to break on a creeping mountainside? So those are my questions.

And then to excavate and put all that soil up on the mountain, how are you going to get it up Payday? What's the method of transportation? And again, toxic soil. And again we're going to expose it. You can't encapsulate it.

So those are my questions. Thank you very much.

Chair

Strachan: Thank you.

Peter

Marth: Peter Marth, 37-year Old Town resident. You know, I must say, this is the most unreasonable conditional use application I have seen in my 37 years of living here. Now there's an old saying. Hypocrites, the father of medicine said, there are those who know and there are those who believe they know. The applicant believes this is compatible with the residential surrounding neighborhood and---not only the surrounding neighborhood but the Main Street Historic Business District. But we know it's not. The applicant believes he can mitigate all the effects of construction traffic for years and years and years. He believes, and the investors believe that they can mitigate those things, but we've seen no details. We know that's not possible.

The applicant and the investors believe that this is a good thing for the community, but this community and the Planning Commission, I believe, knows that it's not. I mean you, you---constructability---let me just, I don't



want to ramble on. Stop me if I start, but in terms of constructability, of course you can put a lot of asphalt on Norfolk and Empire and run a million trucks on it. Of course you can do that. But the applicant hasn't answered any of the preliminary questions from all the previous meetings that the Planning Commission has been asking for, and the community's been asking for. All the details. How are you going to do this, is it compatible? And none of those questions have been answered, and so therefore this is still the most unreasonable conditional use application I've ever seen in my life.

And just in closing, you know, I would highly recommend that the applicant and whoever the investors are behind this boondoggle, if they want to get out of this hole they better stop digging. And I'll also say one more time, I've said it many times, all investment is at risk. Thank you.

Chair

Strachan: Thank you. All right. Anyone else from the public?

Rodney

Moogan: My name is Rodney Moogan, I am a---live at 1150 Empire Avenue. I'm also the President of the Condo Association at that address on Empire. And one of the biggest things, you know, from what the applicant has said, looking at different things, I just have just a couple quick comments.

Number one is, you know, they talked about encapsulating the toxic soil. We had a major foundation issue in our situation in both Park City and also the State of Utah so that we cannot encapsulate toxic soil. That we must actually ship it all off. So that was, that kind of makes me wonder how we can encapsulate on the mountain, which is probably going to still be very toxic.

At the same time, the biggest thing which I know has already been addressed many times, but I did want to bring it up because I have a personal story with it. You know, their concept video where they showed cars driving up Empire and Lowell, to me it was lacking a couple of things. Number One. I think I saw one car driving up and there was only I think one car parked on Empire on the side. I have lived there for seven years. I don't think I've seen just one car parked on Empire Avenue or Lowell Avenue unless you have torn it up for, you know, construction or whatever it might be. There are probably, you know, 50, 20, 30, 80 cars at any given time at any given day. And I'll give you a great example. I know it

was July 4<sup>th</sup> and I know it's busy, but I was walking back from the parade after lunch with my wife at about 1 o'clock, we almost got run over by people driving up Empire because there were people flooding the streets going down. Cars were parked bumper to bumper all the way up and down from the Park City Mountain Resort all the way up to Crescent Tram Trail. We almost got hit. A car actually took out two cars and continued driving. It's only going to get worse. Yes, the report was filed with the Park City Police Department and the license plate was taken and all that stuff, but the thing is, it's only going to get worse if we have more people up there, more traffic. You know, the mitigation for construction traffic is ridiculous. That is not mitigation. There is really a lot of concerns about there's not going to be a whole lot of opportunity there. And at the same time, it just, you know, I'm really nervous about the, really the traffic and the safety and how that's going to be mitigated. So, thank you.

Chair

Strachan: Thank you.

Annie Lewis

Garda: I'm Annie Louis Garda. Our home is adjacent to the Treasure property. Blasting was not mentioned in any of the presentations tonight. However, Pat had indicated to the Park Record that that was to be expected. And he indicated that 300 feet away you would barely hear anything. Well, in the exhibit that was included in the packet tonight, our house is shown to be 62-1/2 feet from the top of one of the cuts. So I'm very interested in knowing what the decibel level will be at 62 feet away. I'm interested in how much vibration we will feel, and how likely our foundation is to be damaged and what recourse we have if it is.

Also, as mentioned earlier, the soils report says that the soil is creeping. What will blasting do to that? Will it become flowing soils instead of creeping soils? Tonight, when the visual was shown about where they're going to put these soils, a large part of it was shown to be put into a heavily forested area above our home. How do you put hundreds of thousands of cubic feet of soil into a forested area? Do you have to cut down those trees, and if so, what is that going to do to erosion above our home? Thank you.

Chair

Strachan: Thank you.

Kyra

Parkhurst: Hi, I'm Kyra Parkhurst. And just as a follow up to the meeting my husband and I were on vacation in Tahiti the last time, and Neals and I put together a video, and you wanted proof of the dates and everything. So they were imbedded on my computer and they're all printed on here.

Chair

Strachan: Yeah, great. Give them to Francisco and we can put them on the website and everybody will have them.

Kyra

Parkhurst: And they were from, from 2008-2017. And the dates are all in there. Anyhow, if, again, things are really rather vague, especially when it comes to explosive excavation. I am by no means an expert but I did spend a couple hours on the computer, and there are very specific details in OSHA and in risk management on the transportation of explosives up to a site, and specifically how they have to be transported. In urban areas streets have to be shut down, traffic has to be stopped. It can't be sitting in bumper to bumper traffic. So we need to know how much explosive is going to come up there, how long it's going to take, what streets will have to be shut down. There are very specific detailed criteria to the building that has to store the explosives on site. It has to be so many feet of concrete. It has to be [inaudible] down. It has to have so much locks. It has to have built-in perimeters of fencing, it has to have security, it has to have 24-hour security. We haven't heard anything of that other than it's all going to go in the parking garage. What are plans during the excavation blasting for flooding? That's not---there's going to be holes, you know, flooding is going to occur, especially if all those trees are now down that used to absorb some of the water.

What if a blast gets set up and then due to bad weather it has to stop? So that means overnight a blasting area sits there with live blasting in the ground. Are we still going to run the lift over the site while this is happening? Who's going to control it? Who's going to be the security? Who's going to make sure nobody is riding their bicycle? Who's going to make sure nobody is walking their dogs. Who's going to---and what if it goes off accidentally? When blasts are exposed to water they can fail. And we all know there's a lot of water that goes into that ground after

every winter, and there's a lot of moisture. Have tests been done to see, like if they put a blast in a specific area that there's no an open fissure that goes down, and the explosive goes down into another area and it explodes where it shouldn't. What utilities will have to be shut down during the blast because there's certain parameters that all electrical lines have to be shut down within a certain area.

What is the area that rocks will be thrown? There are specific charts that say if you're using---and I don't know all the chemical names and all the things, but it said that, you know, rocks will be flown. So will some homes have to be evacuated. Will the rocks travel even further because of it being on a slope site? I haven't heard anything about any of that information.

In answer to previous things, here is an attorney in West Virginia where they did some blasting. And he said what to do if your home is damaged from blasting. If you believe that excavation blasting has damaged your home, there are steps you can take for your safety and successful resolution. Also, in some cases you have the right to file a lawsuit against the company who caused the damage for additional compensation.

Here is a fire that was put out in an urban area by the City of Quebec when they were doing some explosives. It said carbon monoxide orders will be in the air during the next couple days while we were doing explosives.

I'll let you have that.

And then the International Risk Management Institute has a report on construction blasting fundamentals. And it said commercial explosives rarely detonate under ideal actual---under ideal conditions. So in actual practice, small amounts of toxic gases such as oxides of nitrogen and carbon monoxide are produced and commercial blasting, explosive and blasting agents are characterized by various properties that define how they will perform under field conditions. These all can be affected by the density of the stone, the water resistance, the fume class, temperature effects, sensitivity and strength of the underlying rock.

Let's see. I talked about the water [inaudible]. I'll give you this report so you can have it. There's a lot of legal stuff in here that I haven't heard

anything reported on that we should have information on. So I'll turn that over to you guys, too. In some time in the future we can look into that.

Chair

Strachan: Thank you.

JF Lanvers: Good Evening. I'm JF Lanvers. I am a property owner on Main Street. And I have not followed the, you know, the Treasure development very much, except that tonight, or a few days before I had the chance of seeing the video. And we said that, you know, a picture is worth a thousand words. And that beautiful, professionally made video was worth probably a million words. Because for the first time it showed me that, you know, well, basically nailed the, the concept in my brain. And no pun intended, it put almost a nail in the coffin of the concept because I thought that, you know, it's, the, the project sticks, literally speaking, like a sore thumb. And you know, it's going to deface Park City forever. So I am very appalled by it and I am very emotional about that. I think it could have been done differently probably by hugging the, you know, the natural, you know, relief of the terrain. And by, you know, adding to the mosaic effect of the, you know, old miner homes that are adorning the hill, and provide a continuum for that.

So basically, that's the only thing I wanted to say. This is, this is going to, if it ever happens in its form, it's going to leave a terrible legacy for Park City and be a recurring nightmare. Thank you.

Chair

Strachan: Thank you.

Arnie

Ruston: I'm Arnie Ruston. I live on 1058 Lowell Avenue. And I have been a practicing civil and structural engineer for over 40 years. And I will make a couple of comments. First of all, I consider a swell factor between 40% and 60% to be appropriate for this type of soil. I am concerned if there is in fact soil creep, the last thing I would want to do then, is to dig a big hole and take all of that stuff and put it back on the top. That is just contrary to what you should be doing. So that would be a real big concern for me.

I've been sitting and looking at the poster right behind me here about the community vision and values of Park City. And I will say, in my opinion this project does not fit at all with those values. And it does not fit, for

one, I continue to say and speak about that, it has no viable access. Empire and Lowell are residential streets that even today, in the summer time with little traffic, you cannot drive down. Well, of course, you can't drive on Lowell at the moment, but down Empire you cannot drive down without having to stop and let a car go by. So how in the world are we going to handle multiple years of construction traffic. They're talking about hundreds of trucks per day. Simply not feasible. It will not work. Absolutely a non-starter. And I will appeal to all the professionals in this room to literally take a big step back and say there comes a time when you have to advise your client. That is your professional responsibility to say this is not feasible.

With respect to noise, you're going to drill, you're going to blast, you're going to crush, you're going to transport, and you're going to grade that for several years. And I guarantee you, because we are living in winter country, you will not be able to do it in 2-1/2 years because you can't work every week. It's a given. You only need to go out Highway 189, out to [inaudible], I believe it's called. Go out there and just stop by the side of the road and look out where they're working with rock and listen. And this is what you're going to literally do only a few hundred feet from Main Street Park City, and of course, a residential neighborhood. Absolutely, I cannot, I cannot for the life of me think that you could even consider that.

And as far as traffic, traffic study. You can, you can count cars all you want, it doesn't matter. What was presented to you last month was reality. That is what it looks like. The paper, Park City Record, I was extremely disappointed. It basically blew it off in saying, hey, this is after a snow storm. Well, it isn't and it wasn't. It happens literally any day during five months of the year. That's what we deal with. So that has to be considered. This simply does not fit.

And again, I appeal to the professionals, please do your duty as you have signed up to do. That is your duty. Thanks for your time.

Chair

Strachan: Thank you. All right, anyone else from the public wishing to speak on this item? Seeing no one, we'll close the public hearing.

End of public comment

Chair

Strachan: All right. Why don't we start with the Commissioners' comments. We'll move left to right. Commissioner Suesser, you ready?

Commissioner

Suesser: Sure.

Chair

Strachan: All right. Why don't you lead it off?

Commissioner

Suesser: Okay. Well, I guess I'll first address Francisco's request that he put I the Staff report to us. He asked us to specifically comment on whether the Commission will agree to the applicant's approach on certain items to condition our approval on future performance by the applicant, rather than apparently submit everything or, or comply with every aspect of the criteria and the CUP.

I think it's been our approach throughout the application to request that the applicant submit follow-up information to enable a finding of compliance with the MPD and the CUP criteria. And I think we need to continue that pattern, and we need the specific details before we can approve the application. I don't foresee us conditioning our approval extensively here. I see us requiring them to meet the CUP and the MPD criteria as it's laid out.

So, just other comments. I would like the applicant to address the items mentioned by the City Engineer in today's Staff report. I reiterate the Staff's request for the specifics of the construction storm management plan, including the location of the detention facilities, the capacity and the plans for the diversion of the water and the runoff.

As noted in the Staff report, the applicant still needs to provide the utility service routes and the locations of dry utilities, transformers, etc., as part of its application. I would like to see excavation specifics, including with respect to explosives and the transportation and then storage of them. I'd like the applicant to provide the AGECE's geo-technical investigation that AGECE references in its May 15<sup>th</sup>, 2017 letter. I think that's, that letter specifically says that that study still needs to be done. So I'd like the applicant to submit it when that study is completed.

I think that's all I have right now. Thanks, Adam.

Chair

Strachan: Great. Commissioner Joyce?

Commissioner

Joyce: I'll start with the good news, which is thank you for what you did to move some buildings and combine some buildings to back away from the cliffs some, and, and, you know, basically reduce the amount of excavation that was going to be required. I still, as you know, I, I still have major issues with kind of the difference of the amount of excavation required by this plan, which I think is fundamentally different than what was approved in the Master Plan. But I think you're at least moving in the right direction. When I sit and look at the excavation amount, even as it was reduced to, what was that, about 870,000 cubic yards. Even with a 25% expansion rate you're up at about 1.1 million cubic yards. And your storage space said that you could put about 1.04 of that on site. So you're still, when you talked about kind of back up or secondary locations, it seems like even with what we're hearing as a conservative expansion rate, you're already outrunning your 16-acre spot and going off into Payday and Kings Crown, whatever. And if you get up to something like a 40% or 50% expansion rate, you've blown right past everything you have accounted for right now.

So, I guess a couple of things. One is I'd like to nail down from---I'd like to be comfortable from the City Staff or the City Engineer what they believe the correct expansion rate is. And if you guys think it's 25% and disagree with the City Staff, then I would love to see some justification behind it, because that's going to become very important.

I would like at least at some point down the road to see something specific. Kind of like you did with the utility letters, only very crisp, that says from Vail. If we're counting on excavation material going on to their property, I'd like to see them say we agree to the following. And that shouldn't just be, we agree to some amount of dirt to be determined later.

I, you know, if the answer is you guys are planning on putting a 100 or 200,000 cubic yards of dirt on their property, I'd like to see Vail stand up and go, yes we agree to that. I mean that may be simple. If you already have contractual agreements with them, that's fine. I'd just like to see some evidence of that.



I'll tell you, though, I was in a lot better shape on the excavation when I thought most of the soil was going to go to existing ski runs, like Payday, primarily because you've already got areas that have been cleared of most vegetation and have kind of settled out. But I, now all of a sudden we're looking at 16-acres up in the Creole Gulch area as the primary dumping ground for this soil, and I just started doing some math. First of all, I thought isn't that the, isn't that 16 of the acres that are put into a conservation easement as part of this whole mater plan agreement? Is that---when, when we carved out the, out of the total acreage of this and said everything is going to go down into the 11 acres, I thought everything else was written into a conservation easement. And so now what I'm hearing is 16-acres of land that is protected by a conservation easement is basically going to have all the trees cut down, all the topsoil scraped off. And then my calculation was an average of 45 feet of dirt piled up across, evenly across the 16 acres, even with a conservation expansion ratio. Because just for what it's worth, my back of the envelope here is 16 acres is about 77,000 square yards. And so you guys are putting about 15 yards deep if you covered every foot of it evenly. And so we're taking 45 feet deep across all 16 acres. And it sounds like it could be considerably more than that.

So, I've asked for this before. I've never seen it from either Staff or from you guys. There's a bunch of things in here that are outside the boundaries of what I believe was supposed to be the development footprint that are being affected. I thought most, if not all of that was under conservation easement. And I would love to see somebody's evidence that that conservation easement either doesn't include that land that's being affected, or allows for this kind of impact. And I've just never heard of a conservation easement that allows you to clear 16 acres of trees.

So I just can't, for kind of setting my bar, I can't accept that this is the correct excavation solution until I see evidence that all the landing zones for this are clear and adequate space, and approved by Vail, and approved as part of the conservation easement. So there's just, there's just tons missing.

Pat  
Sweeney: Excuse me, Steve. Do, do you want me to answer that or we could get you a response to these questions in writing.

Commissioner

Joyce: If there's something real easy now, that's fine. If you, if it's a more detailed thing, I mean, I'm happy to wait and see them as part of the next month's package.

Pat

Sweeney: It would probably be---I mean it's nothing simple, as you know. We can put a package together and share it, particularly with legal of the City that show them our agreements with Vail and remind them about what conservation easements there are or aren't, and what they allow and what they don't.

Commissioner

Joyce: That, that's fine. In fact, I would love it if, if we came in and you guys said here it is, here's why we're good doing what we're doing, and Mark or Polly or whatever nodded their head and went yes we reviewed this and we completely agree. That would be great.

Pat

Sweeney: Okay.

Commissioner

Joyce: The construction staging thing, I'll tell you, it was just kind of lost on me. It really---if you turned around and read the, the kind of, the five-point bullet kinds of things that we saw today, and imagined that somebody was building a house on a lot down the street here, that's very much what it sounded like. It's like, yeah, as soon as we clear out space we'll stop dumping stuff on the street, and instead we'll dump it on the property. And you know, at the end of the day when the trucks drive out we'll either wash them off or we'll keep the dirt out of the street.

I, I didn't see much of anything in anything that you guys addressed in this package that talked about the fact that you're building a million square feet on the steep side of a hill with access from a neighborhood that essentially has sub-standard streets. There was just no, there was no meat behind it. It sounded kind of like a construction template that, quite frankly, I almost could have just listed to start with. You start mentioning things like detention ponds. I want to see where they are. You got, you got cliffs that are bigger than we've ever cut anywhere in Park City before, and no description about how that happens and how it gets staged and how it gets protected. And I've gone back and looked at the old

documents, and it's, you know, it's some pretty pictures of what the cliffscapes are going to look like, but the whole old excavation plan was like four pages long. It's not that simple. And so some of the things that might get traditionally pushed off into a construction mitigation plan, I mean, we've got to address now. There's just, there's just no doubt. I mean this is too big a project with too many impacts and too many questions for us to be able to sign off on something that's, that's just kind of that vague.

I had one that was like, where we talked about the 3500 acres of, I'll loosely call it, more toxic dirt. Whatever that is. The mine tailings, the mine overburden, and describing the difference. And I was kind of fine with, okay we're going to try to cap that somewhere, but I had hoped to see kind of a plan of where do you think that can happen. Is that something you're sticking up, because again, we're doing this in the Park City sensitive water, or the Spiro Tunnel sensitive water area boundaries. And it's like, well, okay, are we capping it somewhere where it's going to be leeching right into our water. You said that hey, this is the overburden, it's not anymore toxic than most of what we're just going to be digging out. I apologize because I haven't had time sitting here in this meeting to go back and find it, but I saw the soil test results from some of those mine sites, and some of the arsenic levels in at least one, and I think two of those four sites, were off the charts. I mean they were huge. And so when I hear you tell me, hey, that's what we're going to be digging up, you know, a million cubic yards of and spreading around, you just bumped the mitigation issues for blasting and air impacts and things. I, I hope to God you're actually wrong and this is actually---the soil samples that I saw were much worse than what we'll see from the rest of it. But that was, I mean, I can go back and find those numbers. We went through that last year this time, or something like that. But there's some sites with some really high numbers in them.

And just as a request, you guys are giving us a lot of material and some of it is very deep and takes a lot of crawling to go through. The thing we got from, I don't know, you have a nice little acronym, the AGECE, the geo-tech stuff. There were four letters in there that you guys included in our stuff. And one had a little bit of information, but all four of them really sounded like, hey, if you'd like us to do a good job of this, here's our billing information of dollars per hour, per---it, it didn't have any meat. It was literally like a request for work or something like that. And honestly I didn't see much of that in anything else either. There wasn't---I think the meat

that we actually got tonight was more in your revised drawings, and that's, it's a little hard to go through and parse out. There were a lot of kind of bullet stuff that said, we made parking more efficient, we got rid of this floor, we did all of these kinds of things. But then we got to the net, and the only thing that was really gone was the museum. I mean, basically we netted out to the same kinds of numbers that we've been working with for a long, long time. So I didn't understand, there were some things that said like, got rid of accessory space because we made this more efficient, you know, made the parking more efficient. If you made it more efficient, why, why didn't the square footage down. Or where did it go?

Pat

Sweeney: We'll get to that next time. But that was 17.1, Steve, and you're right, we basically reduced it by a size---

Commissioner

Joyce: Yeah, the museums been gone since we started this.

Pat

Sweeney: 17.2, we haven't calculated the reduction. So that's coming.

Commissioner

Joyce: Okay. So, so the more you can make that clear, because I'm, I mean, I really spent some time because you had some very detailed building renderings and things like that. And I went through trying to figure out, if you got rid of this how did it not get smaller. And it didn't. So I'm just assuming things go added somewhere else that I can't find yet.

So I would ask, when we get back---the biggest take away from me, and I think you've heard it pretty consistently from both the public and from Laura so far, is the construction stuff, I mean, we, we need considerably more detail. The thing you're doing is so far beyond anything we've seen here in Park City. I mean, we need a lot more meat to these plans. Even things like, you know, I look back at the Big D truck, or the Big D proposal and they had a number of delivery vehicles. I mean, I'd like to see, you know, for a project this big, how many concrete trucks are we going to see coming up. And I assume they're going to tend to come in batches because you're going to do pours and things like that. And what impact is that going to have. But it's all lost. The only, the ironic thing is the thing in there that said it was going to be ten per hour per day. Had pictures of Lowell and Empire that oddly enough looked like what the public brought

to us last week with basically single lane roads going up Lowell and Empire. And I was wondering exactly what Big D's point was with that, other than there's no way you can do two-way traffic on these roads. But they didn't actually talk about it. There were just pictures in the May presentation, the first presentation from way back. So lots and lots of questions to be answered on this construction piece.

Chair

Strachan: Thank you. Commissioner Campbell.

Commissioner

Campbell: I'm going to keep mine short, but I want to make sure that you guys, since, not, I'm sorry, that you don't have to sense but you hear my frustration, because I've asked very specific questions in the past. And Pat you were kind enough to say that your gas letter was for me, and I think that's in reference that I've consistently asked for some specific measure of how much---and as Steve said, we've got hundreds of questions on lots of items. I'm just using, I'm going hang my hat on just this one. The letter that you had from Questar basically says, give us some info on how much gas you need and we'll tell you how much it's going to cost. And that's just go nothing to do with what we've been asking for. I specifically said how big will the gas pipe be, how far down Lowell, how far out 224 will it have to go before it taps into a source of gas that's big enough to supply all of that. How many of our roads will we have to tear up. And I'm not, I'm not getting any of that back from this letter.

So, I'm going to add one more genera thing to it, which I feel like hasn't been addressed at all, and that is, you know, AGEC says yes, you can tear all of this dirt off of there and yes, you can physically move it up on to the top of the hill, but what's going to keep it up there. I want to make sure that we have some kind of plan in place that we know that stuff is not going to come sliding back down. Because it won't just slide into your project, it will slide back down on, you know, on to our houses too. So to me, that's probably the biggest thing that hasn't been mitigated yet.

Chair

Strachan: Good, thanks. Commissioner Phillips?

Commissioner

Phillips: Let's see. I did want to thank the applicants for the illustrations you gave. It really does, it really does allow us to see what it will look like, whether you like it or not. I also appreciate, I appreciate the efforts you've made in addressing some of our concerns. There's a lot of new information to digest in a few days time that tie back to discussions we've had months and years ago. And of course, you know, we'll all need time to review a lot of the information before we can provide complete educated questions. But, you know, I'm just going to just take a stab at a few that come to mind.

As I think Preston had stated, you know, there's many more questions. But you know, I'll start with traffic mitigation, specifically during construction. Are the construction workers using the Cabriolet in conjunction with skiers, you know? I don't know if we get that information in the traffic study or construction mitigation plan. But I'll certainly need to know more about, you know, the details and how all of that is going to function.

One of the questions that I had, and maybe you guys can even answer this one now. Does the reduction of the cliffscapes, does that make them steeper than they were? It would be interesting for me to know what the grade, the grade of those are, and maybe what they were in previous versions, you know.

David

Eldredge: Well, in, in the original submittal there was a bit of discrepancy in that the plan showed the cliffscape behind the 1 and 5 buildings laid back basically at the angle that we're going to propose. Whereas, on the sections we schematically steepened that and put in little terraces that we could plant. So those two at that presentation were not in sync. The new information is basically in almost all areas except where it's almost a direct north facing the allowable slope is two to one. And in the north facing, we can go four to one.

Pat

Sweeney: So does that---I think that boils down to steeper. But then in the case of 17.2, we're also bringing the buildings closer together, limiting to---

Commissioner

Phillips: Right.

Pat

Sweeney: And so there's less of them. They're less tall.

Commissioner

Phillips: Okay. Thanks for---

Pat

Sweeney: Is that a fair statement, David? Okay.

Commissioner

Phillips: Okay, thanks for answering that.

David

Eldredge: And I'll just mention, on those new documents we put the AGECE recommended maximum slope on the building sections.

Commissioner

Phillips: Okay. Let's see. I mean, in my opinion the steeper they go the more unnatural they look. But that's something that, you know, like I said, after I have more time to, to look at it, I might have better questions.

Let's see here, what else do I have. You know, just simple questions like how are the materials getting transported to the deposit sites? And will this occur during the ski season? How do you disperse soils in the forest area? Where's the snow going to go during construction? And how are you going to retain spring runoff? You know, I mean, there's, there's a lot of things, you know, a lot of details that I feel are missing. And, you know, I'll try to maybe put together a list. Write them down and provide them. I don't know. I'll have to see how I want to approach that.

But anyhow, moving on. I agree with Staff on the specificity. I've seen, I've seen much smaller projects with much greater detail. And one-line bullet points are vague and seem more like strategies as opposed to plans. I also agree with Staff's approach on page 203, for your information, Francisco.

We are going to have to thoroughly evaluate detailed plans and detailed mitigation strategies on the impacts in order to have, to be able to come to a real decision. I look forward to getting more opinion from the Staff and professionals looking at this new information after they've had proper time

to sift through it. And I look forward to more information on 17.2. Basically, to sum it up, I struggle with the big picture information and really understanding the details with the information given in regards to the recent information you have provided. So, that's pretty much all I have tonight.

Commissioner

Campbell: Can I ask one more question.

Chair

Strachan: Sure.

Commissioner

Campbell: Get one more thing on. And Francisco, this might be for you, or maybe Bruce it might be for you. My frustration that's bubbling up tonight of all the unanswered questions is in part I feel like is our fault on this side of the table because we don't really have a list of them. We throw them out, they don't get answered. I'm wondering if that's something that we could get Staff to compile a list of these are the questions that we've asked over and over again, and these are the ones that still remain unanswered. It feels to me like those would have more importance. And maybe it would make it easier for the applicant, too, to go back and say there's 27 questions, we've only answered six of them, let's work on these other 21.

Planner

Astorga: Yeah, that's something that we're working in-house.

Commissioner

Campbell: Should, I mean, should each of us present to you a list of what we feel like are our individual unanswered questions, you could compile them? Is that---

Planner

Astorga: We're going back to the actual record. Meeting minutes and Staff reports. I asked that question for the legal department to see if that would be appropriate to receive individual lists from Commissioners. We could do that in terms of double-checking the work that we've done, but---



Commissioner

Campbell: You're right. It is even better if you're pulling it from the minutes. But I like to see it---I know Staff is already overworked, but I'd love to see a list of what those questions are.

Chair

Strachan: Okay. Thanks. You know, I agree with Francisco and some of the other Commissioners that what we're really lacking here is specificity. And I'll point to an example, the Robinson construction letter, which Mr. McMahon referenced as a, I quote "analysis of the excavation". It's dated 5/24/17. It's a one-pager and it says, "After careful review of the proposed Treasure project we are of the opinion that the excavation operation of the project can feasibly be completed within two to 2-1/2 years". Next paragraph, "If blasting is required, mats and seismic monitoring will be utilized to safely perform blasting operations, and to keep vibration within acceptable levels". I mean, that's about as vague as it gets. What acceptable levels? What blasting materials? What seismic monitoring? What are the numbers, what are the specifics?

Likewise, next paragraph, "A water system utilizing capital B, capital W, capital G, Big Water Gun sprinkler (or similar) heads will be used to control any fugitive dust". I mean, what are those things. Where are these guys' analysis of how much dust there's going to be? What the gun can cover. What even is the gun? I mean you can't just give us this letter that references things that we don't know, and say, well look, it's the opinion of an expert, we're good to go. I mean there has---we need to delve into the specifics and really analyze this.

You know, and then it just concludes and says, "We feel the project will cause some inconvenience, but will provide a great upside to the City and its residents for years to come". Why is an excavation guy making that opinion? I mean, it just feels like these are shill submittals that don't provide the analysis that really gets us from point A to point B.

And to Staff's questions along those lines, you know, are we willing to condition the project on submittal of information in the future, no. I mean, we don't have the information now. We can't, for instance, you want to just let the construction mitigation plan go to the building department and let them sort it out. I mean, the building department is one step, but we're the first step. We look at the impacts; we look at the mitigation. That's what the Land Management Code compels us to do.

To me, you know, as we get down to the short strokes of this thing and looking at an October decision date potentially, if those specifics aren't there we can't determine a) what the impacts are; and b) how to mitigate them. If you want us to condition your project and approve it, you have to identify for us what the mitigators are. And in order for us to know, we need to know what the impacts are. And we don't know those yet because all we have are submittals from experts who probably are experts, but they're one liners and their conclusory.

Likewise, the mitigators that I saw tonight---just for future reference, complying with existing ordinances is not a mitigator. So, you know, complying with noise ordinance or work hour ordinances, that's not a mitigator. You're obligated to do that no matter what.

And give us more of the benefit of the doubt that we understand what mitigates impacts and what doesn't. The fact that you would have a project website and a superintendent available. First of all, what impact does that tie to, that's unclear. But second of all, how do you quantify that? You need to, you need to quantify for that for us. To me, that's a given. You're not going to have a superintendent on site? I mean, what do the construction workers themselves do. So again, it's sort of like complying with the noise ordinance. Of course you're going to do that. That's not a mitigator, that's a given.

I guess I would just conclude by incorporating the other Commissioners' comments. But we're going to be, we're going to be looking down the barrel of this thing, and when other projects have come before us and we get into the short strokes, it's the specifics that matter. And it's always the specifics that matter on every project. And if we don't have them we can't help you, we can't help ourselves, we can't help anybody. I mean, without specifics you can't approve. You just can't. So, anyway, I'll just say that.

Francisco, anything else to finish up on?

Planner  
Astorga: No, nothing else.

Chair  
Strachan: Okay. Great. Anything further, Bruce, Commissioners? Nothing? All right.

MOTION: Commissioner Phillips moved to CONTINUE the Treasure Hill Conditional Use Permit to August 9, 2017. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

2. **4001 Kearns Boulevard – First Amendment to the Park City Film Studios Subdivision, a re-plat to create three platted lots of record from existing 29.55 acre Lot 1 and to include a 0.8 acre parcel acquired from UDOT for storm water detention. The property consists of approximately 30 acres. (Application PL-15-03005)**

Planner Kirsten Whetstone reported that this item was a request to amend the Park City Film Studios subdivision plat to create three lots for the development. The applicant recently contacted the Staff with a request to continue this item to the next meeting. However, because this item has already been continued several times, the Staff recommended that the Planning Commission conduct a public hearing and continue to a date uncertain. The Staff will coordinate with the applicant and when they have a date certain the item will be re-noticed and placed on the agenda.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the First Amendment to the Park City Film Studio Subdivision to a date uncertain. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

3. **632 Deer Valley Drive – Subdivision to divide the existing Lilac Hill Subdivision into two lots of record. (Application PL-17-03494)**

Planner Anya Grahn handed out additional public comment that was received after the Staff report was prepared.

Planner Grahn reviewed the application for the Lilac Hill Subdivision first amended. The first Lilac Hill subdivision was approved last Fall, and it created a legal lot of record

from the BLM parcel. This was one of the first to go through the Color of Title process and be privately owned.

Planner Grahm noted that at the time of the plat amendment a number of conditions of approval were put in place in an effort to guide the development. The conditions included compliance with the Design Guidelines; new development could not block the view of the historic house from Deer Valley Drive; and as one lot the access was going to be limited off of Deer Valley loop; but if there was a future subdivision that would be accessed off of Rossi Hill Drive, there would be restrictions on where the driveway could be placed. There was also an open space requirement of 40% per lot tied to the definitions of natural and landscaped open space in the Land Management Code.

Planner Grahm stated that the applicants were not proposing to amend any of the existing conditions of approval.

Planner Grahm pointed out that the existing subdivision line as drawn runs through the back of the historic house. She indicated an addition that was constructed in 1969, which the Staff found to be not historic. She noted that there were currently two Historic District Reviews for this property proposing duplexes on each of the two proposed lots. The removal of the addition was added as a condition of approval prior to the mylar being recorded; however, it needs to go before the HPB for approval before that could occur. The Staff supported removing the addition because it is not historic.

Planner Grahm commented on the substantial public comment she has received. The public comments were included in the Staff report, in addition to the public comment handed out this evening. Overall, the comments were in opposition to this application, primarily because of the access being proposed off of Rossi Hill Road.

Planner Grahm stated that the City Engineer assisted the Staff in creating the conditions of approval that are currently in existence. The location of the driveway being on the east side was largely dictated because that is where the front of the property line abuts the City right-of-way. There is a triangle parcel that is owned by the BLM.

Planner Grahm remarked that the limitations of the driveway slope were put in to help with visibility for people turning in and out of this section. The City Engineer found that the two units being proposed off of Rossi Hill as part of the HDDR for the second lot would not significantly add to the existing limitations.

City Engineer Matt Cassel was available to answer questions. The applicants were also present to answer questions.

Frank Watanabe, the property owner, believed that Planner Grahn's report was on point and he had nothing to add. He has a good working relationship with the Staff and he was comfortable with the conditions of approval as outlined. He introduced Bryan Markkanen, the lead architect, and Bo Pitkin, the project manager.

Chair Strachan opened the public hearing.

Mary Wintzer, a resident at 320 McHenry, stated that she was speaking for the McHenry Street neighborhood. Ms. Wintzer remarked that the neighbors were pleased with the project, but had concerns about the cut off of Rossi Hill. At the City Council meeting they were told that the appropriate process was to request that the Planning Commission review it for safety. Ms. Wintzer stated that Frank Watanabe, who is not a full-time resident, acknowledged that he travels that road and he understands how it narrows in the winter and the steepness. Ms. Wintzer was concerned that even with the restrictions currently on the plat, if there is not enough parking, people will park on the road. Once they park on the road, the plow cannot keep the road wide. Currently, if they call the police the vehicle can be ticketed, but they have to wait 70 hours before the vehicle can be towed.

Ms. Wintzer stated that other Commissions and other Councils in their wisdom have kept cuts off of Rossi Hill in the past for other projects. If they could not convince the Planning Commission to ask Mr. Watanabe to only have one driveway off of Deer Valley Loop, it needs to be specified on the plat that it is a no parking zone. If she understood the City Engineer correctly, if it is on the plat, they could call the police and the vehicle could be towed immediately. Ms. Wintzer stated that when the plow rows build, it is difficult to get two cars passing. If people park on the road it makes the problem worse.

Jason Parker, a resident at 658 Rossi Hill Drive, stated that he is also the President of the HOA at a four-unit building called the Quakies. He is also a member of the Snow Park HOA, which is a group to Save Rossi Hill. Mr. Parker read a note from Save Rossi Hill prepared by approximately 16 homeowners opposed to the driveway.

"We're collectively opposed to Rossi Hill driveway access for several reasons. Our reasons for opposing a driveway on Rossi Hill include they are not limited to: high traffic flow and congestion from the neighborhood residents and people using the recreational trails; lack of secondary maintenance and other vehicle parking; subpar roadways; a poorly engineered road design, which includes three or four blind corners at the top of the one blind hairpin in the middle; an intersection where four roads intersect with one right-of-way, as well as two stop signs and a yield; year-round and heavy pedestrian traffic and bicycle usage; wildlife migration and a passage to water sources; and

unforgiving seasonal conditions which reduce Rossi Hill from a subpar roadway to a treacherous one-way road”.

Mr. Parker reiterated that Rossi Hill is kind of a complex street where it does have a big hairpin turn. I see a wreck there every weekend in the winter, you know, guests coming in. It's a lot of traffic. A lot of people park on the bottom of Rossi Hill to avoid that turn. A lot of the homeowners from Ontario come down Rossi Hill, come down our street and pass there. There are three connected streets; Rossi Hill, Coalition View, and McHenry that all kind of combine right there where they want to propose a driveway. A homeowner built a house and it would be just down from there. Mr. Parker stated that he walks up and down that street, and every time he comes into town he walks and takes Shorty Stairs to get into town. Mr. Parker referred to the sign in the room listing the community visions and values, Keeping Park City Park City. He stated that those were the miner cabins and a lot of the green space is there. They saved the white barn coming into Park City. It's beautiful and that open space is amazing.

Mr. Parker was concerned about having a driveway access Rossi Hill. He had not seen any plans of projects, but the applicant will get a new height requirement off of Rossi Hill, which will then impede on Rossi Hill, instead of taking an elevation from the lower road. Then, they would be building up on Rossi Hill. He stated that the applicant wants to do this to increase density and increase height. Mr. Parker believed there was a way to create green space and make sure the traffic flow stays below the upper part of Rossi Hill. It answers a lot of question, they can build, and it works. He encouraged the Planning Commission to look at everything from that standpoint. Mr. Parker also encouraged the Planning Commission to keep the community visions and values in mind when considering the Treasure Hill project.

Commissioner Campbell asked Mr. Parker where the group he represents proposes where the driveway would come in.

Mr. Parker replied, on the bottom. He reviewed a sketch showing the steep grade. At the bottom there is a natural roadway. The miner cabins are to the right. There is another old house and a natural driveway in front of that lot. If the height requirement in the Rossi Hill area is 28', another issue are views and density and buildings that impose there. He believed they would gain the elevation from the top of Rossi Hill, which would be 28' on top of Rossi Hill if they have a driveway.

Mr. Parker asked if the elevations were taken from the front driveway. Commissioner Phillips stated that the driveway would not impact it.

Mr. Parker noted that a lot of buildings are built within the hill. He thought that needed to stay within the natural confine, the way that everything has been built there. He has had a car stuck on top of that hill turning around and it is crazy. Everything is centered in that area with all of the roads coming together. For those reasons, Mr. Parker thought there was a natural driveway, a natural road, and natural access.

Commissioner Campbell understood that it would access only one of the two lots.

Mr. Parker asked if there were two lots within that one lot. Planner Grahn indicated the proposed subdivision and noted that it would be coming off of Deer Valley Loop near the curve. She pointed to what she believed Mr. Parker was proposing for the driveway. Planner Grahn pointed to the two lots as proposed by the applicant, and noted that the second lot would be accessible off of Rossi Hill. Mr. Parker stated that there are shared driveways between duplexes, and he thought they could easily share a driveway that gives access to those two lots. He thought it would be great for density as well, because they would share one access to the road from the development.

Mr. Parker thanked the Commissioners for their time.

Alison Kitching stated that she lives at 670 Deer Valley Loop in the Portico Complex, which is adjacent to the property at 632. She is a full time resident and property owner. Ms. Kitching was excited that throughout the process a lot of compromises have been made that are successes for the neighborhood. Open space requirements were placed on this property, it is going through Historic Design Review, and the coordination between Matt Cassel and the group has been excellent. The new property owner, Frank Watanabe, met with their group a couple of days earlier. It was a large group and she had a lot of respect for Mr. Watanabe for taking the time to meet with them. The group applauds him for first meeting with them, and secondly, serving the community by refurbishing the home, which will be a challenge. They all respect his development rights.

Ms. Kitching commented on statements City Council members had made regarding the driveway access during the City Council meeting on October 20<sup>th</sup> when the Council discussed this subdivision and putting it on the official plat of the City. She stated that Mayor Thomas and Council Member Henney both supported restricting access to Deer Valley Loop. Mayor Thomas said it's a no brainer. Council Member Beerman stated that Rossi Hill is a dangerous road. Council Member Gerber asked if a Rossi Hill driveway would be too steep or dangerous. Ms. Kitching stated that after considerable discussion, the City Council decided that the Planning Commission meeting would be the appropriate time to discuss the driveway access issue when the Commissioners reviewed the development plans for this lot. Mr. Kitching asked if it was unrealistic for

the Planning Commission to direct Mr. Watanabe to submit a simple preliminary drawing with one driveway access. While they respect Mr. Watanabe's development rights, they also know that developers can be creative, and possibly a single driveway would work for both Mr. Watanabe and the safety of the community.

Ms. Kitching stated that as a general rule, it seems as if the City tries to limit access points to properties. For example, her complex has 19 units and there is one access point. This complex will have four units. Since the City leans towards limiting access points, she wondered if the Planning Commission would be willing to do that in this case to benefit the safety of Rossi Hill.

Chair Strachan asked Ms. Wintzer for clarification. He understood from her comments that she was talking about a plat note that says no parking, but on which street. Ms. Wintzer replied that she would like a plat note to say no parking on Rossi Hill.

Commissioner Campbell stated that he original thought Ms. Wintzer was concerned about the lower end of Rossi Hill on the downhill side of the hairpin, which always has cars. However, in looking at the exhibit, he understood where she was talking about.

Director Erickson was unsure whether a plat note would restrict parking in a public right-of-way. Chair Strachan stated that the Planning Commission could have that discussion, but he first wanted to clarify exactly what the public was requesting.

Ms. Wintzer stated that she did not have time to check with the police department, but she understood that if it was specified on the plat, the police would have something legal to enforce where they could immediately tow. If that is not possible, over 50 people are completely jeopardized, including Mr. Watanabe's family on the days they need to come down. Ms. Wintzer clarified that they were asking the Planning Commission to explore the concept of one driveway, primarily because so many units around town have only one entry point.

Chair Strachan understood that one driveway was the crux of their request. Ms. Wintzer answered yes. Commissioner Campbell pointed out that if there was only one driveway it would have to be off of Deer Valley Loop.

Commissioner Campbell asked if this applicant would have to come back to the Planning Commission for a steep slope conditional use permit. Planner Grahn replied that it would not require a steep slope CUP because it is in the RM District. Steep slope CUPs are limited to the historic districts. However, if they do any type of condo plat, it would come to the Planning Commission. Commissioner Campbell stated that the design of the buildings will be important. He could make an argument that if the



buildings were facing uphill they could have a safer driveway off of Rossi Hill if the garages were on the top. If the garage is going to be on the bottom, he believed the driveway would be safer coming in off of Deer Valley Loop. Commissioner Campbell would have like to have seen a preliminary house design before voting on this subdivision.

Ms. Wintzer stated that all the citizens on McHenry and Ontario felt it was important enough to explore further. There is a lot at stake and she believed they could get it right. She remarked that the citizens were only asking that the City take the time to get The safest project.

Chair Strachan closed the public hearing.

Commissioner Campbell asked if the applicant had any preliminary plans. Mr. Watanabe replied that they submitted both duplexes for HDDR and those plans were currently in the Planning Department. For the lower duplex, the garages are on the north side, parallel with Deer Valley. For the south duplex, one garage faces south towards Rossi Hill and the other one is perpendicular to Rossi Hill. Commissioner Campbell asked how they proposed to get down to the lower garage if they enter off of Rossi Hill. He was told that they were elevated and on the second level. Bryan Markkanen noted that City Engineer, Matt Cassel was involved in the discussion and he had put the plat notes on initially saying that 5% grade is needed for the first 20 feet. Therefore, the requirements for the driveway are already such that they create a safe entry to the upper duplex.

Commissioner Campbell asked if the design proposes to have both driveways come in off of Rossi Hill. Mr. Markkanen stated that one driveway to the upper duplex would come off of Rossi Hill. The other driveway would come from the bottom on Deer Valley Loop Road. He noted that preliminary designs are subject to change.

Commissioner Suesser asked if they would be willing to explore a single driveway for both units. Mr. Markkanen stated that they looked at that concept initially. One of the options was coming up on the west side of the historic house, but it takes out a lot of real estate and limits the development capability. Another option is to build a tunnel and a parking garage, which would add a significant cost to the project. He thought those were undue burdens to require something that is legally attainable.

Commissioner Joyce thought it came down to the question of safety. He asked Matt Cassel to talk about the safety issues on Rossi.

City Engineer Matt Cassel announced that Rossi Hill would be re-built next summer. He was aware of the struggles people have with the road, and Rossi Hill in the winter time can be a mess. The City Council has already restricted no parking the western half of Rossi during the winter months. If the second driveway is going to be on Rossi Hill, he believed they could extend the no parking during the winter months beyond that drive to help mitigate some of the fears.

Commissioner Joyce asked if the reconstruction of Rossi Hill would alleviate any of the safety issues mentioned this evening. For example, would it be wider or have more snow storage. Mr. Cassel stated that it would be narrower. At the bottom they will try to mitigate the random parking at the bottom of the hill near the bend, and sign it for no parking. Mr. Cassel stated that the police cannot enforce towing unless it is specifically shown on site where people can and cannot park. The police need better signage to make sure that when they tow a car it is in the wrong place and can be towed. Mr. Cassel stated that they were trying to address the haphazard parking, snow storage and other issues on the road.

Commissioner Joyce asked if they extended the no parking area and signed it, whether that would give the police the right to tow vehicles that park in the no parking area. Mr. Cassel answered yes.

Commissioner Campbell referred to the condition of approval regarding 5% grade for 20 feet, and he asked Mr. Cassel if a driveway coming off on the upper side on Rossi Hill would be safe. Mr. Cassel explained that the 5% grade levels out the car. The goal is always to make sure that when a car is entering a road, the sightlines are clear or they have the best sightlines possible. If the car is at a steep angle coming up to the road, it is harder to see up and down the street. Mr. Cassel remarked that the 5% grade will give the best opportunity to make sure the sightline stays clear. Commissioner Campbell asked, with that restriction, if Mr. Cassel was comfortable with it. Mr. Cassel replied that he was comfortable.

Commissioner Phillips asked if putting the no parking on the plat note would make a difference. Director Erickson explained that the parking requirement is in the right-of-way and the City Engineer can regulate no parking in that location and require additional signage. However, specifying parking on the street on the plat note would not have any effect.

City Attorney Mark Harrington stated that the Planning Commission had the purview to include a recommendation to the City Council for either through the City Engineer or further legislative action to have no parking on Rossi Hill on whichever area they are most concerned about.

Commissioner Suesser asked about the size of the proposed unit that would be accessed from Rossi Hill. She also asked if it was a two-car garage. Mr. Markkanen stated that there was a two-car garage in one of the two units, and a one car garage and an exposed parking space in the other. He recalled that each unit was approximately 3,000 square feet. Commissioner Suesser clarified that there would be four cars coming in and out. Mr. Makkanen answered yes.

Mr. Makkanen stated that in working with Planner Grahn and the Planning Department, he believed that everyone, including the applicant and the residents, would be happy with the end product. There have been a lot of conversations and concessions to come up with a good product.

Commissioner Joyce stated that his inclination is to always listen to the City Engineer when it comes to evaluation of safety. Everyone has different opinions, but they need to get back to something more constructive. Commissioner Joyce acknowledged the number of concerns raised by the local residents. He was inclined to give the approval for the plat as proposed, and come off of Rossi Hill Drive with the restrictions already on the plat, with the recommendation to the City Council to sign as no parking all the way up the road in an effort to alleviate some of the problems. Commissioner Joyce recalled the number of negotiations that went on with the previous owner and the gives and takes. There are very detailed plat notes about what could and could not come off Rossi Hill, and he was reluctant to unravel that. It would also be unfair to the applicant. Commissioner Joyce wanted to make sure that this action would not introduce any additional problems.

Director Erickson stated that the motion would be to forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval in the draft ordinance, with the additional recommendation that the City Council strongly consider additional parking restrictions on Rossi Hill Drive.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council as stated by Director Erickson. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 632 Deer Valley Drive

1. The property is located at 632 Deer Valley Loop.

2. The property consists of all of the Lilac Hill Subdivision. The applicant is proposing to subdivide the property into two (2) lots.
3. The property is located in the Residential-Medium Density (RM) District.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. The proposed subdivision will create two (2) lots of record: Lot 1A will contain 7,616 SF and Lot 1B will contain 6,703 SF.
6. Single-family, duplex, and triplex dwellings are allowed uses in this zone.
7. Lot 1A, along with the three historic cottages 555, 560, and 577 Deer Valley contribute to Park City's history and provide a density of historic structures that largely retain their relationship with one another and the hillside.
8. The purpose statements of the RD zoning district include (B) encouraging new Development along an important corridor, that is Compatible with Historic Structures in the surrounding Area, and (C) encouraging the rehabilitation of existing Historic Structures.
9. The proposed lot width of Lot 1A is 109.46 feet along the north property line (facing Deer Valley Drive) and the proposed lot width of Lot 1B is 130.43 along the south property line (facing Rossi Hill Drive). The minimum lot width required is 37.50 feet, and both proposed lots meet the minimum lot width requirement.
10. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures. The applicant is not proposing to relocate the historic house.
11. The minimum front yard setbacks are 15 feet and rear yards are 10 feet.
12. The minimum side yard setbacks are 5 feet.
13. An addition to the historic house encroaches over the proposed lot line between Lots 1A and 1B.
14. Existing access to the Lot 1A is limited to a driveway from Deer Valley Loop.
15. The City Engineer finds that only the eastern half of the lot directly abuts the City's

right-of-way along Rossie Hill Drive and there are poor sight lines along Rossie Hill Drive.

16. The utilities were disconnected from this property on May 26, 1999.

17. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance)

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

Conclusions of Law – 632 Deer Valley Drive

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

Conditions of Approval – 632 Deer Valley Drive

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this  
Packet Pg. 252  
approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Any development on this lot or future subdivided lots within this lot shall provide a transition in scale between the historic structures in this neighborhood, the Historic District, and Deer Valley Resort. Any new development on this lot or future subdivided lots within this lot shall comply with Park City's Design Guidelines to ensure that the new development is compatible with the Historic Structure on this lot and the Historic Structures in the surrounding area.
4. Any new development on this lot or future subdivided lots within this lot shall not

block the view of the historic house from the 632 Deer Valley Loop and Deer Valley Drive rights-of-way.

5. New construction on this lot or future subdivided lots within this lot shall provide a minimum of 40% of the site to be Open Space, Landscaped and/or Open Space, Natural as defined by the Park City Land Management Code.

6. A ten foot (10') wide public snow storage easement is required along the Rossie Hill frontage of the property.

7. Driveway access to any development of these lots shall be limited from Deer Valley Loop Road and Rossie Hill Drive. The new lot facing Rossie Hill Drive shall only be accessible from the eastern half of the Rossie Hill frontage where the property line directly abuts the City right-of-way. The slope of the access off of Rossie Hill Drive shall be no more than 5% for the first 20 feet of driveway off of the right-of-way to maintain sight lines.

8. The plat amendment shall not be recorded unless the south (rear) addition has been removed based on the approval of the Historic Preservation Board through their Material Deconstruction Review. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance with State and Federal law.

9. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

10. All conditions of the Lilac Hill Subdivision, approved as Ordinance 16-32, continue to apply and shall be noted on this plat.

The Park City Planning Commission Meeting adjourned at 9:40 p.m.

Approved by Planning Commission: \_\_\_\_\_

## **Planning Commission Staff Report**

**Subject:** Noise Ordinance Amendments  
**Author:** Michelle Downard, Tricia S. Lake  
**Department:** Building Department, City Attorney's Office  
**Date:** July 26, 2017  
**Type of Item:** Legislative – Noise Ordinance Amendments

### **Summary Recommendation:**

Staff recommends that the Planning Commission review and discuss the following proposed amendments to the Noise Ordinance, Title 6 Chapter 3 of the Municipal Code. The Noise Ordinance is a separate Chapter of the Municipal Code and not a part of the Land Management Code. The Noise Ordinance is in effect across all of Park City Municipal boundaries.

- Amendments throughout Title 6 Chapter 3 in order to bring the Noise Ordinance into compliance with the U.S. Constitution;
- Amendments throughout Title 6 Chapter 3 in order to establish a standard to resolve disputes in different use districts; and
- Amendments throughout Title 6 Chapter 3 in order to make minor changes for clarity, consistency and style.

Staff further recommends that the Planning Commission discuss the more proactive enforcement approach regarding violations and the joint enforcement pilot program to establish consistency of the new enforcement standard. While staff's overall goal is to gain compliance, not necessarily impose sanctions, staff finds that this increased enforcement approach is appropriate in conjunction with the Noise Ordinance amendments. Staff anticipates that the community will have a range of opinions on this level of enforcement, but believes that this is an appropriate and balanced approach to long term noise management within Park City.

Staff recommends that the Planning Commission forward a positive recommendation to the City Council.

### **Topic/Description:**

Noise is a common concern for local jurisdictions. Over the past few years there have been ongoing noise conflicts within Park City between residents and business owners, especially near the Main Street and Park Avenue commercial and residential areas. As development increases, including a trend of mixed use buildings, concentration of structures is compounded and the separation of uses decreases.

Conflicts with the Noise Ordinance are in part because—when read in its entirety—the current Noise Ordinance is overbroad and vague. Such an overbroad and vague ordinance does not withstand constitutional scrutiny because it regulates noise in

a manner that encroaches upon citizens' First Amendment rights to free expression, and it fails to clearly notify citizens of what constitutes a noise ordinance violation.

The proposed amendments seek to narrowly tailor the time, place, and manner restrictions on noise to balance the City's interest in protecting citizens from unwelcome noise without encroaching on citizens' First Amendment rights to freedom of expression; and the proposed amendments seek to establish objective standards to determine noise ordinance violations and enforcement in compliance with Fourteenth Amendment due process.

Both the Police Department and Building Department (code enforcement) respond to noise complaints and address violations with an education based approach which allows for verbal warnings prior to escalated enforcement action (criminal or administrative citations).

### **Background/Analysis:**

#### **(1) The proposed Noise Ordinance amendments bring the noise ordinance into compliance with the U.S. constitution.**

States are authorized to regulate noise under the U.S. Constitution Tenth Amendment police power. This police power enables states to regulate noise that may harm the health, safety, morals, or general welfare of the public. State police power to regulate noise is extensive; local governments have a substantial interest in protecting its citizens from unwelcome noise.

The Utah Code delegates noise regulation to municipalities. The Utah Code also empowers municipalities to regulate noise through land use regulations. However, these extensive police powers have limitations and must be balanced to protect citizens' constitutional rights.

Noise ordinances may be overbroad, encroaching upon citizens' First Amendment rights to free expression. When a government enacts regulations that may cause persons whose expression is constitutionally protected to refrain from exercising their rights for fear of criminal sanctions, the regulation is overbroad and therefore unconstitutional. However, to protect citizens from unwelcome noise, local governments can restrict the time, place, and manner of noise. Such restrictions must (i) be content neutral, (ii) be narrowly tailored to serve the government's interest in maintaining the well-being and tranquility of the community, and (iii) provide alternative channels for communication of information.

Noise ordinances may also be vague, violating citizens' Fourteenth Amendment rights to due process. When a government enacts regulations that fail to put citizens on notice of what is prohibited and are enforced on a subjective ad hoc basis, the regulation violates due process and is therefore unconstitutional.

The current Park City Noise Ordinance—when read in its entirety—is potentially unconstitutional because (a) the Noise Ordinance is overbroad and regulates what could be considered protected free expression under the First Amendment, and (b) the Noise Ordinance is vague and susceptible to subjective enforcement in violation of due process under the Fourteenth Amendment.



**(a) The current Park City Noise Ordinance is overbroad and regulates what could be considered protected free expression under the First Amendment.**

**(i) The current and proposed Park City Noise Ordinance is content neutral.**

When a government adopts a regulation in order to suppress the content of a message, the regulation is unconstitutional. However, if the government enacts a regulation that serves a purpose that is unrelated to the content of the expression, the regulation is considered to be content neutral and withstands constitutional scrutiny.

Park City Municipal Code Section 6-3-1 defines noise disturbances as “any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).” This definition regulates noise based on the level of sound and not on the content of sound and is therefore content neutral.

**(ii) The proposed Noise Ordinance narrowly tailors the noise regulations to time, place, and manner restrictions.**

Content-neutral regulations that impose time, place, and manner restrictions on unwelcome noise must do so in a narrowly tailored way that serves the government’s interest in protecting its citizens from unwelcome noise. Park City Municipal Code Section 6-3-9 is not narrowly tailored to serve Park City’s interest in regulating the time, place, and manner of content-neutral noise. The below three subsections are disjunctive and result in a violation of the noise ordinance if any one of the three standards is exceeded, to wit:

The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following [subsections] is unlawful:

Subsection (A): On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of fifty feet (50’) or on private property, as to be plainly audible at the property line.

Subsection (B): The noise shall be measured at a distance of at least twenty-five feet (25’) from the source of the device upon public property or within the public right-of-way or twenty-five feet (25’) from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the “A” weighing scale. A measurement of sixty-five (65) decibels shall be considered to be excessive and unusually loud.

Subsection (C): Hours of restriction are as follows:

Residential—10 pm to 7 am Monday through Saturday; Not before 9 am Sunday  
Commercial—10 pm to 6 am—Monday through Saturday

Such blanket restrictions have been struck down by courts across the country because they are overbroad and potentially restrict protected First Amendment speech. In order to rectify this overbroad regulation, the proposed amendments eliminate the language currently contained in Section 6-3-9 and establish content-neutral standards that are narrowly tailored to regulate the time, place, and manner of noise, to wit:

|                     |                                                     |                                                  |
|---------------------|-----------------------------------------------------|--------------------------------------------------|
|                     | Monday through Saturday                             |                                                  |
| <u>Use District</u> | 10:00 P.M. – 7:00 A.M.<br>(6:00 A.M. if commercial) | 7:00 A.M. (6:00 A.M. if commercial) – 10:00 P.M. |
| Residential         | 50 dBA                                              | 55 dBA                                           |
| Commercial          | 60 dBA                                              | 65 dBA                                           |
|                     |                                                     |                                                  |
|                     | Sundays                                             |                                                  |
|                     | 10:00 P.M. – 9:00 A.M.<br>(6:00 A.M. if commercial) | 9:00 A.M. (6:00 A.M. if commercial) – 10:00 P.M. |
| Residential         | 50 dBA                                              | 55dBA                                            |
| Commercial          | 60 dBA                                              | 65 dBA                                           |

**(iii) The proposed Noise Ordinance is narrowly tailored in time, place, and manner and therefore does not obstruct alternative channels of communication.**

When a government regulates content-neutral expression through narrowly-tailored means, the ordinance must leave open ample alternative channels of communication. The Park City Municipal Code in Section 6-3-9 does not withstand the requirement that alternative methods for communication be available for expressive speech that is restricted in time, place, and manner. Rather, the current regulations are vague blanket regulations that prohibit all noise, including expressive speech, in an overbroad manner at all times.

The proposed amendments rectify this issue as discussed above because they clearly define time, place, and manner restrictions and allow citizens alternative channels of communication.

**(b) The current Park City Noise Ordinance is vague and susceptible to subjective enforcement in violation due process under the Fourteenth Amendment.**

**(i) The proposed Noise Ordinance clearly informs ordinary citizens of the conduct required to conform to the law.**

When citizens of common intelligence are left to guess at the meaning of an ordinance, the ordinance is considered unconstitutionally vague. This void-for-vagueness doctrine emanates from the Fourteenth Amendment due process clause and

requires that a law be defined so that ordinary people can understand what conduct is prohibited.

The proposed Park City Municipal Code Section 6-3-9 deletes the vague language of Section 6-3-9, removing the terms “excessive” and “unusually loud” from the code while replacing the terms with an objective standard that establishes “Maximum Permissible Sound Levels” that are narrowly tailored to time, place, and manner restrictions, as well as standards to determine the duration and character of the sound. Because noise disturbances are defined in Section 6-3-1 as those that would annoy or disturb “a reasonable person(s) with normal sensitivities,” the code language is tethered to an objective standard.

In addition, the proposed Noise Ordinance informs citizens that a violation of the Noise Ordinance is no longer a Class B misdemeanor, but rather, an infraction, which is commensurate to the Utah Code for similar conduct.

**(ii) The proposed Noise Ordinance establishes and defines the objective standard by which noise violations are measured and enforced.**

A vague ordinance that results in arbitrary or discriminatory enforcement violates Fourteenth Amendment due process. While the Supreme Court has determined that enforcing noise ordinances requires the exercise of some degree of police judgment, noise ordinances must establish an objective standard that is defined well enough to enable those within their reach to correctly apply them.

As stated above, the proposed Park City Municipal Code Section 6-3-9 establishes “Maximum Permissible Sound Levels,” “Correction for Duration of Sound,” and “Correction for Character of Sound.” These sections describe in detail the process and type of equipment by which noise will be measured, establishing an objective standard by which the noise ordinance will be enforced. Additionally, the proposed amendments specify how disputes that cross use district boundaries will be consistently enforced, as discussed below.

Park City has developed a strategic enforcement approach. Code enforcement officers and police officers prioritize response to complaints, but also have the ability to adjust priorities and respond to other community concerns as time allows. In this case, staff intends to proactively approach blatant noise concerns. As part of this implementation, staff recommends the following:

- Utilization of staff resources that are already out in the field by recruiting the Special Events and Parking Departments to be conscious of noise and contact code enforcement or Police for blatant violations.
- Training for the Recreation and Planning Department on the Noise Ordinance which will allow them to educate individuals that rent City parks and other properties or have land use questions.
- Increasing the level of enforcement of noise violations to allow for reasonable education (verbal warnings), but escalate the enforcement action to criminal or administrative citations for repeat offenders.

- Generally, administrative citations will be issued for violations during the standard workday and on construction sites. Criminal citations be issued to all other non-construction related violations, including evening and weekend violations.
- As a component of the new enforcement standard, staff recommends a 3 month joint enforcement pilot program, where code enforcement will work periodic shifts side by side with police to determine best practices in applying the code to specific scenarios. This joint enforcement pilot program will develop consistency between enforcement personnel, any of whom may be called to respond to a noise complaint.
- The goal of the joint enforcement pilot program is to gain compliance, not necessarily impose sanctions. Staff finds that this increased enforcement approach is appropriate in conjunction with the Noise Ordinance amendments.
- Advantages of additional enforcement include:
  - Local businesses with ongoing issues may choose to address the overall performance of their venue (through sound dampening material and designs);
  - Increased compliance and accountability for violators; and
  - More peaceful standard of living for residents.
- Disadvantage of additional enforcement include:
  - Impacts to local businesses and restaurants that have outdoor dining and operate primarily in the evening; and
  - Public concern regarding over-regulation of private parties and other activities.

**(2) The proposed Noise Ordinance amendments establish a standard to resolve disputes in different use districts.**

The proposed Park City Municipal Code Section 6-3-9 clarifies how the code will be enforced when a noise dispute crosses into another use district: “When a noise source can be identified and its noise measured in more than one land use category, the limits of the least restrictive use shall apply at the boundaries between different land use categories.”

This proposed amendment will particularly impact the Main Street and Park Avenue areas because of the residential and commercial use district proximity. The proposed amendment puts citizens on notice regarding the standard that will be consistently applied and enforced.

**(3) The proposed Noise Ordinance amendments make minor changes for clarity, consistency and style.**

Like other parts of the Municipal Code, the Noise Ordinance has evolved over time in response to the City’s changing needs and priorities. This piecemeal process can often result in ordinances that are difficult to understand or are inconsistent in style. Review and revision of the whole chapter provides an opportunity to identify various

amendments that promote clarity and consistency of the Noise Ordinance without changing its substantive effect.

The ability to request relief from the noise restrictions on the basis of undue hardship by the Building Official for building issues and the Chief of Police for special events and community or private functions or events will remain. Staff finds that this latitude is appropriate and allows staff to consider unique circumstances on a case by case basis.

#### **Department Review:**

The City Attorney's Office has reviewed and analyzed Park City's current Noise Ordinance and relevant law regarding regulation of noise in Utah by local governmental entities, and has consulted with the Building, Planning, Special Events and Police Departments.

#### **Alternatives:**

A public hearing is required to be conducted by the City Council prior to adoption of amendments to the Municipal Code. However, because of the Planning Commission's close ties to the Noise Ordinance, it is advisable for the Planning Commission to also conduct a public hearing and forward a recommendation to the City Council.

- A. Approve:** Forward a positive recommendation to City Council on the proposed amendments as presented or as amended at the meeting. This is the recommended action.
- B. Deny:** Forward a recommendation to City Council to deny the proposed amendments. Denying the proposed amendments would increase the risk of costly litigation seeking to invalidate the Noise Ordinance on constitutional grounds, and there would be a lack of clarification with regard to the existing conflict between residential owners and business owners in the Main Street and Park Avenue areas.
- C. Continue the item:** Continue the item to a date certain and provide direction to Staff regarding additional information, revisions, or analysis needed in order to take final action, as long as the item could quickly be brought back before the Planning Commission.

#### **Significant Impacts:**

Forwarding a positive recommendation to City Council on the proposed Noise Ordinance will reduce the risk of costly litigation seeking to invalidate the Noise Ordinance, will promote clarity to Park City residents and those enforcing the ordinance, and will help to resolve conflict between property owners within the City.

**Funding Source:**

No funding is required for this action.

**Consequences of not taking the recommended action:**

Denying the request would leave the Noise Ordinance as it is, potentially giving rise to litigation that seeks to overturn the ordinance based on First and Fourteenth Amendment violations; there would continue to be a lack of clarification with regard to the existing conflict between residential and commercial interests in the Main Street and Park Avenue areas. Additionally, staff would have a lack of clarification regarding the desired level of enforcement.

Continuing the item and providing direction to staff on revisiting the proposed amendments is an acceptable option, as long as the item could quickly be brought back before the Planning Commission.

**Notice:**

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

**Public Input:**

Staff has coordinated with the Community Engagement Department to conduct outreach within the City Newsletter, press releases (specifically to the Park Record and KPCW), social media and through the Main Street Business Alliance.

As stated above, a public hearing is required to be conducted by the City Council prior to adoption of amendments to the Municipal Code. However, because of the Planning Commission's close ties to the Noise Ordinance, it is advisable for the Planning Commission to also conduct a public hearing and forward a recommendation to the City Council.

**Recommendation:**

Staff recommends the Planning Commission forward a positive recommendation to City Council on the proposed Noise Ordinance amendments.

**Exhibits:**

Exhibit A – Proposed Revised Noise Ordinance (with redlines).

DRAFT ONLY



**Ordinance No.**

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 3 OF THE  
MUNICIPAL CODE OF PARK CITY, UTAH**

WHEREAS, the livability and viability of Park City, its residents, businesses, and guests is a high priority and a work session was held by the Planning Commission on \_\_\_\_\_ to address potential amendments to Title 6, Chapter 3 of the Municipal Code regarding Park City's noise ordinance; and

WHEREAS, Park City has a direct interest in protecting the health, economy, and natural environment of our community by addressing noise pollution while at the same time balancing residential and commercial interests; and

WHEREAS, residential complaints regarding noise pollution are often in conflict with adjacent commercial interests; and

WHEREAS, the constitutionality of Park City's noise ordinance has been challenged in the past in relation to decibel level limits; and

WHEREAS, members of the City Council find it in the best interest of the public to clarify the Municipal Code from time to time and specifically in this instance to realistically promote best practices by minimizing conflicts in neighboring commercial and residential zones and to enact sound legislation that is able to withstand constitutional scrutiny, and is able to be consistently enforced and understood; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

**Section I.** Amendments. Title 6 Chapter 3 of the Municipal Code of Park City is hereby amended to include the following:

**6- 3- 1. DEFINITIONS.**

For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given.

(A) **A-WEIGHTED SOUND PRESSURE LEVEL.** The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is “dB(A)” or “dBA”.

(B) **AMBIENT SOUND PRESSURE LEVEL.** The sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. It is also the A-weighted sound pressure level exceeded ninety percent (90%) of the time based on a measurement period which shall not be less than ten (10) minutes.

(A) **(C) CONTINUOUS SOUND.** Any sound that exists, essentially without interruption, for a period of ten minutes or more.

(B) **(D) CYCLICALLY VARYING NOISE.** Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.

(E) **DECIBEL.** A logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as “dB”.

(G) **(F) DEVICE.** Any mechanism that is intended to produce, or that actually produces noise when operated or handled.

(D) **(G) DYNAMIC BRAKING DEVICE.** A device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as "Jacob's Brake" or "Jake Brake".

(E) **(H) EMERGENCY.** A situation or occurrence, which in the opinion of the City Manager, Chief of Police, Chief Building Official, or City Engineer, presents an imminent threat to the health, safety or welfare of any person, place or property.

(F) **(I) EMERGENCY WORK.** Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.

(G) **(J) EMERGENCY VEHICLE.** A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

(K) **HEATING, VENTILATION, AND AIR CONDITIONING (HVAC).** Any system installed on or within a dwelling, facility, building or structure for the purpose of providing heating, ventilation, or air conditioning. HVAC may include furnaces, air exchangers, central air condensing units, evaporative “swamp” coolers, heat pumps, exhaust fans, and other heating and cooling equipment.

(H) **(L) IMPULSIVE NOISE.** A noise containing excursions usually less than one second, or sound pressure level using the fast meter characteristic.



(H) **(M) MOTOR VEHICLE.** Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-carts, snowmobiles, and racing vehicles.

(J) **(N) MUFFLER.** An apparatus consisting of a series of chambers or baffle plates designated to transmit gases while reducing sound.

**(O) NINETIETH PERCENTILE NOISE LEVEL.** The A-weighted sound pressure level that is exceeded ninety percent (90%) of the time in any measurement period (such as the level that is exceeded for 9 minutes in a 10 minute period) and is denoted "L90".

(K) **(P) NOISE DISTURBANCE.** Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

(L) **(Q) NOISE.** Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

**(R) PERSON.** Any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation or its officers or employees.

(M) **(S) PLAINLY AUDIBLE NOISE.** Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

(N) **(T) PROPERTY BOUNDARY.** An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.

**(U) PUBLIC RIGHT-OF-WAY.** Any street, avenue, boulevard, highway or alley, or similar place, which is owned or controlled by a public governmental entity.

**(V) PURE TONE.** Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose of measurement, a pure tone shall exist if the one-third (1/3) octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dB for frequencies of five hundred (500) Hz and above, by (8) dB for frequencies between one hundred sixty (160) and four hundred (400) Hz, and by fifteen (15) dB for frequencies less than or equal to one hundred twenty five (125) Hz.

**(W) REPETITIVE IMPULSIVE NOISE.** Any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at

the “fast” meter characteristic will show changes in sound pressure level greater than ten (10) dBA.

(Θ) ~~(X)~~ **SOUND**. A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates at finite speed to distant points.

(Y) **SOUND LEVEL METER**. An instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and/or visual display and weighing networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of type 2 or better as specified in American National Standards Institute (ANSI) publication S1.4-1983 or its successor publication.

(Z) **SOUND PRESSURE**. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

(AA) **SOUND PRESSURE LEVEL**. Twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure, which shall be twenty (20) micropascals, denoted LP or SPL.

(P) ~~(BB)~~ **STATIONARY NOISE SOURCE**. Any device, fixed or movable, that is located or used on property other than a public right-of-way.

(CC) **TENTH PERCENTILE NOISE LEVEL**. The A-weighted sound pressure level that is exceeded ten percent (10%) of the time in any measurement period (such as the level that is exceeded for 1 minute in a 10 minute period) and is denoted “L10”.

(DD) **USE DISTRICT**. Those districts established by the city zoning ordinance set out at Title 15 of this code, as amended, or its successor title.

## **6- 3- 8. SPECIFIC NOISE PROHIBITIONS.**

The following acts are declared to be in violation of these rules and regulations:

(B) **RADIOS, TELEVISION SETS, ~~TAPE PLAYERS, COMPACT DISC PLAYERS,~~ MUSICAL INSTRUMENTS, AND SIMILAR DEVICES**. Using, operating, or permitting, the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound:

(1) between the hours of 10 p.m. and 7 a.m. (6 a.m. if commercial) the following day, or between the hours of 10 p.m. and 9 a.m. (6 a.m. if commercial) when the following day is a Sunday, in a way that is plainly audible beyond the property boundary of the source; ~~or~~

(2) on public property, public rights-of-way, or private property at any time so as to be plainly audible fifty feet (50') (15.25 meters) from the device. ~~Permits to exceed the limits of this section may be issued for special events on public property by the Chief of Police, Building Official or City Manager upon approval from the agency operating the public property; or~~

~~(3) in such a manner as to violate Section 6-3-9, or cause a noise disturbance.~~

(C) **PUBLIC LOUDSPEAKERS.** The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of Section 6-3-9, or cause a noise disturbance, ~~unless a permit is first obtained as provided by Section 6-3-11 or approval is granted in a master festival license.~~

#### **6-3-9. NOISE LEVELS**

~~The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.~~

(A) ~~On the public right of way or upon public property, from the source or device as to be plainly audible at a distance of fifty feet (50') or on private property, as to be plainly audible at the property line.~~

Maximum Permissible Sound Levels: It is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a ninetieth percentile sound pressure level (L90) of any measurement period (which shall not be less than 10 minutes unless otherwise provided in this chapter) which exceeds the limits set forth for the following receiving land use districts, when measured at the boundary or at any point within the property affected by the noise:

|                     | Monday through Saturday                             |                                                  |
|---------------------|-----------------------------------------------------|--------------------------------------------------|
| <u>Use District</u> | 10:00 P.M. – 7:00 A.M.<br>(6:00 A.M. if commercial) | 7:00 A.M. (6:00 A.M. if commercial) – 10:00 P.M. |
|                     |                                                     |                                                  |
| Residential         | 50 dBA                                              | 55 dBA                                           |
| Commercial          | 60 dBA                                              | 65 dBA                                           |
|                     |                                                     |                                                  |
|                     | Sundays                                             |                                                  |
|                     | 10:00 P.M. – 9:00 A.M.                              | 9:00 A.M. (6:00 A.M. if                          |

|             |                           |                          |
|-------------|---------------------------|--------------------------|
|             | (6:00 A.M. if commercial) | commercial) – 10:00 P.M. |
| Residential | 50 dBA                    | 55dBA                    |
| Commercial  | 60 dBA                    | 65 dBA                   |

When a noise source can be identified and its noise measured in more than one land use category, the limits of the least restrictive use shall apply at the boundaries between different land use categories.

~~(B) The noise shall be measured at a distance of at least twenty five feet (25') from the source of the device upon public property or within the public right of way or twenty five feet (25') from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of sixty five (65) decibels shall be considered to be excessive and unusually loud.~~

Correction for Duration of Sound:

1. It is a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any land use district which creates a tenth percentile sound pressure level (L10) of fifteen (15) dBA greater than the levels set forth for the receiving land use districts in subsection A of this section for any measurement period. Such period shall not be less than ten (10) minutes.

2. Notwithstanding subsection B1 of this section, it is a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any land use district which creates a tenth percentile sound pressure level (L10) greater than (15) dBA above the ambient and sound pressure level (L90) of any measurement period. Such period shall not be less than ten (10) minutes.

~~(C) Hours of restriction are as follows:~~

~~Residential— 10 pm to 7am Monday through Saturday  
 ————— Not before 9am Sunday  
 Commercial— 10pm to 6am Monday through Saturday~~

Correction for Character of Sound:

1. For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound, the limits set forth in subsection A of this section shall be reduced by five (5) dBA.

2. Notwithstanding compliance with subsection C1 of this section, it is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance.

### **6- 3-10. EXEMPTIONS.**

The following uses and activities shall be exempt from noise level regulations:

- (A) Noise of safety signals, warning devices, and emergency pressure relief valves;
- (B) Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
- (C) Noise resulting from emergency work;
- (D) Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday;
- (E) Any noise resulting from activities of temporary nature during periods permitted by law for which a license or permit has been approved ~~by the Director~~ in accordance with Section 6-3-11;
- (F) Any noise resulting from snowmaking activities at ski areas; and
- (G) Any noise resulting from the maintenance of golf courses.
- (H) Any noise resulting from snow plowing or removal services.
- (I) Ten o'clock whistle.
- (J) Noise resulting from a duly licensed and operated Public Outdoor Music Plaza pursuant to Title 4, ~~Chapter 8A,~~ of the Municipal Code of Park City.
- (K) Noise resulting from the operation of an approved Heating, Ventilation, and Air Conditioning (HVAC) system, including central air conditioning units, evaporative coolers, or window cooling units, regardless of the time or frequency of operation, provided the system is in good repair and operating within manufacturer's specifications.

### **6-3-11. RELIEF FROM RESTRICTIONS**

~~Requests for relief from the noise restrictions in these rules and regulations may be made by the Building Official as it pertains to building issues and by the Chief of Police as it pertains to special events and community or private functions or events. Upon granting relief, any conditions outlined and agreed upon shall be complied with by the applicant and failure to do so will cause the relief agreement to be suspended.~~

- ~~(A) Applications for a permit for relief from the noise restrictions in this chapter on the basis of undue hardship may be made to the Building Official as it pertains to building issues and to the Chief of Police as it pertains to special events and community or~~

private functions or events. Any permit granted by the Building Official or the Chief of Police shall contain all conditions upon which the permit has been granted, including, but not limited to, the effective dates, time of day, location, sound pressure level, or equipment limitation.

(B) The relief requested may be granted upon good and sufficient showing:

- (1) That additional time is necessary for the applicant to alter or modify such applicant's activity or operation to comply with this chapter; or
- (2) That the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter; and
- (3) That no reasonable alternative is available to the applicant.

(C) The Building Official or the Chief of Police may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.

#### **6-3-14 ENFORCEMENT**

The Police Department ~~and Building Department~~ may, upon discovery or report of a violation or violations of this Chapter, issue a criminal written citation for the violation ~~requiring an appearance in court to answer the charges~~, or may file a report with the City Prosecutor's Office for review and issuance of an information and summons to court to answer the charges.

The Building Department, may, upon discovery or report of a violation or violations of this Chapter, issue an Administrative Code Enforcement (ACE) citation for the violation set out at Title 11, Chapter 19 of this code, as amended, or its successor title.

#### **6-3-15. PENALTY**

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of an class B misdemeanor, pursuant to U.C.A. Section 26-23-6, as amended. ~~If a person is found guilty of a subsequent similar violation within two (2) years, he is guilty of a class A misdemeanor, pursuant to U.C.A. Section 26-23-6, as amended.~~ Each infraction. Each day such violation is committed or permitted to continue shall constitute a separate violation.

The City Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance or other noise disturbance.

**Section II.** Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section III.** Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

**Section IV.** Effective Date. This ordinance shall become effective upon publication.

**PASSED AND ADOPTED BY THE PARK CITY COUNCIL this \_\_\_\_ day of \_\_\_\_, 2017.**

PARK CITY MUNICIPAL CORPORATION

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Mayor Jack Thomas

Attest:

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Michelle Kellogg, City Recorder

Approved as to form:

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Tricia S. Lake, Assistant City Attorney

## Planning Commission Staff Report

**Subject:** King's Crown Master Planned Development, Conditional Use Permit, and Re-Subdivision  
**Author:** Francisco Astorga, AICP, Senior Planner  
**Project #:** PL-17-03515, PL-17-03566, & PL-17-03567  
**Date:** 26 July 2017  
**Type of Item:** Work Session Discussion, Public Hearing, and Continuation

### **Summary Recommendations**

Staff recommends that the Planning Commission hold a work session discussion with staff and the applicant for the submitted King's Crown Master Planned Development (MPD), Conditional Use Permit (CUP) for Multi-Unit Dwellings, and corresponding Re-Subdivision applications. The applicant requests to introduce the project to the Planning Commission as a physical model will be presented, answer questions, and receive input and direction from the Commission. Staff recommends that the Planning Commission hold public hearings for the three (3) applications, and continue the items to a future date.

### **Description**

**Applicant:** CRH Partners, LLC represented by Rory Murphy  
**Location:** 1201-1299 Lowell Avenue, Park City, Utah 84060  
**Zoning:** Recreation Commercial (RC) District, Recreation And Open Space (ROS) District, and Sensitive Land Overlay (SLO) Zone  
**Adjacent Land Uses:** Trails, skiing, and open space  
**Reason for Review:** MPDs and CUPs Applications require Planning Commission review and approval. Re-Subdivisions Applications require Planning Commission review/recommendation to the City Council, and review and approval by the City Council

### **Background**

**MPD** - Any residential project with ten (10) or more lots or ten or more residential unit equivalents (20,000 square feet) requires an MPD. The applicant proposes the construction of approximately 82,000 square feet of multi-unit dwellings in the form of three (3) separate buildings, and twenty-seven (27) single-family dwelling lots.

**CUP** - Multi-unit dwellings are listed as a conditional use in the RC District. The applicant proposes the construction of three (3) multi-unit dwelling buildings, plus a fourth (4<sup>th</sup>) multi-unit dwelling building to comply with required affordable housing requirements.



**Re-Subdivision** - The reconfiguring of the proposed lots require the approval of a Re-Subdivision. The applicant proposes a total of 34 lots of record from the existing 299 lots, within Snyder's Addition to the Park City Survey. Applicant proposes the following:

- Three (3) lots to house the four (4) Multi-Unit Dwelling buildings (to be later re-plated via Condominium Plat): Lot 1, 2, and 30.
- Twenty-seven (27) single-family dwelling lots: Lot 3 - 29.
- Four (4) open space lots: Lot 31 - 34.

### **Proposal**

#### **Building A - Affordable housing building**

- Multi-unit dwelling (conditional use)
- 16 residential units
- 18 parking spaces, located underground
- 16,149 sf.
- Vehicular access off Lowell Avenue, through one (1) driveway
- 4 stories, plus the underground garage
- Proposed to be placed over multi-family Lot 1
- Affordable housing residential units do not count towards density

#### **Building B/C**

- Multi-unit dwelling (conditional use)
- 11 residential units
- 21 parking spaces, located underground in two (2) parking garages
- 27,551 sf.
- Vehicular access off Lowell Avenue, through two (2) driveways
- 5 stories, plus the underground garage
- Proposed to be placed over multi-family Lot 2

#### **Building D**

- Multi-unit dwelling (conditional use)
- 11 residential units
- 22 parking spaces, located underground
- 23,911 sf.
- Vehicular access off Lowell Avenue, thorough one (1) driveway
- 4 stories, plus the underground garage
- Proposed to be placed over multi-family Lot 2

#### **Townhomes**

- Multi-unit dwelling (conditional use)
- 7 residential units
- 14 parking spaces
- 30,262 sf.
- Vehicular access off new proposed private drive, thorough individual driveways

- 3 stories, plus the garage
- Proposed to be placed over Lot 30

#### Single-Family Residential Lots

- 27 residential units, single-family dwelling lots
- 54 parking spaces
- Square footage is not yet determined, controlled by the RC District requirements for single-family dwellings (mimics the Historic Residential-1 [HR-1] District's):
- District setbacks and maximum building footprint
- District maximum building height, 27 feet from existing grade
- Vehicular access off new proposed private drive, thorough individual driveways
- Proposed to be placed over Lots 3 – 29

#### Open Space Lots

- 4 lots to be re-platted as open space
- Open space Lot 31 is adjacent to Lot 7 on Lowell Avenue, and is 588.68 sf.
- Open space Lot 32 is across the private drive from residential Lot 7 and adjacent to multi-family Lot 30, and is 1,796.82 sf.
- Open space Lot 33 is directly behind the single-family dwelling residential lots, and is 487,798.29 sf.

### **Master Planned Development**

#### Density

The project site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:

- RC District: 199,867 sf. (4.59 acres)
- RC District and SLO Zone: 78,654 sf. (1.81 acres)
- ROS District: 84,194 sf. (1.93 acres)
- ROS District and SLO Zone: 291,145 sf. (6.68 acres)

The applicant proposes to build solely within the zoning boundaries of the RC District. The applicant does not request to build within the boundary of the RC District/SLO, or within the ROS District.

In the RC District, sites with multi-unit dwellings receive a floor area ratio (FAR) of 1.0. The portion of the site in the RC District has a maximum floor area of 199,867 sf. for multi-unit dwellings. The RC District does not provide a FAR standard for single-family dwelling lots, but rather, a minimum lot area requirement of 1,875 sf. The proposal contains a total of 0.40 FAR ( $81,724 \div 199,867$ ) for multi-unit dwellings. In applying the FAR at its maximum, the site would have a remaining 118,143 sf. in density ( $199,867 - 81,724$ ). In applying the floor area not used for multi-unit dwelling for single-family dwellings, this would create approximately 63 residential lots (applying the minimum lot area). The applicant requests to re-subdivide 27 single-family lots in conjunction with their 81,724 sf. of multi-unit dwellings.

**Discussion Requested: Staff finds that subtracting the overall number of single-family dwelling residential lots from the remaining FAR area not used for multi-unit dwellings, it would be an appropriate method of calculating density for two (2) residential types of product allowed in the District that have separate density methodologies within the same Master Plan. Does the Planning Commission agree with this logic?**

#### Setbacks

The applicant request to maintain the MPD setback of 25 feet around the perimeter of the entire development, with the exception of five (5) single-family residential lots (Lots 3-7) equating to 157.1 feet (combined frontage on Lowell Avenue) which the applicant requests to reduce those front yard setback areas to ten feet (10') as allowed in the RC District for single-family dwellings. A full analysis will be provided by staff for the next Planning Commission meeting.

#### Open Space

60% is required. Applicant proposes approximately 535,260 sf. of open space, equating to approximately 82%.

#### Off-Street Parking

- Affordable housing Building A requires 18 parking spaces based on the size of the units. Proposed building contains 18 parking spaces.
- Building B/C requires 20 parking spaces based on the size of the units. Proposed building contains 21 parking spaces.
- Building D requires 21 parking spaces based on the size of the units. Proposed building contains 22 parking spaces.
- Townhome building requires 14 parking spaces based on the size of the units, two (2) parking spaces per unit. Proposed building contains 14 parking spaces.
- Single-family dwelling residential lots requires 54 parking spaces, based on unit count. These 27 residential lots would require a minimum of 2 parking spaces per unit.

#### Building Height

- Multi-unit dwellings: No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater. Proposal complies.
- Single-family dwellings: No Single Family shall be erected to a height greater than twenty-seven feet (27'). Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. Additional height requirements apply (mimics HR-1 District).

#### Site Planning

An MPD shall be designed to take into consideration the characteristics of the site upon which it is proposed to be placed. The applicant will introduce the project to the

Planning Commission and will focus on how the project was designed to fit the site, not the site modified to fit the project. Staff requests to focus the Planning Commission on items listed in this MPD requirement which include:

- Clustering the development outside of visually sensitive portions of the site.
- Project designed to minimize grading and the need for large retaining structures.
- Roads, utility lines, and buildings should be designed to work with the existing grade.
- Existing trails to be incorporated into the open space elements of the project and maintained in their existing location whenever possible.
- Adequate internal vehicular and pedestrian/bicycle circulation.
- Snow removal and snow storage.
- Trash storage/collection and recycling facilities plans
- Transportation amenities.
- Service and delivery access and loading/unloading areas.

#### Landscaping and Street Scape

A landscape plan was submitted with the MPD application. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

#### Child Care

A site designated and planned for a child care center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for child care.

#### Mine Hazards

All MPD applications are to include a map and list of all known physical mine hazards on the property and a mine hazard mitigation plan.

#### Historic Mine Waste Mitigation

For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations.

#### General Plan Review

MPD applications are to be reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

#### Historic Sites

MPD Applications are to include a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report.

#### Conditional Use Permit

There are certain uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible

in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. The RC District lists multi-unit dwellings as a conditional use. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

1. *size and location of the Site;*
2. *traffic considerations including capacity of the existing Streets in the Area;*
3. *utility capacity, including Storm Water run-off;*
4. *emergency vehicle Access;*
5. *location and amount of off-Street parking;*
6. *internal vehicular and pedestrian circulation system;*
7. *Fencing, Screening, and landscaping to separate the Use from adjoining Uses;*
8. *Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;*
9. *usable Open Space;*
10. *signs and lighting;*
11. *physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;*
12. *noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;*
13. *control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;*
14. *expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities;*
15. *within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site; and*
16. *reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.*

### **Re-Subdivision**

The site is within the Snyder's Addition to the Park City Survey which requires the re-configuring of 299 Old Town lots, into the proposed 32 lots. The three (3) proposed multi-family lots would in the future re-platted via Condominium Plat re-subdivided into their individual units, allowing the property owner the ability to sell each unit individually. The development proposes the re-configuring of 27 single-family lots to house one single-family dwelling each. The development also proposes the re-configuring of four (4) open space lots that would be owned and maintained by the development

homeowner's association (HOA).

The City vacated Rights-of-Way (ROW) in 1966. This Re-Subdivision in conjunction with this MPD request removes all platted lots within the development. The applicant is working with staff in terms of the requirements of the general layout of the proposed private road, street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts, and similar matters, as well as the availability of existing services. The applicant and staff value and appreciate the early input by the Planning Commission regarding the MPD which may affect the overall layout of the re-subdivision.

At a sub-subsequent Planning Commission meeting, staff will provide a full analysis of the re-subdivision process, status of review with reviewing entities, etc. Particular attention will be given to the arrangement, location and width of the streets, their relation to sewerage disposal, drainage, erosion, topography and natural features of the property, location of physical mine hazards and geologic hazards, lot sizes and arrangement, the further development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan.

### **Notice**

On July 12, 2017, the property was posted and public hearing courtesy notices were mailed to property owners within three hundred feet (300'). Legal notice was published in the Park Record on April 27, 2016. A Public Notice sign was placed onsite on July 12, 2017.

### **Public Input**

No public input has been received by the time of this staff report.

### **Summary Recommendations**

Staff recommends that the Planning Commission hold a work session discussion with staff and the applicant for the submitted King's Crown Master Planned Development (MPD), Conditional Use Permit (CUP) for Multi-Unit Dwellings, and corresponding Re-Subdivision applications. The applicant requests to introduce the project to the Planning Commission as a physical model will be presented, answer questions, and receive input and direction from the Commission. Staff recommends that the Planning Commission hold public hearings for the three (3) applications, and continue the items to a future date.

### **Exhibits - Master Planned Development**

[Exhibit A - Applicant's MPD Narrative](#) (Printed)

[Exhibit B - Applicant's General Plan Narrative](#) (Printed)

[Exhibit C - Applicant's Traffic Studies and Transportation Master Plan Narrative](#) (Printed)

[Exhibit D - Prior Agreements](#)

[Exhibit E - Aerial Location Map](#) (Printed)

[Exhibit F - Project Scope Plan](#) (Printed)

[Exhibit G - Boundary Survey](#) (Printed)

[Exhibit H - Architectural Site Plan](#) (Printed)  
[Exhibit I - Civil Site Plan](#)  
[Exhibit J - Grading Plan](#)  
[Exhibit K - Proposed Utility Plan](#)  
[Exhibit L - Open Space](#)  
[Exhibit M - Contextual Analysis](#) (Printed)  
[Exhibit N - Cross Canyon Views](#)  
[Exhibit O - Landscape Planting Plan](#)  
[Exhibit P - Landscape Material Plan](#)  
[Exhibit Q - Property Setbacks/ Building Pads](#)  
[Exhibit R - Property Area Calculations](#) (Printed)  
[Exhibit S - Roof Heights](#)  
[Exhibit T - Streetscape Elevation](#)  
[Exhibit U - Vegetation Study](#)  
[Exhibit V - Geotechnical Investigation](#)  
[Exhibit W - City Traffic Study](#)  
[Exhibit X - King's Crown Traffic Study](#)  
[Exhibit Y - Cultural Survey](#)  
[Exhibit Z - Environmental Survey](#)  
[Exhibit AA - Mine Site Studies](#)  
[Exhibit BB - Construction Mitigation Plan](#)  
[Exhibit CC - Snow Management Plan & Snow Storage Diagram](#)  
[Exhibit DD - Existing Platted Conditions](#) (Printed)  
[Exhibit EE - Existing Slope Map](#)  
[Exhibit FF - Schematic Plans and Elevations](#) (Printed)

**Exhibits - Conditional Use Permit**

[Exhibit GG – Applicant's CUP Narrative](#) (Printed)

**Exhibits - Re-Subdivision**

[Exhibit HH - Applicant's Re-Subdivision Narrative](#) (Printed)

[Exhibit II - Proposed Re-Subdivision](#) (Printed)

## Exhibit A - Applicant's MPD Narrative

March 28, 2017

Mr. Bruce Ericksen, Planning Director  
Mr. Francisco Astorga  
Park City Planning Department  
Park City Municipal Corporation  
PO Box 1450  
445 Marsac Avenue  
Park City, Utah 84060

### RE: King's Crown MPD Submittal Narrative

Dear Bruce and Francisco,

The King's Crown property is a 19.15-acre parcel of ground located to the south of the Marriott Mountainside Hotel and to the west of Lowell Avenue (please see attached Exhibit A). The property is located directly adjacent to the resort and the King's Crown ski run cuts through the property on its western boundary. The property is zoned Recreation Commercial (6.39 acres) and Recreation Open Space (12.76 acres). It has approximately 630 feet of frontage along Lowell Avenue. The property is largely identified by a prominent ridgeline that is covered in maple trees that extends from the Marriott hotel up towards Old Town. The topography is hilly with moderate slopes towards its base. The parcel has been referred to as the "Bamberger Lots" and consist of 295 platted lots. The lots are typical Old Town lots with a 25-foot frontage and a 75-foot depth (please see attached Section 6, "Survey").

The current owner of the property, and the applicant in this submittal, is CRH Partners LLC (a Utah company). CRH is proposing a Master planned Development (MPD) on the property called King's Crown at Park City. The King's Crown MPD proposal consist of 28 single family lots, 53,000 square feet of condominiums (24 units total), 25,800 square feet of townhomes (7 units total) and a 17.5-unit affordable housing building (please reference attached Section 7, "Site Plan"). The total square footage proposed is approximately 132,800 square feet or 58 units total. The total ERU's would be 66.4 ERU's (78,800 square feet of multi-family residential divided by 2,000 square feet per ERU = 39.4 ERU's plus 27 single family lots = 66.4 ERU's). **The King's Crown proposal is not requesting any Land Management Code exceptions.** The proposal would contain 83% Open Space, well in excess of the required 60% open space for an MPD application. The proposal would also contain over 200% of the required affordable housing obligation for an MPD application.

**This proposal would also eliminate 295 platted Old Town lots.** Perhaps the most important aspect of this proposal that must be considered is the elimination of 295 platted old town lots. The lots are transferable and could create a very difficult situation for the City going into the future. The situation is not unlike Brighton Estates, which was platted without any context of the site taken into consideration. This proposal does away with these lots forever and does not allow someone to take advantage of the frailties inherent in a century-old plat.



The King's Crown proposal attempts to mirror the development patterns that occur adjacent to and across from the property. Next to the Marriott Mountainside and facing Lift Lodge/Sweetwater, the proposal has condominium structures that fit appropriately in this area with no height exceptions requested. Where single-family homes exist across the street on Lowell Avenue, we have proposed placing single-family home lots that are similar in size and configuration. Where the Town Homes exist on the uphill side of Lowell Avenue we have continued that pattern of town homes. The objective is to blend into the existing vernacular and create the transition from high-density resort-oriented product to single-family homes that predominate the Old Town area.

Rather than attempting to maximize its potential entitlement, the applicant is deliberately modifying the plan to fit the site with every consideration made to all aspects of the LMC and the General Plan. The applicant believes that the proposed plan has been designed to be as sensitive as possible to the site, the neighborhood and Park City in general. The entire project is oriented behind the Marriott Mountainside Hotel and the Lift Lodge/Sweetwater Hotel. The development is focused in the area on the property that is the least visually disruptive to view sheds. The proposed development pattern allows for the largest contiguous amount of open space, maintains important view corridors and protects natural habitat, trails and wildlife. This plan adheres to every aspect of the LMC Code and in many cases exceeds the Code restrictions considerable further than is required. Our goal is to create a truly community-based project and clean up the 295-lot subdivision that currently exists on the site.

The majority of the proposed single-family lots have the same general configuration as typical Old Town lots to maintain the development pattern that exists throughout Old Town. The applicant is not interested in the construction of massive homes on the property as it will not fit well with the vernacular that currently exists around the property. Keeping the lot sizes small and continuing the pattern that currently exists throughout Old Town will ensure that the project is compatible with the surrounding properties.

The condominium element of the proposed King's Crown project will be designed with the idea of relating to the mining and historic architectural heritage of the City. The designs will reflect traditional Park City architectural patterns, character and siting. The "mountain/mining" theme that is preferred by the General Plan and LMC is well-defined by the buildings surrounding the project, especially the Marriott Mountainside Hotel and the Legacy Lodge. The applicant has included the requisite elevations to show its determination to comply with this important aspect of the project's compatibility with the surrounding neighborhood and Park City in general.

The townhomes continue the development pattern that currently exists on the upper side of Lowell Avenue in Old Town. The architecture will be similar in style to the mountain/mining theme that will be utilized by the condominiums. An effort will be made to build into the hillside to reduce the overall visual impact of the project.

The proposal calls for a ski access run to be constructed on the property, partly using an existing dirt road/trail/old train track that extends down to the Northstar Drive. The proposed ski run is a cat track, approximately 12-15 feet wide, that extends from the King's Crown ski run and circles back to the base

of the resort to the Pay Day lift. The residents would access the ski run through either stairs or an elevator that is attached next to an adjacent town home building.

The property is highly visible from many vantage points in the City. The ridgeline is covered in a thick maple forest that is second generation growth. The maple forest is well-known in the Old Town area and is a popular place for outdoor recreation. CRH is not planning to develop the area of the maple forest. There is an existing old road/trail that enters into the property from the Northstar subdivision and exits into the King's Crown ski run. The trail is designated as pedestrian-only by this MPD application. The trail is well-known to the neighborhood and is easily recognized due to its unique nature. The trail is wide and covered on both sides by mature maple trees. Particularly during the Fall, when the maples explode in bright red color, the trail is truly breathtaking. There is a special quality to the trail and it warrants preservation for its own sake.

All parking would be covered, underground parking constructed according to LMC requirements. A cultural inventory report from the Park City Historical Society indicates there are no cultural artifacts located on the property (please reference Appendix D). As shown in Appendix F, a mine sites hazard report was prepared by Mr. Kerry Gee and it shows no mining activity on the property nor any mine hazards. We have also conducted an existing vegetation survey by Jason Barto, a Utah State Certified Arborist to ascertain how to best plan around and protect the existing vegetation. That report is attached as Appendix A.

### **Density Calculations**

The Recreation Commercial Zone (RC) covers 6.39 acres of the 19.15-acre property. The remaining 12.76 acres is Recreation Open Space (ROS). The density in the RC Zone is determined by the Floor-Area-Ratio (FAR). The FAR is a calculation where the total square footage of the acreage proposed for development is multiplied by a set factor in the Code. In the case of the RC Zone, the FAR is 1.0. So, therefore the base density of the King's Crown property would be calculated to be 6.39 acres X 43,560 square feet/acre X 1.0 FAR = 278,422 square feet of density.

A portion of the property is located within the Park City Sensitive Lands Overlay Zone. The proposed MPD does not contain any Area within the Sensitive Lands Overlay Zone. All of the land within the Sensitive Lands Overlay Zone is not proposed for development under this MPD proposal. The Applicant is not seeking to transfer any density from the SLO portion of the property, nor is it seeking to transfer any density from the ROS portion of the property. The SLO portion totals 78,575 square feet of the RC Zone property. Deducting all of this and in doing so disregarding any density transfer calculations that could be achieved through the SLO ordinance, would result in a net of (278,422 sf minus 78,575 sf) 199,847 square feet of allowable density. It is a significant consideration that the proposal nonetheless follows the guidelines of the SLO ordinance. The project was designed with the SLO ordinance as its underlying foundation. By interpreting the Code as narrowly and as conservatively as possible, the applicant hopes to set an example for a well-planned development that can co-exist with the surrounding neighborhood and minimize its impact to the City in general.

### Additional Considerations Regarding Density Calculations:

In the MPD process, the Planning Staff may recommend the Planning Commission grant up to a 10% increase in density if the applicant a) donates open space in excess of the 60% requirement (with conditions), b) proposes an MPD with greater than 30% affordable housing units or c) proposes an MPD with more than 80% open space. Although this proposal would qualify for a), b) or c), the applicant is not seeking any density bonuses.

The SLO ordinance allows for up to 20% increases in density if the applicant a) offers to protect open space long-term in significant environmental or visually sensitive areas in a manner approved by the City, or b) provides public access (to trails) as shown on the Trails Master Plan or, c) restores degraded environmental areas or makes significant environmental improvements. Although this proposal would qualify for either a) or b), the applicant not seeking any density bonuses.

### **Recreation Commercial District-Purpose Statement Compliance**

- A. Allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities. ***The applicant is not proposing any hotel or convention accommodations due to the impact it would create on Lowell Avenue and surrounding Old Town streets.***
- B. Allow for resort-related transient housing with appropriate supporting commercial and service activities. ***For the reasons stated above, the applicant is not proposing commercial and service facilities, however it is likely that the units in the project will primarily be resort-related transient housing.***
- C. Encourage and clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services. ***The proposal clusters all of the development towards the more built-up areas surrounding the 19.15-acre property. The road is proposed to be private and should not unduly burden municipal services.***
- D. Limit new development on visible hillsides and sensitive view Areas. ***The proposal pulls all of the development off of the hillside to the least visually impactful area on the property and acknowledges and protects the sensitive view Areas.***
- E. Provide opportunities for variation in architectural design and housing types. ***The significant single-family element of the project will allow for many different creative architectural styles to be incorporated which will provide for a good variation in design. The proposal has four different housing types, which is very diverse for the size of the proposal.***
- F. Promote pedestrian connections within Developments and to adjacent Areas. ***The proposed sidewalk in front of the development, along with the addition of several more sets of stairs will allow for an excellent pedestrian connection with the resort not only for the proposed development, but for the existing surrounding neighbors. The addition of the sidewalk will help to improve the pedestrian connection in the neighborhood which can be somewhat dangerous in times of heavy snow. Additionally, the large and well-used trail that cuts along***

*the length of the property to the Northstar Drive naturally funnels pedestrians towards the Main Street area during the summer months. The ski connection to the Resort will also promote pedestrian access during the winter.*

- G. Minimize architectural impacts of the automobile. **The architecture on the site will not allow for parking in front of the condominium units or on the street, which will help to minimize the architectural impacts of the automobile.**
- H. Promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character and Site designs. **The King's Crown proposal intends to utilize the "mountain/mining" architecture which is prevalent around the ski resort. The applicant has included elevations in this submittal to reflect its intentions in this regard.**
- I. Promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City. **As with Purpose Statement H., the proposal will incorporate the mountain/mining theme to celebrate and promote the City's mining heritage.**
- J. Promote the preservation and rehabilitation of Historic Buildings. **The King's Crown property does not contain any historic buildings.**

#### **Master Planned Development-Purpose Statement Compliance.**

- A. Complement the natural features of the site. **The proposed plan has the preservation of the prominent ridgeline that extends through the property as a cornerstone of the project.**
- B. Ensure neighborhood compatibility. **The project has attempted to be as completely compatible with the existing neighborhood by mirroring the development pattern that currently exists.**
- C. Strengthen the resort character of Park City. **The project will help to uplift the development at the Resort Base by constructing high-end structures that are compatible with and enhance the existing architecture.**
- D. Result in a net positive contribution of amenities to the community. **Not proposing developing the ridgeline/maple forest is the strongest, most positive contribution that this project could make towards the important community amenities of trails, wildlife habitat and open space recreation.**
- E. Provide a variety of housing types and configurations. **The application has four different housing types which is very ambitious for a project of this size.**
- F. Provide the highest value of open space for any given Site. **The importance of the ridgeline/maple forest not being developed cannot be overemphasized. It is important for many different reasons. The visual prominence of the view shed, the preservation of wildlife habitat, the presence of trails and the open space recreation opportunities achieve the highest value possible for this parcel due to its contiguous nature.**
- G. Efficiently and cost-effectively extend and provide infrastructure. **The existing infrastructure is adjacent to the property and very accessible.**
- H. Provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood. **There are no existing structures on the property. The project is designed to blend in well to the surrounding community and mirror the development patterns that currently exist.**

- I. Protect residential uses and residential neighborhoods from the impacts of non-residential uses using the best practice methods and diligent code enforcement. ***The King's Crown proposal does not contemplate non-residential uses.***
- J. Encourage mixed-use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community. ***The King's Crown project is not mixed use but it is very walkable to the Resort core, area transit and the Main Street area. The applicant intends to build energy efficient designed buildings that are architecturally excellent.***
- K. Encourage opportunities for economic diversification and economic development within the community. ***Given that there are no commercial uses proposed, there may be limited opportunities to promote economic development or diversification other than the construction of and maintenance of the units within the project.***

### **Additional Subdivision Request**

The property has been held by the Bamberger family for over 70 years. CRH Partners, LLC (CRH) purchased the majority of the property from the Bamberger's, who retained ownership of the ski run portion of the property. This parcel of property, which carries no density, was retained by the previous owner to maintain a relationship with the ski resort that extends back to the resort's inception in 1963. It is the intention of this MPD application to formally subdivide and parcel out the property that the Bamberger's wish to retain. CRH is the primary applicant for this proposal, while the Bamberger family retains the interest in the portion of the property under consideration. The property is located entirely within the ROS Zone.

CRH consists of Hans Fuegi, Chuck Heath, and Rory Murphy. All of the principals involved in CRH are long-time Park City locals, with extensive experience with area business and development, non-profit work and government service. CRH takes its stewardship of the King's Crown property very seriously and that is the foundation of the proposal found in this submittal.

Thank you for the opportunity to submit this proposal. Please do not hesitate to contact any of us with any questions or concerns whatsoever. We very much appreciate your consideration of our proposal and we look forward to discussing this with you.

Sincerely,

CRH Partners, LLC  
Rory Murphy  
Hans Fuegi  
Chuck Heath

## Exhibit B - Applicant's General Plan Narrative

March 28, 2017

Mr. Bruce Ericksen,  
Mr. Francisco Astorga, AICP, Senior Planner  
Park City Planning Department  
Park City Municipal Corporation  
King's Crown at Park City  
MPD Application

### RE: King's Crown Project Compliance with General Plan Goals and Objectives

Dear Bruce and Francisco,

Please find below King's Crown's response to the General Plan Volume I, Goals and Objectives that is required of the applicant for a MPD approval and Staff recommendation. Please let me know if you have any questions or comments or require additional information that is needed to address these Goals and Objectives.

### Small Town

Goal 1: Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods

#### Objectives:

1A: Direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity. **The Kings Crown proposal is defined as in-fill development. It is located directly adjacent to a high density resort area and is bracketed on three sides by existing development. The area has more than sufficient infrastructure and resource capacity.**

1B: Each neighborhood should have a well-defined edge, such as open space or a naturally landscaped buffer zone, permanently protected from development, with the exception of transition areas where two adjacent neighborhoods merge along an established transportation path. **The Kings Crown proposal would transition into the existing development by continuing the development pattern that already exists in the area. The edge, which is located along the western portion of the proposed development, would be well-defined open space forestland. Since the property is all part of one large master plan, the edge would remain in perpetuity.**

1C: Primary residential neighborhoods should encourage opportunities to enhance livability with access to daily needs, including a mini market, a neighborhood park, trails, community gardens, walkability, bus access, home business, minor office space and other uses that are programmed to meet the needs of residents within the neighborhood and complement the existing context of the built environment. **The proposed Kings Crown development would be walkable to virtually all of the above daily needs with the possible exception of community gardens. Most importantly, public transit is less than 100**



meters from the property. All of the other amenities are within walking distance and are centered around an existing vibrant resort core.

1D: Increase neighborhood opportunities for local food production within and around the City limits. Sustainable agricultural practices should be considered within appropriate areas. **The property is probably not conducive to local food production due to its mountain environment. However, the applicant is open to any ideas or possibilities the Staff or Commission has in that regard.**

Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Slat Lake County regions through regional land use and transportation planning.

Objectives:

2A: A regional land-use planning structure should be integrated within a larger transportation network built around transit. **Given the property's proximity to a major transit hub, less than 100 meters walking distance, the property will integrate well into local and regional public transportation elements.**

2B: Regions should be bounded by and provide a continuous system of greenbelt/wildlife corridors to be determined by natural conditions. **This Objective is intricately woven into the proposed plan. 83% of the proposed development is contiguous undeveloped open space that is located in a highly visible location. Wildlife will have unobstructed access to the majority of the property and that area will remain undisturbed.**

2C: Regional Institutions and services should be located within existing development nodes. **The Kings Crown proposal is in a location that is conducive to access to services and regional institutions, such as the ski area, the library and City Park.**

2D: Materials and methods of construction should be specific to the region, exhibiting a continuity of history and culture and compatibility with the local character and community identity. **The materials used in the project will be well-defined during the CUP/MPD phase of the development. The design will incorporate the mining/industrial look of the Park City Resort base area. The project is designed to transition into the surrounding projects and embrace the City's mining history.**

Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small-town character.

Objectives:

3A: Streets, pedestrian paths and bike paths should contribute to a system of fully connected and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees, signs and lighting and by discouraging high-speed traffic. **The current proposal strongly supports this Objective. The entire development is designed to be pedestrian oriented and ski access to the mountain is a large part of the appeal of the site. The extensive open space component will allow for expansion of the already strong existing trail network on the property. The maple trail that funnels into the Northstar subdivision is a truly unique and attractive trail for all users and is oriented towards the Main Street area.**

3B: Prioritize efficient public transportation over widening of roads to maintain the small-town experience of narrow roads, modest traffic and Complete Streets. **By focusing all of the development towards the resort core area and existing transportation hub adjacent to the property, the design**

encourages transit and pedestrian use. The proposal is focused entirely on residential use, which should considerably alleviate the traffic and parking concerns that commercial development would bring. A sidewalk is planned along Lowell Avenue to encourage and protect pedestrian use both within the project and in the surrounding areas.

3C: Public transportation routes should be designed to increase efficiency of passenger trips and capture ridership of visitors and locals. **The close proximity of the Resort core public transit area is a key factor in complying with this Objective. The transit area is likely one of the busiest in Park City and is served by numerous bus lines to all parts of the City. The transit system will likely capture a significant amount of the traffic from the development due to its convenience. By focusing all of the development of the King's Crown property toward the existing transit area, the proposal should maximize the ability to access public transit.**

## Natural Setting

Goal 4: Open Space: Conserve a connected healthy network of open space for continued access to and respect for the natural setting.

### Objectives:

4A: Protect natural areas critical to biodiversity and healthy ecological function. **One of the guiding principles of the Kings Crown proposal is to leave intact the forested ridge that comprises much of the property. This forested area is contiguous to the forest covering the Park City Resort and will maintain the ecological function that currently exists.**

4B: Buffer entry corridors from development and protect mountain vistas to enhance the natural setting, quality of life and visitor experience. **The project is specifically designed to protect the mountain vista that is a prominent natural feature of the property. The property is visible from many areas within the City and protecting the existing vegetation on the ridgeline will maintain the mountain vista.**

4C: Prevent fragmentation of open space to support ecosystem health, wildlife corridors and recreation opportunities. **The entire open space in the proposed plan is contiguous. The King's Crown proposal was deliberately designed with this Objective in mind.**

4D: Minimize further land disturbance and conversion of remaining undisturbed land areas to development to minimize the effects on neighborhoods. **The King's Crown development is clustered adjacent to existing large and high-use buildings to minimize the visual effect of the proposal on surrounding neighborhoods. The proposal will protect the maple forest and leave it undisturbed in perpetuity.**

4E: Collaborate with neighborhoods to create small parks or passive open space areas. **The contiguous passive open space area of the King's Crown proposal is designed to meet the intent of this Objective.**

Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020.



#### Objectives:

5A: Encourage development practices that decrease per capita carbon output, decrease vehicle miles traveled, increase carbon sequestration, protect significant existing vegetation and contribute to the community emission reduction goal. **All of the new buildings will be required to meet Park City's high standards of energy efficient construction. The close proximity of the proposal to existing amenities and transit opportunities should encourage more active pedestrian activity as well as increase public transit opportunities. The contiguous open space proposed by the plan will protect significant existing vegetation.**

5B: Encourage efficient infrastructure to include water conservation, energy conservation, renewable resource technology, decreased waste production, green public transit and increased roadway and pathway connectivity. **The project is planned to adhere to Park City's stringent building code requirements of energy efficiency and waste reduction. The applicant will work with the Staff and Commission to incorporate conservation efforts to the greatest extent possible. The trails on the project will link with other Park City trails and the close proximity of the proposed development to existing public transit will also assist in connectivity.**

5C: Park City will be a strong partner in efforts to reduce community GHG emissions, leading by example and providing policy guidance while promoting personal accountability and community responsibility. **The applicant will strive to partner with the City to achieve this Objective.**

5D: Align transportation goals with sustainable goals that reflect all four Core Values of the City. **Park City's Core Values are Small Town, Natural Setting, Sense of Community and Historic Character. Although the King's Crown area does not contain any historic artifacts or structures, the plan does fit well with the other three values. The Natural setting is preserved, the development pattern follows the existing development pattern and the addition of the 200% of affordable housing helps to preserve the sense of community in the Old Town area.**

Goal 6: Climate Adaptation: Park City will implement climate adaption strategies to enhance the City's resilience to the future impacts of climate change.

#### Objectives:

6A: Prepare for probable scenarios that could threaten health, welfare and safety of residents. **The applicant will incorporate any strategies the City deems necessary to fulfill this Objective.**

6B: Encourage opportunities for local food production and sales of food produced regionally. **The site is not really conducive to food production or agriculture due to its rocky terrain and slopes. Nonetheless, it could make excellent goat pasture.**

6C: Support ecosystem health, biodiversity and natural buffers between development and sensitive lands. **The project is specifically designed to meet this criteria. The natural area is separated from the developed area and is left contiguous and undisturbed. The ridge line and the forest itself are sensitive lands and the applicant has made the protection of these a cornerstone of the project.**

6D: Encourage regional planning efforts as a mechanism to mitigate population growth. **The applicant will assist the City in any practical way to help fulfill this Objective.**

## **Sense of Community**

Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents.

Objectives:

7A: Increase diversity of housing stock to fill voids within housing inventory (including price, type and size) to create a variety of context sensitive housing opportunities. **The King's Crown plan has a diversity of housing types that will fit well within the context of the Resort Core area. Additionally, the applicant is proposing to include 200% of the required affordable housing obligation in order to maintain neighborhood diversity and keep year-round residents in the area.**

7B: Focus efforts for diversity of primary housing stock within primary residential neighborhoods to maintain majority occupancy by full time residents within these neighborhoods. **The additional affordable housing offered by the applicant will help to address this goal of primary housing in the area. The applicant will work with the City Affordable Housing Staff to ensure that the units are utilized to the maximum extent possible to address the current workforce housing goals of the City.**

7C: Focus nightly rental units to resort neighborhoods-near Park City Mountain Resort and Deer Valley. **The project boundaries are adjacent to the Park City Resort and although the applicant is not proposing an exclusively nightly rental property, such as a hotel, it is likely that the majority of units, excepting the affordable housing units, will be utilized for nightly rental.**

7D: Facilitate the implementation of a housing plan that promotes economic diversity. **The applicant is voluntarily proposing to construct 200% of its required affordable housing obligation on site in its first phase of construction. The availability of this housing will help to promote economic diversity as the units will be constructed directly adjacent to market-rate units.**

7E: Create housing opportunities for the City's aging population (e.g. step-down housing, community housing, cottage style units). **The applicant will follow any direction the City Affordable Housing staff recommends to help address this Objective.**

Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City.

Objectives:

8A: Provide increased housing opportunities that are affordable to a wide range of income levels within all Park City neighborhoods. **The applicant will follow the City's Affordable Housing Staff's recommendation on how to best address this Objective.**

8B: Increase rental housing opportunities for seasonal workers in close proximity to resorts and mixed use centers. **The project site is well-situated to accommodate this Objective given its close proximity to the Resort Core. The Applicant will follow the Staff's recommendations on the types and opportunities to help address this Objective.**

8C: Increase housing ownership opportunities for work force within primary residential neighborhoods. **Although the project site is not located within a primary residential neighborhood, the inclusion of 200% of the required workforce housing should increase housing opportunities for many individuals that work in the City.**

Goal 9: Parks and Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors.

Objectives:

9A: Maintain local recreation opportunities with high quality of service, exceptional facilities and variety of options. **The proposal maintains the maple forest located on the property with trails and forested recreational activities.**

9B: Locate recreational options within close vicinity to existing neighborhoods and transit for accessibility and to decrease vehicle miles traveled. Grouping facilities within recreational campuses is desired to decrease trips. **The King's Crown proposal fits well with this Objective by preserving the natural setting of the ridgeline and the associated trails and open space.**

9C: Optimize interconnectivity by utilizing bus/transportation services to recreation facilities. **The proposal focuses all of the development in that area closest to public transit and the resort core.**

Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national and international events that further Park City's role as a world-class multi-seasonal destination resort while maintaining a balance with our sense of community.

Objective:

10A: Remain competitive as a world-class, multi-season, destination resort community by increasing year-round recreation events and demand for resort support services, such as hotels and restaurants.

**The King's Crown proposal will help to achieve this Objective by constructing a very high-quality development that accentuates the surrounding architecture. The project's architecture will embrace the mining/mountain theme that already exists in buildings adjacent to the property. Developing a high-quality project at the resort core area should help to strengthen its appeal.**

10B: Balance tourism events with preservation of small town character and quality of life. Locate larger tourist activities close to resorts and/or existing facilities. Locate community facilities close to primary residential areas. **The King's Crown proposal does not contemplate developing any community facilities in the proposal. However, the retention of the trails and open space contemplated by the proposal should help to preserve Park City's small town feel.**

10C: Public infrastructure improvements and programming should consider the visitor experience to Park City during large events and master festivals. **By preserving the ridgeline in its natural state, the proposal would assist in preserving the visitor experience.**

Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City.

Objectives:

12A: Retain and expand existing Park City businesses. **The proposal is not contemplating any commercial development.**

12B: Improve the balance of jobs-to-housing ratio in Park City to attract higher paying jobs and workforce housing strategies. **The applicant is proposing to include 200% of its workforce housing obligation to help support this Objective.**

12C: Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience. **The project does not contemplate any commercial component at this time.**

Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression.

Objectives:

13A: Increase cultural, arts and entertainment related events that diversify and support our tourism-based economy. **The proposed King's Crown project is designed to fit with the tourism based economy by providing housing opportunities that support the Resort Core area where it is located.**

13B: Foster and enhance the vitality of Park City's local arts and cultural sectors. **Although the project is not designed as an art-specific project, any direction the Staff or Commission cares to make in this regard will be considered.**

13C: Encourage the installation of public arts on private property, public space, parks, trails and streets that represent Park City's core values. **The project will seek to incorporate public art where appropriate and at the direction of the Staff and Commission.**

Goal 14: Living within limits: the future of Park City includes limits (ecological, qualitative and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region.

Objectives:

14A: Provide reliable public resources to ensure the health, welfare and safety of residents and visitors.

14B: Manage growth to protect the quality of life and preserve the unique Park City Experience by recognizing limits to growth and adopting responsible policies that are consistent with those limits.

Look at policies to offset this growth through efficiencies and renewables. **Focusing all of the development on the property towards the existing resort core area should encourage pedestrian and transit activity. Preserving the ridgeline on the property helps to preserve the Park City experience.**

14C: Provide safe drinking water to residents and visitors. Set limits to future demand based on available sources and expense of available sources. **The proposal does not contemplate large lawns or expanses of irrigated area.**

14D: Prevent degradation of air quality through the implementation of best practices for land use, clean energy, regional transportation and growth management. **The applicant will meet Park City's high standards for land use, clean energy, regional transportation and growth management. Any feedback the Staff offers relative to this Objective will be incorporated to the extent possible in the land plan.**

March 30, 2017

Mr. Bruce Erickson, Director  
Mr. Francisco Astorga, Senior Planner  
Park City Planning Department  
Park City Municipal Corporation  
445 Marsac Avenue  
PO Box 1480  
Park City, UT 84060

### **RE: King's Crown Traffic Studies and Transportation Master Plan Compliance**

Dear Bruce and Francisco,

The proposed King's Crown project is currently included in a traffic study commissioned by the City on April 2<sup>nd</sup>, 2015. The study was originally written to understand the Treasure Mountain traffic impacts and the effects of the neighboring "Bamberger Lots" that would also share Lowell Avenue as a primary means of ingress and egress. The Study was titled "Lowell Avenue Traffic Modeling" and is included in this submittal. The study was carried out by InterPlan Transportation Planning. The 2015 plan vastly overestimated the amount of density being proposed by the current proposal. The 2015 study contemplated over 286,000 square feet of estimated development. The CRH proposal contemplates less than half of that. When we met with Mr. Alfred Knotts, the Park City Transportation Director, he suggested commissioning another traffic study that reflects the current proposal. That study is forthcoming and should be available by mid-April. We will forward to the planning office that as soon as it is available.

The below represents the applicant's position regarding compliance with the City's Transportation Master Plan Goals for the proposed King's Crown at Park City MPD submittal. The applicant will continue to work with the City transportation, planning and engineering departments to mitigate the transportation impacts of the proposed project. If you have any questions or concerns whatsoever concerning this report, please do not hesitate to contact us.

#### **Transportation Master Plan Goals**

1. GOAL 1: Park City will have a multimodal transportation system with complete streets and balanced availability of pedestrian, bicycle, transit and auto travel. **Fortunately, the Park City Resort Core transit center is located approximately 100 meters from the King's Crown property. This gives excellent transit opportunities. The project's location gives very**

accessible pedestrian access to Old Town and Main Street. Many of the City's attractions are an easy walk (10 minutes or less) from the project's area. There are also good trail access points for pedestrian and bicycle access to the surrounding area.

2. GOAL 2: Park City's residents, workers, visitors and guests will have access to convenient transit for circulation throughout the City. **The Resort Core transit center proximity to the King's Crown project will ensure that there will be access to convenient public transit for any owners, guests and visitors.**
3. GOAL 3: Park City residents, workers, day visitors and overnight guests will have efficient, direct and convenient regional transit connections from and to area resorts, Salt Lake and Utah Counties and other communities of the Wasatch Back. **Again, the close proximity of the transit center gives very good access to both transit within the City as well as regional transit. The access to the resort is directly adjacent to the project area and is easily serviced by pedestrian activity.**
4. GOAL 4: Park City will have a complete and well-connected network of trails, bicycle lanes and sidewalks that supports safe, convenient and pleasant walking and bicycling to accommodate the needs of residents, visitors and guests for short trips within the City and surrounding neighborhoods. **The project has direct access to the resort and all of the activities and trails that are located there. There are also excellent trails that are unique and located entirely on the property. These trails access the Main Street area and provide good, safe access that is totally independent of streets.**
5. GOAL 5: Mobility and Access in Park City will be as good or better than today while achieving a net reduction in the amount that each person drives a car. **The transit center proximity cannot be overemphasized relative to good mobility and access that is independent of the automobile. Tourist and visitors quickly realize that driving (and parking) in Park City can be difficult and they adapt very readily to using the public transit system.**
6. GOAL 6: Park City's street network will be well maintained, with streets that are not significantly wider than today and without significant increase in lane mileage. **The proposed private street that is part of the plan is the minimum street size that is allowed by the City Engineer.**
7. GOAL 7: Park City's transportation system will contribute positively to public health and quality of life by achieving a high level of travel safety and by creating an environment that supports active living. **The applicant will assist the City in any manner to help further this goal.**
8. GOAL 8: Park City's transportation system will contribute positively to improved environmental, social and economic sustainability of the community. **The applicant will assist the City in any manner to help further this goal.**
9. GOAL 9: Park City's transportation system will support development of clustered and diverse land use centers by providing convenient multimodal access to each center concurrent with its development. **The proposed King's Crown application is the definition of clustered development, utilizing a small percentage of the property with excellent access to the Park City Resort Core transit center. All of the proposed development is oriented as close to the transit center as is possible on the property.**
10. GOAL 10: Park City will use system management and demand management techniques to minimize financial burden and environmental impact of local transportation facilities. **The applicant will assist the City in any manner to help further this goal.**





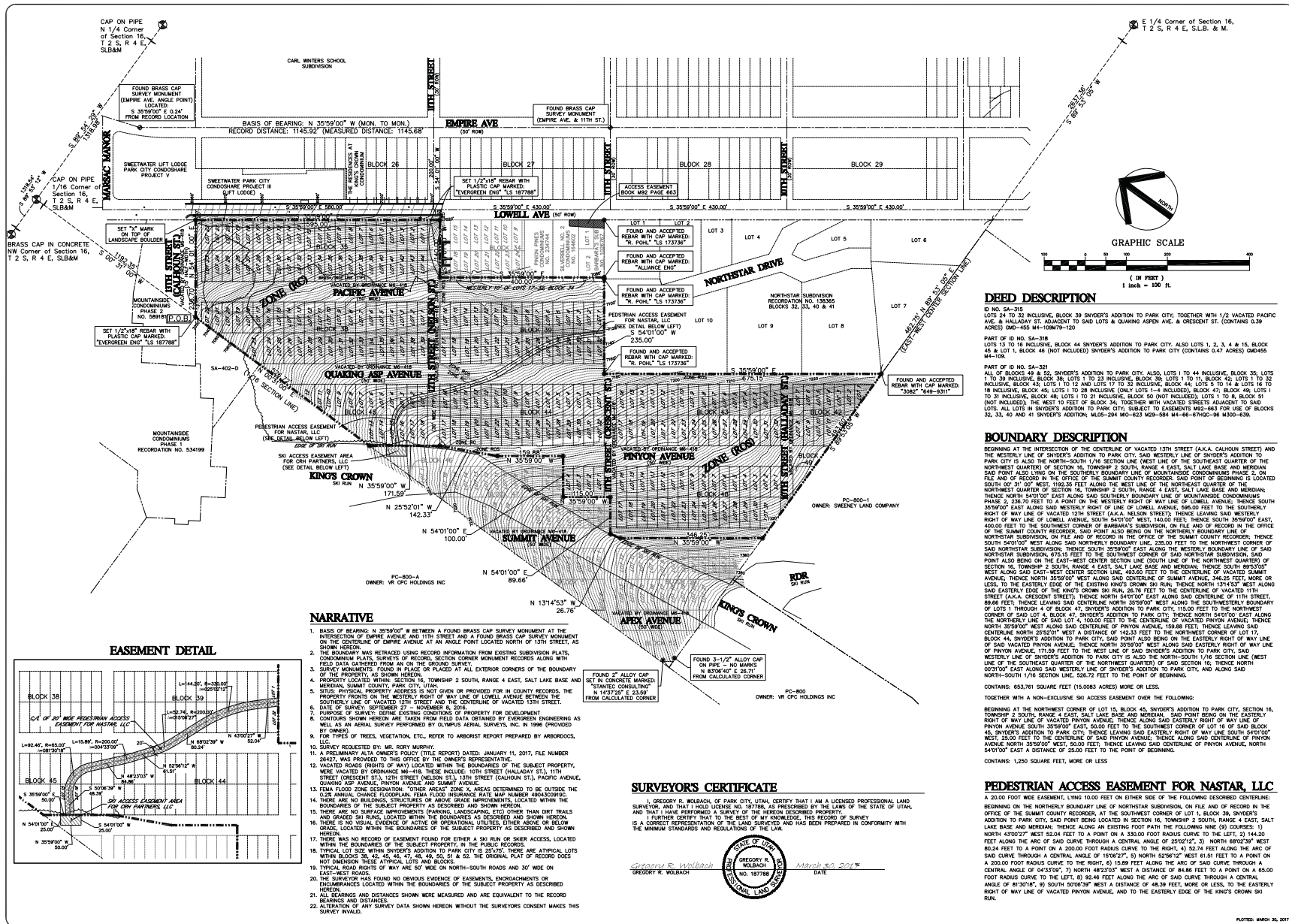


Exhibit F - Project Scope Plan





## Exhibit G - Boundary Survey



**EXISTING CONDITIONS SURVEY**

**KING'S CROWN**

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Exhibit H - Architectural Site Plan





## Exhibit M - Contextual Analysis



Exhibit R - Property Area Calculations

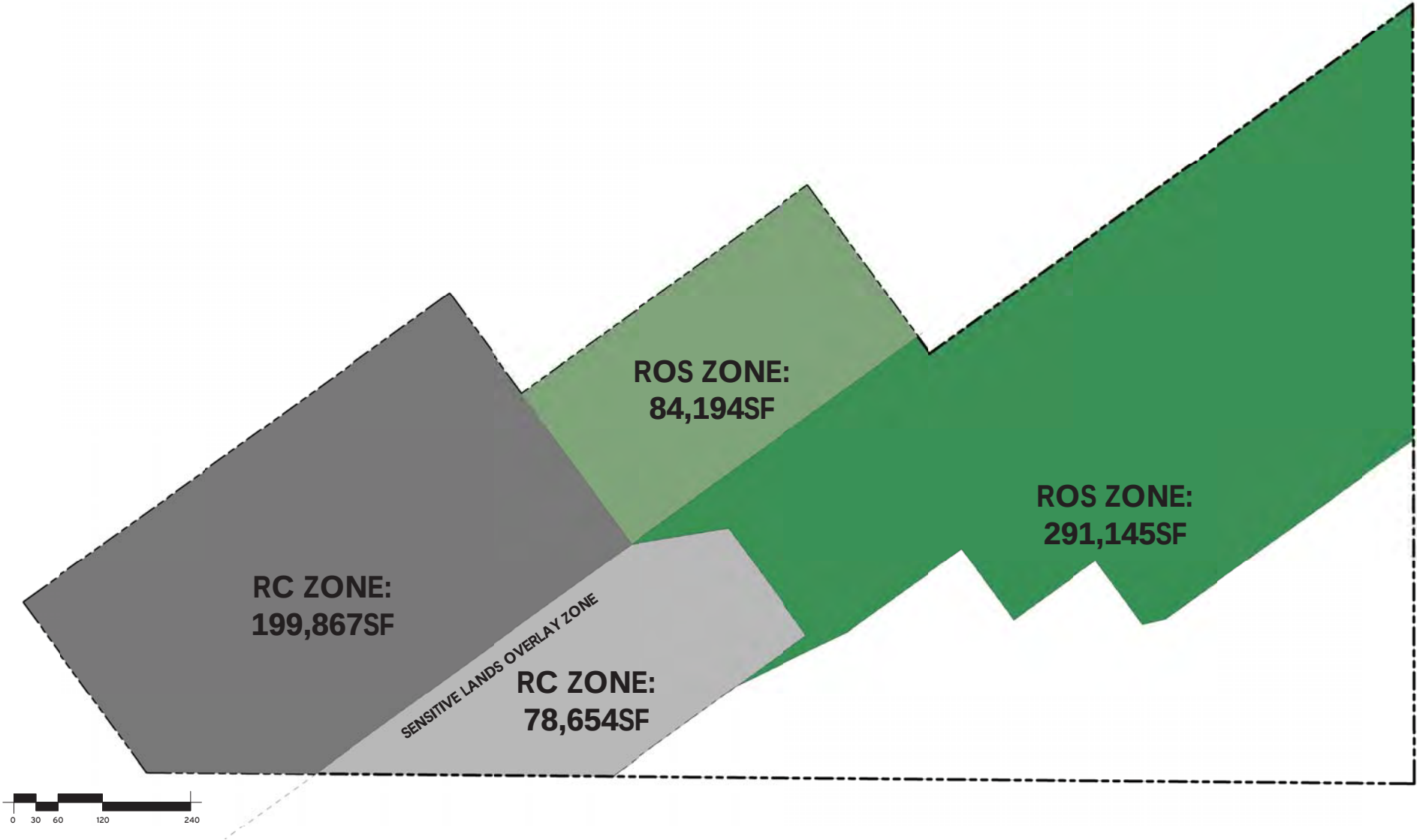
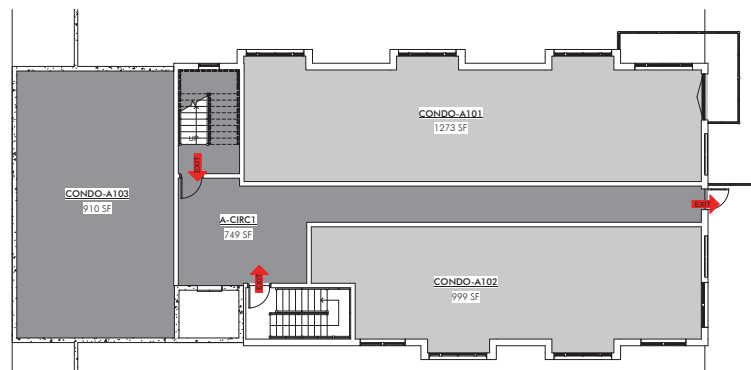




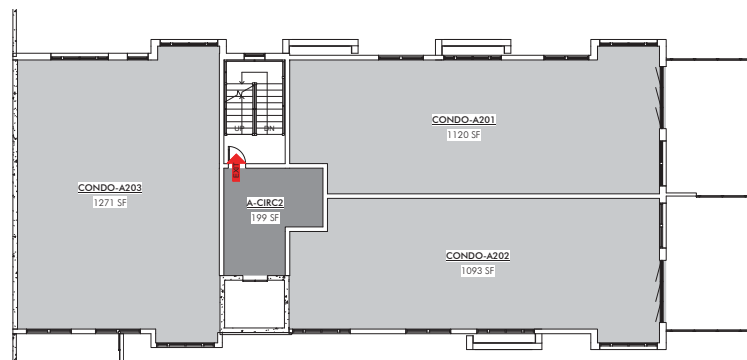
Exhibit DD - Existing Platted Conditions



Exhibit FF - Schematic Plans and Elevations

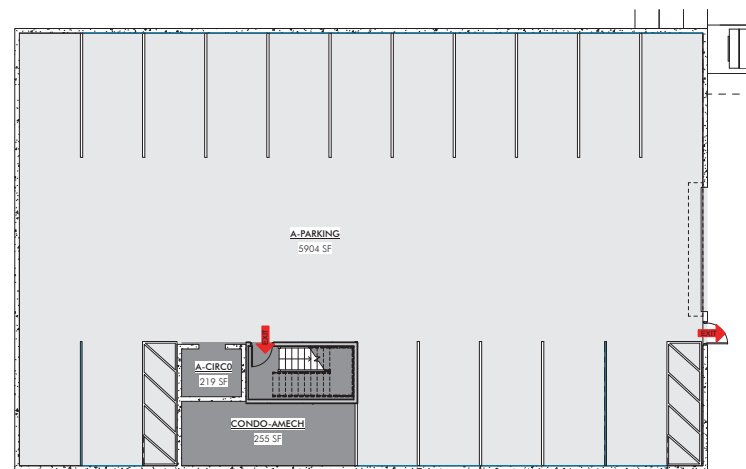


2 A.1  
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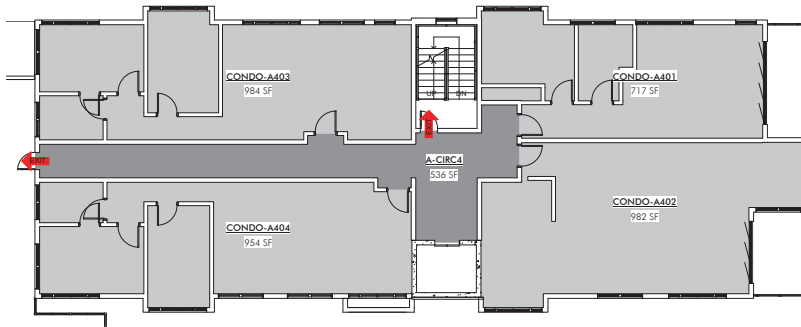
3 A.2  
SCALE: 1/8" = 1'-0"

| AFFORDABLE UNIT CONDO AREAS |          |
|-----------------------------|----------|
| UNIT                        | NET AREA |
| CONDO-AMECH                 | 255 SF   |
| CONDO-A101                  | 1273 SF  |
| CONDO-A102                  | 999 SF   |
| CONDO-A103                  | 910 SF   |
| CONDO-A201                  | 1120 SF  |
| CONDO-A202                  | 1093 SF  |
| CONDO-A203                  | 1271 SF  |
| CONDO-A301                  | 940 SF   |
| CONDO-A302                  | 927 SF   |
| CONDO-A303                  | 1044 SF  |
| CONDO-A304                  | 1104 SF  |
| CONDO-A401                  | 717 SF   |
| CONDO-A402                  | 982 SF   |
| CONDO-A403                  | 984 SF   |
| CONDO-A404                  | 954 SF   |
| CONDO-A501                  | 1089 SF  |
| CONDO-A502                  | 1099 SF  |
| CONDO-A503                  | 2187 SF  |
| NET TOTAL AREA              | 16761 SF |



1 A.0  
SCALE: 1/8" = 1'-0"





2 A.4  
SCALE: 1/8" = 1'-0"

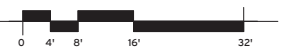


3 A.5  
SCALE: 1/8" = 1'-0"

| AFFORDABLE UNIT CONDO AREAS |          |
|-----------------------------|----------|
| UNIT                        | NET AREA |
| CONDO-A-MECH                | 255 SF   |
|                             | 255 SF   |
| CONDO-A101                  | 1273 SF  |
| CONDO-A102                  | 999 SF   |
| CONDO-A103                  | 910 SF   |
|                             | 3181 SF  |
| CONDO-A201                  | 1120 SF  |
| CONDO-A202                  | 1093 SF  |
| CONDO-A203                  | 1271 SF  |
|                             | 3484 SF  |
| CONDO-A301                  | 940 SF   |
| CONDO-A302                  | 927 SF   |
| CONDO-A303                  | 1044 SF  |
| CONDO-A304                  | 1104 SF  |
|                             | 4015 SF  |
| CONDO-A401                  | 717 SF   |
| CONDO-A402                  | 982 SF   |
| CONDO-A403                  | 984 SF   |
| CONDO-A404                  | 954 SF   |
|                             | 3638 SF  |
| CONDO-A501                  | 1089 SF  |
| CONDO-A502                  | 1099 SF  |
|                             | 2187 SF  |
| NET TOTAL AREA              | 16761 SF |

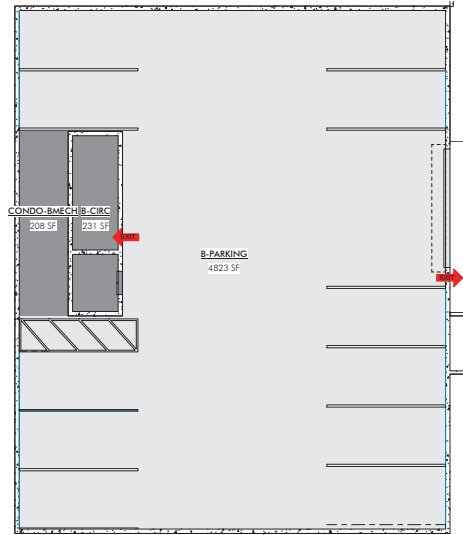


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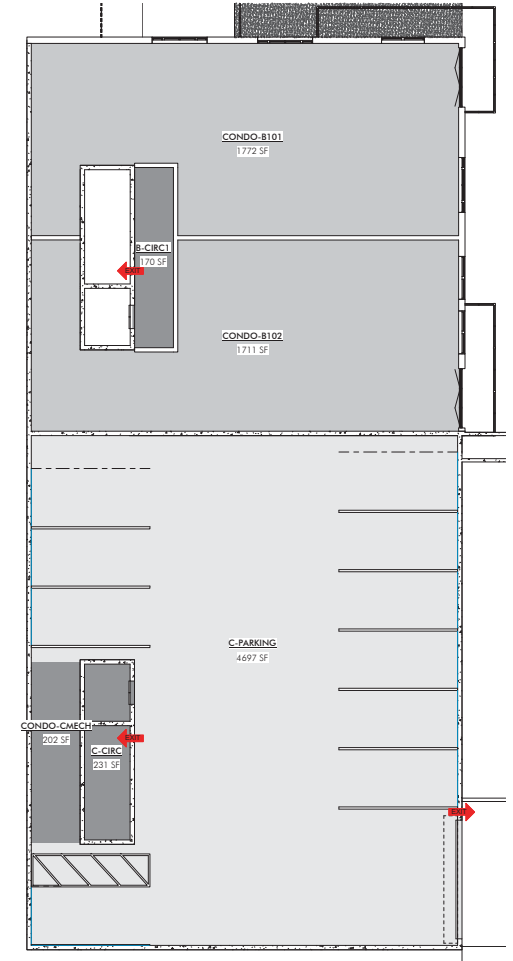


| BLDG B/C CONDO AREAS |          |
|----------------------|----------|
| UNIT                 | NET AREA |
| CONDO-BMECH          | 208 SF   |
|                      | 208 SF   |
| CONDO-B101           | 1772 SF  |
| CONDO-B102           | 1711 SF  |
| CONDO-CMECH          | 202 SF   |
|                      | 3686 SF  |
| CONDO-B201           | 1430 SF  |
| CONDO-B202           | 1651 SF  |
| CONDO-C101           | 1647 SF  |
| CONDO-C102           | 1740 SF  |
|                      | 6468 SF  |
| CONDO-B201B          | 1096 SF  |
| CONDO-B202B          | 1169 SF  |
| CONDO-B303           | 2878 SF  |
| CONDO-C201           | 1444 SF  |
| CONDO-C202           | 1681 SF  |
|                      | 8267 SF  |
| CONDO-B401           | 3727 SF  |
| CONDO-C201B          | 1571 SF  |
| CONDO-C202B          | 1650 SF  |
|                      | 6949 SF  |
| CONDO-C401           | 2384 SF  |
| NET TOTAL AREA       | 27961 SF |

1 B.O  
SCALE: 1/8" = 1'-0"

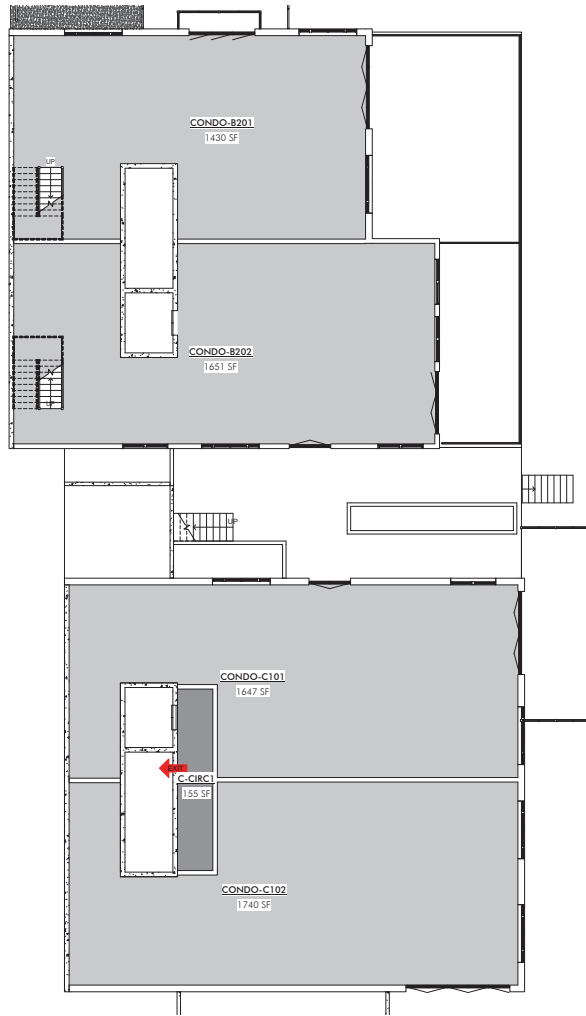


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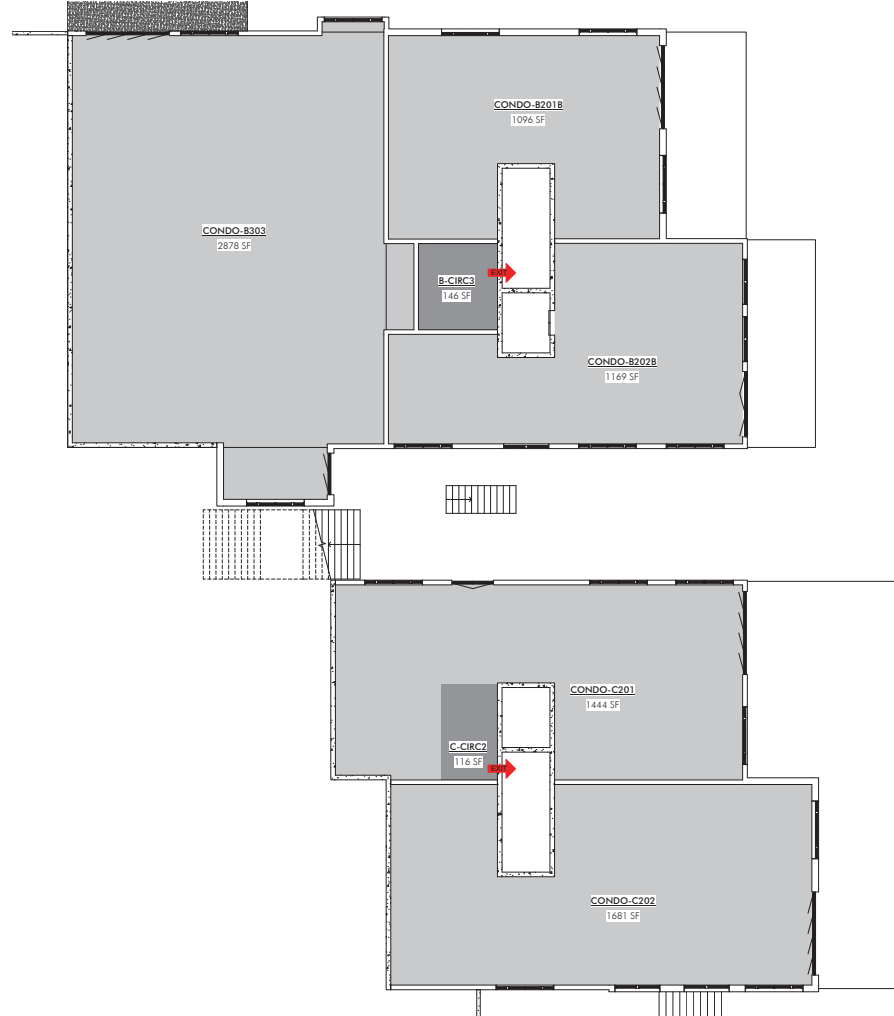


0 4' 8' 16' 32'

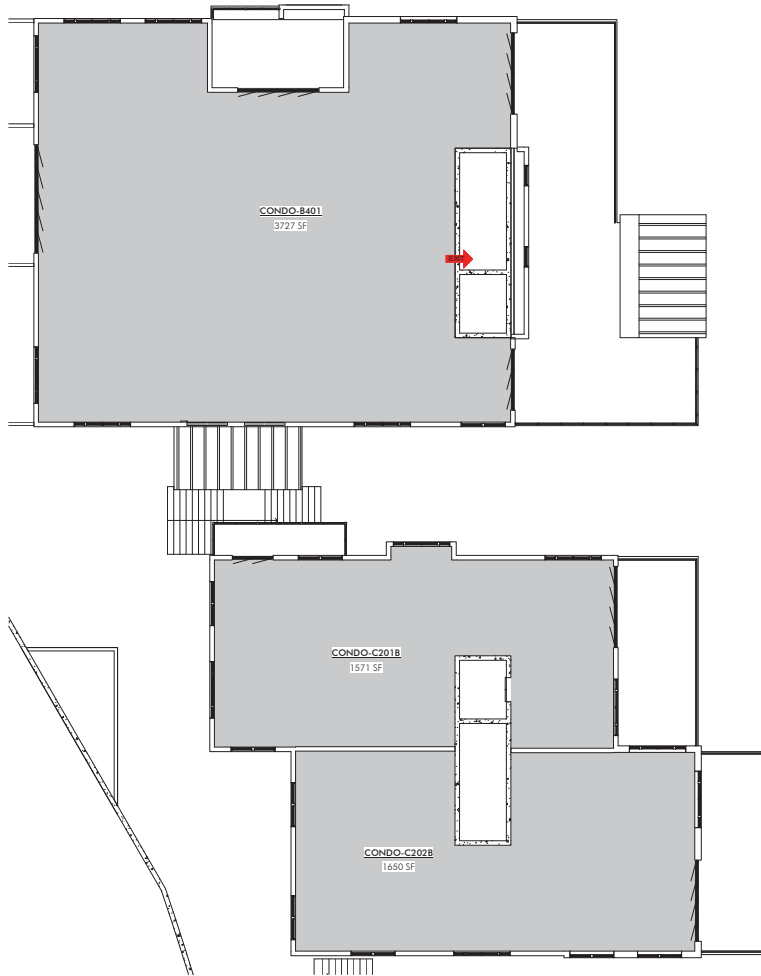




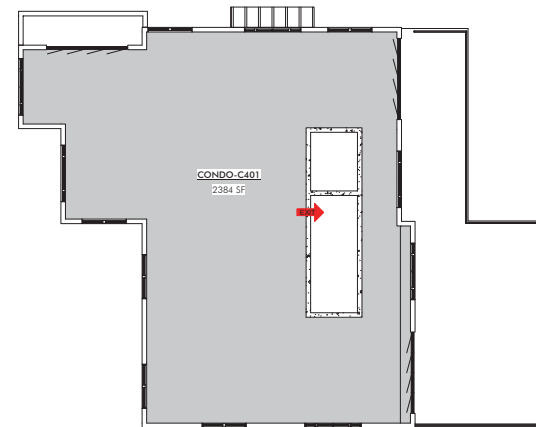
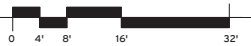
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2 B.3/C.2  
SCALE: 1/8" = 1'-0"

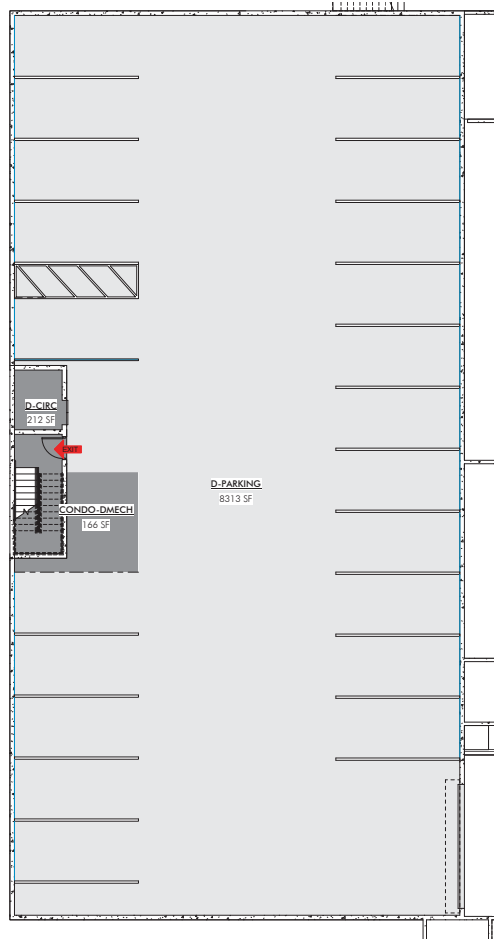


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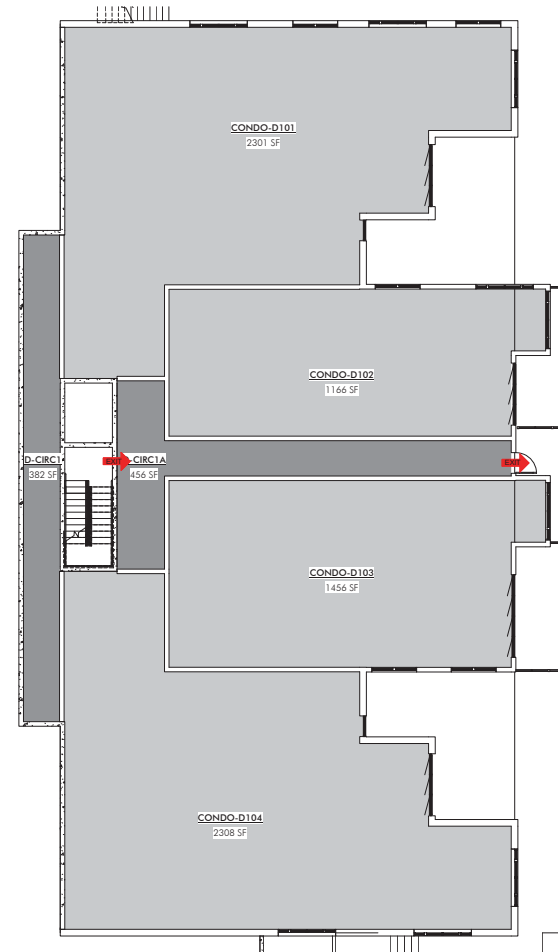


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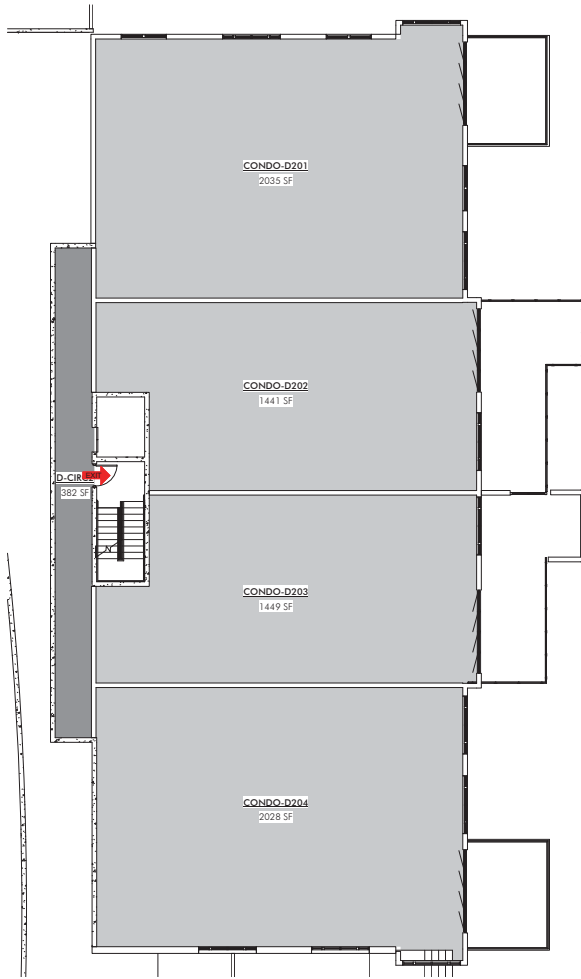
| BLDG D CONDO AREAS |          |
|--------------------|----------|
| UNIT               | NET AREA |
| CONDO-DMECH        | 166 SF   |
|                    | 166 SF   |
| CONDO-D101         | 2301 SF  |
| CONDO-D102         | 1166 SF  |
| CONDO-D103         | 1456 SF  |
| CONDO-D104         | 2308 SF  |
|                    | 7231 SF  |
| CONDO-D201         | 2035 SF  |
| CONDO-D202         | 1441 SF  |
| CONDO-D203         | 1449 SF  |
| CONDO-D204         | 2028 SF  |
|                    | 6952 SF  |
| CONDO-D202B        | 1148 SF  |
| CONDO-D203B        | 1154 SF  |
| CONDO-D301         | 1663 SF  |
| CONDO-D302         | 1630 SF  |
|                    | 5585 SF  |
| CONDO-D301B        | 1027 SF  |
| CONDO-D302B        | 1032 SF  |
| CONDO-D401         | 2083 SF  |
|                    | 4142 SF  |
| NET TOTAL AREA     | 24077 SF |



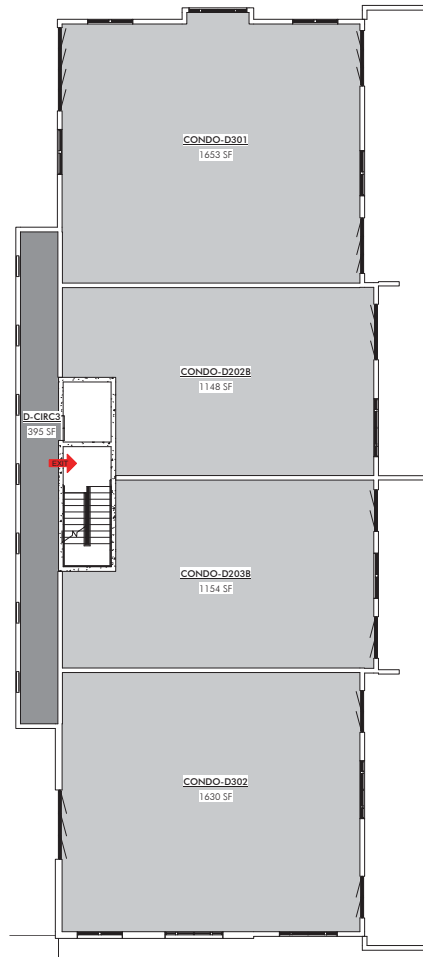
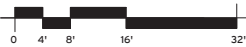
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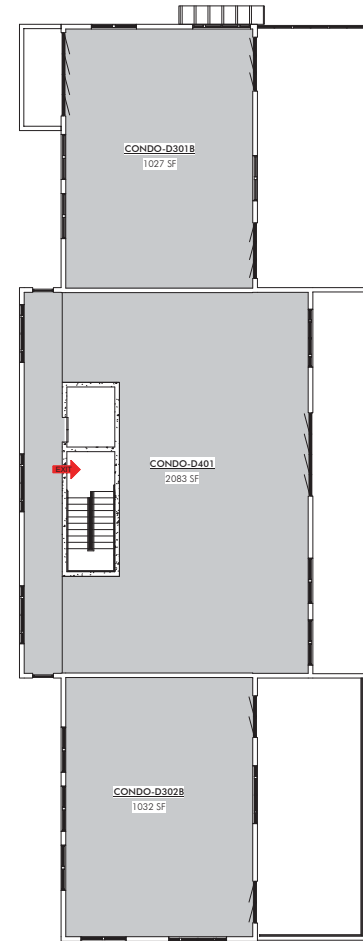
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1 D.2  
SCALE: 1/8" = 1'-0"



2 D.3  
SCALE: 1/8" = 1'-0"



3 D.4  
SCALE: 1/8" = 1'-0"



| TOWNHOME AREAS  |          |
|-----------------|----------|
| Name            | Area     |
| T1-GARAGE       | 711 SF   |
| T2-GARAGE       | 748 SF   |
| T3-GARAGE       | 748 SF   |
| T4-GARAGE       | 734 SF   |
| T5-GARAGE       | 748 SF   |
| T6-GARAGE       | 756 SF   |
| T7-GARAGE       | 543 SF   |
|                 | 4988 SF  |
| T7-GROUND LEVEL | 506 SF   |
|                 | 506 SF   |
| T1-LEVEL ONE    | 1433 SF  |
| T2-LEVEL ONE    | 1488 SF  |
| T3-LEVEL ONE    | 1488 SF  |
| T4-LEVEL ONE    | 1488 SF  |
| T5-LEVEL ONE    | 1487 SF  |
| T6-LEVEL ONE    | 1504 SF  |
| T7-LEVEL ONE    | 1186 SF  |
|                 | 10075 SF |
| T1-LEVEL TWO    | 1138 SF  |
| T2-LEVEL TWO    | 1187 SF  |
| T3-LEVEL TWO    | 1187 SF  |
| T4-LEVEL TWO    | 1187 SF  |
| T5-LEVEL TWO    | 1198 SF  |
| T6-LEVEL TWO    | 1213 SF  |
| T7-LEVEL TWO    | 1186 SF  |
|                 | 8297 SF  |
| T1-LEVEL THREE  | 901 SF   |
| T2-LEVEL THREE  | 921 SF   |
| T3-LEVEL THREE  | 921 SF   |
| T4-LEVEL THREE  | 921 SF   |
| T5-LEVEL THREE  | 940 SF   |
| T6-LEVEL THREE  | 950 SF   |
| T7-LEVEL THREE  | 844 SF   |
|                 | 6397 SF  |
| NET TOTAL AREA  | 30263 SF |



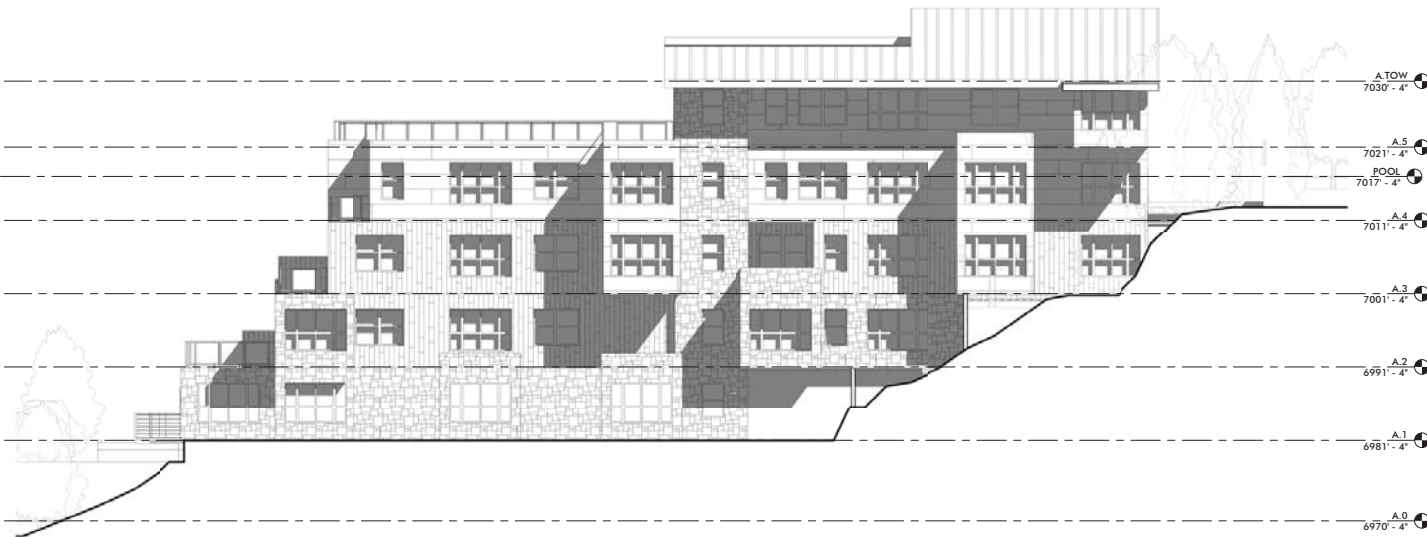




2 BUILDING A SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



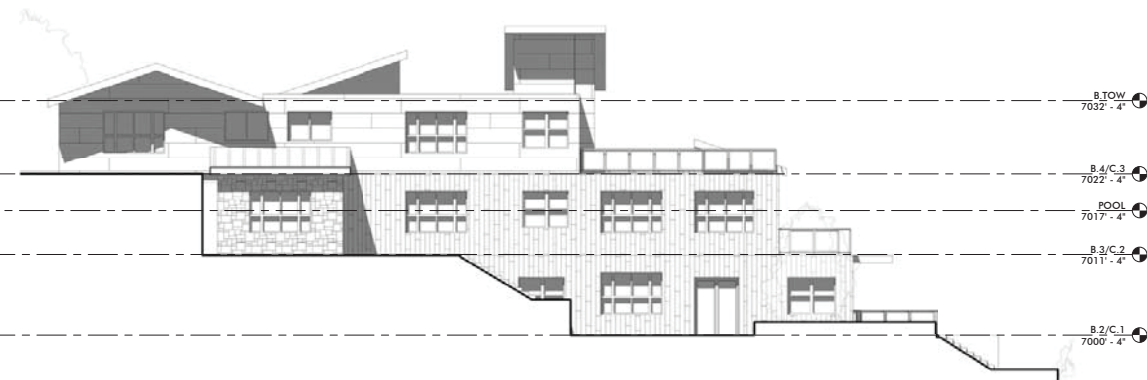
4 BUILDING A WEST ELEVATION  
SCALE: 1/8" = 1'-0"



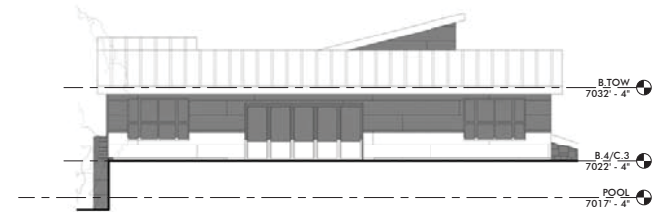
1 BUILDING A NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



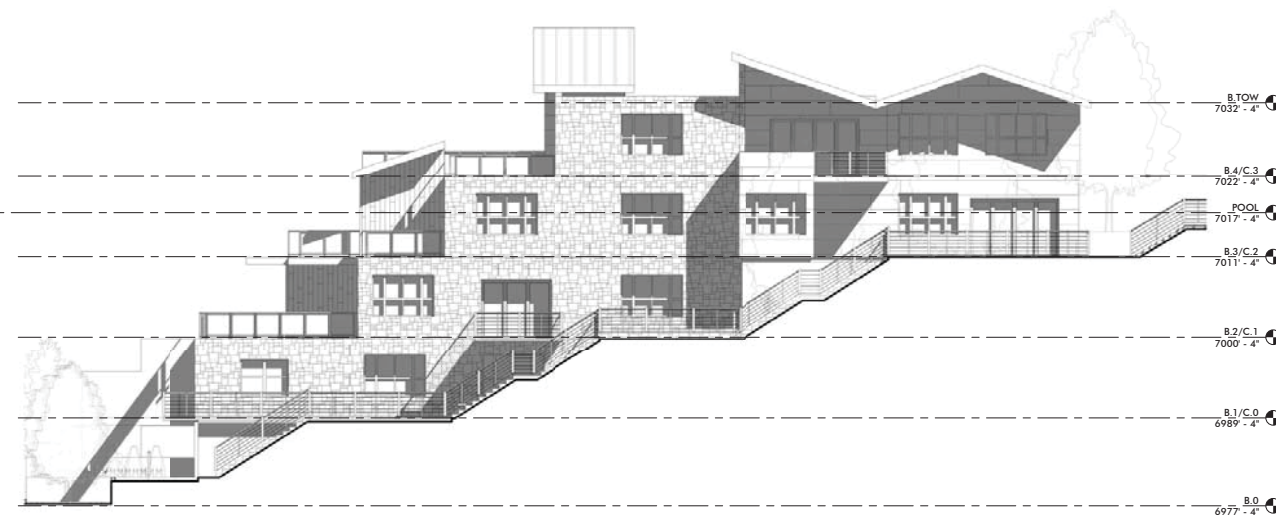
3 BUILDING A EAST ELEVATION  
SCALE: 1/8" = 1'-0"



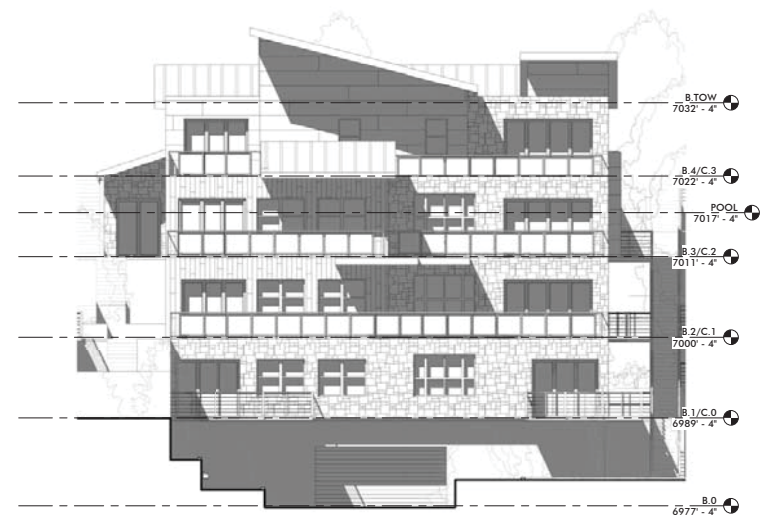
2 BUILDING B SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



4 BUILDING B WEST ELEVATION  
SCALE: 1/8" = 1'-0"

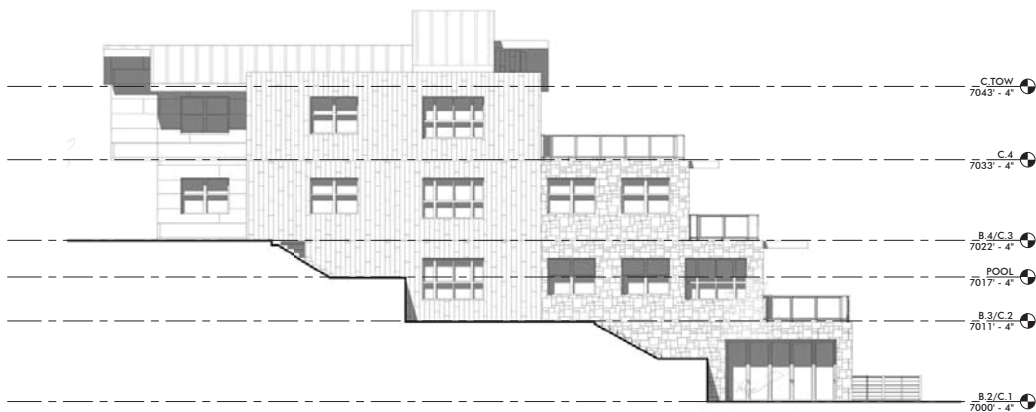


1 BUILDING B NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



3 BUILDING B EAST ELEVATION  
SCALE: 1/8" = 1'-0"

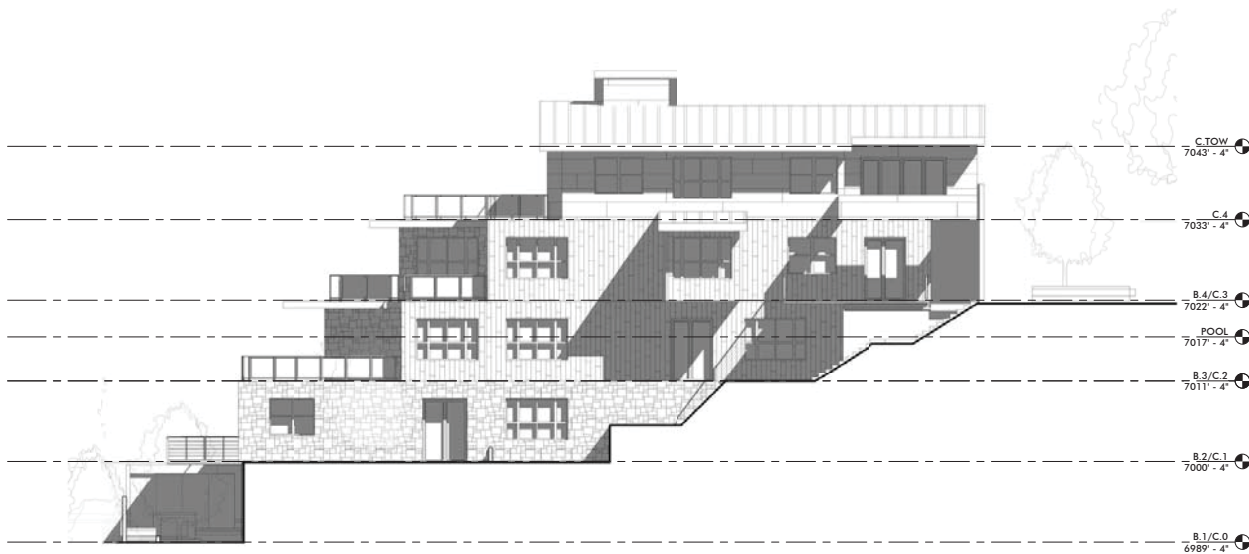




2 BUILDING C SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



4 BUILDING C WEST ELEVATION  
SCALE: 1/8" = 1'-0"

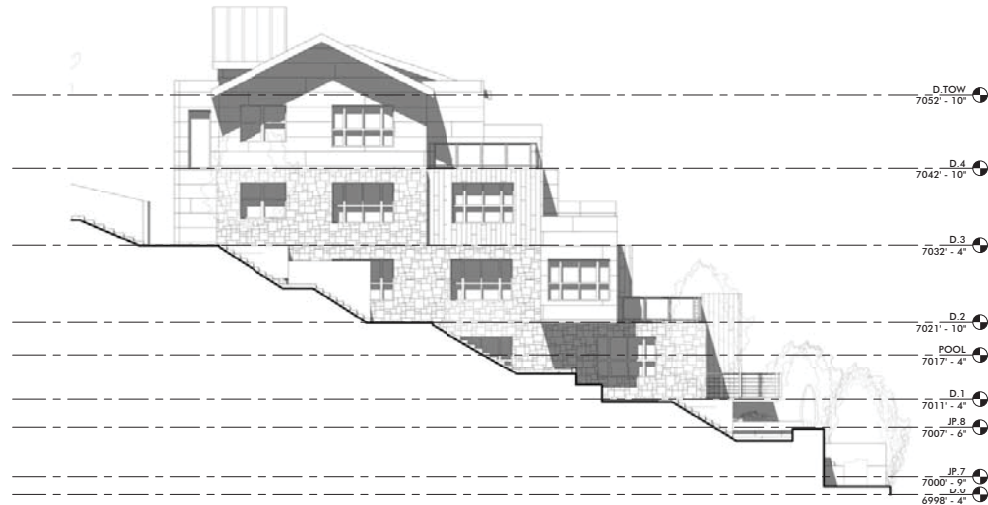


1 BUILDING C NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



3 BUILDING C EAST ELEVATION  
SCALE: 1/8" = 1'-0"

Appendix L {Schematic Plans and Elevations}

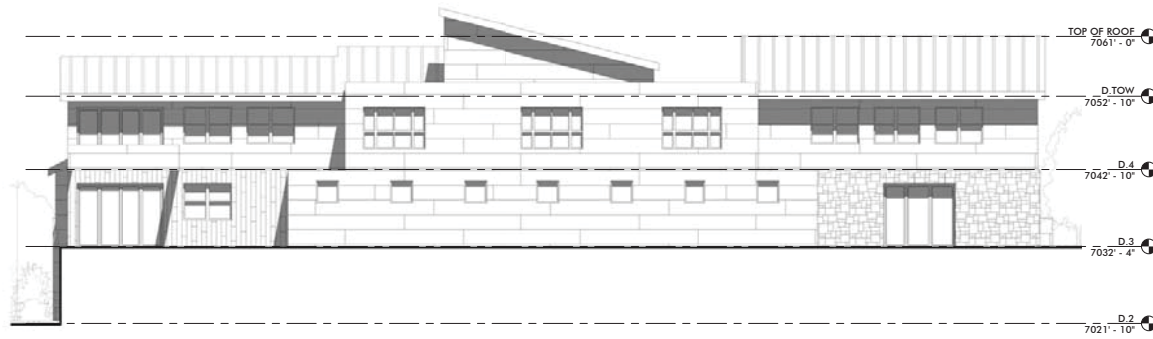


2 BUILDING D SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"

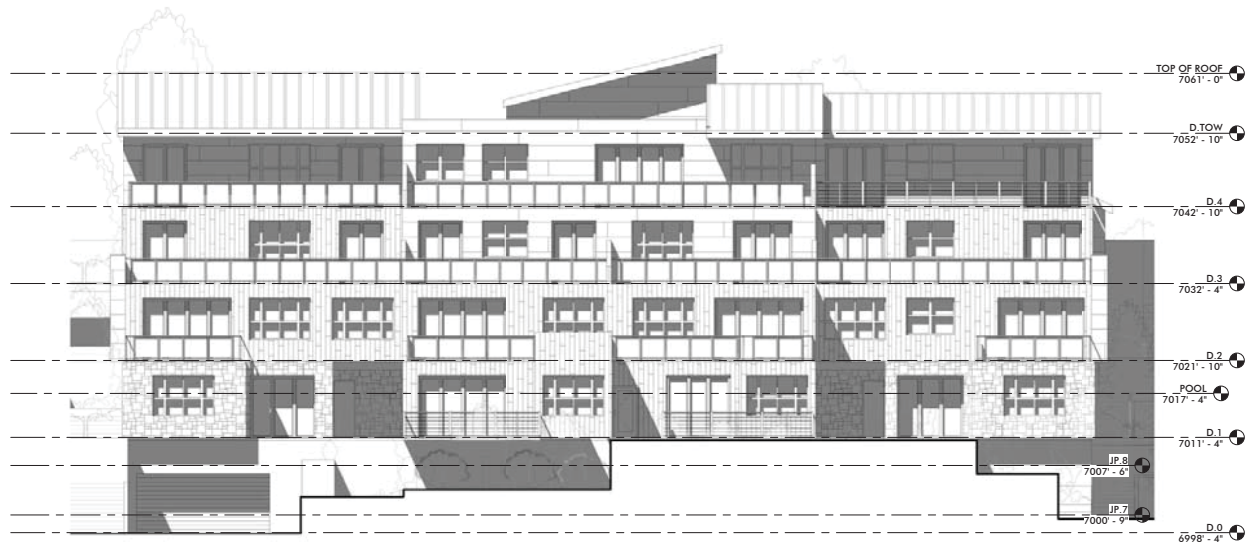


1 BUILDING D NORTH ELEVATION  
SCALE: 1/8" = 1'-0"





② BUILDING D WEST ELEVATION  
SCALE: 1/8" = 1'-0"



① BUILDING D EAST ELEVATION  
SCALE: 1/8" = 1'-0"







## Exhibit GG – Applicant's CUP Narrative

May 17, 2017

Mr. Bruce Ericksen, Planning Director  
Mr. Francisco Astorga, Senior Planner  
Park City Planning Department  
Park City Municipal Corporation  
PO Box 1450  
445 Marsac Avenue  
Park City, UT 84060

### **RE: Conditional Use Permit Application and Compliance Statement for King's Crown at Park City**

Dear Bruce and Francisco,

As per our conversation on May 11<sup>th</sup>, we are submitting this Conditional Use Permit (CUP) application in conjunction with our current MPD application that was submitted on March 31<sup>st</sup>, 2107. This CUP application supports and complements the MPD application. It was suggested to us by Staff that the CUP run concurrently with the MPD due to the level of detail that the Staff, Planning Commission and City Council have requested as part of the MPD application.

In addition to the CUP application form that is attached to this submittal, there is a checklist of items that is required to be submitted as part of the overall application. Also, there are a number of criteria that are outlined in the Land Management Code under Section 15-1-19 (E). We have written our compliance statements for both sets of items in the report below.

The first section of this report addresses the Submittal Requirements checklist from the CUP Submittal form. We have been given directive to refer to the MPD report where items requested in the CUP application are redundant with the requirements of the MPD in order to save waste and reduce redundancy. Should there be any concern whatsoever regarding providing the correct information or if the information is simply desired, please do not hesitate to let us know and we will provide the requested information immediately.

1. Completed and signed application form (attached)
2. Written Statement (please refer to the King's Crown MPD application)
3. Review Fees- \$1,140.00
4. Schematic Plans (please refer to the MPD application)
5. Reduction version of #4 (please refer to the MPD application)
6. Current Title Report (attached)
7. List of Property Owners (attached)
8. Stamped, addressed envelopes of #7 (attached)
9. Project Description (Specific to CUP Application)



**Project Description** (Specific to CUP Application form. Narrative is located in the MPD application).

- How will the proposed Use “fit-in” with the surrounding uses? **The proposed use is residential exclusively. This is identical to the uses that border the property to the south and then throughout the northern Old Town area. The uses to the north and east are hotel. The applicant has not proposed a hotel use due to the impact it would have on the aforementioned Old Town streets. The uses should fit very seamlessly into the existing vernacular.**
- What type of service will it provide to Park City? **It will increase bed base at the base area of the Park City Resort. It will also memorialize the extensive forest that covers the ridgeline that bisects the property. The proposal is 83% open space, all contiguous. The preservation of this forest, coupled with the erasure of the 295 lots that pepper the property currently, is a significantly tangible benefit to the City.**
- Is the proposed use consistent with the current zoning district and with the General Plan? **There are no exceptions requested from either the General Plan or the current zoning district.**
- Is the proposed use similar or compatible with other uses in the same area? **Yes, the proposed uses are similar and compatible with the surrounding uses. The proposed development pattern is identical to what is across the street from the property (i.e. Houses in front of houses, condos in front of condos and townhomes adjacent to townhomes). The proposal was designed to exactly mirror and complement the uses that surround it.**
- Is the proposed use suitable for the proposed site? **Yes, the proposed use fits very well onto the site and is a bed base extension of the Resort core area. The smaller streets of Old Town and the congestion at the Resort base do not lend themselves towards higher intensity uses such as hotel or commercial, so residential is the most suitable use for the site.**
- Will the proposed use emit noise, glare, dust, pollutants and odor? **There will be some noise during the construction phase, but beyond that the proposed use will not emit noise, glare, pollutants or odor.**
- What will be the hour of operation and how many people will be employed? **Since neither commercial or hotel uses are proposed, this concern is not applicable.**
- Are other special issues that need to be mitigated? **None.**

In addition, the LMC outlines in the Conditional Use Review Process (Section 15-1-10) a series of items that must be addressed by the Staff and Commission in order to ensure that the proposed CUP mitigates and addresses these items appropriately. These items are found in Section 15-1-10 (E). The following is the specific item to be mitigated and addressed and the applicant’s response of compliance.

1. The size and location of the Site. **The property is 19.15 acres in size and is sized appropriately to accommodate the proposed project. The applicant plans to leave 83% of the property as open space. The location of the property is directly adjacent to the Resort core and is therefore conducive to a resort residential development such as the one being proposed.**
2. Traffic considerations including capacity of the existing streets in the area. **The proposed King’s Crown project has, despite the existing RC Zones support of such uses, specifically excluded**



hotel and commercial uses in order to satisfy this criterion. The existing streets are typical narrow Old Town streets and thus have limited capacity for absorbing excess traffic.

3. Utility capacity, including storm water runoff. All storm water runoff will be contained on site as per the City Engineer and current City policy. The existing or planned-for utilities are currently sized appropriately for the proposed development. The only up-sized utility is a 12" water line that is currently planned for Lowell Avenue.
4. Emergency vehicle access. The applicant has met with the City Fire Marshall regarding this issue specifically. The Fire Marshall has indicated that the proposal meets current UBC criteria and has conceptually approved the emergency vehicle access layout.
5. Location and amount of off-street parking. The proposal meets all of the required parking requirements without exception. All off-street parking, with the exception of the single-family homes, will be covered and either first floor or underground. Single-family homes may have driveway parking in addition to covered parking. There will be no on-street parking associated with the proposal.
6. Internal vehicular and pedestrian circulation system. The proposed layout accommodates all internal vehicular circulation according to City Street planning standards. The pedestrian access is excellent. All pedestrian access is oriented to access the ski slopes and the transit center located approximately 100 meters from the property boundary. There will also be several well-positioned trails that funnel pedestrians towards the Main Street and resort trail areas. In addition, the project is designed to funnel pedestrians off of Lowell and onto the ski runs so that the lower part of Lowell is less congested and safer.
7. Fencing, screening and landscaping to separate the use from adjoining uses. There are no fences proposed for the project, however there are two areas of heavy landscaping proposed to separate the Marriott Mountainside Hotel to the north from the proposed King's Crown development as well as an area along the property's southeastern boundary that screens the proposed project from the exiting townhomes that are located on the east side of Lowell Avenue.
8. Building mass, bulk and orientation and the location of buildings on the site; including orientation of buildings on adjacent lots. This item has been a key to the planning of the site. The proposal has specifically tried to mirror the properties that are surrounding it so that the mass, bulk and orientation are compatible with the surrounding properties. There are no height exceptions proposed. The project is designed to orient not only with the immediate neighborhood, but with the surrounding Old Town and Resort Core areas. Finally, by orientating all of the development towards the built-up areas of the property, the project is designed so that it is in harmony with the overall City layout.
9. Usable open space. The design of the project satisfies this criteria precisely. All of the open space is contiguous and relevant for visual impacts, wildlife, trails, recreation, etc.
10. Signs and Lighting. There are no unusual signs or lighting proposed in the project. The applicant will comply with any suggestions that the Staff or Commission may offer regarding this criteria.
11. Physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing. The proposal has been designed to mirror the surrounding properties. The building mass will be smaller than the two adjacent hotels, but will allow for a clean transition to the Old Town residential properties to the south and west. The design will be the

**mountain/mining architecture that is demonstrated by the Marriott Mountainside Hotel and the Legacy Lodge and the same style that is preferred in the LMC and the General Plan.**

12. Noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site. **While there may be some off-site impacts during construction only, there will not be any of these concerns after that period.**
13. Control of delivery and service vehicles, loading and unloading zones and screening of trash and recycling pick-up areas. **Since there is no commercial proposed, there will be no delivery or service vehicles. All trash areas and recycling areas will be appropriately screened and placed.**
14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental or commercial tenancies and how the form of ownership affects taxing entities. **All ownership will be fee-simple. The proposed uses are single-family and condominium. The property is in the nightly-rental zone and it is likely that some owners will rent their properties nightly and will therefore be required to comply with City business licensing and taxation concerns. There should be no inconsistencies in taxing structures from other similar properties.**
15. Within and adjoin the site, environmentally sensitive lands, physical mine hazards, historic mine waste and Park City soils ordinance, steep slopes and appropriateness of the proposed structure to the existing topography of the site. **The SLO covers about one-third of the western portion of the property. No development is planned in this Area. There are no mine hazards or waste on the property due to its early nature as a residential development. This is outlined in the MPD proposal under the Mine Hazards Section of the submittal. The current proposal avoids steep slope areas and there is no evidence of avalanche activity or landslides.**
16. Reviewed for consistency with the goals and the objectives of the Park City General Plan; however such review for consistency shall not alone be binding. **The MPD application has a section of the narrative devoted to the proposed King's Crown project's compliance with the General Plan.**

Thank you for the opportunity to submit this Conditional Use Application as a supplement to our King's Crown MPD submittal. Please do not hesitate to contact us if there are any questions or comments concerning his submittal. We appreciate your time and attention towards this proposal.

Sincerely,

CRH Partners, LLC  
Rory Murphy (435-640-5068)  
Hans Fuegi (435-640-1383)  
Chuck Heath (435-659-8875)



## Exhibit HH - Applicant's Re-Subdivision Narrative

May 16, 2017

Mr. Bruce Ericksen, Planning Director  
Mr. Francisco Astorga, Senior Planner  
Park City Planning Department  
Park City Municipal Corporation  
PO Box 1450  
445 Marsac Avenue  
Park City, UT 84060

### **RE: Subdivision Application and Compliance Statement for King's Crown at Park City MPD Proposal**

Dear Bruce and Francisco,

As per our conversation on May 11<sup>th</sup>, we are submitting this Subdivision application in conjunction with our current MPD application that was submitted on March 31<sup>st</sup>, 2017. This Subdivision application supports and complements the MPD application. This application addresses Section 15.7.1-4 (C) of the Park City Land Management Code which states: "It is the intent of these regulations that Subdivision review be carried out simultaneously with the review of Master Planned Developments. Required Applications shall be submitted in a form to satisfy both the requirements of the Subdivision regulations and the Master Planned Development provisions of the Land Management Code."

Attached to this submittal is our Subdivision application in the form required by the City. The following is the checklist outlined on the Subdivision form and our acknowledgement of the requirements. In compliance with our conversations with Staff and in an effort to reduce waste and redundancy, where the material requested in the Subdivision requirements is identical to that found in the MPD submittal, we have indicated that and asked readers to refer to the MPD submittal. Of course, any of this material can be produced separately if the City Staff, Commission or Council desires it.

1. Completed Application Form. (attached)
2. Written Statement describing the project (please see MPD submittal)
3. Review Fees. (27 SF lots, 5 MF lots = 32 X \$290.00/Lot = \$9,280) **Hans/Chuck: I will wait to hear about this before we include.**
4. Certified topo survey (please see MPD submittal)
5. Proposed Plat (please see MPD submittal)
6. Panoramic Views (please see MPD submittal)
7. Current Aerial (please see MPD submittal)
8. Additional Materials (please see MPD submittal)

9. Reduced copies of above material (please see MPD submittal)
10. HOA acknowledgement (n/a)
11. Current Title Report (attached)
12. Copy of current recorded plat (please see MPD submittal)
13. Amended CC&R's, Declarations, By-Laws (n/a)
14. List of Property Owners within 300 feet (attached)
15. Stamped, addressed envelopes property owners within 300 feet (attached)

Please let us know if there is anything missing or incomplete and we will respond promptly to rectify the shortcoming. In addition to the above application materials, we have included the following Statement of Compliance with the Purpose Statement of the Park City Land Management Code Subdivision section.

#### 15.7.2 Subdivision Purpose Statement Compliance

1. To promote and provide for public health, safety and general welfare of Park City. **The King's Crown proposal complies with all of the requirements of the Park City LMC without exception. The RC Zone and the Sensitive Lands Overlay Zone are the guiding principles that form the project.**
2. To guide the future growth and development of Park City, in accordance with the General Plan. **The King's Crown project complies with the Park City General Plan and the General Plan Statement of Compliance statement is found in the King's Crown MPD submittal.**
3. To provide for adequate light, air and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump areas and other danger and to prevent overcrowding of the land and undo congestion of the population. **The King's Crown proposal is proposed at far less than the underlying density suggests may be available. The geotechnical report is complete and certified by a geotechnical engineer. We have also undertaken environmental surveys that show the property as uncontaminated as well as mine hazard studies that show that there were no mine hazards on the property. The low density and the size of the property together prevent overcrowding and the feeling of congestion.**
4. To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial development of all parts of the municipality. **The King's Crown property is comprised of 295 platted lots that were ill-conceived and poorly planned. The current proposal creates order and a far more beneficial development that is sensitive to the open lands and the character of the City. The inclusion of double the amount of required affordable housing helps to protect the character and social stability of the City, particularly in Old Town which is currently converting rapidly to second homes.**
5. To protect and conserve the value of the land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings. **The proposed King's Crown project has deliberately not included hotels, convention or commercial components due to the sensitive nature of the siting of the project. This was done to minimize conflicts with the neighbors and to maintain the value of the existing buildings and properties surrounding the project.**

6. To guide future public and private policy and action in order to provide adequate and efficient transportation, water, sewer, schools, parks, playgrounds, recreation and other public requirements and facilities. **The close proximity of the transit center is a significant factor in the development of the property. The applicant has worked closely with the City Engineer, Planning and Public Works Departments to propose a project that is sensitive to the water, sewer and other public infrastructure. Given its location adjacent to the lift, it is likely that the proposed development will be primarily second-home in nature and will not generate school children that may impact the schools, parks or playgrounds. The inclusion of 83% open space in the project will go a long way toward maintaining the recreational amenity that is so important to the economy and character of the City.**
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings and to provide for the proper width and location of streets and building lines. **Pedestrian access is a primary guiding tenant of the proposal. There is excellent access to the ski area and this should reduce vehicle impacts on the busy winter high-use days. There is also very good access to Main Street and a host of City amenities, such as the Park and the Library. The development is situated in such a way as to take the maximum advantage of the nearby transit center. All of the proposed development is placed as close to the transit center as possible.**
8. To establish reasonable standards of design and procedures for subdivisions, re-subdivisions and lot line adjustments, in order to further the orderly layout and uses of land; and to ensure proper legal descriptions and monumenting of subdivided land. **The applicant will follow the best management practices that are outlined by the City Code to propose and implement the most efficient and effective designs and procedures. All monumentation and legal descriptions will be exact.**
9. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision, re-subdivision or lot line adjustment. **The applicant has worked with the Public Works, Planning and Engineering Departments to study capacities and the general effectiveness of public facilities. Any area that is lacking in sufficient capacity will be corrected and upgraded by the applicant.**
10. To prevent the pollution or degradation of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize site disturbance; removal of native vegetation and soil erosion; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land. **The applicant's proposal to preserve 83% of the site, and the vast majority of the natural vegetation, is a demonstration of the desire to protect and preserve the integrity, stability and beauty of the property. There are no water features on the site and all surface run-off will be contained on the site. Best management practices concerning soil erosion and water table protection will be strictly observed.**
11. To protect the natural beauty and topography of Park City and insure appropriate development with regard to these natural features. **Relative to protecting natural beauty and topography, the King's Crown proposal is likely one of the most sensitive designs that could be placed on this property. The prominent hillside and forest are protected and the development has all**

**been placed with strong regard to these natural features and the overall aesthetic appearance of Park City.**

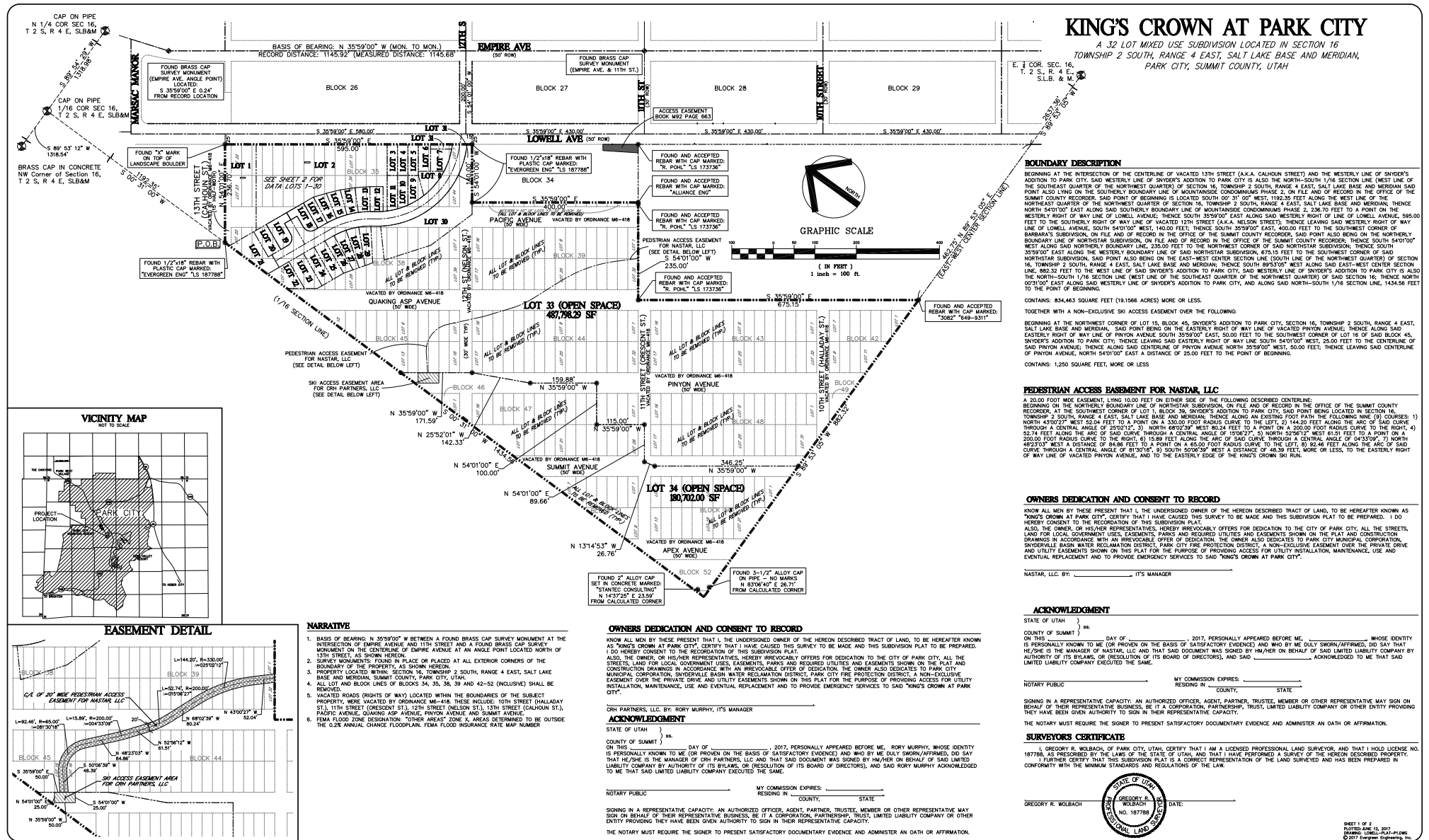
12. To provide for open spaces through the most efficient design and layout of the land, including the use of flexible density or cluster-type zoning in providing for minimum width and the area of lots, while preserving the density of land as established in the LMC of Park City. **The preservation of the large, contiguous and ecologically important open space of this proposal fits this purpose statement precisely. The design is the most efficient use of the site with all development taking place in a cluster towards the areas that are already impacted by the surrounding hotels. The remaining ground is left untouched.**

Thank you for the opportunity to submit this Subdivision proposal as an accompaniment to our King's Crown at Park City MPD. Please do not hesitate to contact us if there are any questions or comments regarding his proposal whatsoever. We appreciate your attention to this and look forward to your comments.

Sincerely,

CRH Partners, LLC  
Chuck Heath (435-659-8875)  
Hans Fuegi (435-640-1383)  
Rory Murphy (435-640-5068)

Exhibit II - Proposed Re-Subdivision





BLOCK 26

LOWELL AVE

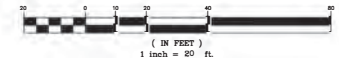
12TH ST.  
(30' ROW)



XXX STREET ADDRESS



GRAPHIC SCALE



**KING'S CROWN  
AT PARK CITY**

SHEET 2 OF 2  
PLATTED: JUNE 12, 2017  
DRAWING: LOWELL-PLAT-192.DWG  
© 2017 Evergreen Engineering, Inc.

RECORDED

Nº \_\_\_\_\_  
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF: \_\_\_\_\_  
COUNTY RECORDER \_\_\_\_\_

**Evergreen  
Engineering, Inc.**

Civil Engineering • Land Surveying • Land Planning  
1670 Bonanza Drive • Suite 104  
P.O. Box 2861 • Park City • Utah • 84060  
Phone: 435.649.4867 • Fax: 435.649.9219  
E-mail: office@evergreen-eng.com

SEE SHEET 1 FOR CONTINUATION OF LOT 33 AND LOT 34

## Planning Commission Staff Report

**Subject:** 1800 Park Avenue, Double Tree by Hilton – The Yarrow  
**Author:** Tippe Morlan, Planner  
**Date:** July 26, 2017  
**Type of Item:** Modification to a previously approved Conditional Use Permit for a temporary structure (tent)

|                            |                                                                                                            |
|----------------------------|------------------------------------------------------------------------------------------------------------|
| <b>Project Number:</b>     | PL-17-03537                                                                                                |
| <b>Applicant:</b>          | Nicole Sharp, Yarrow Resorts                                                                               |
| <b>Location:</b>           | 1800 Park Avenue<br>Double Tree by Hilton, formerly known as The Yarrow                                    |
| <b>Zoning:</b>             | General Commercial (GC)                                                                                    |
| <b>Adjacent Land Uses:</b> | Residential/Commercial/Retail                                                                              |
| <b>Reason for Review:</b>  | Modification of a Conditional Use Permit (approved on May 14, 2014) requires Planning Commission approval. |

### **Summary Recommendation**

Staff recommends that the Planning Commission open and continue the public hearing for a modification to a CUP for a temporary tent structure to be located within the Yarrow Hotel to the August 23, 2017 Planning Commission meeting to allow staff additional time for coordination between departments.

The Planning Department is reviewing a modification to the Conditional Use Permit (CUP) allowing a temporary tent structure for the Double Tree by Hilton – The Yarrow. The Planning Commission approved the original Conditional Use Permit on May 14, 2014, which was permitted for three (3) years with a condition of approval requiring the applicant to resubmit an application for an extension before its expiration. With this application, the applicant is proposing to remove the condition stipulating an expiration date for the CUP and to reduce the number of days the tent is allowed from 260 days in a year to 180 days in a year.



PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** Woodside Park Subdivision - Phase I (1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue)  
**Author:** Hannah M. Tyler, Planner  
**Project Number:** PL-17-03439  
**Date:** July 26, 2017  
**Type of Item:** Legislative – Plat Amendment

### **Summary Recommendations**

Staff recommends the Planning Commission conduct a public hearing and continue the item to a date uncertain pending further internal review.

### **Description**

**Applicant:** Park City Municipal Corporation, Represented by Craig Elliot of Elliot Work Group  
**Location:** 1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue  
**Zoning:** Historic Residential-Medium Density District (HRM)  
**Adjacent Land Uses:** Single-Family, Multi-Family, Municipal Uses  
**Reason for Review:** Plat Amendments require Planning Commission review and City Council review and action



## Planning Commission Staff Report



**Subject:** Woodside Park Affordable Housing  
Project Phase I – Multi-Unit Dwelling and  
Parking Area with five (5) or more spaces  
**Project #:** PL-17-03453  
**Author:** Hannah M. Tyler  
**Date:** July 26, 2017  
**Type of Item:** Administrative – Conditional Use Permits

### **Summary Recommendations**

Staff recommends the Planning Commission conduct a public hearing and continue the item to a date uncertain pending further internal review.

### **Description**

**Applicant:** Park City Municipal Corporation, Represented by Craig Elliot  
of Elliot Work Group  
**Location:** Multi-Unit Dwelling - 1354 Woodside Avenue  
Parking Area with five (5) or more spaces – 1364 Woodside  
Avenue  
**Zoning District:** Historic Residential-Medium Density (HR-M) Zoning District  
**Adjacent Land Uses:** Single-Family, Multi-Family, Municipal Uses  
**Reason for Review:** Conditional Use Permit applications are reviewed and  
approved by the Planning Commission

## Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** Woodside Park Affordable Housing  
Project Phase I  
**Project #:** PL-17-03454  
**Author:** Hannah M. Tyler  
**Date:** July 26, 2017  
**Type of Item:** Administrative – Master Planned Development

### Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to a date uncertain pending further internal review.

### Description

**Applicant:** Park City Municipal Corporation, Represented by Craig Elliot of Elliot Work Group  
**Location:** 1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue  
**Zoning District:** Historic Residential-Medium Density (HR-M) Zoning District  
**Adjacent Land Uses:** Single-Family, Multi-Family, Municipal Uses  
**Reason for Review:** Master Planned Development Applications are reviewed and approved by the Planning Commission

# Planning Commission Staff Report



**Subject:** Master Planned Development  
Applicability in the HR-1, HR-2, and  
HR-M Zoning Districts  
**Author:** Hannah M. Tyler, Planner  
**Project Number:** PL-17-03661  
**Date:** July 26, 2017  
**Type of Item:** Legislative – LMC Amendment

## **Summary Recommendations**

Staff recommends the Planning Commission hold a Public Hearing and continue the item to the August 9, 2017 Planning Commission meeting.

## **Description**

**Project Name:** LMC Amendments regarding Master Planned Development Applicability in the Historic Residential (HR-1), Historic Residential (HR-2) and Historic Residential-Medium (HRM) Density Districts.  
**Applicant:** Planning Department  
**Proposal:** Revisions to the Land Management Code to allow, but not require Master Planned Development applications in the Historic Residential-Medium (HR-M) Density Zoning District for projects that contain Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents, or Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents.

## **Exhibits**

**Exhibit 1** Pending Ordinance

## **Exhibit 1 – Draft Ordinance**

### **Ordinance No. 2017-XX**

#### **AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING MASTER PLANNED DEVELOPMENTS, CHAPTER 15-6.**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in using Master Planned Development provisions to preserve the character of Historic residential Development and commercial Development in the Historic Districts.

WHEREAS, the Purposes of the Historic District Zones encourage and promote: minimizing visual impacts of the automobile and parking by encouraging alternative parking solutions; development of pedestrian friendly residential streets in Use, scale, character and design that is compatible with the community's housing, transportation, and historic preservation objectives; encourage Development that minimizes the number of driveways; Affordable Housing; and Development that provides a transition in Use and scale between the Historic District and the resort Developments.

WHEREAS, the Universal Guidelines of the Park City Design Guidelines for Historic Districts and Historic Sites encourage and promote: the use of a site as it was historically: retention of historic materials and elements: construction of new additions or exterior alterations that maintain the essential historic form of a historic property and do not destroy historic materials: scaling and height of new structures that follow the predominant pattern of the neighborhood; building and site design that respects the existing topography, character-defining site features, existing trees and vegetation, and minimizes cut, fill, and retaining walls.

WHEREAS, the Purposes of the Master Planned Development provisions align with the Purposes of the Historic District Zones and the Universal Guidelines of Park City Design Guidelines for Historic Districts and Historic Sites, specifically: ensure neighborhood Compatibility; strengthen the resort character of Park City; provide a variety of housing types and configurations; provide opportunities for the appropriate

redevelopment and reuse of existing structures/sites and maintain Compatibility with surrounding neighborhood; protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community; and Encourage opportunities for economic diversification and economic development within the community.

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 15 that states, "Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations." Objective 15B states "Maintain character, context and scale of local historic districts with compatible infill development and additions." Community Planning Strategy 15.7 states "Encourage pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes." Community Planning Strategy 15.8 states "Periodically review newly constructed infill projects for suitability and compatibility of infill development within the Historic Districts. Identify issues that threaten the aesthetic experience of the districts and refine the Design Guidelines and/or LMC based on findings. The aesthetic experience should be measured from the pedestrian experience at street frontage. In addition, the influence of site design and architecture should be analyzed in the review." Community Planning Strategy 16.2 states "Create opportunities for affordable and attainable housing in neighborhoods adjacent to and along Main Street that support local businesses."

WHEREAS, Park City has an interest in the preservation of the integrity of the Historic Districts as it relates to the historic feel and character, traditional rhythm and scale, and National Register Historic District designations. The Historic District reflects the history of Park City.

WHEREAS, residential Development and commercial Development in the Historic Districts that do not foster neighborhood Compatibility may have a negative effect upon the overall economy and vitality of the Historic Districts in terms of satisfaction of visitor and resident experience, economic development, and National Register Historic District designations; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on July 26, 2017 and \_\_\_\_\_, 2017 and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on \_\_\_\_\_, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the Historic Districts; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-6 Master Planned Developments. The recitals above are incorporated herein as findings of fact. Chapter 15-6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, Mayor

Attest:

\_\_\_\_\_  
City Recorder

Approved as to form:

\_\_\_\_\_  
Mark Harrington, City Attorney

**Exhibits**

Exhibit A – LMC § 15-6-2 Applicability in MASTER PLANNED DEVELOPMENTS (MPD)

## Exhibit A – LMC § 15-6-2 Applicability in MASTER PLANNED DEVELOPMENTS (MPD)

### 15-6-2 Applicability

- A. **Required.** The Master Planned Development process shall be required in all Zoning Districts except in the Historic Residential-Low Density (HRL), Historic Residential (HR-1), Historic Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:
1. Any Residential project with ten (10) or more Lots.
  2. Any Residential project with ten (10) or more Residential Unit Equivalents (20,000 square feet).
  3. Any Hotel or lodging project with ten (10) or more Residential Unit Equivalents (20,000 square feet).
  4. Any new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial project with 10,000 square feet or more of Gross Floor Area.
  5. All projects utilizing Transfer of Development Rights Development Credits.
  6. All Affordable Housing MPDs consistent with Section 15-6-2 herein.
- B. **Allowed but not required.**
1. The Master Planned Development process is allowed, but is not required, in the General Commercial (GC) and Light Industrial (LI) Zoning Districts for:
    - a. Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents; or
    - b. Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents; or
    - c. New Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial projects with less than 10,000 square feet of Gross Floor Area.
  2. The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) Zoning Districts only when the HR-1 or HR-2 zoned Properties are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC and HCB Zoning Districts. See Section 15-6-5 (F) Building Height.
  3. The Master Planned Development process is allowed, but is not required in the Historic Residential-Medium (HRM) Density Zoning District for:
    - a. Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents, or
    - b. Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents.

Height exceptions will not be granted for Master Planned Developments within the HRM Zoning Districts. See Section 15-6-5(F) Building Height.

4. The Master Planned Development process is allowed, but is not required, when the Property is located in the HR-1 Zoning District and is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an Affordable Housing MPD consistent with Section 15-6-7 herein.
- B. **Not Allowed.** The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above or as specifically required by the City Council as part of an Annexation or Development Agreement.

*Adopted by Ord. 02-07 on 5/23/2002*

*Amended by Ord. 04-08 on 3/4/2004*

*Amended by Ord. 06-22 on 4/27/2006*

*Amended by Ord. 10-14 on 4/15/2010*

*Amended by Ord. 11-12 on 3/31/2011*

*Amended by Ord. 13-23 on 7/11/2013*

*Amended by Ord. 15-36 on 6/25/2015*



## Planning Commission Staff Report

**Subject:** 277 McHenry Avenue Plat Amendment  
**Author:** Tippe Morlan, Planner II  
**Date:** July 26, 2017  
**Type of Item:** Administrative – Plat Amendment

|                                  |                                                                                        |
|----------------------------------|----------------------------------------------------------------------------------------|
| <b>Project Number:</b>           | PL-16-03165                                                                            |
| <b>Applicant:</b>                | Michael Kaplan                                                                         |
| <b>Applicant Representative:</b> | David White, Architect                                                                 |
| <b>Location:</b>                 | 277 McHenry Avenue                                                                     |
| <b>Zoning:</b>                   | Historic Residential – Low Density (HRL)                                               |
| <b>Adjacent Land Uses:</b>       | Residential single-family homes                                                        |
| <b>Reason for Review:</b>        | Plat Amendments require Planning Commission review and City Council review and action. |

### **Proposal**

The proposed 277 McHenry Plat Amendment seeks to combine the two existing lots located at 277 McHenry Avenue into one lot of record and to formally dedicate Right-of-Way for McHenry Avenue. 277 McHenry is made up of Lot 12 and the north half of Lot 11 within Block 60 of the Park City Survey with the existing house built over the lot lines.

### **Summary Recommendations**

Staff recommends the Planning Commission hold a public hearing for the 277 McHenry Avenue Plat Amendment located at 277 McHenry Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

### **Background**

**May 3, 2016** – The City received a Plat Amendment application for the 277 McHenry Plat Amendment which was deemed complete on May 25, 2016.

**November 2, 2016** – The Planning Department received an application for three variances. The application was deemed complete on December 28, 2016. The requested variances were as follows:

1. Allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,000 square feet.
2. Allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,166 square feet.
3. Reduce the rear yard setback requirement from 10 feet to 5 feet for the construction of a detached garage and accessory apartment on the eastern portion of the lot.

**March 21, 2017** – The Board of Adjustment conducted a public hearing and **APPROVED** a variance request to allow a proposal of the accessory apartment at 277 McHenry Avenue with an allowed square footage of up to a maximum of 1,000 square feet.

**March 21, 2017** – The Board of Adjustment also conducted a public hearing and **DENIED** a variance request to allow a square footage greater than 1,000 square feet for the accessory apartment.

**May 16, 2017** – The Board of Adjustment conducted a public hearing and **DENIED** a variance request to allow a 5' setback reduction from 10' in the rear yard to construct an Accessory apartment in the HR-L zone.

### **Purpose**

The purpose of the Historic Residential Low-Density (HRL) District is to:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- B. provide an Area of lower density Residential Use within the old portion of Park City,
- C. preserve the character of Historic residential Development in Park City,
- D. encourage the preservation of Historic Structures,
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

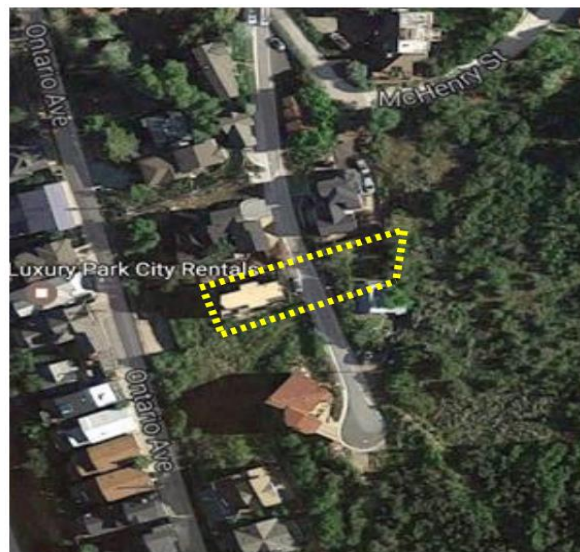
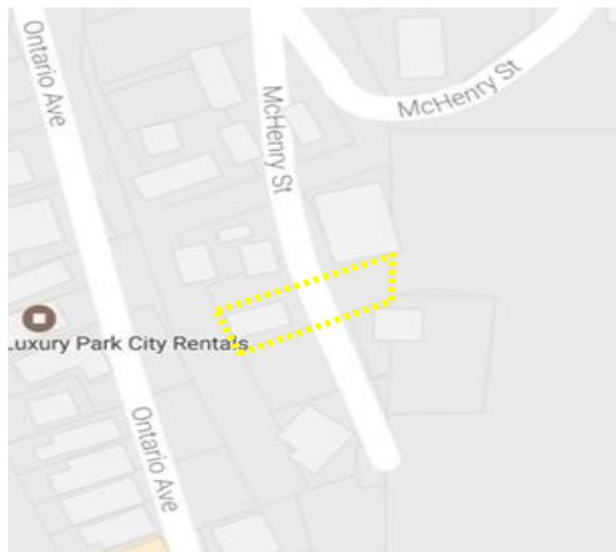
### **Analysis**

The proposed Plat Amendment combines the existing two (2) lots at this address creating one (1) lot of record 4,833 square feet in size. The property is located within the HR-L District and consists of all of Lot 12 and one-half of Lot 11 of Block 60 of the Park City Survey. The site is currently occupied by a non-historic, non-conforming duplex which lacks adequate parking with 4 spaces required and 2 provided. The Duplex was built in 1973 over the property line between the two lots. A plat amendment is required prior to any development since the owner may not build over lot lines.

### **Road Dedication**

As part of the plat amendment, the road which bisects the lot – McHenry Avenue – will be formally dedicated to the City. Utah Code § 72-5-104 dedicates streets and roads to the use of the public when it has been continuously used as a public thoroughfare for a period of ten (10) years. McHenry has continuously been used as a public thoroughfare for much longer than the required ten (10) years. The proposed Plat Amendment formalizes this road dedication. The area of road will not be counted toward yard or area requirements pursuant to LMC § 15-7.3-4(l)(2) ("Land reserved for any road purposes

may not be counted in satisfying yard or Area requirements contained in the Land Management Code”).



#### Existing Non-conforming Use

Due to the legal non-conforming duplex use of the existing structure, staff recommends that any approvals for an accessory apartment (which requires a future CUP application) be limited by a condition that the owner return the existing duplex to a single-family dwelling. This would maintain the existing density on the lot.

Staff would not be able to support an accessory apartment for a site with an existing duplex as it would increase the density of the lot and parking needs would still not be met. Staff would only support an accessory apartment if the applicant is willing to forego their duplex by submitting appropriate permits and completing the work to accommodate a single-family dwelling instead. Should this be the case, staff recommends placing a deed restriction on the property that indicates that the City approved use would be limited to a single-family dwelling. This would mean all the work converting the existing duplex to a single-family dwelling must be completed and a deed restriction recorded before a certificate of occupancy can be issued.

Approving the accessory apartment to be built addresses the parking situation that the existing duplex created. A duplex requires 2 parking spaces per unit. Currently, two legal, paved parking spaces exist for 277 McHenry. If the accessory apartment is approved with the two car garage (as proposed) and the duplex becomes a single-family dwelling, then required parking for both uses will be met.

#### HR-L Zone Requirements

The existing use of a duplex dwelling is a non-conforming use in the Historic Residential-Low Density District. The applicant would like to convert the existing building to a single-family dwelling and construct an accessory apartment with a two-car garage in order to help the lot better conform to the requirements of the zone while also

maintaining the existing density of two dwelling units at this address.

An accessory apartment is a conditional use in the HR-L zone. The applicant would need to submit a separate conditional use permit (CUP) application for this use. The LMC indicates that: "Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum floor Area of 1,000 square feet and shall be no less than 400 square feet with no more than two (2) Bedrooms." However, the Board of Adjustment has approved a variance to allow an accessory apartment of up to 1,000 feet at this location. Additionally, one parking space per bedroom must be provided and nightly rentals are not allowed in the Main house or the Accessory Apartment. Along with other requirements, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure, and the Accessory Apartment shall not be sold separately. Compliance with these regulations will be reviewed in further detail at the time of CUP review. Conditional uses are reviewed and approved by the Planning Commission.

A steep slope CUP application will also need to be filed since it is required for any construction proposed on a slope of 30 percent or greater. A Historic District Design Review application is also required for any new development or renovation proposed at this address since it is in a historic zone district.

The minimum lot area for a single-family dwelling in the HR-L district is 3,750 square feet. The proposed lot meets the minimum lot area for a single-family dwelling with a size of 4,833 square feet. The entire lot is proposed to be split into three sections: the west portion with the existing structure (approximately 2,557 square feet), the east portion with the proposed accessory apartment (approximately 1,824 square feet), and the road dedication for McHenry Avenue (approximately 452 square feet). Since the road bisects the east and west portions of the lot, this plat amendment should be conditioned upon the lot never being divided or sold separately. Both sides of the road will always be 277 McHenry Avenue, although they can be identified as "A" and "B."

Based on the buildable lot size of 4,381 square feet (excluding the dedicated road area), the applicant would be entitled to a maximum building footprint of 1,712.2 square feet. The current footprint on the lot is 700 square feet.

Front and rear yard setbacks are determined in the HR-L zone by the lot depth. The longer the depth of the lot the greater the setbacks, as shown in Table 15-2.1a:

- (E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

**TABLE 15-2.1a**

| Lot Depth               | Minimum Front/Rear Setback | Total of Setbacks |
|-------------------------|----------------------------|-------------------|
| Up to 75 ft., inclusive | 10 ft.                     | 20 ft.            |
| From 75 ft. to 100 ft.  | 12 ft.                     | 25 ft.            |
| Over 100 ft.            | 15 ft.                     | 30 ft.            |

The overall depth of the property, including the road at 277 McHenry Ave ranges from 120 feet to 137 feet. However, since McHenry Avenue bisects the lot into two sections and creates two frontages for the property, the setbacks for each side of the lot will be measured separately as if they were two individual lots. The depth of the west portion of the lot ranges from 66 to 70 feet, and the depth of the east portion of the lot ranges from 42 feet to 55 feet. Since both sections are under 75' in depth, the minimum front and rear setbacks are 10 feet each.

The minimum lot width allowed in the HR-L zone is thirty-five feet (35'). The proposed lot width is thirty-five and a half feet (35.5') for both sections of the lot, meeting this requirement. This width also informs the side yard setbacks which are a minimum of 3 feet on each side and a minimum of 6 feet total. The existing house meets these setback requirements.

Table 1 shows applicable development parameters in the Historic Residential-Low Density District:

Table 1:

| LMC Regulation                                      | Requirements                                                                                                                                                    |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building Footprint                                  | 1,712 square feet, maximum based on lot size.                                                                                                                   |
| Front/Rear Yard Setbacks                            | 10 feet minimum, 20 feet total for each portion of the lot (A and B) with McHenry Avenue as the front.                                                          |
| Side Yard Setbacks                                  | 3 feet minimum, 6 feet total.                                                                                                                                   |
| Building (Zone) Height                              | No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.                                                             |
| Final Grade                                         | Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].                                                                |
| Lowest Finish Floor Plane to Highest Wall Top Plate | A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...]. |
| Vertical Articulation                               | A ten foot (10') minimum horizontal step in the downhill façade is required [...].                                                                              |
| Roof Pitch                                          | Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.                                                           |

|         |                                                                                                                            |
|---------|----------------------------------------------------------------------------------------------------------------------------|
| Parking | Single-Family Dwelling: 2 per Dwelling Unit<br>Duplex: 2 per Dwelling Unit (4 total)<br>Accessory Apartment: 1 per bedroom |
|---------|----------------------------------------------------------------------------------------------------------------------------|

In terms of the existing structure, the lack of parking for a duplex (4 required spaces, 2 provided) and the lot line running through the structure are the only discrepancies found as other standards have been reviewed, and staff has not found any other issues with the built structures.

### **Good Cause**

Planning Staff finds that there is good cause for this plat amendment as Staff finds that the plat amendment will not cause undue harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met. The proposed lot configuration cleans up property lines bisecting the existing home and dedicates McHenry Avenue to the City, allowing the property owner to move forward with development which will bring the lot into compliance with LMC requirements.

### **Process**

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code § 1-18.

### **Department Review**

This project has gone through an interdepartmental review. The Engineering Department indicated that a utility easement is required on the plat 10 feet from the sewer line located in McHenry Avenue on the uphill side of the road. The Water Department has also indicated that meters are required on both sides of the road.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

### **Public Input**

No public input has been received by the time of this report.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the 277 McHenry Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 277 McHenry Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 277 McHenry Avenue Plat Amendment.

**Significant Impacts**

There are no significant fiscal or environmental impacts from this application.

**Consequences of not taking the Planning Department's Recommendation**

The site would remain as is. The site would contain one (1) single-family dwelling on Lot 7. The property owner would be able to build another single-family dwelling on Lot 8.

**Summary Recommendation**

Staff recommends the Planning Commission hold a public hearing for the 277 McHenry Avenue Plat Amendment located at 277 McHenry Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

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**Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Record of Survey

Exhibit C – Aerial Photograph

Exhibit D – County Tax Map

Exhibit E – Applicant's Project Narrative

Exhibit F – Site Photographs

## Exhibit A: Draft Ordinance

Ordinance No. 17-XX

AN ORDINANCE APPROVING THE 277 MCHENRY PLAT AMENDMENT LOCATED AT 277 MCHENRY AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 277 McHenry Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on July 26, 2017, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on July 26, 2017, forwarded a recommendation to the City Council; and,

WHEREAS, on August 17, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 277 McHenry Avenue Plat Amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

**SECTION 1. APPROVAL.** 277 McHenry Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 277 McHenry Avenue in the Historic Residential-Low Density (HR-L) District.
2. The property consists of all of Lot 12 and half of Lot 11 of Block 60 of the Park City Survey.
3. On May 3, 2016, the City received a Plat Amendment application for the 277 McHenry Plat Amendment which was deemed complete on May 25, 2016.
4. On July 10, 2017, the property was posted and notice was mailed to affected property owners within 300 feet.
5. Legal notice was published in the Park Record on July 12, 2017.
6. Adjacent land uses are residential single-family homes.



7. The minimum lot size in the HR-L zone is 3,750 sf.
8. The subject site contains a total of 4,381 square feet, not including the road.
9. The western portion of 277 McHenry is a total of 2,557 sq. ft.
10. The eastern portion of 277 McHenry is a total of 1,824 sq. ft.
11. The portion of the lot with the road is a total of 452 sq. ft.
12. The existing duplex is 2,100 sq. ft. with a footprint of 700 sq. ft. The maximum footprint allowed on the lot is 1,712.2 square feet, based on the total lot area (minus the road). No variance to the maximum footprint has been requested.
13. In the HR-L zone, an accessory apartment is a Conditional Use.
14. The existing Duplex was built in 1973 over two property lines. No building permits could be located.
15. The existing Duplex is a legal non-conforming use in the HR-L zone.
16. Front and rear yard setbacks are 10 feet minimum and 20 feet combined for section of the lot (east and west) measured separately.
17. Two frontages are created with McHenry Avenue bisecting the property.
18. The property on both sides of McHenry Avenue are addressed as 277 McHenry Avenue.
19. Side yard setbacks for both sections of the lot are 3 feet minimum on each side and 6 feet combined. The existing structure and the proposed accessory apartment structure meet the side yard setback requirements.
20. Parking requirements for a Single Family home are 2 spaces per dwelling unit.
21. Parking requirements for a Duplex dwelling is 2 spaces per dwelling unit.
22. Parking requirements for an accessory apartment are 1 space per bedroom.
23. The existing duplex structure has 2 parking spaces which will remain if it is converted into a Single Family dwelling.
24. If an accessory apartment is approved with the 2-car garage (as proposed) and the duplex becomes a single-family dwelling, each unit will comply with all applicable parking requirements.
25. The existing duplex does not meet current parking requirements providing 2 spaces with 4 spaces required.
26. A variance to allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,000 square feet has been granted to the applicant at the March 21, 2017 Board of Adjustment meeting.
27. A variance to allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,166 square feet at this address has been denied at the March 21, 2017 Board of Adjustment meeting.
28. A variance to reduce the rear yard setback from 10 feet to 5 feet on the eastern portion of the lot has been denied at the May 16, 2017 Board of Adjustment meeting.
29. The location of the McHenry Road, splitting the subject site in two, does not allow any construction in that same location.

Conclusions of Law:

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions.
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 for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the front of the property.
4. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
5. A utility easement is required on the plat 10 feet from the sewer line located in McHenry Avenue on the uphill side of the road.
6. McHenry Avenue will be dedicated to Park City Municipal Corporation on the plat.
7. The density cannot increase on this lot. If the applicant wants to apply for an accessory apartment, the duplex will need to be converted to a single-family dwelling.
8. This lot can never be further subdivided or sold separately. The property on both sides of the road will always be 277 McHenry Avenue. This shall be noted on the plat prior to recordation.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 26<sup>th</sup> day of July, 2017.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

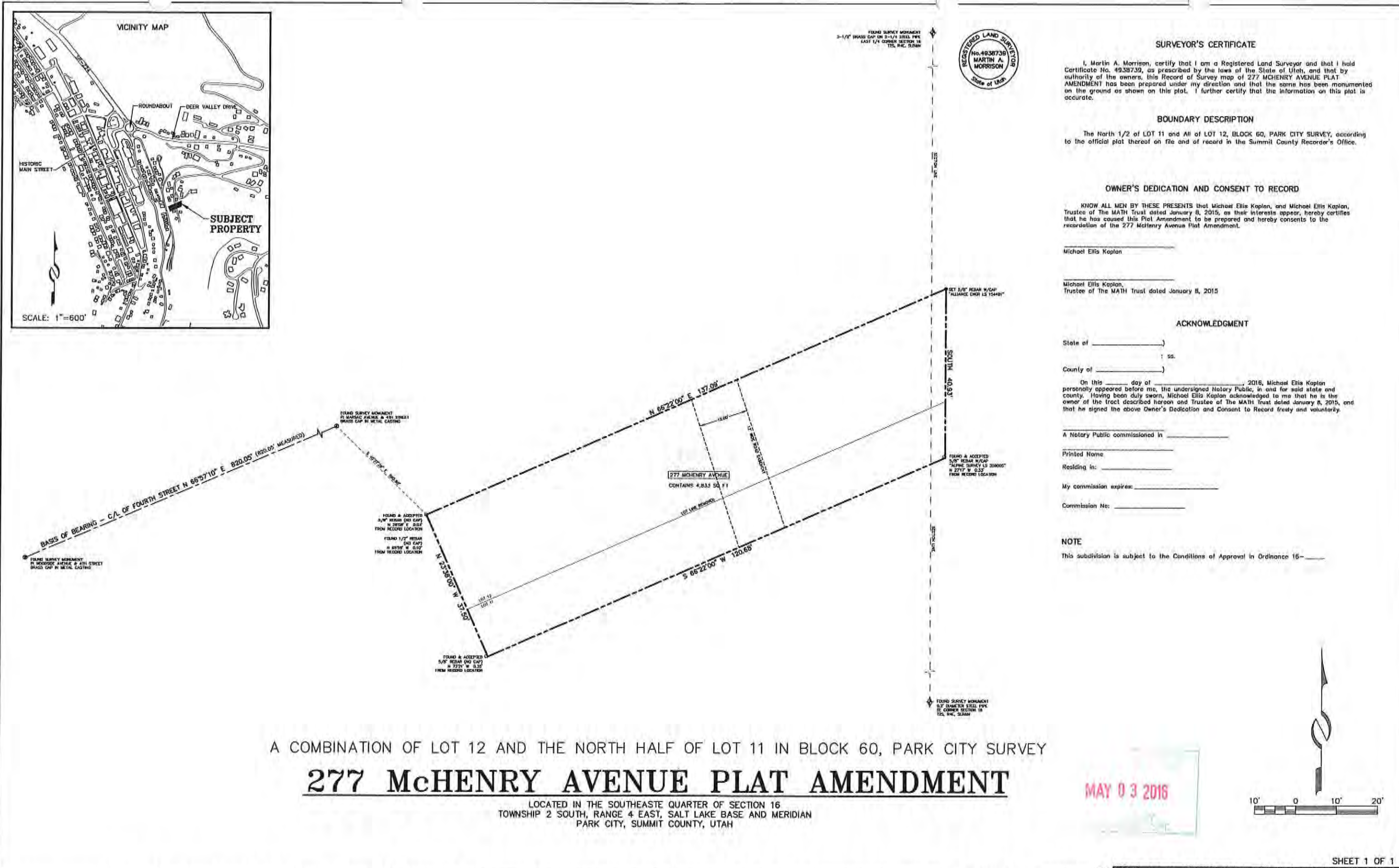
\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney

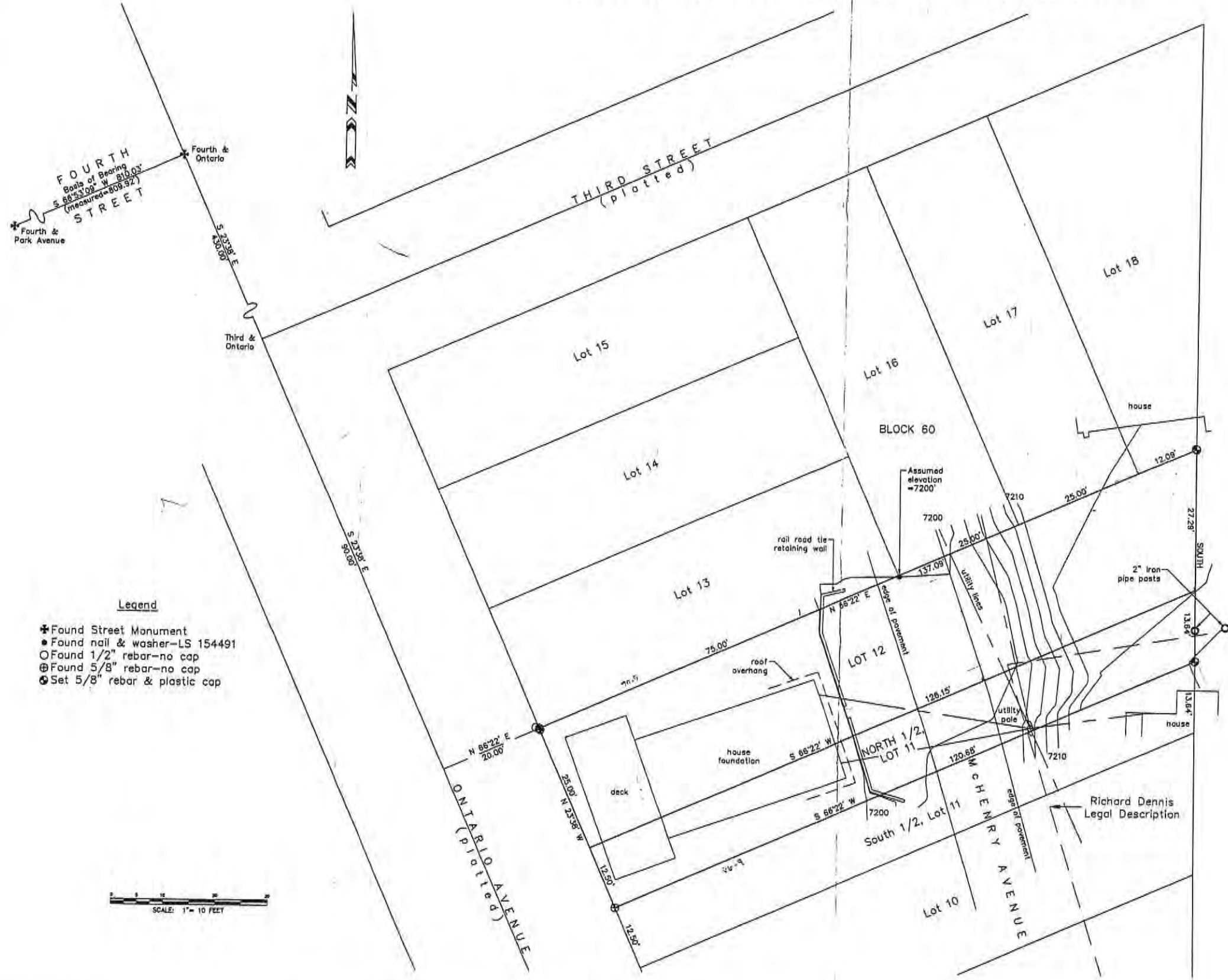
**Attachment 1** – Proposed Plat



|                                                                                                                                  |                                                                                                                                                                                                  |                                                                                                                            |                                                                                                                                                                         |                                                                                                               |                                                                                                                                        |                                                                                                                                                    |                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <br>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br>323 Main Street, P.O. Box 2564, Park City, Utah 84302-2564<br>(435) 649-9407 | SNYDERVILLE BASIN WATER RECLAMATION DISTRICT<br>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____<br>DAY OF _____, 2016<br>BY _____<br>S.R.W.R.D. | PLANNING COMMISSION<br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____<br>DAY OF _____, 2016<br>BY _____<br>CHAIR | ENGINEER'S CERTIFICATE<br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____<br>DAY OF _____, 2016<br>BY _____<br>PARK CITY ENGINEER | APPROVAL AS TO FORM<br>APPROVED AS TO FORM THIS _____<br>DAY OF _____, 2016<br>BY _____<br>PARK CITY ATTORNEY | COUNCIL APPROVAL AND ACCEPTANCE<br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016<br>BY _____<br>MAYOR | CERTIFICATE OF ATTEST<br>I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016<br>BY _____<br>PARK CITY RECORDER | RECORDED<br>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____<br>DATE _____ TIME _____ ENTRY NO. _____<br>FEE _____<br>RECORDED |
|                                                                                                                                  | JOB NO.: 4-3-16 FILE: X:\ParkCitySurvey\dwg\sr\plat2016\040316.dwg                                                                                                                               |                                                                                                                            |                                                                                                                                                                         |                                                                                                               |                                                                                                                                        |                                                                                                                                                    |                                                                                                                                                  |



Park City Survey, Block 60,  
Lot 12 & the North 1/2 of Lot 11



NARRATIVE

1. Survey requested by: Michael Kaplan.
2. Purpose of survey: locate the specified topographic relief.
3. Basis of survey: found Street Monuments, according to the amendment of Sheet #3 of the Park City Monument Control Map by Bush & Guggell, Inc., on file and of record in the office of the Summit County Recorder.
4. Date of survey: May 31, 2002.
5. Property corners found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. For the previous breakdown of Lot 11 see the record of survey No. S-406 by Alliance Engineering, on file in the office of the Summit County Recorder.
9. The Richard Dennis Legal Description as shown encroaches on the property but has a questionable validity. Further title research is recommended.
10. An assumed elevation of 7200 feet was assigned to the nail and washer in the asphalt street at the southwesterly corner of Lot 16, as shown.

LEGAL DESCRIPTION

All of Lot 12 and the North 1/2 of Lot 11, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit Co. Recorder; containing ±0.11 acres.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

16.29.05  
Date

J.D. Gailey, License No. 359005

Alpine Survey, Inc.  
19 Prospector Drive  
Park City, Utah 84060  
(435) 655-8016

MAY 03 2016

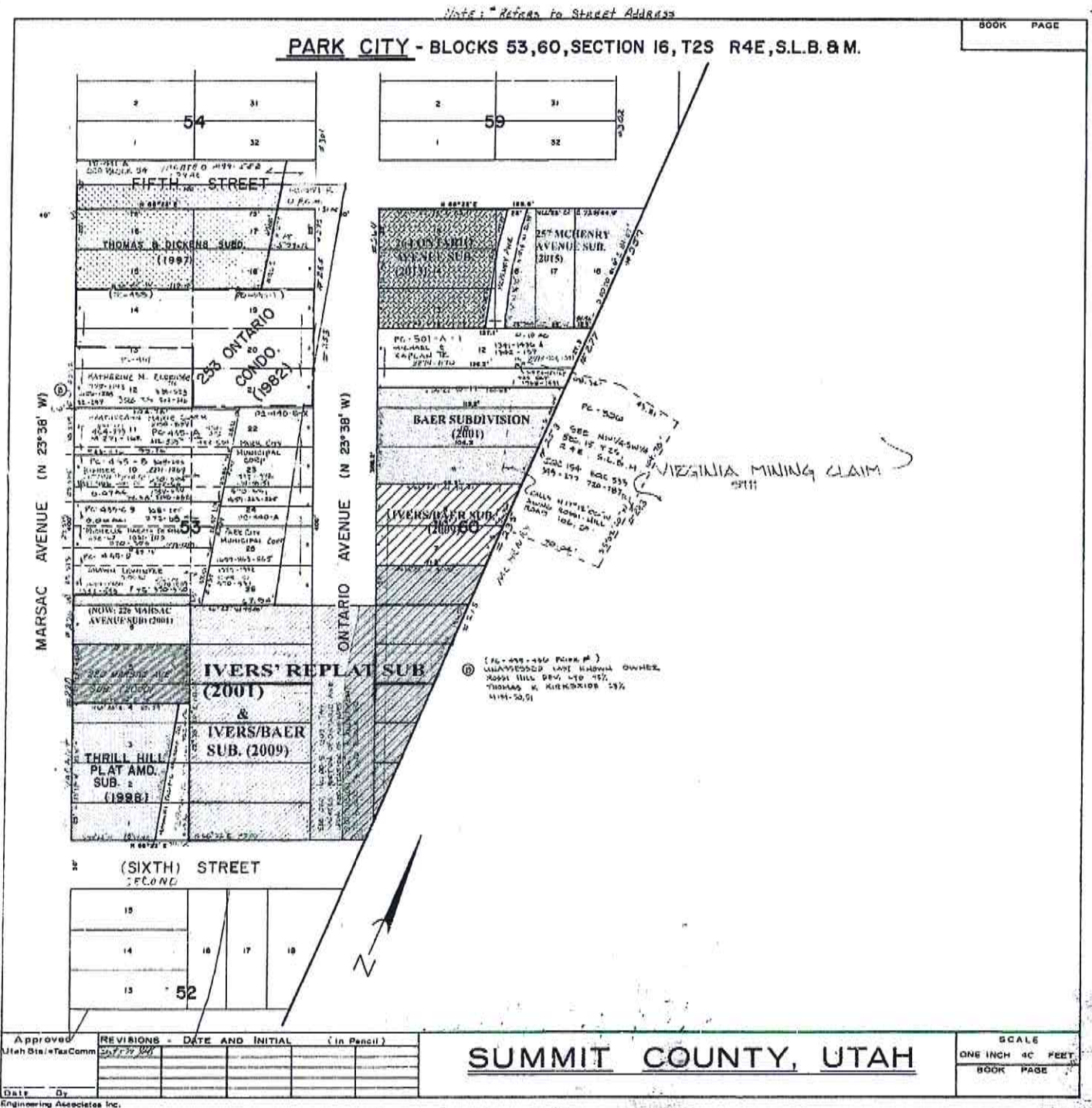




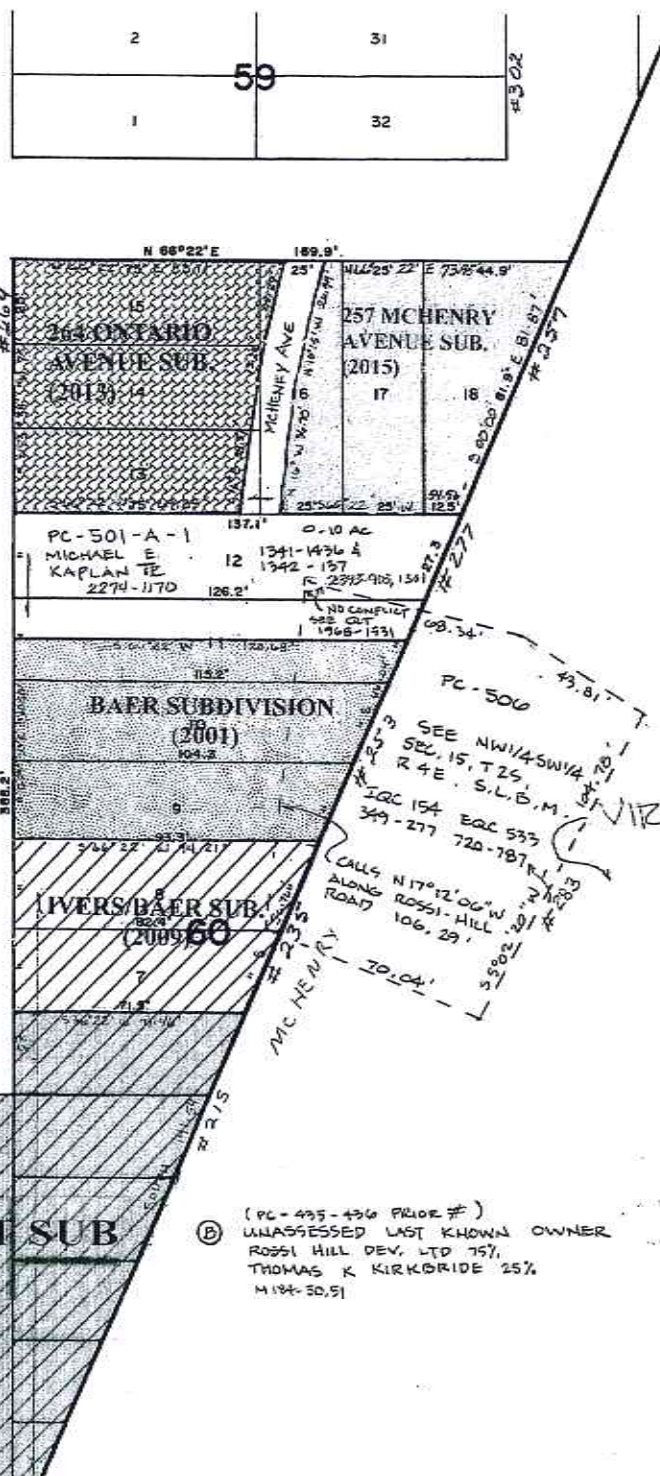
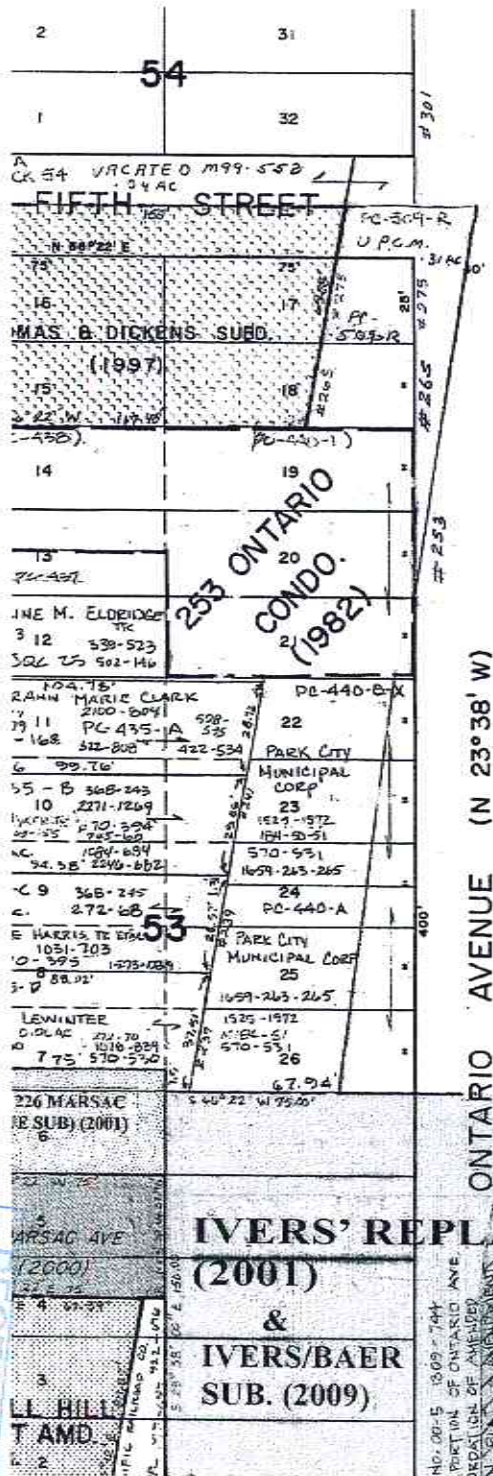
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CITY OF PARK CITY

|                                                                                                                                                                                                                   |                               |                                                                                                                       |                                                                                            |                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|---------------------------------------------------|
| <br><small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br/>323 Main Street P.O. Box 2184 Park City, Utah 84060-2184</small> | <small>(435) 849-9487</small> | <small>STAFF:<br/>MARSHALL KING<br/>JESSE MORENO</small>                                                              | <b>AERIAL PHOTOGRAPH</b><br><b>277 McHENRY AVENUE</b><br><b>BLOCK 60, PARK CITY SURVEY</b> | <b>SHEET</b><br><b>1</b><br><b>OF</b><br><b>1</b> |
|                                                                                                                                                                                                                   | <small>DATE: 4/21/16</small>  | <small>FOR: MICHAEL KAPLAN<br/>JOB NO.: 4-3-16<br/>FILE: X:\ParkCitySurvey\dwg\Exhibits\277 McHenry-ortho.dwg</small> |                                                                                            |                                                   |





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JUN 21 2016  
PARK CITY  
PLANNING DEPT



RECEIVED  
JUN 21 2016  
PARK CITY  
PLANNING DEPT.



PARK CITY SURVEY, BLOCK 60,  
LOT 12 AND THE NORTH HALF OF LOT 11

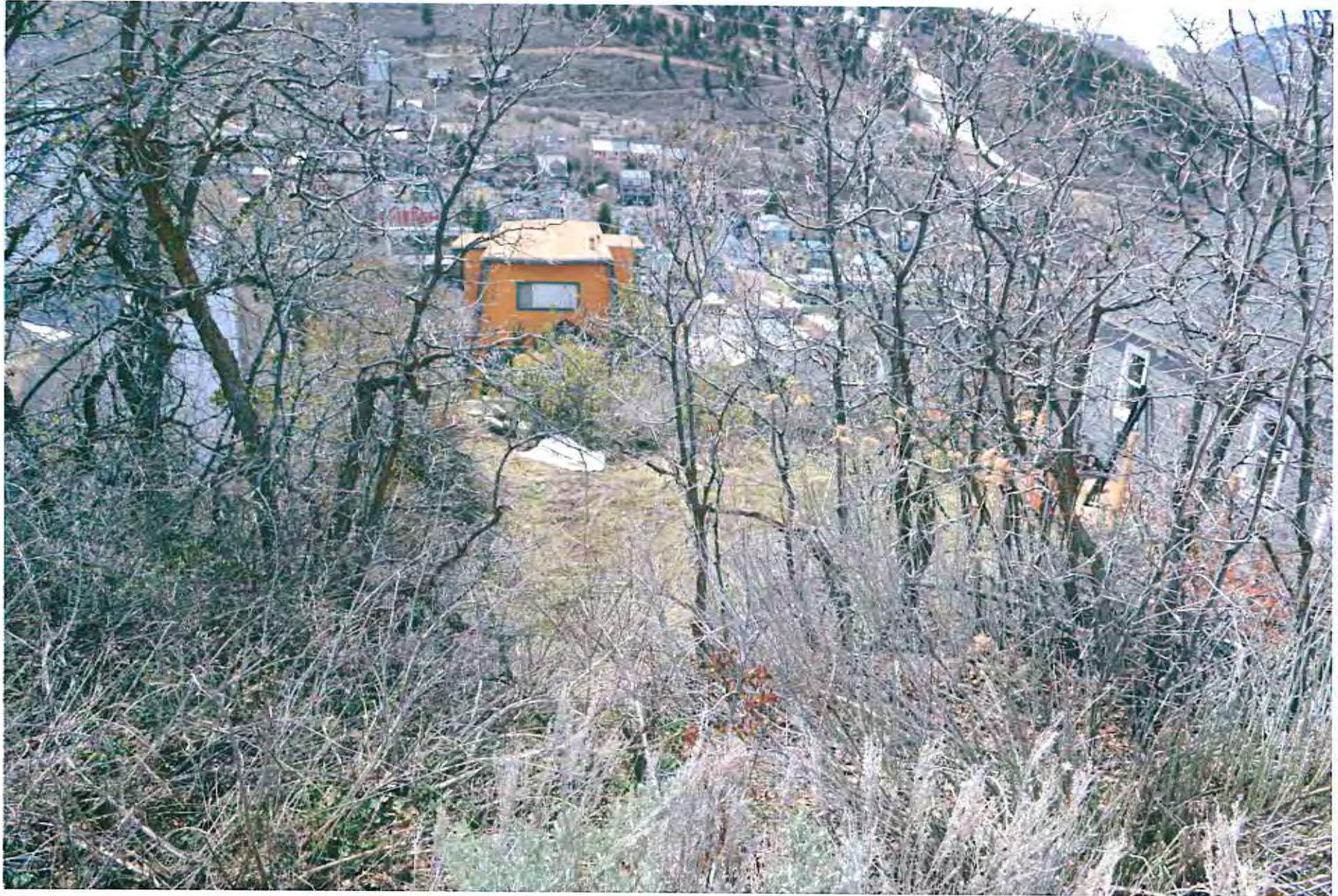
(277 McHENRY AVENUE)

PROJECT INTENT

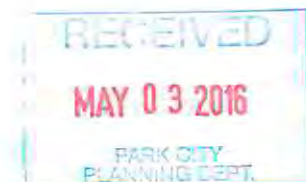
The property at 277 McHenry Avenue is currently occupied by a duplex on the west side. The east side of the property is vacant and the east and west sides are divided by existing McHenry Avenue. The owner desires to convert the existing duplex into a single family residence and construct a garage with living space above on the east side of the property . The lot line that currently exists between Lot 11 and Lot 12 would be removed to unify the property into one lot of record and an easement would be granted over the currently existing McHenry Avenue.







277 McHenry Avenue – looking west







East portion of 277 McHenry Avenue – looking east







277 McHenry Avenue – looking east







277 McHenry Avenue – looking southwesterly







277 McHenry Avenue – looking north



# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** PL-17-03586 LMC Amendments -  
Conventional Chain Businesses in  
the HRC and HCB Zoning Districts

**Author:** Hannah M. Tyler, Planner  
Bruce M. Erickson, AICP, Planning Director

**Project Number:** PL-17-03586

**Date:** July 26, 2017

**Type of Item:** Legislative – LMC Amendment

## **Summary Recommendations**

On May 11<sup>th</sup>, 2017, City Council gave staff direction to complete Land Management Code amendments addressing Conventional Chain Businesses in the Historic Recreation Commercial (HRC) and Historic Commercial Businesses (HCB) Zoning Districts for the Storefront Enhancement Program.

The Planning Department requests the Planning Commission open a public hearing, review the possible Land Management Code amendments, and forward a positive recommendation regarding staff's proposed changes as referenced in this staff report to City Council.

## **Description**

**Project Name:** LMC Amendments regarding Conventional Chain Businesses in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Districts.

**Applicant:** Planning Department

**Proposal:** Revisions to the Land Management Code

## **Reason for Review**

Amendments to the Land Management Code (LMC) require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per Land Management Code (LMC) § 15-1-18.

## **Acronyms in This Report**

|      |                                |
|------|--------------------------------|
| CCB  | Conventional Chain Business    |
| HCB  | Historic Commercial Business   |
| HPCA | Historic Park City Alliance    |
| HRC  | Historic Recreation Commercial |
| LMC  | Land Management Code           |

## **Background**

On December 8<sup>th</sup>, 2016, staff presented a Work Session regarding the Main Street Storefront Enhancement Program Land Use Controls to City Council. The broader

Storefront Enhancement Program consists of at least five (5) strategies addressing Main Street vibrancy as directed by the General Plan and zoning designations. The five (5) strategies include:

1. Historic District(s) and Main Street National Register Historic District protections.
2. Design Guidelines for Historic Districts and Historic Sites (Main Street specific).
3. Shared-economy model and cultivation of incubator space(s).
4. Land Management Code (zoning) regulations.
5. Future Redevelopment Agency (RDA) potential.

The LMC implements goals, objectives and policies of the General Plan to maintain the quality of life and experiences for residents and visitors and to preserve the community's unique character and values. These proposed LMC amendments were reviewed for consistency with the General Plan. The General Plan outlines Park City's community goals and values as it pertains to Main Street and/or Conventional Chain Business (CCB):

- **Core Value: Sense of Community**
  - It is essential that Park City does not lose its character in order to remain competitive in the tourism industry.
- **General Plan Sense of Community Goals**
  - **12A:** Retain and expand existing Park City businesses.
  - **12B:** Improve the balance of jobs-to-housing ratio in Park City through efforts to attract higher paying jobs and workforce housing strategies.
  - **12C:** Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience.
  - **12D:** Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique *Park City experience*.

The Land Management Code through the zoning designations of the Historic Commercial Business (HCB) and Historic Recreation Commercial (HRC) Districts supports the Values and Goals in the General Plan.

The Districts are nearly identical in the Purposes shown below.

- (A) Preserve the cultural heritage of the City's original Business, governmental and residential center.
- (B) Facilitate the continuation of the visual character, scale and Streetscape of the original Park City Historical District.
- (C) Allow the Use of land for retail, commercial residential recreational and institutional purposes to engage and foster the economic and *cultural vitality* (emphasis added) of the City.
- (J) Maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by encouraging a Business mix that encourages a high level of *vitality* (emphasis added) activity and public / resort-related attractions.



On December 8<sup>th</sup>, 2016, City Council gave staff direction to complete the following:

1. Amend the Land Management Code (LMC) to limit the allowable storefront width to fifty-feet (50') on the Main Street façade and the Heber Avenue façade of any single business location on Main Street in the Historic Recreation Commercial (HRC) and the Historic Commercial Business (HCB) Districts.
2. Update the Design Guidelines for Historic Districts and Historic Sites to address Corporate Architecture (*in process with the Historic Preservation Board*).

Staff brought forward the proposed LMC Amendments regarding allowable storefront width to Planning Commission on February 22, 2017 ([Staff Report](#), pg. 93 – [Minutes](#), pg. 7). Planning Commission forwarded a unanimous positive recommendation to City Council. City Council unanimously approved the LMC Amendments on April 27<sup>th</sup>, 2017 ([Staff Report](#), pg. 102 – [Minutes](#), pg. 7).

The specific sections of the Land Management Code that were amended are listed below:

- [LMC § 15-2.5-3 Lot and Site Requirements](#) in HISTORIC RECREATION COMMERCIAL (HRC)
- [LMC § 15-2.6-3 Lot and Site Requirements](#) in HISTORIC COMMERCIAL BUSINESS (HCB)

On May 11<sup>th</sup>, 2017, the Planning and Economic Development Departments conducted a Work Session with City Council to address potential Land Use controls related to CCBs ([Staff Report](#), pg. 47 – [Minutes](#), pg. 8). City Council gave staff direction to pursue a cap on CCBs in the HCB.

Since May 11<sup>th</sup>, 2017, staff has met with stakeholders directly, including the Historic Park City Alliance (HPCA), community members, Main Street business owners, Main Street building owners, and members of the real estate community to gather input. The major feedback received by the HPCA was to include the HRC in the calculation and LMC Amendment for the total cap on CCBs. Staff has taken that input and included the HRC in the LMC Amendment upon further review.

Below is a chronological list of all Public Meetings regarding the Storefront Enhancement Program and CCBs:

1. December 8<sup>th</sup>, 2016 City Council - Work Session ([Staff Report](#), pg. 13 – [Minutes](#), pg. 3)
2. February 22<sup>nd</sup>, 2017 Planning Commission - Regular Agenda ([Staff Report](#), pg. 93 – [Minutes](#), pg. 7)
3. March 16<sup>th</sup>, 2017 City Council - New Business([Staff Report](#), pg. 155 – [Minutes](#), pg. 12)
4. April 13<sup>th</sup>, 2017 City Council - Old Business ([Staff Report](#), pg. 127 – [Minutes](#), pg. 8)
5. April 27<sup>th</sup>, 2017 City Council - Old Business ([Staff Report](#), pg. 102 – [Minutes](#), pg. 7)

6. May 11<sup>th</sup>, 2017 City Council – Work Session ([Staff Report](#), pg. 47 – [Minutes](#), pg. 8)

Below is a chronological list (organized by date sent via US Postal Service) of all Public Notices that have been mailed to property owners and affected entities in the HRC and HCB zoning Districts:

1. February 8<sup>th</sup>, 2017
2. March 6<sup>th</sup>, 2017
3. March 28<sup>th</sup>, 2017
4. June 28<sup>th</sup>, 2017

### **Analysis**

Since May 11<sup>th</sup>, 2017, staff has conducted in-depth analysis to quantify a potential cap of CCBs using the current stock of businesses and linear feet of streetscape in the HRC and HCB. From these analyses, staff worked to develop a cap of CCBs that would be proportionate to the streetscape and foster the desired retail-mix outcomes (i.e. Vibrancy) of City Council, while also allowing for future growth. Throughout the process, staff met with stakeholders to discuss the proposed LMC Amendments and quantified cap(s) as they were developed.

The Main Street market is complex and highly variable. A diagram and chart are presented solely to illustrate the complexity of regulating the business market place. Other complications include a relatively inelastic supply of space on Main Street and consequently rising lease rates. The economics of commercial leasing and building ownership also play a role in managing the marketplace and delivering attractive “vibrancy” consistent with the General Plan and Land Management Code.

Diagram 1 is an abstraction of the main market forces on Main Street. The size of each of the elements varies over time and season. They also have varied over the “life” of Main Street in the modern era.

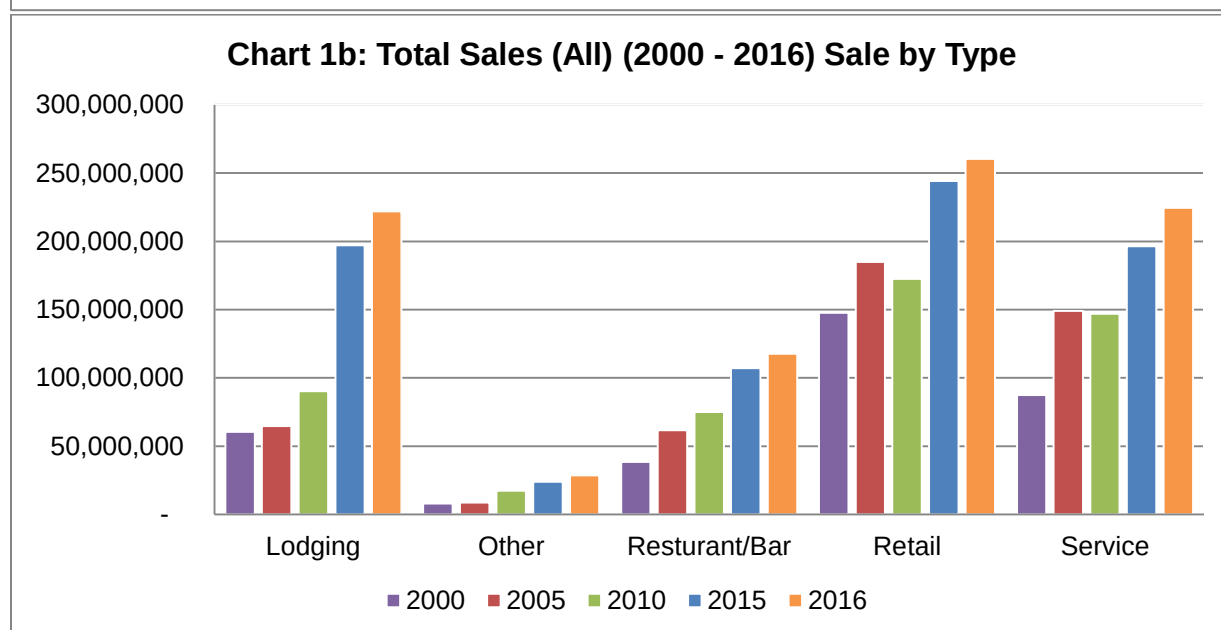
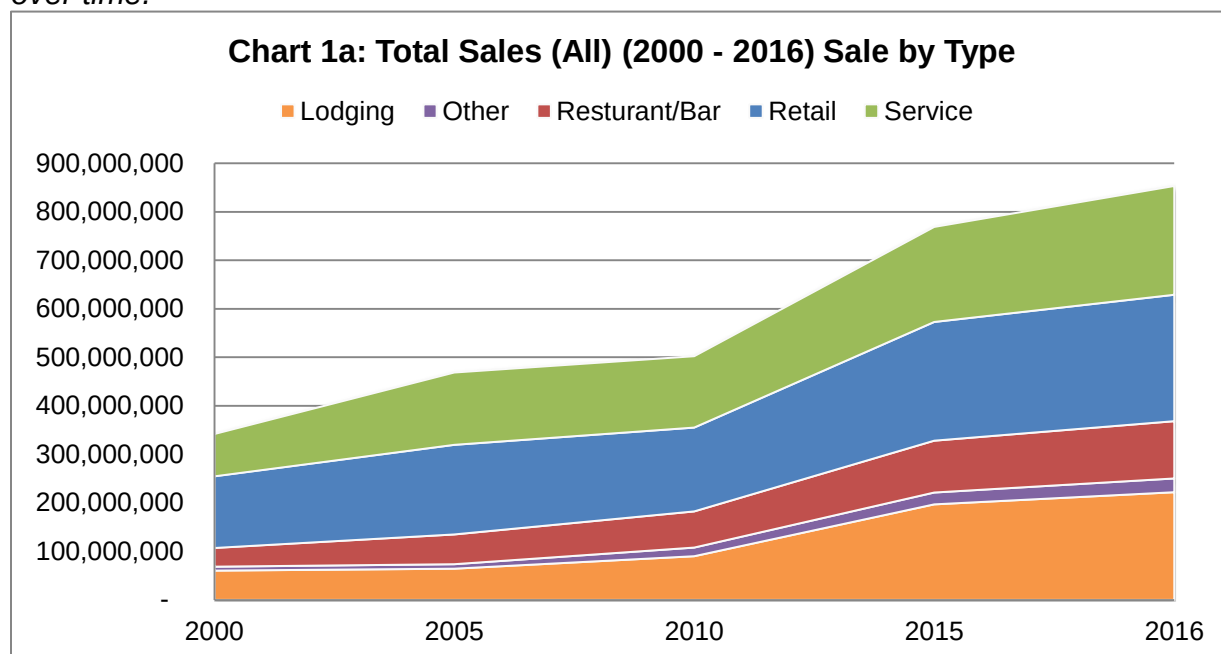
**Diagram 1:** *Abstract Diagram of Main Street Market:*



The next chart illustrates the relative change in total sales by use on Main Street in segments of time from 2000 to 2015. Key changes are the growth of the restaurant category. It should be noted that Main Street does not currently have a CCB (restaurant).

In the review of other City's codes, percentages or fixed number limits or caps do not generally appear, so there is no good reference point upon which to judge effects by specific application to the Park City Main Street. In one case (McCall, ID), the restrictions limit their defined CCB to 10%.

**Chart(s) 1a and 1b:** Total revenues of Main Street (both HRC and HCB Zoning Districts) over time.



To reach a reasonably appropriate number of CCBs, the Planning Department developed a model using two (2) approaches. First, the Planning Department reviewed the length of Main Street and compared façade widths as a percentage of total street length (including both the HRC and HCB Zoning Districts). This resulted in a Staff determination that approximately 80% of the Main Street length could or should remain as non-CCB to maintain the goals of the General Plan and LMC, as stated earlier.

Second, the Planning Department reviewed the type of business as a percentage of the length of Main Street. In this way, “vibrancy” was “measured” as a function of how the current street “looks”, is diverse, and is currently successful for businesses and visitors. It should be noted in reviewing Tables 1a and 1b that the numbers relating to types of businesses include the current CCBs. Without including the currently operating CCBs, the retail factor would be reduced to closer to the 20% level. Also note that art galleries are considered separately even though this type of business could be considered as “retail” (albeit possible a blend of retail and supplier / wholesale).

Further, in the HRC Zoning District, the factor for restaurants includes the restaurants fronting Park Avenue (High West, Davanza’s, etc.) This accounts for a higher factor of restaurants in the HRC zone.

When viewed on a macro scale, the 80% / 20% factor appears to be functionally reasonable as it generally reflects both the factor of storefronts as a percentage of street length and the factor of type of business as a percentage of street length. The 80% factor represents an approximately 4 of 5 storefronts as a non-CCB use.

While percentages and ratios have been used in the analysis process, they are not seen as an appropriate tool for managing the regulations. For this reason a fixed number of CCBs is proposed for each Zoning District in the Main Street core (HRC and HCB). This is a simpler tool and easier for the Planning and Finance Departments to track and regulate. For additional regarding enforcement, please see Section 4. Enforcement.

Staff found throughout the process of meeting with City Council and stakeholders that a 20% cap on CCBs was consistently supported. This would mean that 80% of the businesses in the HRC and HCB would be non-CCBs. With 80% of the businesses in the HRC and HCB not qualifying as CCBs, this would preserve the uniqueness of the Main Street core (peripheral commercial streets in the HRC and HCB included).

Table 1 identifies the current stock of businesses based on Use in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Zoning Districts. The approximate measurements are quantified using linear feet of [Storefront Property Facades](#) to gain an understanding of the percentage of the streetscape occupied by each type of business. The calculations do not delineate between CCBs and non-CCBs, rather the purpose of the tables is to gain a better understanding of the retail use mix in the Main Street core (see Maps 1 and 2 for the specific areas used for measurements).

For clarification, the tables throughout this staff report have been organized by color :

- All tables identifying the Historic Recreation Commercial (HRC) Zone will be identified in **orange**.
- All tables identifying the Historic Commercial Business (HCB) zone will be identified in **blue**.
- All tables identifying a combination of both the HRC and HCB (aggregate) will be identified in **green**.

*Table :1 Approximate Current Inventories of Uses in Storefront Property Facades:*

|                            | HRC         |                           | HCB         |                           | Aggregate   |                           |
|----------------------------|-------------|---------------------------|-------------|---------------------------|-------------|---------------------------|
|                            | Linear Feet | Percentage of Streetscape | Linear Feet | Percentage of Streetscape | Linear Feet | Percentage of Streetscape |
| <b>Food Service</b>        | 507 feet    | 30%                       | 807 feet    | 23%                       | 1314 feet   | 26%                       |
| <b>Bar / Entertainment</b> | 142 feet    | 8%                        | 220.5 feet  | 6%                        | 362.5 feet  | 7%                        |
| <b>Retail</b>              | 345 feet    | 21%                       | 1362 feet   | 40%                       | 1707 feet   | 34%                       |
| <b>Real Estate</b>         | 30 feet     | 2%                        | 65 feet     | 2%                        | 95 feet     | 2%                        |
| <b>Theatre</b>             | 0 feet      | 0%                        | 67 feet     | 2%                        | 67 feet     | 1%                        |
| <b>Hotel</b>               | 58 feet     | 3%                        | 18 feet     | 1%                        | 76 feet     | 2%                        |
| <b>Museum</b>              | 0 feet      | 0%                        | 70 feet     | 2%                        | 70 feet     | 1%                        |
| <b>Government</b>          | 0 feet      | 0%                        | 100 feet    | 3%                        | 100 feet    | 2%                        |
| <b>Religious</b>           | 0 feet      | 0%                        | 40 feet     | 1%                        | 40 feet     | 0.8%                      |
| <b>Art Gallery</b>         | 50 feet     | 3%                        | 628.5 feet  | 18%                       | 678.5 feet  | 13%                       |
| <b>Vacant</b>              | 495 feet    | 30%                       | 40 feet     | 1%                        | 535 feet    | 11%                       |
| <b>Tourist Center</b>      | 0 feet      | 0%                        | 18 feet     | 1%                        | 18 feet     | 0.4%                      |

A 20% cap would allow approximately double (excluding new real estate businesses in [Storefront Property Facades](#) because of the Vertical Zoning Ordinance regulations) the current stock of CCBs, which will enable future growth for new CCBs in the HRC and HCB. A 20% cap on CCBs would approximately equate to one (1) in every five (5) businesses being a CCB. There are no restrictions on CCBs in any other commercial Zones besides the proposed limit in the HRC and HCB.

As stated previously, the HRC and HCB encourage economic and cultural vitality which staff finds foster a unique experience and garners the goals of the General Plan and Storefront Enhancement Program Implementation Strategy. In addition, staff finds that maintaining a sense of place in the Main Street core through a diversified and unique retail mix will maintain Park City's unique character while also remaining competitive in the tourism industry.

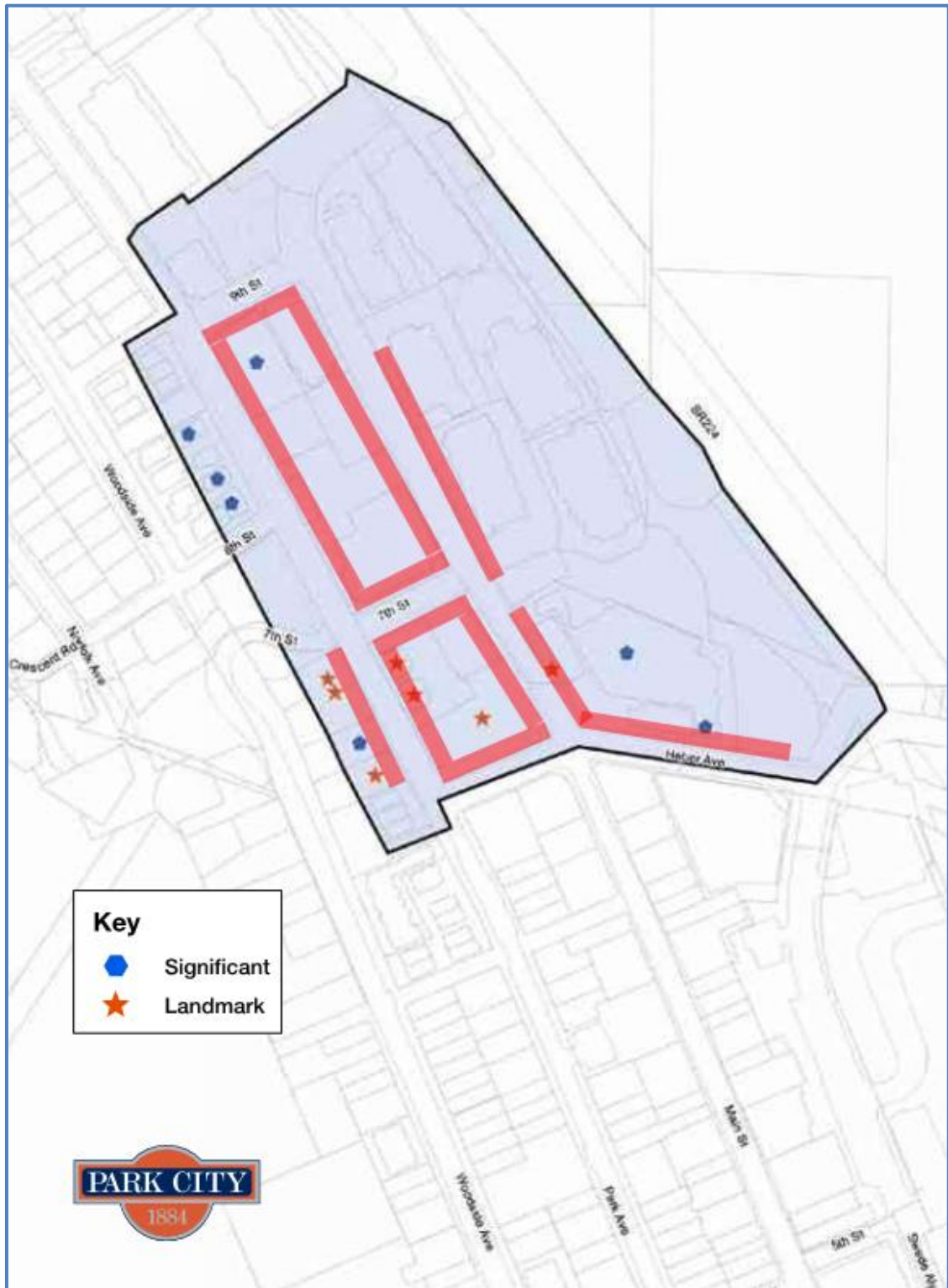
If CCBs were to expand beyond double the current stock in the Main Street core, staff finds that this would negatively impact the cultural identity and unique character by creating experiences that could be found throughout the United States and worldwide marketplaces. Maintaining a majority of non-CCBs is vital to remaining competitive in the tourism industry through a distinctive experience for tourists and residents that is unique to Park City.

Other potential regulations that impact all of the Main Street and may have some impact on a CCB's decision to partake in commerce in Park City are the Parking Regulations, total available parking in the Main Street core, and the Park City Sign Code. These regulations may not fit into the business model for each individual CCB.

Map 1 and 2 identify the areas of the HRC and HCB zones that were used to formulate the [Storefront Property Facades](#) figures and calculations herein. It should be noted that the calculations found herein are only derived from Storefront Property Facades of commercially zoned properties. Streets, sidewalks, patios, decks, articulation, etc. were not used to formulate the figures, although the red shaded area may identify these areas as such.

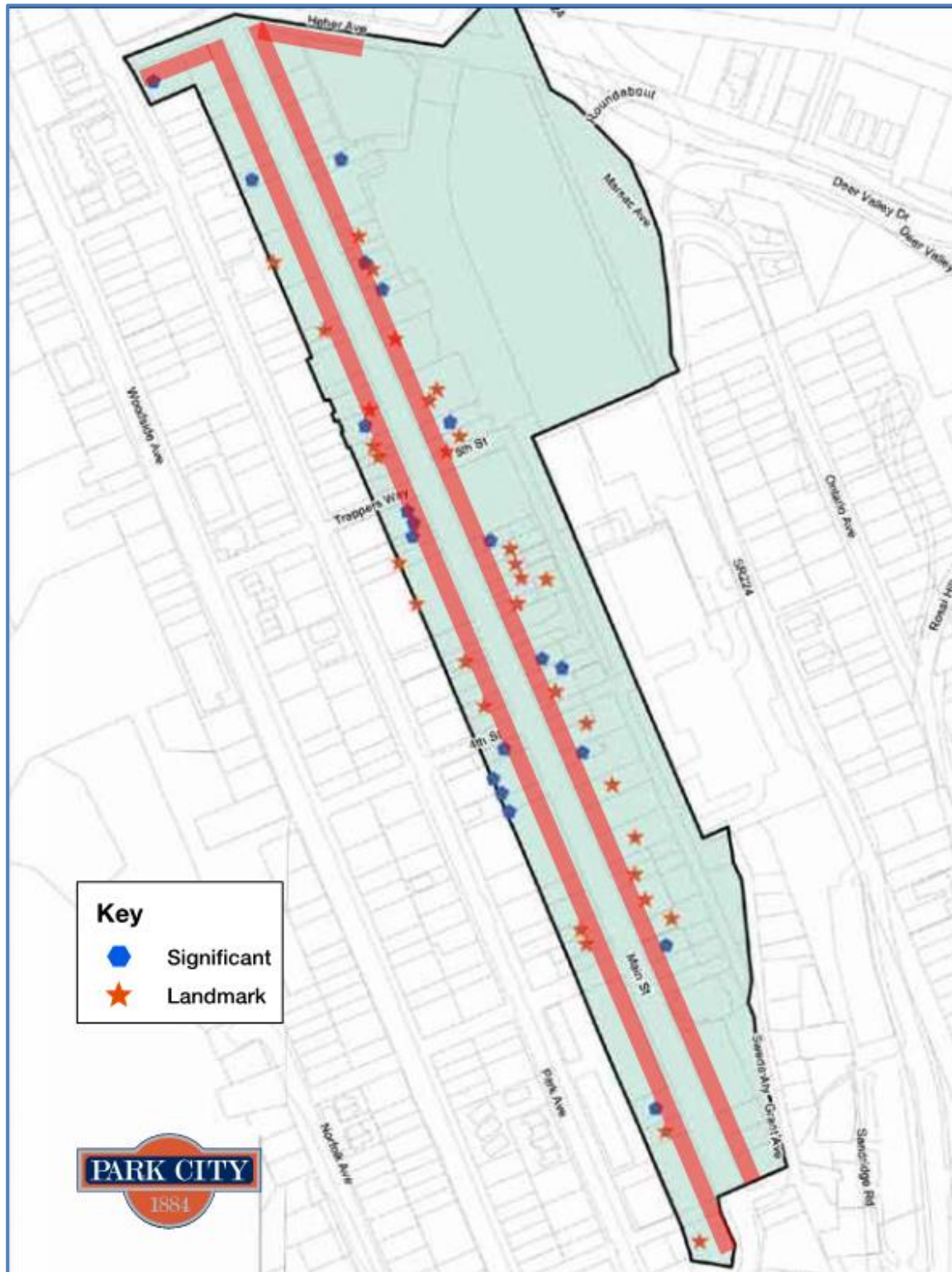
There are buildings that did not meet the definition of [Storefront Property Facades](#); therefore, those buildings were not calculated. Such businesses that are located in buildings that do not meet the definition of Storefront Property Façade (because the Storefronts are above the "first floor" ) include, but are not limited to Mustang (890 Main Street), Vinto (900 Main Street), Buona Vita (804 Main Street), etc.

Map 1: Historic Recreation Commercial (HRC) Zone (shaded red areas identify the subject Storefront Property Facades)





Map 2: Historic Commercial Business (HCB) Zone (shaded red areas identify the subject Storefront Property Facades)



Based on the in-depth analysis and public input, staff has formulated/quantified the following information to develop a cap of CCBs in each zone (HRC and HCB).

- There are a total of 13 CCBs in [Storefront Property Facades](#) in the HCB and HRC combined (orange = HRC, blue = HCB).
  1. Harley Davidson
  2. Lulu Lemon
  3. Roots
  4. The North Face
  5. Marmot Outdoor Gear
  6. Overland Sheepskin Co.
  7. Summit Sotheby's
  8. Summit Sotheby's
  9. Berkshire Hathaway
  10. Keller Williams Real Estate
  11. Patagonia
  12. Shirt Off My Back
  13. Rocky Mountain Chocolate
- There are a total of 12 CCBs in the HCB and 1 CCB in the HRC.
- Tables 2 and 3 identify the approximate current inventory of [Storefront Property Facades](#) and CCBs by zone (HRC and HCB). These figures were derived from the areas identified in Maps 1 and 2. Table 4 identifies the aggregate of the HRC and HCB totals.

*Table 2: Historic Recreation Commercial (HRC) Zone Approximate Current Inventory of Storefront Property Facades and CCBs:*

|                                                         | All Storefront Property Facades in the HRC | 20% of all Storefront Property Facades in the HRC | CCBs    | Total Percentage (%) of Conventional Chain Business in the HRC |
|---------------------------------------------------------|--------------------------------------------|---------------------------------------------------|---------|----------------------------------------------------------------|
| Linear Feet                                             | 1597 feet                                  | 320 feet                                          | 30 feet | 1.88%                                                          |
| Quantity of <a href="#">Storefront Property Facades</a> | 26                                         | 6                                                 | 1       | 3.85%                                                          |

*Table 3: Historic Commercial Business (HCB) Zone Approximate Current Inventory of Storefront Property Facades and CCBs:*

|                                                         | All Storefront Property Facades in the HCB | 20% of all Storefront Property Facades in the HCB | CCBs     | Total Percentage (%) of Conventional Chain Business in the HCB |
|---------------------------------------------------------|--------------------------------------------|---------------------------------------------------|----------|----------------------------------------------------------------|
| Linear Feet                                             | 3439 feet                                  | 688 feet                                          | 419 feet | 12.2%                                                          |
| Quantity of <a href="#">Storefront Property Facades</a> | 117                                        | 24                                                | 12       | 10.3%                                                          |

*Table 4: Aggregate approximate current inventories of the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Zones:*

|                                                         | All Storefront Property Facades in the HRC and HCB | 20% of all Storefront Property Facades in the HRC and HCB | CCBs     | Total Percentage (%) of Conventional Chain Business in the HRC and HCB |
|---------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------|----------|------------------------------------------------------------------------|
| Linear Feet                                             | 5036 feet                                          | 1008 feet                                                 | 449 feet | 8.9%                                                                   |
| Quantity of <a href="#">Storefront Property Facades</a> | 143                                                | 30                                                        | 13       | 9.1%                                                                   |

Using the information gathered from each zone (HRC and HCB), staff identified further metrics to derive an appropriate cap of CCBs that would be proportionate to the streetscape and foster the desired retail-mix outcomes of City Council, while also allowing for future growth.

*Table 5: Average Storefront Property Façade widths utilizing multiple metrics in the HRC and HCB combined:*

| Metric:                                                                                                        | Width (feet) |
|----------------------------------------------------------------------------------------------------------------|--------------|
| <i>Average Width of:</i>                                                                                       |              |
| (1) All <a href="#">Storefront Property Facades</a>                                                            | 33.5 feet    |
| (2) Conventional Chain Business <a href="#">Storefront Property Facades</a>                                    | 37.5 feet    |
| Minimum Lot Width:                                                                                             | 25 feet      |
| Maximum Storefront Property Façade width per <a href="#">LMC § 15-2.5-3</a> and <a href="#">LMC § 15-2.6-3</a> | 50 feet      |
| <b>Average of all Metrics: <u>36.5 feet</u></b>                                                                |              |

Based on the average of all metrics identified in Table 4, staff finds that rounding the 36.5 feet figure up to 37.5 feet would be most appropriate as 37.5 feet would represent 1.5 lots. Each typical Old Town lot measures 25 feet in width, therefore 1.5 lots measures 37.5 feet (25 feet + 12.5 feet). 1.5 Lots is a typical width of properties throughout the Historic Districts where portions of lots have been combined.

Staff then took the 37.5 feet figure and divided that by 20% of the linear feet in each zone to derive an appropriate cap of CCBs. Meaning, staff established an average quantity of CCBs that would occupy 20% of the linear feet of each zone. This would not only be consistent with the existing Storefront Property Façade widths in the HRC and HCB, but would also maintain an appropriate proportion of the street between CCBs and non-CCBs. Tables 6a and 6b articulate staff's recommended calculation that will still allow for additional retail-mix to develop including CCB and those that are not.

*Table 6a: Staff's recommended cap of CCBs calculation (long-form) for the Historic Recreation Commercial (HRC) Zone:*

| 20% of all Storefront Property Facades in the HRC | Divided by (÷) | Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet): | Equals (=) | Proposed cap (#) of CCBs |
|---------------------------------------------------|----------------|----------------------------------------------------------------------------------------|------------|--------------------------|
| 320 feet                                          | ÷              | 37.5 feet                                                                              | =          | 9 (rounded from 8.5)     |

*Table 6b: Staff's recommended cap of CCBs calculation (long-form) for the Historic Commercial Business (HCB) Zone:*

| 20% of all Storefront Property Facades in the HCB | Divided by (÷) | Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet): | Equals (=) | Proposed cap (#) of CCBs |
|---------------------------------------------------|----------------|----------------------------------------------------------------------------------------|------------|--------------------------|
| 688 feet                                          | ÷              | 37.5 feet                                                                              | =          | 19 (rounded from 18.4)   |

Table 7a and 7b articulate alternative caps (#s) that were explored using the calculation derived above; however, staff inserted new percentages (%) of the streetscape linear feet.

*Table 7a: Alternative cap calculations of CCBs for the Historic Recreation Commercial (HRC) Zone:*

| 18% of all Storefront Property Facades in the HRC | Divided by (÷) | Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet): | Equals (=) | Proposed cap (#) of CCBs |
|---------------------------------------------------|----------------|----------------------------------------------------------------------------------------|------------|--------------------------|
| 289 feet                                          | ÷              | 37.5 feet                                                                              | =          | 8 (rounded from 7.7)     |
| 15% of all Storefront Property Facades in the HRC | Divided by (÷) | Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet): | Equals (=) | Proposed cap (#) of CCBs |
| 240 feet                                          | ÷              | 37.5 feet                                                                              | =          | 7 (rounded from 6.4)     |

*Table 7b: Alternative cap calculations of CCBs for the Historic Commercial Business (HCB) Zone:*

| 18% of all Storefront Property Facades in the HCB | Divided by (÷) | Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet): | Equals (=) | Proposed cap (#) of CCBs      |
|---------------------------------------------------|----------------|----------------------------------------------------------------------------------------|------------|-------------------------------|
| 619 feet                                          | ÷              | 37.5 feet                                                                              | =          | <b>17</b> (rounded from 16.5) |
| 15% of all Storefront Property Facades in the HCB | Divided by (÷) | Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet): | Equals (=) | Proposed cap (#) of CCBs      |
| 516 feet                                          | ÷              | 37.5 feet                                                                              | =          | <b>14</b> (rounded from 13.8) |

Based on the metrics and analysis outlined above, staff finds that the following proposed LMC Amendments will foster the goals of the Storefront Enhancement Program and General Plan.

#### **1. LMC § 15-2.5-2 Uses in HISTORIC RECREATION COMMERCIAL (HRC)**

*Based on the calculations outlined in Table 6a, staff is proposing no more than nine (9) Conventional Chains in Storefront Properties of the HRC.*

#### **15-2.5-2 Uses**

Uses in the HRC are limited to the following:

##### **A. ALLOWED USES<sup>10</sup>.**

1. Single Family Dwelling<sup>5</sup>
2. Duplex Dwelling<sup>5</sup>
3. Secondary Living Quarters<sup>5</sup>
4. Lockout Unit<sup>1,5</sup>
5. Accessory Apartment<sup>2,5</sup>
6. Nightly Rental<sup>5</sup>
7. Home Occupation<sup>5</sup>
8. Child Care, In-Home Babysitting
9. Child Care, Family<sup>3</sup>
10. Child Care, Family Group<sup>3</sup>
11. Child Care Center<sup>3</sup>
12. Accessory Building and Use
13. Conservation Activity
14. Agriculture
15. Bed and Breakfast Inn<sup>4,5</sup>
16. Boarding House, Hostel<sup>5</sup>
17. Hotel, Minor, fewer than 16 rooms<sup>5</sup>
18. Office, General<sup>5</sup>
19. Parking Area or Structure, with four (4) or fewer spaces<sup>5</sup>

B. **CONDITIONAL USES**<sup>9,10</sup>.

1. Triplex Dwelling<sup>5</sup>
2. Multi-Unit Dwelling<sup>5</sup>
3. Guest House, on Lots one acre<sup>5</sup>
4. Group Care Facility<sup>5</sup>
5. Public and Quasi-Public Institution, Church, School
6. Essential Municipal Public Utility Use, Facility, Service and Structure
7. Telecommunication Antenna<sup>6</sup>
8. Satellite Dish, greater than thirty-nine inches (39") in diameter<sup>7</sup>
9. Plant and Nursery stock products and sales
10. Hotel, Major<sup>5</sup>
11. Timeshare Projects and Conversions<sup>5</sup>
12. Private Residence Club Project and Conversion<sup>4,5</sup>
13. Office, Intensive<sup>5</sup>
14. Office and Clinic, Medical<sup>5</sup>
15. Financial Institution, without drive-up window<sup>8</sup>
16. Commercial Retail and Service, Minor<sup>8</sup>
17. Commercial Retail and Service, personal improvement<sup>8</sup>
18. Neighborhood Convenience Commercial, without gasoline sales
19. Café or Deli<sup>8</sup>
20. Restaurant, General<sup>8</sup>
21. Restaurant and café, Outdoor Dining<sup>4</sup>
22. Outdoor Events and Uses<sup>4</sup>
23. Bar
24. Parking Area or Structure, with five (5) or more spaces<sup>5</sup>
25. Temporary Improvement<sup>4</sup>
26. Passenger Tramway Station and Ski Base Facility
27. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
28. Recreation Facility, Commercial, Public, and Private
29. Entertainment Facility, Indoor
30. Fences greater than six feet (6') in height from Final Grade<sup>4</sup>
31. Private Residence Club, Off-Site<sup>5</sup>
32. Private Event Facility<sup>5</sup>
33. Special Events<sup>4</sup>

C. **PROHIBITED USES**. Unless otherwise allowed herein, any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

<sup>1</sup>Nightly rental of Lockout Units requires a Conditional Use permit

<sup>2</sup>See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

<sup>3</sup>See LMC Chapter 15-4-9 for Child Care Regulations

<sup>4</sup>Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.

<sup>5</sup>Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side storefronts), 780 Main Street, 804 Main Street (for the plaza side storefronts), 875 Main Street, 890 Main



Street, 900 Main Street, and 820 Park Avenue. Hotel rooms shall not be located within Storefront Property; however access, circulation, and lobby areas are permitted within Storefront Property.

<sup>6</sup>See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

<sup>7</sup>See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

<sup>8</sup>If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

<sup>9</sup>No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

<sup>10</sup> Within the HRC Zoning District, no more than nine (9) Conventional Chain Businesses are permitted in Storefront Properties.

## **2. LMC § 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB)**

*Based on the calculations outlined in Table 6b, staff is proposing no more than nineteen (19) Conventional Chains in Storefront Properties of the HCB.*

### **15-2.6-2 Uses**

Uses in the Historic Commercial Business (HCB) District are limited to the following:

#### **A. ALLOWED USES<sup>11</sup>.**

1. Single Family Dwelling<sup>1</sup>
2. Multi-Unit Dwelling<sup>1</sup>
3. Secondary Living Quarters<sup>1</sup>
4. Lockout Unit<sup>1,2</sup>
5. Accessory Apartment<sup>1,3</sup>
6. Nightly Rental<sup>4</sup>
7. Home Occupation<sup>1</sup>
8. Child Care, In-Home Babysitting<sup>1</sup>
9. Child Care, Family<sup>1,5</sup>
10. Child Care, Family Group<sup>1,5</sup>
11. Child Care Center<sup>1,5</sup>
12. Accessory Building and Use<sup>1</sup>
13. Conservation Activity
14. Agriculture
15. Bed and Breakfast Inn<sup>1, 6</sup>
16. Boarding House, Hostel<sup>1</sup>
17. Hotel, Minor, fewer than 16 rooms<sup>1</sup>
18. Office, General<sup>1</sup>
19. Office, Moderate Intensive<sup>1</sup>
20. Office and Clinic, Medical<sup>1</sup>
21. Financial Institution, without drive-up window
22. Commercial Retail and Service, Minor



23. Commercial Retail and Service, personal improvement
24. Commercial Neighborhood Convenience, without gasoline sales
25. Restaurant, Cafe or Deli
26. Restaurant, General
27. Bar
28. Parking Lot, Public or Private with four (4) or fewer spaces
29. Entertainment Facility, Indoor
30. Salt Lake City 2002 Winter Olympic Games Legacy Displays<sup>7</sup>
31. Temporary Winter Balcony Enclosures

**B. CONDITIONAL USES**<sup>10,11</sup>.

1. Group Care Facility<sup>1</sup>
2. Public and Quasi-Public Institution, Church, School
3. Essential Municipal Public Utility Use, Facility, Service, and Structure
4. Telecommunication Antenna<sup>8</sup>
5. Satellite Dish, greater than thirty-nine inches (39") in diameter<sup>9</sup>
6. Plant and Nursery stock products and sales
7. Hotel, Major<sup>1</sup>
8. Timeshare Projects and Conversions<sup>1</sup>
9. Timeshare Sales Office, Off-Site within an enclosed Building<sup>1</sup>
10. Private Residence Club Project and Conversion<sup>1,6</sup>
11. Commercial Retail and Service, Major<sup>11</sup>
12. Office, Intensive<sup>1</sup>
13. Restaurant, Outdoor Dining<sup>6</sup>
14. Outdoor Events and Uses<sup>6</sup>
15. Hospital, Limited Care Facility<sup>1</sup>
16. Parking Area or Structure for five (5) or more cars<sup>1</sup>
17. Temporary Improvement<sup>6</sup>
18. Passenger Tramway Station and Ski Base Facility
19. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
20. Recreation Facility, Public or Private
21. Recreation Facility, Commercial
22. Fences greater than six feet (6') in height from Final Grade<sup>6</sup>
23. Private Residence Club, Off-Site<sup>1</sup>
24. Special Events<sup>6</sup>
25. Private Event Facility<sup>1</sup>

**C. PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

<sup>1</sup>Prohibited in HCB Zoned Storefront Property adjacent to Main Street, Heber Avenue, Grant Avenue, and Swede Alley. Hotel rooms shall not be located within Storefront Property; however access, circulation and lobby areas are permitted within Storefront Property.

<sup>2</sup>Nightly Rental of Lock Units requires a Conditional Use permit

<sup>3</sup>See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

<sup>4</sup>Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

<sup>5</sup>See LMC Chapter 15-4-9 for Child Care Regulations

<sup>6</sup>Requires an Administrative or Administrative Conditional Use permit

<sup>7</sup>Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

<sup>8</sup>See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

<sup>9</sup>See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

<sup>10</sup>No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

<sup>11</sup>Within the HCB Zoning District, no more than nineteen (19) Conventional Chain Businesses are permitted in Storefront Properties.

### **3. LMC § 15-15 DEFINED TERMS**

*Staff developed the following definition of CCB based on research conducted on other municipal codes. This definition will be the basis for determining if a business meets the criteria of a CCB.*

#### **15-15 Defined Terms**

(...)

X.XXX CONVENTIONAL CHAIN BUSINESS. Conventional Chain Business is a business, not only limited to retailers or restaurants, which maintains one or more of the following standardized items: standardized menu or merchandise with 50% or more of in stock merchandise from a single distributor bearing uniform markings; a standardized array of products or merchandise; and uniform apparel; standardized architectural design, layout of facade, decor or color scheme and/or signs; trademarks, and service marks or logos, or similar standardized features which causes it to be substantially identical to more than 10 other businesses regardless of ownership or location at the time of the application.

(...)

### **4. Enforcement**

Currently, the Planning Department reviews all Business License applications for compliance with the Uses in any given Zoning District for a potential business. Business Licenses are issued through the Finance Department. This process is how Vertical Zoning in the HRC and HCB is regulated. Staff intends to regulate the CCBs using the same analysis method as a part of the Business License application.

Because staff has the current business inventory of CCBs, there will be a tracking system within the Planning Department for staff moving forward. Once a new CCB is

issued a Business License, that particular CCB will be added to the tracking system list, thus increasing the quantity. The tracking system list will be kept in the Planning Department and shared with the Finance Department. Once the cap is reached, the burden will be on a perspective Business License applicant to prove that a CCB vacancy has occurred resulting in no active Business License for an “existing” CCB.

Staff feels confident that the current Business License application process will regulate new businesses fairly and consistently. Appeals of Business License applications are heard by the City Council.

### **Process**

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

### **Department Review**

This report has been reviewed by the Legal Department.

### **Notice**

Legal notice of a public hearing was posted in the required public spaces and public notice websites on July 1, 2017 and July 8, 2017 and published in the Park Record on July 1, 2017 and July 8, 2017 per requirements of the Land Management Code. Notice letters were sent to affected entities and affected property owners on June 28, 2017.

### **Public Input**

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. Staff has noticed this item for public hearings on July 12<sup>th</sup>, 2017 and July 26<sup>th</sup>, 2017, conducted by the Planning Commission. In addition, staff met with stakeholders outside of Public Meetings, including the Historic Park City Alliance (HPCA), Main Street business owners, Main Street building owners, and members of the real estate community.

### **Recommendation:**

The Planning Department requests the Planning Commission open a public hearing, review the possible Land Management Code amendments, and forward a positive recommendation regarding the staff's proposed changes as referenced in this staff report to City Council.

### **Exhibits**

Exhibit 1 – Draft Ordinance

Exhibit A – LMC § 15-2.5-2 Uses in HISTORIC RECREATION COMMERCIAL (HRC)

Exhibit B – LMC § 15-2.6-2 Uses in HISTORIC COMMERCIAL BUSINESS (HCB)

Exhibit C – LMC § 15-15 Defined Terms

Exhibit 2 – General Plan Implementation – Storefront Enhancement Program Impacts

Exhibit 3 – Historic Commercial Business (HCB) Zoning District Boundaries  
Exhibit 4 – Historic Recreation Commercial (HRC) Zoning District Boundaries  
Exhibit 5 – Main Street National Register District Boundaries  
Exhibit 6 – Public Comment  
Exhibit 7 – May 11<sup>th</sup>, 2017 City Council Work Session Staff Report – [link](#) (see p.47)  
Exhibit 8 – May 11<sup>th</sup>, 2017 City Council Work Session Minutes – [link](#) (see p. 8)

## **Exhibit 1 – Draft Ordinance**

### **Ordinance No. 2017-XX**

#### **AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, SECTION 15-2.5; HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT, SECTION 15-2.6; AND DEFINED TERMS, SECTION 15-15.**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 12 that states, "Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City." Objective 12C states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience." and Objective 12D states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience." Detailed Implementation Strategy for Local Business vs. Chain Stores states, "As Park City seeks to maintain its distinct, historic, small-town, tourism based economy, an ordinance restricting formula businesses along Main Street and the Bonanza Park districts should be seriously considered."

WHEREAS, Park City has an interest in the preservation of the integrity of Main Street and Heber Avenue as it relates to the historic feel and character, traditional rhythm and scale, and Main Street National Register Historic District designation. Main Street is the historic core of Park City and is a focal point of the tourism economy. The Historic Commercial Districts reflects the history of Park City.

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents; maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, business storefronts located Main Street and Heber Avenue, that do not foster diversity or a unique positive pedestrian experiences to the general public, may diminish the vibrancy, historic rhythm and scale, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, uniqueness and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, building storefronts that are not inviting to the general public and reflective of Park City's unique historic and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on July 12, 2017 and July 26, 2017 and forwarded a \_\_\_\_\_ recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on \_\_\_\_\_, 2017; and

WHEREAS, it is in the best interest of the residents and visitors of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.5 Historic Recreation Commercial (HRC) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.5 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.6 Historic Commercial Business (HCB) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-15 Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15-15 of the Land Management Code of Park City is hereby amended as redlined in Exhibit C.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, Mayor

Attest:

\_\_\_\_\_  
City Recorder

Approved as to form:

\_\_\_\_\_  
Mark Harrington, City Attorney

**Exhibits**

Exhibit A – LMC § 15-2.5-2 Uses in HISTORIC RECREATION COMMERCIAL (HRC)

Exhibit B – LMC § 15-2.6-2 Uses in HISTORIC COMMERCIAL BUSINESS (HCB)

Exhibit C – LMC § 15-15 Defined Terms



## Exhibit A – LMC § 15-2.5-2 Uses in HISTORIC RECREATION COMMERCIAL (HRC)

### 15-2.5-2 Uses

Uses in the HRC are limited to the following:

#### D. ALLOWED USES <sup>10</sup>.

1. Single Family Dwelling<sup>5</sup>
2. Duplex Dwelling<sup>5</sup>
3. Secondary Living Quarters<sup>5</sup>
4. Lockout Unit<sup>1,5</sup>
5. Accessory Apartment<sup>2,5</sup>
6. Nightly Rental<sup>5</sup>
7. Home Occupation<sup>5</sup>
8. Child Care, In-Home Babysitting
9. Child Care, Family<sup>3</sup>
10. Child Care, Family Group<sup>3</sup>
11. Child Care Center<sup>3</sup>
12. Accessory Building and Use
13. Conservation Activity
14. Agriculture
15. Bed and Breakfast Inn<sup>4,5</sup>
16. Boarding House, Hostel<sup>5</sup>
17. Hotel, Minor, fewer than 16 rooms<sup>5</sup>
18. Office, General<sup>5</sup>
19. Parking Area or Structure, with four (4) or fewer spaces<sup>5</sup>

#### E. CONDITIONAL USES <sup>9,10</sup>.

1. Triplex Dwelling<sup>5</sup>
2. Multi-Unit Dwelling<sup>5</sup>
3. Guest House, on Lots one acre<sup>5</sup>
4. Group Care Facility<sup>5</sup>
5. Public and Quasi-Public Institution, Church, School
6. Essential Municipal Public Utility Use, Facility, Service and Structure
7. Telecommunication Antenna<sup>6</sup>
8. Satellite Dish, greater than thirty-nine inches (39") in diameter<sup>7</sup>
9. Plant and Nursery stock products and sales
10. Hotel, Major<sup>5</sup>
11. Timeshare Projects and Conversions<sup>5</sup>
12. Private Residence Club Project and Conversion<sup>4,5</sup>
13. Office, Intensive<sup>5</sup>
14. Office and Clinic, Medical<sup>5</sup>
15. Financial Institution, without drive-up window<sup>8</sup>
16. Commercial Retail and Service, Minor<sup>8</sup>
17. Commercial Retail and Service, personal improvement<sup>8</sup>
18. Neighborhood Convenience Commercial, without gasoline sales
19. Café or Deli<sup>8</sup>
20. Restaurant, General<sup>8</sup>

21. Restaurant and café, Outdoor Dining<sup>4</sup>
22. Outdoor Events and Uses<sup>4</sup>
23. Bar
24. Parking Area or Structure, with five (5) or more spaces<sup>5</sup>
25. Temporary Improvement<sup>4</sup>
26. Passenger Tramway Station and Ski Base Facility
27. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
28. Recreation Facility, Commercial, Public, and Private
29. Entertainment Facility, Indoor
30. Fences greater than six feet (6') in height from Final Grade<sup>4</sup>
31. Private Residence Club, Off-Site<sup>5</sup>
32. Private Event Facility<sup>5</sup>
33. Special Events<sup>4</sup>

F. **PROHIBITED USES.** Unless otherwise allowed herein, any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

<sup>1</sup>Nightly rental of Lockout Units requires a Conditional Use permit

<sup>2</sup>See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

<sup>3</sup>See LMC Chapter 15-4-9 for Child Care Regulations

<sup>4</sup>Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.

<sup>5</sup>Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side storefronts), 780 Main Street, 804 Main Street (for the plaza side storefronts), 875 Main Street, 890 Main Street, 900 Main Street, and 820 Park Avenue. Hotel rooms shall not be located within Storefront Property; however access, circulation, and lobby areas are permitted within Storefront Property.

<sup>6</sup>See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

<sup>7</sup>See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

<sup>8</sup>If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

<sup>9</sup>No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

<sup>10</sup> **Within the HRC Zoning District, no more than nine (9) Conventional Chain Businesses are permitted in Storefront Properties.**

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [04-39](#) on 3/18/2004

Amended by Ord. [06-69](#) on 10/19/2006

Amended by Ord. [07-55](#) on 8/30/2007

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [12-37](#) on 12/20/2012

Amended by Ord. [16-02](#) on 1/7/2016

## **Exhibit B – LMC § 15-2.6-2 Uses in HISTORIC COMMERCIAL BUSINESS (HCB)**

### **15-2.6-2 Uses**

Uses in the Historic Commercial Business (HCB) District are limited to the following:

#### **D. ALLOWED USES<sup>011</sup>.**

1. Single Family Dwelling<sup>1</sup>
2. Multi-Unit Dwelling<sup>1</sup>
3. Secondary Living Quarters<sup>1</sup>
4. Lockout Unit<sup>1,2</sup>
5. Accessory Apartment<sup>1,3</sup>
6. Nightly Rental<sup>4</sup>
7. Home Occupation<sup>1</sup>
8. Child Care, In-Home Babysitting<sup>1</sup>
9. Child Care, Family<sup>1,5</sup>
10. Child Care, Family Group<sup>1,5</sup>
11. Child Care Center<sup>1,5</sup>
12. Accessory Building and Use<sup>1</sup>
13. Conservation Activity
14. Agriculture
15. Bed and Breakfast Inn<sup>1, 6</sup>
16. Boarding House, Hostel<sup>1</sup>
17. Hotel, Minor, fewer than 16 rooms<sup>1</sup>
18. Office, General<sup>1</sup>
19. Office, Moderate Intensive<sup>1</sup>
20. Office and Clinic, Medical<sup>1</sup>
21. Financial Institution, without drive-up window
22. Commercial Retail and Service, Minor
23. Commercial Retail and Service, personal improvement
24. Commercial Neighborhood Convenience, without gasoline sales
25. Restaurant, Cafe or Deli
26. Restaurant, General
27. Bar
28. Parking Lot, Public or Private with four (4) or fewer spaces
29. Entertainment Facility, Indoor
30. Salt Lake City 2002 Winter Olympic Games Legacy Displays<sup>7</sup>
31. Temporary Winter Balcony Enclosures

#### **E. CONDITIONAL USES<sup>10,11</sup>.**

1. Group Care Facility<sup>1</sup>
2. Public and Quasi-Public Institution, Church, School
3. Essential Municipal Public Utility Use, Facility, Service, and Structure
4. Telecommunication Antenna<sup>8</sup>
5. Satellite Dish, greater than thirty-nine inches (39") in diameter<sup>9</sup>
6. Plant and Nursery stock products and sales
7. Hotel, Major<sup>1</sup>

8. Timeshare Projects and Conversions<sup>1</sup>
9. Timeshare Sales Office, Off-Site within an enclosed Building<sup>1</sup>
10. Private Residence Club Project and Conversion<sup>1,6</sup>
11. Commercial Retail and Service, Major<sup>11</sup>
12. Office, Intensive<sup>1</sup>
13. Restaurant, Outdoor Dining<sup>6</sup>
14. Outdoor Events and Uses<sup>6</sup>
15. Hospital, Limited Care Facility<sup>1</sup>
16. Parking Area or Structure for five (5) or more cars<sup>1</sup>
17. Temporary Improvement<sup>6</sup>
18. Passenger Tramway Station and Ski Base Facility
19. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
20. Recreation Facility, Public or Private
21. Recreation Facility, Commercial
22. Fences greater than six feet (6') in height from Final Grade<sup>6</sup>
23. Private Residence Club, Off-Site<sup>1</sup>
24. Special Events<sup>6</sup>
25. Private Event Facility<sup>1</sup>

F. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

<sup>1</sup>Prohibited in HCB Zoned Storefront Property adjacent to Main Street, Heber Avenue, Grant Avenue, and Swede Alley. Hotel rooms shall not be located within Storefront Property; however access, circulation and lobby areas are permitted within Storefront Property.

<sup>2</sup>Nightly Rental of Lock Units requires a Conditional Use permit

<sup>3</sup>See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

<sup>4</sup>Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

<sup>5</sup>See LMC Chapter 15-4-9 for Child Care Regulations

<sup>6</sup>Requires an Administrative or Administrative Conditional Use permit

<sup>7</sup>Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

<sup>8</sup>See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

<sup>9</sup>See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

<sup>10</sup>No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

<sup>11</sup>**Within the HCB Zoning District, no more than nineteen (19) Conventional Chain Businesses are permitted in Storefront Properties.**

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [02-38](#) on 9/12/2002

Amended by Ord. [04-39](#) on 3/18/2004

Amended by Ord. [06-69](#) on 10/19/2006

Amended by Ord. [07-55](#) on 8/30/2007

*Amended by Ord. [09-10](#) on 3/5/2009  
Amended by Ord. [12-37](#) on 12/20/2012  
Amended by Ord. [16-01](#) on 1/7/2016  
Amended by Ord. [16-02](#) on 1/7/2016*

## Exhibit C – LMC § 15-15 Defined Terms

### 15-15 Defined Terms

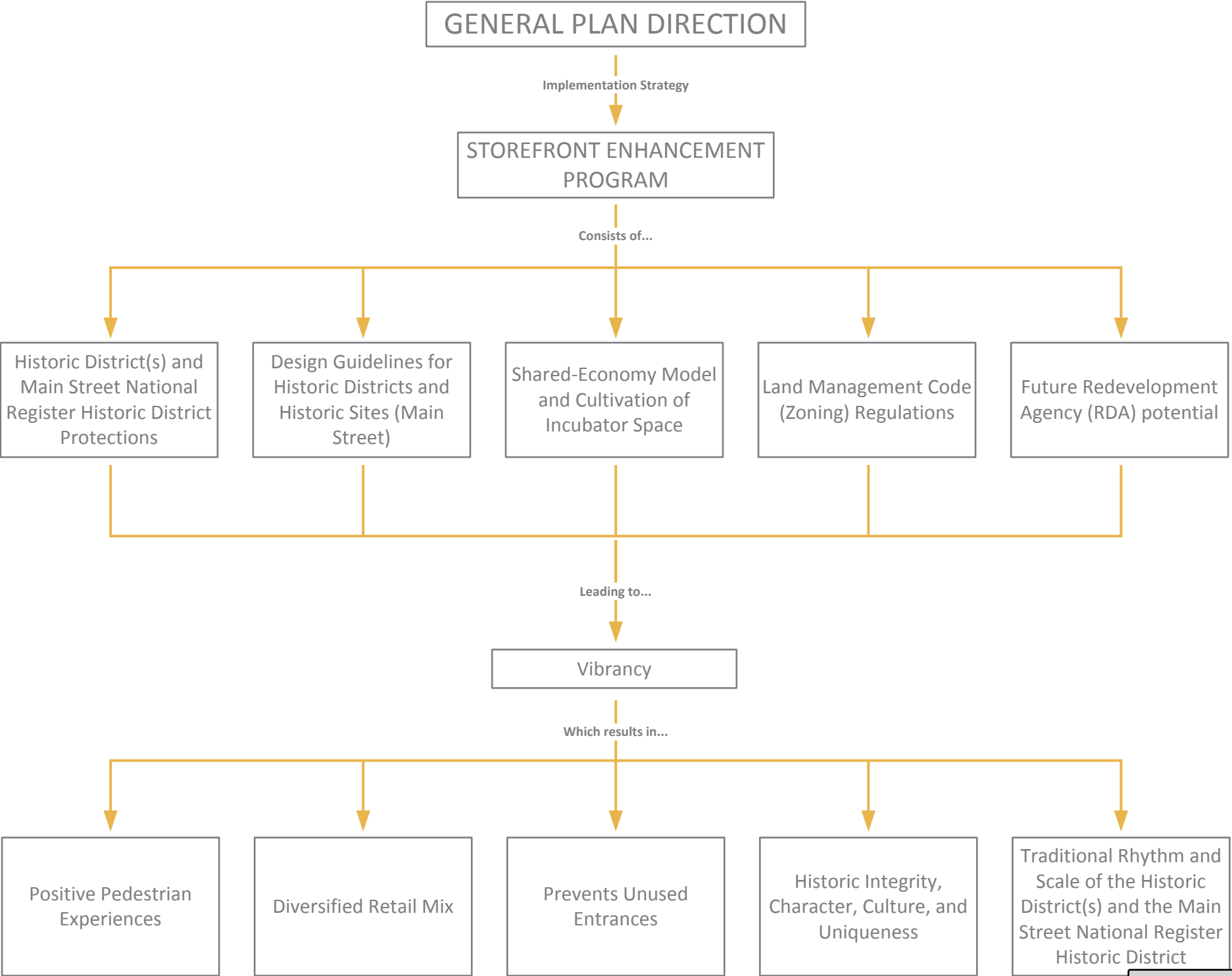
(...)

X.XXX CONVENTIONAL CHAIN BUSINESS. Conventional Chain Business is a business, not only limited to retailers or restaurants, which maintains one or more of the following standardized items: standardized menu or merchandise with 50% or more of in stock merchandise from a single distributor bearing uniform markings; a standardized array of products or merchandise; and uniform apparel; standardized architectural design, layout of facade, decor or color scheme and/or signs; trademarks, and service marks or logos, or similar standardized features which causes it to be substantially identical to more than 10 other businesses regardless of ownership or location at the time of the application.

(...)

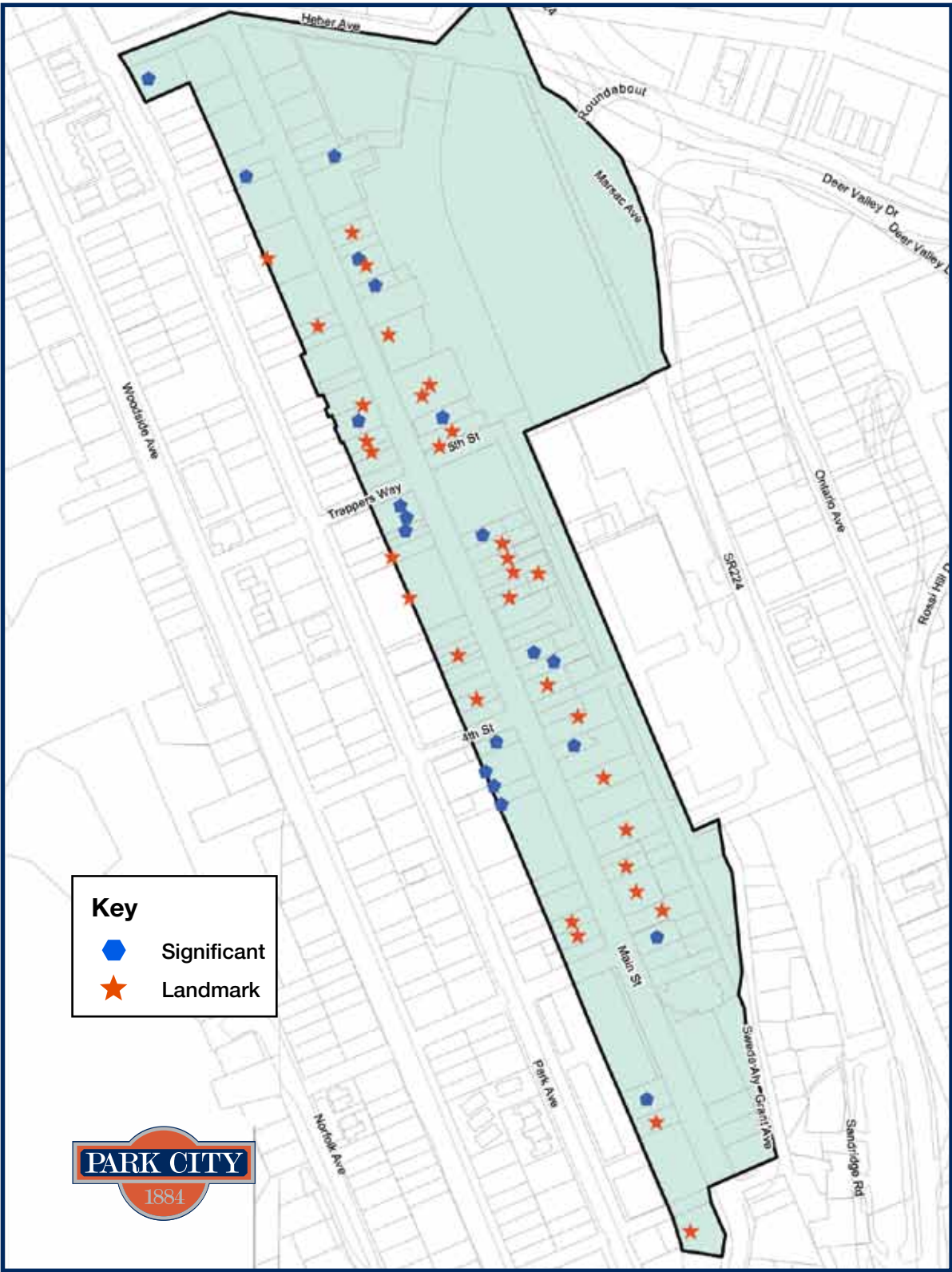
*Adopted by Ord. 00-25 on 3/30/2000  
Amended by Ord. 02-07 on 5/23/2002  
Amended by Ord. 02-38 on 9/12/2002  
Amended by Ord. 04-39 on 9/23/2004  
Amended by Ord. 05-01 on 1/13/2005  
Amended by Ord. 06-86 on 12/21/2006  
Amended by Ord. 07-25 on 4/19/2007  
Amended by Ord. 07-55 on 8/30/2007  
Amended by Ord. 08-07 on 3/13/2008  
Amended by Ord. 09-05 on 1/22/2009  
Amended by Ord. 09-09 on 2/12/2009  
Amended by Ord. 09-10 on 3/5/2009  
Amended by Ord. 09-14 on 4/9/2009  
Amended by Ord. 09-23 on 7/9/2009  
Amended by Ord. 09-40 on 11/5/2009  
Amended by Ord. 11-05 on 1/27/2011  
Amended by Ord. 11-12 on 3/31/2011  
Amended by Ord. 12-37 on 12/20/2012  
Amended by Ord. 14-57 on 11/20/2014  
Amended by Ord. 15-53 on 12/17/2015  
Amended by Ord. 16-02 on 1/7/2016  
Amended by Ord. 16-15 on 3/24/2016  
Amended by Ord. 2016-44 on 9/15/2016  
Amended by Ord. 2016-48 on 10/20/2016  
Amended by Ord. 2017-09 on 4/27/2017*

**EXHIBIT 2: General Plan Implementation – Storefront Enhancement Program Impacts**

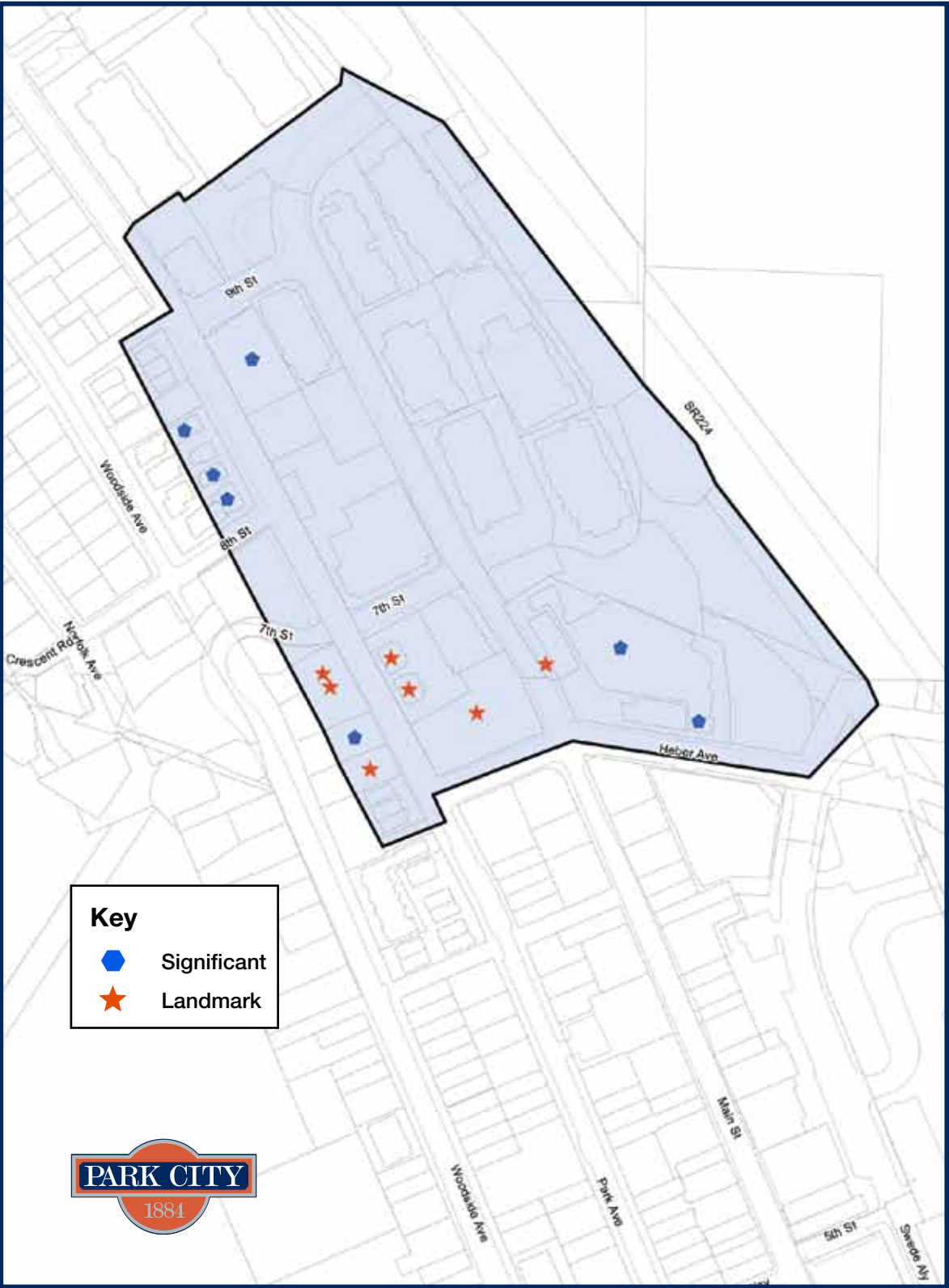




Historic Sites in the HCB Zone



Historic Sites in the HR-C Zone



Main Street National Register Historic District



**Historic Park City Alliance  
Tenant Mix Position Statement****Mission statement:**

To promote, enhance and encourage an atmosphere that is beneficial to the businesses of Historic Park City and the community, while informing and building consensus among property owners, merchants and governmental agencies.

Position Statement Goal: Protect the sense of place and the distinctive character of Historic Park City to attract locals and visitors promoting continued prosperity over the long-term.

The Historic Park City Alliance (HPCA) supports Park City Municipal Corporations' (PCMC) efforts to legislatively establish protections for the HCB and HRC portions of the Historic Business District by Amending Land Management Code Sections 15-2.5 and 15-2.6 and definitions in 15-15; establishing a not to exceed threshold for the prevalence of formula / chain businesses in the HCB and HRC. The HPCA is a member based non-profit established to procure key services and promote the economic health of member businesses in Park City's historic core. In support of our mission we have been working in conjunction with Park City's Economic Development and Planning Staff, business and property owners, and our members for the last several years to examine a variety of policy, legislative, and economic development tools aimed at supporting the businesses in our district through land use policy (collectively the Storefront Enhancement Program) that recognizes the district's historic character as our most distinct competitive advantage. The HPCA therefore supports amending the aforementioned sections of the Land Management Code for the following reasons:

1. In an increasingly homogenized world, communities that have preserved their distinctive historic character have an economic edge. They are far better able to attract visitors and prosper over the long term.
2. The member businesses and property owners of the HPCA strive to provide a diverse menu of authentic products, services, and experiences in a manner that preserves, augments, and features Park City's rich architectural, cultural, and entrepreneurial history.
3. Our membership believes that there is great economic and cultural value in preserving the historically relevant architectural character, scale, and the authentic customer experience in our core business district.
4. There is sufficient observational evidence that chains tend to follow one another into new markets which has the potential to squeeze out independent businesses and initiate wholesale transformation of entire business districts. These changes can happen suddenly and irreversibly, erasing years of investment and effort by local businesses to protect the economic value associated with our history. Our membership broadly supports efforts to prevent a dynamic where the districts' primary economic drivers, historic character, the authenticity of experience for visitors, and the local context of the goods and services offered is not diluted.
5. An over proliferation of chain businesses, products, signage, or service interactions will result in customers who tune out. Historic Commercial Districts that fail to offer unique and authentic experiences will lose the ability to differentiate themselves from other communities or web based

shopping experiences. The HPCA supports preserving and enhancing Park City's best competitive advantage.

6. The HPCA wishes to preserve the long term economic benefits of both the "multiplier effect" from local patrons and businesses spending to support one another and the marketing power of a historically authentic experience.

Qualifications:

- The HPCA is primarily a business owner / operator based organization and view the economic health of the district through that lens. However, our members businesses who double as property owners have also registered their support for the position outlined herein as a positive long term approach.
- Regardless of the ultimate vote on this ordinance the HPCA supports continued study and dialog about what makes for unique and successful historic business districts in destination markets including examples of tenant mix data that has led to positive economic AND experiential outcomes.



**From:** [eric nelson](#)  
**To:** [Jonathan Weidenhamer](#); [Hannah Tyler](#); [Bruce Erickson](#); [Jan Wilking](#); [Hans Fuegi](#); [MICHAEL KAPLAN](#); [Myles Rademan](#)  
**Subject:** Main Street  
**Date:** Tuesday, June 20, 2017 11:57:48 AM  
**Attachments:** [Scan0067.pdf](#)

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Guys: Great meeting.

I have included an article on chain stores. It talks about the neighborhood of Hayes Valley in San Francisco and how the chain store ban has triggered very high end retail that doesn't cater to the neighborhood. This is just one article out of 3 or 4 that came to a similar conclusion. There is some negatives that have also surfaced in Nantucket and Carmel but these are very wealthy communities. Not quite the same as Park City but something to ponder.

After thinking about this here are comments:

1. It seems like most of the communities that now have some chain store regulation have limited their chain stores to 15% to 23% of the store fronts. I would suggest a limit of 20% of the store fronts as chains which comes to about 20 to 22 stores out of 100 plus. Real estate companies should be eliminated from the list. Under your definition I am suggesting the ability to have 10 more chain stores on the street.
2. I would also suggest if Main Street hit the chain store limit, whatever it is, you give yourself an out. You might consider a quick conditional use process once you do hit your max. The last thing you want is to deny a Landlord the ability to rent his space.
3. There are 100's of chain stores that would be a great fit for main street.
4. It seems that the chains are bringing people and money to the street. When you have 10 to 14 chain stores doing half the business on the street that tells you something. Our visitors obviously like those stores. The argument that visitors want something they can't get at home isn't always the case. There are plenty of great chains that are local in nature that our visitors never see at their homes. Gorsuch and Overland are perfect examples. Their stores are located in 2 or 3 states.
5. The big worry is what happens if you hit your chain store limit. My take is two things happen:
  - a. You have vacancy
  - b. You have very high end stores. People that can afford the rents.
6. This chain store limit will not lower rents. I can't find an example where a chain store restriction has reduced rents.
7. Finally, the City has done nothing to help the retail community. From the 205 Main mistake to the Brew Pub Lot Mistake (my view. will do nothing to enhance business) to the 50 linear foot ordinance to the parking rules. Combine this with higher rents and CAM fees every year and minor increases in sales. Its tough doing retail on Main Street Park City.

That's it. Good luck with your decision.



**From:** [MICHAEL KAPLAN](#)  
**To:** [Jonathan Weidenhamer](#); [eric nelson](#); [Tim Henney](#); [Michael Barille](#); [Alison Kuhlow \(alison@visitparkcity.com\)](#)  
**Cc:** [Myles Rademan](#); [Hans Fuegi](#); [Jan Wilking](#); [Bruce Erickson](#); [Hannah Tyler](#)  
**Subject:** Re: Main Street  
**Date:** Tuesday, June 20, 2017 3:11:44 PM

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Hi All,

I agree with the sentiment that we have created a well-functioning insightful group. Special thanks to Bruce, Jon, and Hannah for your hard work and to Tim for sitting-in with us.

Thank you Eric for your letter today.

As I mentioned yesterday, I also agree with the figure of "a cap of 20% of the retail spaces in the historic district allowed for chain/formula business/tenants." Special attention should be given to our definition of what constitutes a chain and the fact this ordinance only applies to the limited geographic area of historic Old Town.

Instead of the language "real estate firms being excluded" from the list (of total retail spaces) I suggest language something like "the currently nonconforming grandfathered office spaces are excluded" in that count.

I hope we can get together soon to talk about issues such as vibrancy/dark buildings, the Brew Pub lot (I agree with Eric and others it should have a retail component, most especially a convenience store (drive pedestrian traffic to the top of Main and an amenity to the neighborhood)), Sundance issues, the high-end residential units, etc.

I will be out of the country for the next month but can be reached via email.

Thanks again, -Michael

**Michael E. Kaplan M.I.M., A.L.M.**

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**From:** Jonathan Weidenhamer <jweidenhamer@parkcity.org>  
**Sent:** Tuesday, June 20, 2017 1:10 PM  
**To:** eric nelson  
**Cc:** Myles Rademan; Hans Fuegi; MICHAEL KAPLAN; Jan Wilking; Bruce Erickson; Hannah Tyler  
**Subject:** Re: Main Street

Thanks Eric.

Ok if I send to Tim and the rest of City council? Would u like this to be part of the public record?

*Sent from my mobile phone.*

On Jun 20, 2017 11:57 AM, eric nelson <enelson1213@gmail.com> wrote:

Guys: Great meeting.

I have included an article on chain stores. It talks about the neighborhood of Hayes Valley in

San Francisco and how the chain store ban has triggered very high end retail that doesn't cater to the neighborhood. This is just one article out of 3 or 4 that came to a similar conclusion. There is some negatives that have also surfaced in Nantucket and Carmel but these are very wealthy communities. Not quite the same as Park City but something to ponder.

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1. It seems like most of the communities that now have some chain store regulation have limited their chain stores to 15% to 23% of the store fronts. I would suggest a limit of 20% of the store fronts as chains which comes to about 20 to 22 stores out of 100 plus. Real estate companies should be eliminated from the list. Under your definition I am suggesting the ability to have 10 more chain stores on the street.
2. I would also suggest if Main Street hit the chain store limit, whatever it is, you give yourself an out. You might consider a quick conditional use process once you do hit your max. The last thing you want is to deny a Landlord the ability to rent his space.
3. There are 100's of chain stores that would be a great fit for main street.
4. It seems that the chains are bringing people and money to the street. When you have 10 to 14 chain stores doing half the business on the street that tells you something. Our visitors obviously like those stores. The argument that visitors want something they can't get at home isn't always the case. There are plenty of great chains that are local in nature that our visitors never see at their homes. Gorsuch and Overland are perfect examples. Their stores are located in 2 or 3 states.
5. The big worry is what happens if you hit your chain store limit. My take is two things happen:
  - a. You have vacancy
  - b. You have very high end stores. People that can afford the rents.
6. This chain store limit will not lower rents. I can't find an example where a chain store restriction has reduced rents.
7. Finally, the City has done nothing to help the retail community. From the 205 Main mistake to the Brew Pub Lot Mistake (my view. will do nothing to enhance business) to the 50 linear foot ordinance to the parking rules. Combine this with higher rents and CAM fees every year and minor increases in sales. Its tough doing retail on Main Street Park City.

That's it. Good luck with your decision.

**From:** [Hans Fuegi](#)  
**To:** [Jonathan Weidenhamer](#); ["eric nelson"](#)  
**Cc:** [Myles Rademan](#); ["MICHAEL KAPLAN"](#); ["Jan Wilking"](#); [Bruce Erickson](#); [Hannah Tyler](#)  
**Subject:** RE: Main Street  
**Date:** Thursday, June 22, 2017 9:35:17 AM

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Jonathan,

One thing you may want to consider adding to your recommendations to city council is a provision to lift the restriction on chain stores if vacancy in the affected district rises above a certain percentage (15%?). Vacancy on historic Main Street has been extremely low over the recent past, even during the economic downturn. It would take a substantial change in circumstances or economy for the vacancy numbers to reach the above percentage.

Hans

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**From:** Jonathan Weidenhamer [mailto:jweidenhamer@parkcity.org]  
**Sent:** Tuesday, June 20, 2017 1:10 PM  
**To:** eric nelson  
**Cc:** Myles Rademan; Hans Fuegi; MICHAEL KAPLAN; Jan Wilking; Bruce Erickson; Hannah Tyler  
**Subject:** Re: Main Street

Thanks Eric.

Ok if I send to Tim and the rest of City council? Would u like this to be part of the public record?

*Sent from my mobile phone.*

On Jun 20, 2017 11:57 AM, eric nelson <enelson1213@gmail.com> wrote:  
 Guys: Great meeting.

I have included an article on chain stores. It talks about the neighborhood of Hayes Valley in San Francisco and how the chain store ban has triggered very high end retail that doesn't cater to the neighborhood. This is just one article out of 3 or 4 that came to a similar conclusion. There is some negatives that have also surfaced in Nantucket and Carmel but these are very wealthy communities. Not quite the same as Park City but something to ponder.

After thinking about this here are comments:

1. It seems like most of the communities that now have some chain store regulation have limited their chain stores to 15% to 23% of the store fronts. I would suggest a limit of 20% of the store fronts as chains which comes to about 20 to 22 stores out of 100 plus. Real estate companies should be eliminated from the list. Under your definition I am suggesting the ability to have 10 more chain stores on the street.
2. I would also suggest if Main Street hit the chain store limit, whatever it is, you give yourself an out. You might consider a quick conditional use process once you do hit your max. The last thing you want is to deny a Landlord the ability to rent his space.
3. There are 100's of chain stores that would be a great fit for main street.
4. It seems that the chains are bringing people and money to the street. When you have 10 to 14 chain stores doing half the business on the street that tells you something. Our visitors



obviously like those stores. The argument that visitors want something they can't get at home isn't always the case. There are plenty of great chains that are local in nature that our visitors never see at their homes. Gorsuch and Overland are perfect examples. Their stores are located in 2 or 3 states.

5. The big worry is what happens if you hit your chain store limit. My take is two things happen:

- a. You have vacancy
- b. You have very high end stores. People that can afford the rents.

6. This chain store limit will not lower rents. I can't find an example where a chain store restriction has reduced rents.

7. Finally, the City has done nothing to help the retail community. From the 205 Main mistake to the Brew Pub Lot Mistake (my view. will do nothing to enhance business) to the 50 linear foot ordinance to the parking rules. Combine this with higher rents and CAM fees every year and minor increases in sales. Its tough doing retail on Main Street Park City.

That's it. Good luck with your decision.



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**From:** [Tim Henney](#)  
**To:** [dj brooks](#)  
**Cc:** [Council Mail](#); [Bruce Erickson](#); [Hannah Tyler](#); [Polly Samuels McLean](#)  
**Subject:** Re: Retail restrictions on main street  
**Date:** Sunday, May 21, 2017 9:19:35 AM

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Thanks DJ. I'll forward your comment to the Planning department and it will become part of the public record now that the Planning Commission will be looking into possible guidelines/restrictions.

Best,

Tim Henney

On behalf of Park City Council

Sent from my iPad

> On May 21, 2017, at 9:12 AM, dj brooks <djbroomsjr@gmail.com> wrote:

>

> Dear County Council:

>

> I am against restrictions on retailers on main street.

>

> DJ Brooks

> 3433 Meadows Dr

>