



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 19, 2021**

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

EX OFFICIO: Alexandra Ananth, Senior City Planner; Gretchen Milliken, Planning Director; Mark Harrington, City Attorney

1. ROLL CALL

Chair Phillips called the meeting to order at 5:30 p.m. New Planning Commission Member, Bill Johnson was welcomed.

The following written determination was read:

On May 19, 2021, the Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

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

2. MINUTES APPROVAL

There were no minutes to be approved.

3. PUBLIC COMMUNICATIONS

No hands were raised on Zoom and no eComments were submitted.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, indicated that they would be doing a public comment session a Q&A. The public would be allowed to submit questions when logged into the meeting. They can also provide comments through the City's website. The intent was to allow for more voices to be heard and have dialog and discussion as opposed to only public comments. If time permits, the meeting would be opened to public comments following the Q&A session.

Chair Phillips stated that he would have to leave the meeting for a time but would continue to listen in while he was away. Vice-Chair Suesser would assume the Chair and conduct the meeting in his absence.

5. REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- A. Park City Mountain Resort Base Parking Lots - Substantive Modification to the MPD - Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. This Hearing Will Focus on the Applicant's Requested Exceptions to Required Setbacks and Building Height, in Accordance with the MPD, and Applicable LMC, General Plan, and Transportation Master Plan Criteria. A Continuation of the May 12, 2021, Discussion Related to Exceptions to Off-Street Parking Requirements Will Also Occur. PL-20-04475**

Chair Phillips reported that at the last meeting time was reserved for the beginning of the meeting for Commissioners to make comments. He asked that the comments be open to the Commission to follow up with additional comments from last week.

Chair Phillips was concerned about the impacts associated with the decision facing the Commission. He was also trying to look at unanticipated issues. He generally agreed with the proposed parking reduction and felt that it helps with the traffic issues that exist in Park City. He noted that parking is one of the biggest challenges the City will face until they get a hyperloop. In the past, he had mentioned that they are not paying as much attention to reduced parking and the impact on surrounding neighborhoods. He recognized that that

can be controlled in the future through pricing. There will, however, be people who will want to park there. Those impacts in turn will push the impacts into the surrounding neighborhoods.

Chair Phillips recognized that that can be controlled in the future through pricing. There will, however, be people who will want to park there. Those impacts in turn will push the impacts onto the surrounding neighborhoods. He acknowledged that this is not a new issue and that enforcement has stepped up. Since he does not live at the resort, he has not experienced these issues firsthand, but he questioned whether this would cause more problems and the need for more enforcement.

Commissioner Johnson agreed with Chair Phillips. He noted that the numbers in the parking analysis are confusing, specifically the numbers showing a drop in rideshare. He stated that he would look further at the plans, which mention 8 to 20 spots between Parcels C and E. He also highlighted the applicant's claim that there would be 15-minute parking within the parking structure on Parcel E, but he could see that filling up first. Based on his experience taking his children to programs at the resort, he estimated that 70% of the children are being dropped off for the day. He would like to understand more about the location of the drop-off area because until a mass transit solution is in place, this would be the primary mode of transportation for the locals and those in the surrounding communities.

Commissioner Van Dine echoed the concerns raised by Commissioner Johnson. She stated that she is the parent of a young child who participates in ski programs, and the drop-off plan is not ideal with locals. She commented that if they are going to push rideshare, there would need to be a bigger area for rideshare vehicles to drop off. She expressed concerns with the drop-off area backing up and the implications on the traffic flow in the area.

Commissioner Thimm stated that the Transportation Demand Management ("TDM") should be completed and tested. The TDM analysis should clarify how Block C will be parked. He expressed that based on his review of the analysis, the number of stalls in Block C is deficient with respect to the commercial uses, without including the other uses such as hotel guest parking, staff, and other potential users.

Commissioner Thimm also stated he would like to see a definition or delineation of the number of stalls that would be shuttled to and from the resort and where the number is accounted for in the City. He noted that Park City is recognized as a world-class ski resort and the skier experience is important. They should evaluate whether the proposed skier parking is where it should be and if it is adequate. He would like to better understand the justification for reducing the 600 stalls that were part of the 1998 approval. There should

be some conclusive way to quantify the number of skier stalls that are actually needed for the resort. He noted the discussion in the Staff Report about shared parking and perhaps establishing agreements with proposed hotels and businesses; he believes the agreements need to be in place, at least in principle, for approval by the Planning Commission.

Commissioner Thimm commented that it is important that the project integrates into the surrounding neighborhood without detrimentally impacting it. He agreed that the parking analysis update needs to be based upon the Building B uses, including the resort and base area employee parking strategy. He also agreed with tying the signage to the rest of the City as outlined in the Staff Report. He agreed that shuttle service should be added to the applicant's TDM analysis. Finally, he stated that off-street parking should be fully secured.

Commissioner Thimm noted that the relocation of central loading mentioned in the Staff Report should be factored into an updated Traffic Impact Study. He expects this plan to continue to morph as they gain further understanding and integration of the circulation plan.

In looking at the individual parcels, Commissioner Thimm expressed concerns about whether actual uses are being applied to ratios. The reductions in Parcel C do not make sense to him, since there are 258 stalls required for commercial uses. If they are only leaving 195 stalls, he questioned whether there would be enough shared transportation to justify the reduction.

Senior City Planner, Alexandra Ananth, introduced Jason Glidden, Housing Program Manager, to provide a brief update on the Housing Authority's review and approval of the applicant's housing mitigation plan.

Mr. Glidden stated that on April 29, 2021, the Housing Authority approved the Housing Mitigation Plan proposed by the applicant, PEG Development. He reminded the Commission that because of the 1998 Agreement, there was an outstanding housing obligation that had not yet been satisfied regarding the development of Parcel A. As part of the 2015 approval, certain deliverables were required of a developer moving forward, including the satisfaction of the 23 units as well as meeting the current Housing Resolution. He and staff determined that PEG's proposal meets these conditions and they recommended approval to the Housing Authority.

The applicant will satisfy the 23 beds required by the prior agreement in three eight-room dormitories, which will total 24 beds. The commercial and residential development proposal meets the requirements of Housing Resolution 0317. The applicant has also proposed 86 condominiums in different square footages and configurations. Approximately

70% of the required commercial units are proposed to be rental units and the remaining 30% will be 'for sale' units.

Mr. Glidden noted that it is important to recognize that the original Development Agreement required 80 beds, and the plan that has been approved would provide a total of 161 beds, far exceeding the 1998 agreement. The 1998 agreement also stipulated that the housing requirements would be satisfied off-site; staff supported moving these on-site to help with some of the other goals related to transportation. The applicant was also required to comply with a bond or letter of credit and agreed to provide a letter of credit in the amount of just over \$2.5 million as a guarantee on the outstanding obligation of 23 beds.

Mr. Glidden noted that the Housing Authority's approval is conditional on the Master Planned Development ("MPD") being approved. If the MPD were not approved, the applicant would have to re-submit a Housing Mitigation Plan. If there are any major changes to the revised plan, the matter would have to go back before the Housing Authority for re-approval.

Ms. Ananth added that the Housing Authority liked that this project has a good mix of rental and 'for sale' units, that the units are being built onsite which meets the City's affordable housing goals, and that the affordable units are being built in the first phase of construction. She clarified that the current Housing Resolution is the reason for the increase from the 1998 Agreement. Here, the applicant is meeting the current Housing Resolution as well as the 1998 Agreement.

Commissioner Suesser requested clarification of the required affordable housing units versus that being proposed by the applicant. Mr. Glidden explained that the original requirement for housing was based on the number of beds, as opposed to the current calculations that are based on Affordable Unit Equivalents ("AUE"). In their review of the proposal, they focused on the AUE's, where they calculated an AUE as equal to 900 square feet. The approval requires that the applicant build out approximately 73,000 square feet of affordable housing.

It was noted that the 80-bed requirement from the 1998 Agreement was proportional to the entire development approved at that time. Only Parcel A was built out, and Parcel A's equivalent was 23 beds. The new development is being looked at under the current Housing Resolution, which is why the applicant's required bed number has increased for Parcels B, C, D, and E.

Commissioner Kenworthy applauded the proposal as a significant improvement from the 1998 Agreement but expressed caution that they do not repeat what occurred with the Marriott. Mr. Glidden assured the Commission that they have conditioned their approval on

the Letter of Credit to ensure that the 23 outstanding beds are constructed. The approval also specifies that the developer cannot receive the certificate of occupancy on the market rate until they have completed and commence operation of the affordable housing.

In response to an inquiry, Mr. Glidden explained that the plan prioritizes the assignment of beds to base employees first, then mountain employees, then commercial employees in the area. Any remaining units would be offered to the general public. It was noted that the Housing Resolution requires the applicant to meet 20% of the beds for the employees that are being produced by this project. Mr. Glidden commented that all of the rentals and 'for sale' units proposed are affordable.

Robert Schmidt, PEG Development, noted that the Development Agreement gives them the option of providing the 80 beds off-site prior to developing the project; however, they chose to bring the units on-site and increase the number to meet the Housing Resolution.

Chair Phillips then directed the discussion to parking issues and commented that questions and comments in the chat would be addressed at a set time. Ms. Ananth proceeded to address parking issues and noted that the meeting on June 16, 2021, would focus on transportation and circulation. She reminded the Commission that decreasing traffic and congestion with a goal of a 20% reduction in vehicles accessing the site is one of the City's key priorities. Increasing opportunities for public transit and decreasing the number of vehicles going to the site are objectives that are directly noted in the City's General Plan for the Resort Center neighborhood.

Ms. Ananth stated that there is no change or loss in the number of day skier stalls that are proposed at the base area of this project. Of the 1,600 day skier stalls presently existing, there are 1,200 surface parking stalls that will be replaced in two parking structures. Four hundred stalls will remain in place. In addition to the day skier parking, the proposal adds 521 stalls to the base area for the residential and commercial uses on site. Therefore, there will be a total of 2,124 parking stalls that will be developed on-site.

In response to an inquiry from Commissioner Kenworthy, Ms. Ananth clarified that the 403 stalls are under the Resort Center, so some would belong to condominium owners, some would be leased out to the public, and most would be utilized for the existing uses on site. It was clarified by Mr. Schmidt that in the Resort Center, approximately 375 stalls are owned by Vail and used for day skier parking exclusively. Seventy-five stalls are for Sweetwater (also owned by Vail), and the balance is dedicated for general use pursuant to the Master Plan. Pete Williams confirmed that all of the stalls are available to day skiers as paid parking. This conforms to the original plan from 1998.

Chair Phillips suggested that after they go through the Development Agreement, that the Commission address Parcel A to assess the implications of this proposal to ensure that they are not opening up new issues regarding Parcel A.

It was noted by a Commission Member that the applicant is planning to build 1,721 stalls, so there was confusion as to why they were discussing the 403 stalls. It was also pointed out that in the Revised Transportation and Parking Management Plan, the applicant stated that their requested parking exception is 1,102 stalls, which is what the Commission had been asked to address at this meeting.

Mr. Schmidt expressed the opinion that they are not required to seek an exception to an expired MPD, and their plan thoroughly addresses the parking requirement for the day skiers and the commercial uses. Because the MPD is expired, they are only required to comply with the remaining valid portions of the development agreement of which 600 stalls are not a part. There is a discrepancy between the expired MPD and what they are providing; however, they have explained the reasons behind what they are proposing. They are asking for an exception for the 502 required parking stalls and the Code grants the Commission the authority to approve a shared parking scenario and reduce the number of stalls.

Chair Phillips returned to the comments made by Commissioner Thimm regarding the TDM strategies and stressed that he agreed with those comments. Regarding prior comments and questions from the previous meeting regarding side-street connections, he stated that he has not yet heard a full response to those concerns and stated he would like to exhaust those discussions.

Ms. Ananth continued by stating that the City's parking requirements are generally set out for standard uses based on transportation engineering handbooks. The MPD gives the Commission the authority to increase or decrease parking requirements based on a site-specific analysis. She acknowledged that there is no category for day skier use parking, so that is where the Commission has its' discretion. Ms. Ananth stated that many cities encourage a blanket waiver of 30 to 50 percent based on a mix of uses to encourage shared parking.

She continued by stating that the applicant completed a comprehensive parking analysis that was site-specific and included an analysis of the nearby resort as well as a time of day analysis as required by the ordinance. The City is in alignment with the applicant on parking issues and they believe that the applicant is proposing the right number of parking spaces for the resort base area. As stated in the Staff Report, they do not believe that the additional 600 stalls are required. With respect to the additional 400 stalls that would be reduced in the future, Ms. Ananth stated that they want to be conservative and encourage

the applicant to utilize other strategies while recognizing that there will be peak days where the 1,200 stalls would be needed.

In response to an inquiry from Commissioner Kenworthy, Ms. Ananth stated that they want the applicant to build the 1,200 stalls and to actively reduce them to 800. They want to have a buffer to try and eliminate impacts to the residential neighborhood. There are ways to incentivize the active reduction of stalls, including carpools, increased transit ridership, parking pricing, and having drop-off/short-term parking stalls. They have included conditions of approval that would require the applicant to update the actual parking results for the first year, as well as requiring bi-annual meetings with the City to actively evaluate how the strategies are working.

Ms. Ananth stated that overall, they are looking at a 20% reduction in vehicles over the first five years of this development. This will get administered through regular meetings with the City to review how parking is working and arrive at tweaks to the plan to manage the 800 stalls more effectively.

City Attorney, Mark Harrington, stated that there would have to be enforcement mechanisms in place that go beyond the traditional fine system. He noted the original agreement included limitations on ticket sales. They would have to look at mechanisms that would have an immediate ramification if parking were not being managed appropriately. Mr. Schmidt reminded those present that this is a collaborative effort between the City, PEG, Vail, and other base area stakeholders. They are committed to the items outlined in the TDM; however, they must recognize that if the City does not increase bus service that would impact their ability to meet the 20% reduction. He also noted that the parking would flex on peak days so that they do not overwhelm neighborhoods.

Commissioner Kenworthy noted that the proposed development is for 650,000 square feet, and the developer has expressed that they want to maintain 1,200 parking stalls and cooperate with the City with the 20% reduction in traffic. He highlighted that the proposal seeks to build an additional 521 spaces. The conditional approval compels the developer to manage 800 stalls for a typical day. Commissioner Kenworthy calculated that there are a total of 121 new future spaces for the entire project. He stated that he wants the City to live up to its obligations, yet still expressed confusion as to how the reductions and overlapping uses come into play. While he agrees with the prioritization of traffic reduction, he has not seen incentives or an engineered plan. Regular meetings between the developer and the City are not the answer. He wants specifics included in the MPD.

Ms. Ananth noted that they previously presented a regional Park and Ride map that showed thousands of parking stalls in the region that are or will be online. They also presented to the Commission an exhibit to the capital transportation projects undertaken by

the City and the region. She stated that none of the spaces proposed are exclusive to the Park City Mountain Resort but noted that there are other options that can be expanded and included in the development agreement should the resort need exclusive stalls.

Commissioner Kenworthy commented that he is looking for the City and the applicant to provide incentives for visitors to get out of their cars. If there is not a transportation plan, both the City and the applicant will get into trouble in this deal. The goal is to have 121 new spaces being used five years from now, but at present, the applicant will not commit to that. Mr. Schmidt responded that they would commit to working proactively with all of the stakeholders. He stated that they are comfortable with the 1,321 stalls plus the 400 that currently exist. He represented that Vail is also comfortable with that commitment. Commissioner Kenworthy confirmed that the Commission could condition that item, to which Mr. Schmidt agreed as long as the City meets its obligations. If everyone does their part, he anticipates seeing an overall improvement in traffic as a result of proper parking management.

Commissioner Suesser noted that PEG is bringing 525 new employees to the development and they are assuming that 425 will require parking off-site. Mr. Schmidt stated that they encourage their employees, as does Vail, to use the PC-SLC Connect, UTA Van Share, and carpools. They have estimated 200 employee vehicles during the week and propose that they park at Quinn's Junction and use public transportation. He stressed that 20% of the employees will have the option to live on site. They estimated 300 parking stalls needed for employees on the weekends, and they proposed to provide private shuttle services for the employees.

In response to an inquiry, Ms. Ananth stated that they would want the parking lots full, so if the demand exceeds the supply at Quinn's Junction, the Richardson Flat Lot could be utilized, which also has the option of being expanded. She commented that they would need to include provisions that if more parking is required, the developer will have to expand Richardson Flat. Mr. Schmidt commented that Vail currently uses the high school and will continue to do so as long as it is available. If that changes, there would have to be some type of pivot to other facilities that would be accommodated.

Commissioner Van Dine commented that the transportation system will have to become much more robust to accommodate this plan. She finds it hard to imagine employees getting on buses only to sit in traffic in the area.

Commissioner Kenworthy inquired about overlapping uses. Ms. Ananth explained that employees in existing and new businesses would not have onsite parking unless they choose to pay for onsite parking. Much of the commercial and restaurant uses are considered complementary uses because they are not generating their own parking

demand. It was noted that the day skier stalls are open to the public and become more readily available in the evening. The applicant is proposing that the parking would be paid at all times, year-round, however, the rate would vary depending on the season.

Ms. Ananth highlighted the existing conditions of 14th and 15th Streets, which are narrow and steep residential neighborhood streets. Based on the studies related to this project, the City staff believes that the resort should not utilize these streets. These streets provide great options for active transportation and will need improved sidewalks and crosswalks to access the resort.

She stated that the current transportation philosophy, which has changed over the past decade, is to prioritize these streets as residential and limit the resort and visitor traffic on them. When they look at aerial transit in the future, 15th Street would likely be used as a potential aerial route.

Commissioner Suesser stated that her comments are based on the Land Management Code and she interprets the proposal as including a 40% decrease in parking spaces. A reduction in parking is not permitted under Land Management Code Section 15-6-5(E) unless it meets certain criteria. She does not believe the applicant meets the criteria contained in subsections B, C, D, E, F, and G.

According to criteria B, the Hales Engineering Parking Analysis did not provide enough information for the Commission to conclude that the data is based on a project of a similar size and occupancy type. She stated that the Commission needs a comparison of the two projects and the details of what lots and buildings Hales Engineering analyzed to determine if the parking recapture rates are comparable. The different use types do not share parking at the Canyons.

With regard to criteria D, Commissioner Suesser stated that the applicant has not presented an adequate plan for shared parking. The Planning Staff's determination supporting the reduction in parking is dependent upon rigorous management and implementation of shared parking agreements and non-exclusive parking arrangements. The applicant has stated that it cannot guarantee shared parking arrangements, which directly conflicts with Planning Staff's requirements.

Regarding employee parking, the applicant stated that the new base area would generate 530 new employees and approximately 425 of those new employees will require parking; however, they did not provide the number of existing resort employees or base area employees. PEG is only proposing 200 satellite parking spaces that are non-exclusive, not reservable, and fluctuate between two lots. She stated that this is an inadequate parking plan for the applicant's employees.

Commissioner Suesser further stated that PEG has not committed to providing employee shuttles, which would potentially help to reduce employees commuting to the site and help reduce the parking requirement.

Commissioner Suesser noted that criteria E requires a plan to discourage the use of motorized vehicles and encourage other forms of transportation. The applicant's TDM plan provides limited information on how day skiers would be incentivized to carpool or use transit. The plan includes paid parking, but no rate structure has been provided, and the resort businesses have concerns about imposing paid parking year-round.

With regard to criteria F, overflow parking during peak periods has not been addressed. The applicant has not included a parking agreement for the 450 stalls that the resort routinely rents on weekends and holidays from the high school, nor does it reference other lots used and referenced in the 1997 Findings of Fact. The applicant has only committed to considering and exploring plans for overflow parking, but benchmark goals and details should be included in the MPD for the Commission's consideration.

Commissioner Suesser stated that criteria G has not been met because the applicant has not provided a plan to enforce no parking zones in surrounding neighborhoods. She commented that eliminating free parking at the resort would push parking into the surrounding neighborhoods, and signs are not effective. The 1997 approval included the imposition of impact fees on the developer, and while she did not necessarily suggest that impact fees be imposed in this instance, additional enforcement in surrounding neighborhoods would be necessary.

She added that the plans do not adequately address shared parking and parking mitigation measures between the resort and the City for special events. The plan lacks detail regarding bike drop-off locations and accommodations for tall vehicles. She suggested that the applicant's proposal for 15 to 30-minute free parking should be increased to one hour.

Additionally, she commented that the proposed changes to the loading dock in Parcel C might create pedestrian/vehicle conflicts.

Commissioner Suesser stated that the 1997 Conditions of Approval should remain in place that allows the City to restrict ticket sales if the parking mitigation plan fails. The applicant requested that the condition be removed but has not suggested an alternate remedy.

She expressed that there should be a mechanism in the MPD for conditions and enforcing corrective actions against Vail or other third-party operators when the applicant steps out of

its current role. The Land Management Code requires a sufficient parking analysis at the MPD phase to justify a parking reduction, and these issues should be resolved now.

Ms. Ananth next presented the findings of the Planning Staff. The proposed number of vehicles required by the occupants is based upon the proposed use and occupancies. The applicant's parking analysis shows that 2,223 stalls are required, and they are providing 1,721. She stated that the Canyons is a comparable resort to the one proposed, and the applicant's study showed that the Canyons had a 95% capture ratio for the residential and commercial uses and a demand of one stall per occupied unit. They have proposed an 80% capture ratio, which is more conservative than at the Canyons.

With regards to parking needs for non-dwelling uses, Ms. Ananth stated that the analysis shows that in general the commercial parking demand is approximately 95 stalls and the peak use occurs in the evening hours when additional day skier parking would be available. The applicant analyzed the time periods for each use, which showed the peak shared parking demand at 1,594 occurs at 9:00 p.m. Therefore, assuming that there are day skier stalls available at 9:00 p.m., there is sufficient room onsite.

Ms. Ananth stated that the applicant's plan to discourage the use of motorized vehicles would be discussed in detail at the next meeting. Plans for overflow parking reflect that on a typical day, the applicant expects to have some stalls not being used for day parking, which would provide a buffer. Additional buffers include the park-n-ride lots and the high school lot, both with transit to the resort.

She addressed the evaluation of the potential adverse impacts on the surrounding neighborhood and stated that the residential neighborhoods are already restricted with parking signage. The resort regularly monitors the residential areas and places warnings prior to towing cars parked in restricted areas. Additionally, the City has the right to enforce neighborhood parking restrictions.

It was noted by Commissioner Suesser that the Commissioners responses to these findings should be reserved until the next meeting and the Commission should move on to the noticed topics for this meeting.

Mr. Schmidt stated that he appreciated the comments made and noted that it has been challenging for them to try and meet all of the requirements of the Land Management Code. He assured the Commission that they have made every effort to respond to the requirements of the Code. He does not want this project to get stuck in an "analysis paralysis," which would jeopardize it moving forward.

Commissioner Hall expressed that the Commission wants to see this project proceed and welcomed suggestions to keep this matter moving forward. It was noted by Commissioner Suesser that she would send her list of issues to Ms. Ananth for forwarding to the applicant. The Commissioners were invited to send any additional comments or questions to Ms. Ananth. It was also suggested that the next meeting be held as a work session devoted to continuing the discussion. Commissioner Kenworthy requested someone from the Transportation Department attend the work session.

The discussion next turned to the architectural components of the project. Mr. Schmidt expressed that the proposal is for 150,000 square feet less than what was allowed in the development agreement, and approximately 90 density units less than what was allowed in the 1998 Plan. He emphasized that they only proposed what they felt would make this project work. Based on prior comments, they have made multiple changes to the architecture. In addition, they have asked for some setback and height exceptions because they cannot fit the density that has been granted in the development agreement without height, while at the same time providing open space and usable public space.

Since the last meeting, they have removed the setback exception requests on all parcels except for Parcel B. They reduced the number of setback requests on Parcel B so that they can maintain ground floor setbacks and still achieve a horizontal variation. They have provided additional information regarding the building height exception request. He expressed that they combined the work of different disciplines into a cohesive plan that also includes traffic, sidewalks, and circulation.

He also noted that they added architectural enhancements to Building D. They removed an entire floor and moved it to Parcel C. He reiterated that this is a complicated project with a lot of important components, and if the 1998 Plan could have been done, it would have been done. He stated that this project would provide a significant benefit, creating a world-class base area for a world-class resort.

Emir Tursic from HKS Architects presented the setback and building height exception requests. He introduced Greg Whittemore from HKS Architects who stated that they have reconciled the different aspects of the drawings and plans, which includes a representation of the landscape buffers and vegetated areas that provide the open space around each of the parcels. He presented to the Commission an overall plan showing the integration of each of the elements, as well as some illustrative sections of each area.

His presentation began on Empire, which shows a 50-foot right of way, two traffic lanes, park strip, trail, and other landscape elements within the setback. It was clarified that the 20-foot setback is to the entryway. There is a standard parking stall length from the edge of the trail to the face of the garage.

Looking at Shadow Ridge, it again shows the traffic lanes, as well as a park strip, trail, and landscape buffer between the edge of the trail and the building façade. On the north side of the road, the building is recessed below the street level, with a retaining wall at the edge that allows some room for a landscape buffer.

The west side details the first bay of bus parking, and he highlighted some of the elements that make a nice entry into the base area. Mr. Whittemore indicated that the proposed building is on the right. The pool is located on the shorter section of the building and will contain the rooftop pool. He stated that from curb to curb in this location, there is a distance of 110 to 112 feet, which is expansive. They have provided the turning radii and turn templates, which were being reviewed. He was confident that there is more than enough room to make the turn. The applicant indicated that the width of the proposed pedestrian right-of-way area varies in width. In general, along the western face of Parcel B, it is about 15 feet. There are some areas of narrowing due to architecture.

Commissioner Suesser noted that the staff report states that PEG has adjusted Building B to provide more room at the Transit Station. It was requested that the applicant clarify how far Building B has been pushed back. The applicant clarified that the building line has been pushed back five to eight feet from the property line. There was previously a planned 10-foot sidewalk that was changed to a 15-foot sidewalk. It varies because the building is not parallel with the property line. The applicant was confident that the road width is adequate. They have turning templates that illustrate it as such. Commissioner Suesser was assured that there does not need to be more room for the transit station or for shuttles.

A question was raised regarding how the applicant determined the turning radii. The applicant explained that there is a template in AutoCAD that replicates the movement of vehicles and can be looked at at the next meeting. The applicant explained that on the south side there is a 25-foot landscape buffer and setback from the edge of the trail. There is also a five-foot park strip. He explained that this makes for a lot of room for landform or other vegetative features to soften and reinforce the character of the base area.

Mr. Whittemore presented a cross-section of Parcel C in a typical area to the north of the existing condominiums. There are two dedicated bus lanes as well as a park strip, trail, landscape buffer, and landscape retaining wall on the west side in the area of the drop-off. He pointed out that they have represented the different vehicular travel types and the dedicated travel areas such as bus lanes and general traffic. On Parcels E and D there is a section on the north side and a general landscape section. The overall width of the right-of-way and vehicular circulation was represented on the slide. The Commission expressed concern that Silver King Drive has a width of only three traffic lanes. There was some question as to whether they are going beyond the property line to widen Silver King Drive.

It was clarified that there is an existing eight-foot sidewalk that ends at the intersection of Empire. They will connect to it and extend it along Silver King along the right-of-way. Currently, the sidewalk is outside of the right-of-way and they would propose a sidewalk easement over it to accommodate public use. Silver King has an existing 65-foot right-of-way and at the existing 48 feet is not fully utilized. There would be four travel lanes and a sidewalk within the existing right-of-way. But not within the existing width of the three lanes of asphalt.

The Commission asked if there will be bike lanes. It was noted that the bike lane will be the eight-foot trail as it currently exists. An explanation was given of how traffic from the various lanes would be controlled as turn-only lanes. There will also be medians. The area on the west side of the resort would include a connecting walkway toward the condos as well as the south base area. In general, the landscape buffer areas are responding to certain site conditions with opportunities to reinforce natural endings or to enhance the base area.

There were no further questions from the Commissioners concerning the landscaping. The presentation moved on to the setback exceptions portions. It was noted that the majority of the information was presented at the previous presentation. They made adjustments to each parcel based on feedback from the Planning Commission. The setbacks are limited to 20 feet. The Planning Commission has the authority to increase them to the base zone setbacks, which would be 25 feet. This is to provide architectural interest and variation. The applicant explained that there are exceptions that have been discussed with staff regarding stairs and retaining walls not taller than four feet. They are allowed to be in the setbacks per Land Management Code ("LMC") Section 15-2-16-3D. They intend to utilize this section.

In Parcel B the only place they are seeking setback exceptions are the entrances to the townhomes on Empire from 20 feet to 25 feet. On Shadow Ridge, they are seeking a 20-foot exception on upper levels 2,3, and 4. On the ground, they are maintaining the 25-foot setback. They are planning vertical breaks of more than 25 feet for variations in the façade. The applicant explained that the biggest change is along Lowell. The grand stairs and the pedestrian connection are within the four feet in height allowed by the LMC. Based on the recommendations from AECOM and the City's concerns, the building line was pushed back more than 25 feet from the property line. Most of the area was used to create a bigger sidewalk. On Manor, they have remained at 25 feet and are not seeking a setback exception. The applicant stated that they have calculated the average setback at almost 30 feet.

Mr. Whittemore presented the townhome entrances on Empire to reinforce the visual justification for creating architectural interest and variation but more importantly to reduce the perceived length and height of the building. If there was a single relief at 25 feet it would be a monolithic façade. For a more residential scale and context, from an architectural and urban design perspective, it is much more appropriate. The applicant clarified that the entryways are approximately 12 feet wide. At Shadow Ridge ground level, they are maintaining the 25-foot setback with the upper levels at 20 feet. As the building gets taller, it steps back again. They are providing vertical breaks as well according to the LMC.

Mr. Whittemore clarified that at Lowell, the diagram does not fully show what is happening as the property line tapers. The upper levels are set back in certain areas up to 33 feet to minimize the impact on the adjacent street. He stressed that the building prescriptively according to LMC will not provide any architectural variation. On Manor, they are not seeking an exception but are pulling it back to 33 feet. This will reduce the shadow on the street and reduce the perceived scale of the building. The applicant stated that on Parcel C there are only two corners of the hotel that meet the 25-foot setback. Everything else is beyond the required setback at 63 feet to up to 100 feet. There will be some retaining walls under four feet to create an ADA-accessible path into the plaza.

To address feedback from the last meeting, they pulled the building in Parcel D back to remain within the 25-foot setback. They have also responded to concerns about parking and unloading dock doors being visible. Parcel D also provides an open community space of 68 to 171 feet from the property line, which includes a pavilion. Parcel E was discussed at the last meeting. The applicant adjusted the building to be within 25 feet. Retaining walls will be less than feet. The previous discussion of whether there was an internal or external setback line was addressed and adjusted to 25 feet. The applicant reported that the only area they are seeking a setback exception is Parcel B.

The Commission had no comments or questions. The presentation moved onto the building height exception criteria.

Mr. Whittemore explained that the building height exception criteria are outlined in the Land Management Code. There were six different criteria presented at the last meeting. They received comments from the Commission that some criteria were not adequately addressed previously. He stated that the Landscape Architect addressed some of those concerns specifically.

The first criterion focused on the transfer of development credits. The 1998 Agreement was committed to preserving 11 acres of what is now a ski run. In exchange, that density will be built on Parcels A, B, C, D, and E. The open space is larger in area than Parcels B,

C, D, and E that are open. It would be impossible to build the approved density from the 1998 plan within the 35-foot building height and maintain 65% of open space. The applicant explained that there seems to be some misperception that the project is pushing the building height to increase the area and density. In contrast, by comparing the 1998 Development Agreement and improved allowable area to the current plan, they have reduced the residential density by 24% and 37% on Parcel A. Parking was not included in the 1998 Agreement and is not included in the current numbers.

A Commission Member asked if there was more above-grade parking in the current plan than the 1998 plan. The applicant clarified that the 1998 plans are somewhat deceptive in the way that they were drawn by hand. Some elevations that looked below grade were actually above grade. A new calculation was prepared by PEG with staff and the current project is still below the allowable original square footage approved by the 1998 plan.

Commissioner Kenworthy recalled that there was significant soil moved from Parcels B, D, C, and E to the ski run above the 11 acres. He asked if the applicant recalled that. He elaborated that the open space area was not previously flat but was graded for beginner skiers. It was determined that the issue would be discussed at the next meeting during the presentation on construction mitigation plans, which will include a plan for a portion of the dirt to go up on the dirt and some to be hauled out. Timing issues were discussed.

The applicant wished to address an exception which they are asking for on Parcel C. Originally, there was a building envisioned as a residential building that was 10% of accessory use. A four-star hotel was proposed instead. It would be the anchor of the development as it is in many of the other resorts PEG has designed. They are proposing 48,000 square feet of support space for the hotel, which exceeds the 1998 Agreement.

With regard to transferring density from Buildings D to C to improve D, they are not really transferring. Rather they are increasing a floor on Building C that is within the allowable residential area at 143,000 square feet. This was done in response to comments from the City several meetings prior. The Commission felt that Building D was too tall and more height on Building C was preferred. The height of buildings along Empire and Shadow Ridge has been modified. Residential density in Parcel B was reduced by 26% and now has more open space than called for in the Master Plan. He explained that in the report there is a comparison between the previous and current heights.

On Parcel C, the added floor has no impact on the adjacent buildings or streets. They are following the original volumetric. The building heights are taller as a result of the added floor. On Parcel D they reduced an entire floor and residential density by 39% compared to the 1998 plan. There is more public space than the 1998 plan. A building height comparison was also included. Parcel E has a significantly smaller footprint compared to

the 1998 Plan. They have still followed the original volumetric. Based on comments received from the City, they addressed the massing and stepped down the building on Silver King. That density was transferred closer to the mountain.

Mr. Whittemore explained that at the previous meeting they presented a solar study to demonstrate that the project does not create solar issues or access. He hoped that their current presentations addressed the previous meeting's concerns regarding landscape buffers. The applicant summarized that they have demonstrated parcel by parcel that they have addressed setbacks and the reasons why the setbacks were chosen.

Mr. Whittemore explained that the developer is required to provide a minimum of 60% accessible open space. They have created a variety of open spaces such as a pedestrian connection on the 14th Street corridor in Parcel B. There is a large, open plaza to activate and modernize the resort on Parcels C and E. In response to comments received from the City, they have rerun the calculations without Parcel A having any open space. Even with Parcel A left out, they are still at 65% open space.

Mr. Whittemore reported that they have been looking at roof transitions and included renderings in the current report that include step-downs and reliefs on larger roofs. In response to comments from the previous meeting, the parking structure entrance from Empire on Parcel D was also reoriented so that it is not directly visible, which helps step down the massing of the building.

A Commission Member asked why the setback requirements were not displayed with the renderings to make it easier to visualize. The applicant explained that the rendering software does not include an option to provide dimensions. He explained that their initial site section presentation was intended to demonstrate how much space is in each location. Mr. Whittemore walked the Commission through how to use the lines on the presentation to determine where the setback is. The overlays and dimensions relative to property lines are also included in the site plan. The applicant indicated that they could add additional dimensions if desired by the Commission.

A Commission Member explained that they cannot determine what some of the dimensions are such as the portion of the property that is required to be part of the trail easement. It is something they need for the conditions of approval. The applicant stated that they have that delineated in the report.

A Commission Member commented that he felt that in the majority of areas along Empire and Lowell the applicant has addressed the need for setback decisions. With regard to building height, he believes that there is an understanding in place per the previous plan and the already granted open space. In Parcel C where additional height has been

granted, he believes it has been placed adequately away from any residential area. He felt that the reduction in height throughout the entire project resulted in solving issues previously identified by the Commission. He did not have any issues with building height. The Commission Member commented that the project has resulted in more open space and appropriate roof transitions. He also commented that the additional height does not result in more density than was approved in 1998.

Director opened the Q&A period.

- There is concern about parking for hotel use and how it will accommodate large events that are attended by people not staying at the hotel. Has this been taken into consideration and how will the parking plan accommodate larger events?

Mr. Whittemore stated that they are including meeting space. The slowest parts of the year in Park City are the shoulder seasons and summer. They are including meeting space to attract guests and conferences during those periods. They will not be operating conferences during peak ski time or hours. They believe they have adequate parking during those times.

- According to the parking spreadsheet, PEG is suggesting a reduction of 502 spaces while at the same time additional living space, commercial space, private clubs, retail, deliveries, etc. are being added. How is this being accommodated in the parking plan?

Mr. Whittemore explained that the parking provided in the plan supports the square footage being proposed. He stressed that the base parking is not being changed. As a result of the synergy of uses in the other parking areas, a reduction calculation was done to support that use under a shared parking scenario. It was noted that the applicant is also counting on satellite lots, paid parking and that those will now be year-round and designed to mitigate parking issues. The Commission would like to see the travel time estimates from the lots as well as a comparison for automobile time.

- Parcel C commercial parking requirements are based on 51,000 square feet. Is that the total commercial uses in Building C? There does not seem to be anything for restaurant and bar, multi-tenant, or other categories that are not on the spreadsheet in Appendix B. Why is parking calculated on 20,000 square feet for meeting space and the 31,500 for the major retail?

Mr. Whittemore stated that they could review that in detail. A comment was made about the concern raised by Commissioner Thimm regarding providing 185 parking stalls when

the requirement is 527. The applicant was asked to describe how they arrived at that number and what justifies the reduction. It was noted that the applicant is planning to provide valet parking, which can create many more stalls. The determination was made that the applicant would be willing to live with a conditional approval that prohibits conferences and meetings from November 15 to April 15 of each year.

The uses within the shared parking and the justification for the reduction were described. Josh Woodbury from PEG Companies, explained that the shared parking analysis used data from ITE that includes the parking demand per hour throughout the day, which is the percentage of the peak demand for each hour of the day. They applied that percentage for each of the land uses. For Parcel C there are 262 spaces required based on one stall per occupied unit. They were also applying an 85% occupancy percentage because it is a rate per occupied unit. The peak is 10:00 p.m. with 223 stalls. Different percentages were applied throughout the day to meet different anticipated demand for the condominium units. Similar percentages were applied to other uses against the commercial space. That also includes an 80% reduction.

In response to a question raised, it was clarified that retail service and commercial is measured at five parking spaces per 1,000 square feet and is the most aggressive and was applied to all of the commercial in Parcel C.

Commissioner Hall referenced a comment made by Planner Ananth regarding when properly done, valet parking can add non-designated stalls. She asked for an estimate of how much valet parking would be proposed and how many spots that would create. Mr. Woodbury stated that they did not specifically look at valet stalls as their analysis was focused on marked stalls. It was estimated that they could gain 10 to 15 percent efficiency with valet and perhaps more. They have also been using mechanical parking systems that allow for cars to be double stacked within one space. That was determined to be an effective way to manage stalls should they need it. They would also be amenable to conditional approval to address valet or mechanical parking.

- How many employees are currently parking at the resort (pre-development) and who will pay for and ensure that the remote lot capacity and resort shuttles are effectively getting employees to work.

Mr. Woodbury indicated that currently there are about 200 Vail employees within the Transportation Demand Management ("TDM") Program. There are about 200 Vail employees that park at the resort. They park on Parcel B, which is the lowest lot on non-peak days. On peak days the employees park half at Munchkin and half at the high school. Existing base employees from the existing commercial include 50 to 60 cars.

Within the TDM they spell out that they will be taking 100 employees off-site with up to 100 allowed at Munchkin.

Director Milliken asked if the applicant could provide a specific supply/demand analysis that illustrates the impact of the on-site parking demand based on different parking rates. Mr. Woodbury stated that there is no way to do that. They have conducted the Shared Parking Analysis and various parking studies. He knew of no other way to do that specifically and indicated that they have done everything according to industry standards.

- Has a traffic study been done for Richardson Flat Road to accommodate the increased usage to access the Park and Ride and when will the Quinn's Junction Park and Ride be built?

Planner Ananth stated that the Quinn's Park and Ride will be constructed this summer and will be ready by next summer at the latest. Around the same time construction will begin on Building B. With regard to Richardson Flat Road, Planner Ananth assumed that a traffic study was conducted since it was being promoted as a Park and Ride. She would, however, need to verify that. It was verified that it was to be used for Park City Mountain Resort Bus Rapid Transit with a shoulder of a lane width. Corridor improvements were scheduled for this summer and expected to be in place by next summer. It was requested that there be a number in terms of transit riders when the 400 spots are closed down rather than a percentage.

With regard to Richardson Flats, Director Milliken indicated that she received conflicting information. She recalled that Planner Ananth mentioned that she was looking for PEG to commit to helping expand Richardson Flats. She also asked why public transit cannot go to Richardson Flats and used as a general public Park and Ride, however, it was only anticipated to be employee and construction worker parking.

PEG Companies stated that there are differences in how the City is able to use Richardson Flats versus Quinn's Junction and it has to do with how the lots are funded. As a result, they are promoting Quinn's Junction as the Park and Ride for the public and that is where they will be providing transit from. Richardson Flats is currently used as Deer Valley construction parking and a number of other uses. Companies provide shuttles to the worksite. The City intends to serve Quinn's Junction with transit that will be managed by the resort or the applicant in terms of transit shuttling. Any approval should be conditioned on PEG committing to helping the City expand the lot to accommodate its employees and construction workers. It was noted that if they were to lose their lease with the high school it would make sense to have a backup option. The backup option would be to use Richardson Flats and if needed, be expanded for the applicant who would be expected to pay for it.

It was noted that Richardson Flats has 750 stalls and is not utilized. It was not expected that it would need to be expanded. There are also environmental covenants and issues that would need to be dealt with. As a result, expansion did not appear to make sense. It also cannot be an exclusive use based on the financing. It was acknowledged that there are constraints associated with the site. Planner Ananth was asked to report back with more clarity. She indicated that initially, it would not need to be expanded. However, at some point in the future, if the applicant is relying on it exclusively, it may need to be.

It was reported that the next PEG-specific meeting will address transportation, circulation, and transit. The outstanding issues can be addressed at that time.

- Questions relating to architecture, height, and setback issues were next addressed. The first pertained to the safety of crossing Empire between 3:30 p.m. and 5:30 p.m. north of Manor Way with a large volume of cars exiting the garage on Manor Way and with no stop turning into northbound Empire. A question was raised regarding how that safety element was being addressed.

It was noted that it will be much safer than it is today and there will be a designated crosswalk. Additional safety measures can be added based on the number of people crossing in that location. Because Empire is not a high-speed road, it was expected to be handled appropriately with traditional crosswalks and signage as outlined in the Manual on Uniform Traffic Control Devices ("MUTCD") and safety standards.

- Is the Driver Lounge still on the island in the middle of the bus turnaround or has it been moved over to the Resort Center property as shown on another diagram?

Robert Schmidt, representing PEG Development reported that they are still depicting the Driver Lounge in the center of the turnaround. Additional facilities shown to the west of the bus stop would be intended to serve the patrons of the bus system.

- Could you please provide justification for why the architectural interest and articulation cannot be maintained within the required setbacks?

Mr. Schmidt stated that the horizontal articulation is necessary to reduce the perceived scale. Ultimately, the way the Code reads it is at the Planning Commission's discretion to determine if it is necessary for architectural interest and variation. They were suggesting that it is. It would be up to the Commission to decide. There was some question as to why the building was not pulled even further back to provide the same articulation and remain with 25 feet. Part of the reason was due to the parking garage and the required parking

clearances. It was noted that the applicants have optimized the parking. If they start pushing further in, they could lose an entire row of parking not only in one location but on all floors. For that reason, it would not be feasible to pull the building back any further in addition to all of the open space they provided.

Mr. Schmidt stated that the Code does not specify that it is necessary to build the buildings but it has to be necessary to provide architectural interest and variation. If not granted, they will meet the requirements of the Code with a 25-foot setback.

- Based on the presentation, it appears there are new, additional buildings in the middle open area of Building B. Is this correct and if so, what are those new buildings, and what are the heights of the new buildings?

Mr. Schmidt indicated that there are no new buildings in the middle of Parcel B. It was thought that reference may be to the private amenities on the rooftop of Building B. It was reported that when they lowered the elevation of the affordable housing on Shadow Ridge, they put in as many units as possible in the building along Lowell Avenue. A road wraps around the public amenities on the amenity deck for the condominiums. The comment was made that the changes took place when they introduced the pedestrian extension of the 14th Street corridor. This was done because the developer felt it was important to create a nicer experience as opposed to walking next to a blank garage door.

- So much has changed since the 1998 plan including explosive growth in Park City and surrounding areas. This project does not seem to benefit those who live in Park City. Can you address how this proposal takes the local component into consideration and provides amenities and benefits for locals?

Mr. Schmidt indicated that they have been very conscientious in providing usable open spaces with amenities, retail, and restaurants that are accessible to everyone in the neighborhood. That was something they consider to be very positive. Significant open space and view corridors contribute heavily to public benefit in addition to the much-improved transit system that will service the area. All of that was considered the public benefit for the whole neighborhood.

Director Milliken stated that there was a request to put the building heights in the sections on both the existing and proposed buildings so that the heights are clearly identified. The challenge the applicants have is that the roads are not level and are sloping. They have shown the buildings at their highest point. Director Milliken suggested that the approximate heights should be included in each section for context.

- The applicant made an argument that the 1998 Development Agreement had expired for parking and was then used to justify the additional building heights. Can you explain this contradiction?

Mr. Schmidt reported that the site plan exhibit has expired and was what carried the approval for the building heights. Therefore, the building height is required to replace the site plan exhibit, which affects the traffic and parking. They have to comply but did a comparison of the 1998 Development Agreement and transferring density to the space. The intent was to grant height to achieve the density transfer. Parking from 1998 was compared to the plan, with a difference of 600 stalls. It showed why their plan is relevant today to not provide the 600 stalls. They also reapplied for the exceptions.

Chair Phillips rejoined the meeting.

Chair Phillips commented that what has not expired is the transfer of the density off of the mountain into the resort base. He thought it was important to understand that there are rights attached to the land. Because portions have expired does not give the City the latitude to prevent development. The transfer and clustering of the density off of the mountain into the resort base has not expired. It is the duty of the Commission to work with the owners and achieve something that will benefit the City.

- The applicant states that there would be some sort of contract to provide shuttle service for employees that would be necessary to get them to and from the Park and Ride lots. Can this be made into a conditional COA and transferable to whoever they sell it to?

Director Milliken reported that the conditions run with the land. Regardless of who owns the site, they will be bound by the new Development Agreement and conditions that run with it.

- What specific steps will PEG and Vail take to ensure that day skiers, employees, and other base area users don't spill out into the surrounding communities looking for a place to park? This already occurs even with the 1,200 free parking spaces available.

Mr. Schmidt commented that Pete Williams' analysis for existing conditions shows that there is a deficit of about 347 stalls in current conditions today. The addition of their project helps that because they bring lodging, which is a huge driver in reducing the demand for parking. By building this project, they actually improve the day skier parking and it provides them with the tools to incent and increase things that reduce the demand for parking. The

applicant believes that the project is of benefit to the neighborhood by improving the parking situation. Enforcement will have to take place with the cooperation of the City. Within the Parking Management Plan, they can address ways to encourage guests to park in the parking structure and not on neighborhood streets.

- The parking garage in Parcel B does not appear to have any ramps within the garage. Are drivers expected to leave the parking garage if there are no spots available on the level on which they are going and then enter onto another level?

Mr. Tursic stated that there are internal ramps on each level that allow parking garage users to circulate within the garage. They provided separate entrances and exits out of the garage to provide flexibility to allow cars to exit more quickly and avoid bottlenecks.

- The density granted does not mean that it is required. It is the maximum. Is there a legal current statute that requires Park City to meet the maximum or any percentage thereof?

Planner Ananth indicated that there is no statute. The density from 1998 is the maximum allowed on the site. The applicant is proposing a certain amount less. Vice-Chair Suesser stated that the applicant has been asked to supply section drawings at sensitive areas for example, where the proposed buildings are much larger than the neighbors.

- Question for City Staff. Thank you for including 14th and 15th Streets in your traffic plans. How does the City plan to enforce traffic restrictions on these two roads?

Planner Ananth expected to continue the City's current policy and put gates up that denotes residential access only and no thru traffic. That is done during events. They want to make the area accessible to residents without encouraging resort traffic.

- Is the Transit Center at 1385 Lowell Avenue and the existing skating rink to remain?

It was reported that the Transit Center will remain in its current location although it will be expanded to provide the turnaround. It will be expanded to the east and not to the west. The stairs onto the skating rink plaza will remain but will be rebuilt to provide ADA access. They will be working with the Resort Center to accomplish that. The skating rink will remain.

There were no additional questions presented.

Chair Phillips resumed the Chair.

Chair Phillips opened the meeting to public comment.

Justin Keys identified himself as the attorney representing Three Kings. He thanked PEG for making the effort to make several modifications. He appreciated that there is now a right in and right out. They also flipped the building orientation so that it steps away from Three Kings and the adjoining uses that are substantially less dense. Mr. Keys remarked that the parking remains an issue with over 400 base-year parking stalls that will be below Building E. That will mean that a lot of the day skier individuals and those who typically park in the existing lots will come up Silver King looking for a place to park. For that reason, he included a question addressing what Vail and PEG will do going forward to reduce the impact of spillover parking on the surrounding communities. Mr. Keys stated that residents of Three Kings hire a private company to tow cars from their garages and property. He was concerned that that will get worse once there is a limited number of paid parking areas.

Mr. Keys agreed with Commissioner Kenworthy that there are no incentives to encourage people to take public transportation. He was concerned that repeat parkers will run the risk of parking on private property rather than paying to park. He explained that there are 15 parking stalls for the affordable and workforce housing that will be constructed. The nearest areas to park in the base area are in the surrounding communities. Mr. Keys appreciated PEG's position that it is a City issue but did not consider that to be consistent with the Land Management Code that has specific requirements that need to account for the impacts on the surrounding neighborhood as it relates to parking specifically. He liked the idea of continuing cooperation. They would not want the burden to be shifted to the surrounding residents.

Ed Parigian, a resident of Old Town, followed up on a question regarding 14th and 15th Streets. He suggested that they consider making them one-way streets going west for residents only. He indicated that no one lives on the portion between Woodside and Empire on 14th Street and there are condominiums on 15th Street. It could easily be made a one-way street for Woodside going west to Empire. A Commission Member agreed with the suggestion that they be one-way but it was suggested that they explore making them one way going east off of Empire to help facilitate those exiting from the resorts. Two potential points were identified as technical in terms of engineering road capacity. There are technical recommendations on additional capacity and turning movements but also political and neighborhood impact push back from residents. It is within the Commission's authority to direct staff or the Consultant to reexamine the issues and explore additional use of the residential streets for commercial unloading.

Lisa Paul urged the Commission to reconsider 14th and 15th Streets and drive them. It is difficult because motorists park on the street and it is very tight to pull in. She asked what

the maximum density allowed would be if they stay within the building heights that are currently allowed.

Mr. Parigian agreed with Ms. Paul and stated that 14th Street is very steep and there is heavy foot traffic on Woodside. There is also affordable housing there. He stated that to consider one-way traveling east is unthinkable. The road is very steep and is nasty in the winter. 15th Street is less steep but drives traffic into Park Avenue.

Deb Renfro presented four slides and assumed that the Commission Members may have some say on the parking issues. Her comments were limited to the building heights and setbacks. She stated that the above-grade parking strip was not included and the Parcel C square footage exceeds the maximum without parking. There are no mitigation plans and incomplete landscaping plans. Large trees are shown in areas that are not realistic. The applicants are no longer asking for increased setbacks on Parcels C, D, and E, which is required for compliance and is not a concession. Additional setbacks above 25 feet are not being divided on Parcel B where it is the highest at 87 feet. She asked if it is acceptable to count a median in the middle of two very busy intersections as open space. She noted that the applicants have highlighted that space in their exhibits.

Ms. Renfro contended that the applicant's exhibits continue to misrepresent and mislead the public in terms of the massing and scale of the properties. Photos were displayed to show the discrepancies. In terms of setbacks, she suggested that site circulation be finalized before making any determination on setbacks. She also observed that there are no berms or bollards between the south-bound general traffic lane on Lowell and dedicated bus lanes. She hoped that the matter was to be discussed further at the June 16 meeting when the Commission addresses site circulation.

Ms. Renfro commented that at the arrival point of 15th Street, Silver King, and Empire, the sidewalk is eight feet on the north side of Silver King along the golf course and five feet on the south side, which is what it is currently. The sidewalk in front of Parcel E on Silver King is only 3'2" wide. She did not consider that to be sufficient. There is also no back pathway depicted in any exhibits on the west side of Parcel E in spite of the developer stating that it is there. Traffic circulation issues were discussed. Once the circulation issues are addressed, she believed they could then look at the setbacks since they may have an impact.

Nicky DeFord thanked those involved and recognized that it is far more complicated and impactful on the City, residents, businesses, and resorts. She addressed the building height and setback issues. She would also focus on legal issues. With regard to building height variances, she explained that there are six factors that all must be met. With regard to building height variance, they primarily discuss the issue of the transfer of development

credits. She recognized that Mr. Tursic is an expert in architecture but disagreed with his legal interpretation of the Development Agreement and the Land Management Code. They are talking about the transfer of development credits that is in the Development Agreement. It is coming off the mountain onto specific parcels that are separated A through E. The Development Agreement expressly states that the square footage will not be allowed to transfer to another parcel. They must comply with the conditions imposed in the Development Agreement for the transfer of credits.

With regard to the above-ground parking, it must be counted. She displayed photos showing the stepping issue that was required in the Development Agreement in exchange for height variances. Landscaping is also a factor in building height variance and she claimed that what is proposed is not in compliance with what is required to demonstrate that there is adequate landscaping and does not reflect the current plans.

With respect to increased setbacks, there is a request to triple the maximum heights by reducing or maintaining the permitted setbacks on adjacent properties. A bus stop is shown in the front setback, which is not allowed in the Land Management Code. Without that there is only a 15-foot setback on Parcel B. With each of the buildings, they will have to have increased setbacks in order to meet the requirements. The applicants are trying to do this by using an average setback calculation that is misleading and completely irrelevant. It is based on upper floors even though the ground floor setback is 20 to 25 feet. It is based on upper floors that may have a 25-foot setback while the ground floor has a 28-foot setback. It does not reflect any of the low-grade construction that has to meet setback requirements. All must be taken into consideration and averaged in. They also must confirm that the below grade is in compliance with the setbacks. Reasons that the average setback calculation does not work were given.

Ms. DeFord next addressed an issue with open space and stated that it is unclear what they are using as part of their open space calculations. She contended that their calculations are off and suggested that they provide details on what they are including as open space and why and verify it. She concluded that all six variance requirements must be met. With regard to the setback reduction, it must be necessary to provide architectural interest and variation. What was heard from the applicants was that the justification is not architectural interest and variation. She also noted that one of the express requirements for the height variances is increased setbacks.

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

In response to a question raised, Planner Ananth stated that the applicant is conforming. She stated that the open space is more than compliant with the 60% requirement. It was confirmed that the open space does not include anything outside of the property lines.

Interest was expressed in seeing the breakdown per parcel and what is included in calculating the percentage.

Commission Member Kenworthy found the transfer of density against the mountain to be a positive change. He referenced the General Plan, which clearly states that they should be flexible with transferring density. The Master Planned Development ("MPD") gives the Commission leeway. He contended that this is a very complicated project. He wanted to explore every option so that they get it right. He liked what was done with the housing, the mix, and the rental features of the majority of the beds. He considered it to be a significant improvement. He was not prepared to state an opinion on heights. He wanted to better understand the underground parking and where it is located will be a factor.

Commissioner Thimm stated that he went on record with his thoughts on height and setbacks. He had a question based on the public comment regarding the bus stop area and setbacks. He questioned whether the entire bus turnaround should ultimately be granted as a right-of-way with a setback marker established.

The applicant felt strongly that they are working with the City and taking the bus turnaround onto their private property, which they consider to be a collaborative approach. In doing so, they have a façade and a sidewalk that will be inviting for guests. It will also provide an efficient use of land. They do not support the dedication of right-of-way there and a recalculation of the setback. Planner Ananth agreed that it is a legitimate question and was something staff would report back on. She questioned whether the Commission still needs to discuss the height, parking, and setback issues as they relate specifically to the findings and meet before June 16 to discuss them in a work session format. It was thought that more discussion was needed on parking. Commissioner Suesser stated that circulation issues should be also addressed before making a decision on the setbacks. It was thought that circulation and transit may affect parking but that an additional meeting was not needed.

The applicant commented that there is a precedent for the bus turnaround to be outside of the public right-of-way because the west side of the transit center is on private property within an easement. As a result, he felt that their request was entirely justified.

Chair Phillips reported that the next meeting was scheduled for June 16.

6. ADJOURN

MOTION: Commissioner Suesser moved to ADJOURN.

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

The Planning Commission Meeting adjourned at 10:25 p.m.

Approved by Planning Commission: _____

APPROVED 07.21.2021