

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 22, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Laura Suesser, Mark Sletten, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director Bruce Erickson; Rebecca Ward, Planner; Alexandra Ananth; Planner; Elizabeth Jackson, Planner; Laura Kuhrmeyer, Planner; Mark Harrington, City Attorney

The Planning Commission meeting was conducted virtually via Zoom.
The public was able to submit eComments during the meeting.

ROLL CALL

Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

APPROVAL OF MINUTES

March 11, 2020

Commissioner Sletten referred to page 19 regarding the State control over nightly rentals; and clarified that it was a question he had posed to City Attorney Harrington as to whether or not it would be an issue.

MOTION: Commissioner Suesser moved to APPROVE the Minutes of March 11, 2020. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed. Commissioners Hall, Kenworthy, Sletten, Suesser, and Van Dine voted in favor of the motion. Commissioner Thimm abstained from the vote since he had not attended the March 11th meeting.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Chair Phillips disclosed that he would be recusing himself from the 1209 Park Avenue item on the agenda due to a working relationship with the applicant on that particular property.

Commissioner Kenworthy disclosed that he sits on the HPCA with Puggy Holmgren, the applicant for 1209 Park Avenue. He also previously served with Ms. Holmgren on the Historic Preservation Board. Commissioner Kenworthy did not believe their association would affect his ability to discuss and vote on the 1209 Park Avenue plat amendment on the agenda this evening.

Director Erickson reported that the Planning Commission would hold their regularly scheduled meetings in May. He anticipated that the first meeting on May 13th would again be a virtual meeting. He was unsure how they would conduct the second meeting in May.

Director Erickson expressed appreciation to Scott Robertson, the IT Manager for setting up the meeting this evening. He noted that Jessica Nelson was taking notes for the Minutes this evening because neither ReNae Rezac nor Mary May could be there.

CONTINUATIONS - (Public Hearing and Continue to Date Specified)

- 5.A. Work Session – Staff Compiled the Planning Commission’s Goals and Priorities for Land Management Code Amendments Provided by the Commission in the Work Session on February 26, 2020. Staff will Present a Plan and Schedule of Proposed 2020 Land Management Code Amendments for the Commission’s Review.

Director Erickson reported that Rebecca Ward had done a nice job pulling all the amendments together. The Planning Department was trying to provide the Commissioners with all the information that was compiled on all the issues, including sustainability, traffic, MPDs, and historic preservation. Director Erickson stated that if any of the Commissioners do not receive the information, they should contact him rather than waiting for the normal Staff report, and he would send the information.

Director Erickson recommended that the Planning Commission continue the Work Session to a date uncertain.

MOTION: Commissioner Suesser moved to CONTINUE the Work Session for the Land Management Code Amendments to a date uncertain. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

5B. Land Management Code Amendment – Amending LMC Section 15-10-5 to Allow the Board of Adjustment Alternate to Count Toward Establishing a Quorum.
(Application PL-20-04459)

Director Erickson explained that this amendment would bring all the Boards and Commissions in alignment with what is a quorum. The Board of Adjustment is the only Board that has an alternate member that is not allowed to vote unless they lack a quorum.

Director Erickson recommended that Planning Commission open the public hearing and continue this item to a date uncertain.

Chair Phillips opened the public hearing. No comments were submitted. Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE the Amendments to streamline the Appeals and Variance Process to a date uncertain. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

6.A. 445 King Road – Conditional Use Permit – The Applicant is Requesting a Conditional Use Permit for the Construction of a Single-Family Dwelling, Consistent with the Plat and Master Development Plan. This item was Originally Continued from the February 12, 2020 Planning Commission Meeting to the March 25, 2020 meeting, which was cancelled.
(Application PL-19-04373)

Planner Liz Jackson reviewed the application for a conditional use permit for 445 King Road. She noted that the Planning Commission previously reviewed this item on February 12, 2020. At that time, the applicant had submitted updates to the plan and the Staff did not have time to review those updates prior to the meeting. The Planning Commission continued the item to the March 25th meeting, which was later cancelled.

Planner Jackson presented slides showing the proposed changes. She noted that the updated plan reduces the percentage of the height allowance being utilized. The applicant was proposing to reduce the height from 12% to 10%. They were also adding

more shifts in the facade of the structure to create more variation. Planner Jackson reviewed Exhibit B, which included the new plans. She pointed out the new variation in the front facade that was facing the Old Town side on the east elevation. She referred to the red areas on the building height analysis showing the percentage of the horizontal roof area above 25'; and noted that it was lessened to be 10%.

Planner Jackson stated that the applicant was available if the Commissioners had questions.

Planner Jackson clarified that the conditional use permit was for a new single-family dwelling called out on the plat as the Main House. Per the plat, a conditional use permit is required for the final design of the house.

The Staff recommended that the Planning Commission review the CUP for the 445 King Road single-family dwelling Main House and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval.

Chair Philips asked Planner Jackson to walk through Phase 3 and explain how it ties into the total square footage. Planner Jackson showed the proposed main structure and pointed to the 1,873 square feet for the addition. She also pointed to the 546 square feet extension. She also indicated the non-exempt portion of the garage at 198 square feet. Planner Jackson stated that the Main House is currently proposed to be 2,617 square feet. The applicant has a little wiggle room to work with because per the plat, the entire Main House building footprint shall not exceed 3500 square feet. Planner Jackson stated that because there was some flexibility in square footage, the Staff decided that the addition could be an Administrative Conditional Use permit reviewed by Staff.

Planner Jackson reported on a clarification from the applicant that she had emailed to the Planning Commission. The first is that instead of Aspens, the trees will be Evergreen and Maple trees. The second clarification addressed recorded easements and agreements. Chair Phillips noted that Planner Jackson had both clarifications pulled up on the screen.

Patrick Sweeney, the applicant and owner, agreed with the Staff report and Planner Jackson's comments this evening. He had nothing further to add.

Commissioner Thimm noted that the Staff report suggested an administrative review of the future phase and he thought that was appropriate. Commissioner Thimm referred to page 6 of the Staff report and noted that the Conclusions of Law was actually written as Conditions of Law and it needed to be corrected.

Commissioner Sletten noted that something he thought was missing on the map was a reference to 555 King Road, which is the property above the Sweeney's current application. He wanted to know if there were any impacts, specifically with respect to road maintenance and such. Planner Jackson stated that 555 King Road is part of its own subdivision. To her knowledge, there would be no impacts to access. She was not aware of any other impacts.

Commissioner Hall was confused about the Main House footprint that was limited to 3500 square feet. She understood that a single caretaker or guest house had a footprint of 1500 square feet. Commissioner Hall wanted to know how the Main House was separated into two structures with the Phase 3 addition. Planner Jackson stated that a CUP was brought forward in the past. She pointed to an existing house that is 1500 square feet that was previously approved as the main house, but with the intention that it would eventually become the caretakers house. At the present time it is considered the caretakers house and the new dwelling will be the Main House.

City Attorney Harrington understood that Commissioner Hall was asking if Phase 3 would be connected to the new Main House. Planner Jackson answered yes. The potential Phase 3 would be a connective portion.

Commissioner Hall asked if an Administrative CUP is common for something like the addition. City Attorney Harrington replied that Administrative CUPs are not uncommon for additions; however, the administrative decision is appealable to the Planning Commission. Mr. Harrington stated that it is unusual for single-family homes to go through a full CUP. However, because of the nature, sensitivity, and uniqueness of the single-family lots within the Treasure Hill original approval, it requires a heightened level of review. He believed the Staff determined that because the addition was subject to the already established square footage and locations requirements, a full-blown CUP was not necessary for the addition.

Commissioner Suesser did not recall a discussion about the addition being an administrative CUP at the last meeting. Planner Jackson stated that it was a minimal discussion. She recalled that Commissioner Suesser had a question about Phase 3, and that Commissioner Thimm had mentioned that he liked the conditions of approval. She thought that was the extent of the discussion. City Attorney Harrington stated that it was just a question on whether there was an appeal right to the Administrative CUP. He agreed that it was not extensively discussed.

Commissioner Hall was looking at the recorded easements, particularly regarding the trails. She asked if that was discussed at the last meeting when she was absent. Chair

Phillips informed Commissioner Hall that it was her time to ask those questions even if they were discussed at the last meeting. Commissioner Hall stated that she was able to look at previous easements that were recorded and found that trails will be maintained and will have minimal impacts from the structures. She asked if there was any anticipated interference from the construction. Planner Jackson stated that at this point would be minimal construction impacts. She understood that construction would utilize the existing access driveway, as well as a storage area near the building.

Pat Sweeney stated that coming off the third switchback on King Road there is a platted trail that goes well beneath the home. It cannot be seen or experienced. The trail then connects with John's Trail, proceeds the northwest, cuts back to the south, and then goes above the house. At that point it is on King Road Estate Lot 1. Mr. Sweeney stated that there are plenty of platted bike/hiking/running trails on the property, but they are well removed from the construction site and none of them conflict with the construction; both physically and visually. Mr. Sweeney remarked that there is a recorded ski easement to the northwest in favor of Park City Mountain Resort and there is a similar easement across the King Road Estate Lot 1. Currently, Park City Mountain Resort has not chosen to open or use those easements.

Commissioner Suesser commented on trails. She noted that part of the conditions of approval from 2003, which was Exhibit F, Ordinance 3-37, was a condition stating that, "all trails indicated on the Treasure Hill Subdivision plat, which have not yet been constructed and approved, shall be completed prior to issuance of a Certificate of Occupancy". Commissioner Suesser wanted to know which trails were indicated on the Treasure Hill subdivision plat, and she asked someone to confirm that those have been constructed and completed to make sure the condition was met.

Mr. Sweeney stated that when the guest house/caretaker house was built approximately ten years ago, all the platted trails shown on the plat as amended were constructed and have been open to the public. Those trails will remain open as they do not conflict with the site.

Commissioner Suesser commented on a reference to an open space easement that was part of the prior condition that the area outside the building pad would forever be preserved in a natural state. She asked if that open space easement had been recorded and reflected on the amended plat. Mr. Sweeney stated that he and City Attorney Harrington drafted the open space easement and it was recorded. He explained that it basically says that everything that is not allowed by the plat in terms of structures and driveway utilities will remain open space. The actual site is approximately one acre and the buildable area is approximately half an acre. The lot is approximately 12 acres. Therefore, the majority of the lot will be preserved as open

space in perpetuity, and the recorded easement says that. Commissioner Suesser asked if that was reflected on the plat. Mr. Sweeney stated that it was not reflected on the plat. As he recalled, the easement was recorded after the plat. City Attorney Harrington thought it was referenced on the plat, even though it was recorded separately. Planner Jackson stated that the title report was not included in the packet; however, in looking at the easements called out on the plat, she could not see where open space was called out specifically. She offered to look into it if the Commissioners would like her to follow up.

Commissioner Thimm stated that if the previous approval was conditioned on a Certificate of Occupancy, he suggested that they add the same condition to this application.

Commissioner Suesser stated that it was a condition for the Certificate of Occupancy, but the open space easement for everything outside the building pad was not part of the conditions for the Certificate of Occupancy. Commissioner Suesser clarified that she was looking at Conditions 7 and 8 of Exhibit F in the Staff report.

Commissioner Suesser was unsure how to address the issue. Chair Phillips suggested adding a condition of approval requiring that it is recorded and have Planner Jackson follow up to find out.

City Attorney Harrington stated that he was not able to find it referenced in the Exhibits, but it should be in the Title Report. Mr. Harrington thought the Planning Commission could add a condition of approval to state, "Prior to CO, the Staff will confirm that Condition #8 of the subdivision ordinance has been fulfilled".

Commissioner Sletten thought it was called out on the plat itself as open space surrounding the building envelope. It was just not called out separately as a plat note. Mr. Harrington was unable to read the language on the plat and thought it should be verified. Mr. Sweeney found that it was recorded as Entry 0073364, Book 01693, Page 1619 on April 20, 2005. Commissioner Suesser asked if it was titled an Open Space Easement. Mr. Sweeney replied that it was called "Cato Trail and Open Space Easement Agreement. Commissioner Hall stated that she had found the same thing that Mr. Sweeney just read.

Chair Phillips clarified that there was no reason to add the additional condition of approval. Commissioner Thimm thought it had already been satisfied. Commissioner Suesser stated that it sounded like it was recorded against the property and would show up on a Title report. It was already of record and there was no reason to further condition it on that requirement. The Commissioners concurred.

Commissioner Van Dine stated that her questions related to trails, conditions, and the surroundings, and those questions had already been answered.

Commissioner Kenworthy had no further comments.

Chair Phillips opened the public hearing.

No comments were submitted.

Chair Phillips closed the public hearing.

Chair Phillips thought this was a unique application for a house. He believed his questions regarding the Phase 3 portion had been adequately addressed. There is a clear plan moving forward, and it was clear that if the applicant wanted to do something else that they would need to come back to the Planning Commission with that request. Chair Phillips was comfortable with the Administrative CUP review knowing that the decision is appealable. He agreed that it would be very unique for an applicant to come to the Planning Commission for an addition on a house.

MOTION: Commissioner Thimm moved to APPROVE the proposed Conditional Use Permit for 445 King Road in the Estate District, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Staff report. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 445 King Road

1. The Property is located at 445 King Road, Summit County Parcel Number THILL-3-8-1AM, and is within the Estate (E) Zoning District.
2. The Property is located on Lot 8 of the Treasure Hill Subdivision, Phase 3.
3. Per Plat Note 12, final house design shall be reviewed under the Conditional Use Permit process. Plat Note 1 lists this as the “Main House.” This “Main House” is considered a Single-Family Dwelling per the definition in LMC 15-15-1. The new Single Family Dwelling site is labelled as the “Main House” according to the Treasure Hill Subdivision Phase 3 First Amended Plat and will be referenced as such herein.
4. The proposed “Main House”, a 7,925 square foot residence, is located on a 11.9 acre parcel.
5. The City approved the Sweeney Master Planned Development on October 16, 1986.

The Sweeney Master Plan Approval identifies miscellaneous Properties including, "...a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3,500 square foot Footprints and maximum Building heights of 25 feet." Final house designs are required to be reviewed as Conditional Use Permits in accordance with the Sweeney Properties Master Plan.

6. On July 31, 2013, the City Council approved a Subdivision Plat to create one (1) Lot of record for this 11.9 acre Site. On this same date, Council approved a Zone Change for this Site to be changed from Recreation Open Space (ROS) to the Estate (E) Zoning District.

7. The CUP Application was deemed complete on December 11, 2019.

8. The Application meets the requirements of LMC 15-1-10(E), regarding the Conditional Use Review Process.

9. Per LMC 15-1-10(E)(1), there are no unmitigated impacts of the Site size and location as the Site's size and location are not changing.

10. Per LMC 15-1-10(E)(2), there are no unmitigated impacts regarding the traffic considerations including capacity of the existing Streets in the Area. In the fall of 2019, the Applicant upgraded a portion of King Road to 16' wide asphalt paving, with 2' on either side of compacted gravel to allow for Fire Department Access. This allows for sufficient emergency vehicle access on King Road. This Conditional Use Permit will not alter the required emergency vehicle access.

11. Per LMC 15-1-10(E)(3), there are potential impacts to the utility capacity, including storm water run-off. 445 King Road is currently used as a private residence and the addition of the "Main House" will not significantly change overall utility capacity and storm water run-off. See Condition of Approval 7 for drinking water booster pump requirements if updates to this system are proposed.

12. Per LMC 15-1-10(E)(4), there are no unmitigated impacts to emergency vehicle Access.

13. Per LMC 15-1-10(E)(5), there are no unmitigated impacts to the location and amount of Off-Street parking. Pursuant to LMC 15-3-6(A), three (3) parking spaces are required for this Site – two (2) for the Single-Family Dwelling and one (1) for the Guest House. This proposal meets these requirements. There is an enclosed Garage with two (2) side-by-side parking spaces and at least two (2) tandem parking spaces; and a carport with one (1) parking space.

14. Per LMC 15-1-10(E)(6), there are impacts to the internal vehicular and pedestrian circulation system. There is ample vehicular circulation on the Site, with a private driveway that leads from King Road to the "Building Zone". There is also a circular parking area that can be used as a turning point for vehicles. As this area is expanding, but staff finds it acceptable per the proposed "Main House" location, Condition of Approval 10 will mitigate further expansion of driveway area. The

Property includes trail easements for public access, per the Plat.

15. Per LMC 15-1-10(E)(7), there are no unmitigated impacts to the Fencing, but Screening and Landscaping to separate the Use from the adjoining Uses are proposed to be affected. No Fencing is proposed at this time. Landscaping is proposed to be native grasses to blend in with existing vegetation. The Applicant is requesting that the driveway be restricted to what is proposed in the plans (i.e. not allowed to change locations and further disrupt the Site, adjacent to the existing fire hydrant) and a low demarcation wall be required on the Site to not allow for further landscaping disturbance from development, expansion of driveway, and similar activities in the future. See Conditions of Approval 4 and 10.

16. Per LMC 15-1-10(E)(8), Conditions of Approval are proposed regarding impacts of the Building mass, bulk, and orientation, and the location of Buildings of the Site. The Building mass, bulk, orientation, and location are in accordance with the requirements of the Plat. The Plat (Notes 1, 2, 3, 5, and 6) already has restrictions regarding Footprint, visibility, Building Area (Zone), height, and massing to mitigate impacts the Building's design would have on the Site and adjacent Structures. As conditioned, the proposal is in alignment with restrictions on the Plat. See Condition of Approval 3 for review of the future design of the "Main House".

17. The Building Footprint for the "Main House" can be up to 3,500 square feet with a Guest House of an additional 1,500 square feet, per Plat Note 1. The Building Footprint included in this calculation is 2,617 square feet, as measured. This includes the proposed Phase 2 Addition (1,873 square feet), Phase 2 Extension (546 square feet), and Garage (198 square feet, non-exempt portion per Plat Note 1). A future extension of this Building's Footprint may be up to 883 square feet, per Plat Note 1.

18. The Plat states in Note 5 that "The 'Main House' height...shall be twenty-five (25') feet for roofs and roof elements that generally are parallel to existing Natural Grade and thirty (30') feet for roof ridges that are generally oriented (in the horizontal plane) perpendicular to existing contour lines... Such perpendicularly oriented roof portions located above twenty-five (25) feet shall comprise less than 20 percent of the roof plan." The Applicant has shown this requirement being met in Exhibit B Sheet CU102, including an analysis of the percentage of perpendicularly oriented roof portions that are above 25 feet in height. It is noted as 10% of the roof plan on that sheet. The Structure's physical design is compatible with surrounding Structures.

19. Per LMC 15-1-10(E)(9), there are no unmitigated impacts to the usable Open Space.

The Application is for a private Parcel, although there are easements on the Site for public access, per Plat Note 10. Approximately 74% of the 0.11-acre parcel is landscape. The development of the "Main House" will not significantly impact the Open Space or easements on the Site.

20. Per LMC 15-1-10(E)(10), there are no unmitigated impacts regarding Signs and

lighting. No signs or additional lighting are proposed to be installed.

21. Per LMC 15-1-10(E)(11), staff has proposed Conditions regarding the physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. See Condition of Approval 3 regarding the materials and final detail design of the Structure. This Site is adjacent to the Historic District, and is required to abide by the Historic District Design Guidelines of LMC 15-13 Design Guidelines For Historic Districts and Historic Sites, per the SPMP. This was reviewed by the Planning Department's Design Review Team and was found to substantially comply with LMC 15-13-8.

22. Per LMC 15-1-10(E)(12), there are no unmitigated impacts regarding noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. No noise, vibration, odors, steam, or mechanical factors that might affect people and Property are anticipated.

23. Per LMC 15-1-10(E)(13), there are no unmitigated impacts regarding control of deliver and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup areas. No deliveries are anticipated. Residential trash pickup for the Property will be similar to the frequency it is currently at, which is about every 8 weeks. Frequency of pick-up may increase slightly with the new Structure, but staff anticipates not greatly.

24. Per LMC 15-1-10(E)(14), there are no unmitigated impact regarding the ownership and management of the Property. At this time, the Single-Family Dwelling will be the primary residence of the Applicant. The Property cannot be further subdivided per Plat Note 12. Per LMC 15-4-6, Guest Houses may not be sold or leased separate – including Nightly Rentals – from the “Main House”.

25. Per LMC 15-1-10(E)(15), there are no unmitigated impacts regarding 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. 445 King Road is located outside of the Park City Soils Ordinance Zone, but is within the Sensitive Land Overlay Zone.

26. Per LMC 15-1-10(E)(16), staff recommends that Condition of Approval 3 be added that allows for staff to review the “Future Phase 3 Addition” (as shown in Exhibit B Sheet CU-101 Site plan that depicts a red dashed Footprint of this addition) as an Administrative Conditional Use Permit. Per the Plat for this Site – Plat Note 12 – the final house design shall be reviewed under the Conditional Use process. Staff has determined that the plans submitted by February 27, 2020 (Exhibit B) are in compliance with this requirement and the future final details (phase 3 addition, window and door placement, proposed materials, and similar details) shall be reviewed through an Administrative Conditional Use Permit prior to Building Permit approval.

27. Due to the nature and location of the Site being shielded from the Historic District and a large distance from adjacent properties, staff recommends an allowance of

five (5) years for expiration of this Conditional Use Permit. This will vest restrictions on the Site to limit further Development than what is allowed per the Plat and this CUP, as shown in this report. Staff recommends this be the maximum timeframe for this Permit and no further Extensions be granted. See Condition of Approval 2. 28. The Application was reviewed by the Planning Commission on February 12, 2020 meeting and continued to the March 25, 2020 meeting date, which was cancelled. Cancelled meeting items were noticed as being rescheduled to the April 22, 2020 meeting.

Conclusions of Law – 445 King Road

1. The proposed Application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Structure is compatible with surrounding Structures in Use, scale, mass, and circulation.
3. The proposed Conditional Use Permit is consistent with the Park City General Plan.
4. The Conditional Use Permit is consistent with the Sweeney Master Planned Development.
5. The effects in difference in use or scale of the Conditional Use Permit have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval – 445 King Road

1. All standard project conditions shall apply.
2. This Conditional Use Permit shall expire on April 22, 2025, if the Applicant or any future Site owner has not been issued a Building Permit by that date. As this timeframe is already extending the typical one (1) year expiration period, per LMC 15-1-10(G), further extensions may not be granted for this Permit.
3. Prior to applying for a Building Permit:
 - a. Regarding the “Main House” as it is shown in Exhibit B, material samples and final design details must be approved by staff prior to issuance of any Building Permits. Construction shall be in substantial compliance with plans reviewed by the Planning Commission on April 22, 2020.
 - b. Regarding the “Future Phase 3 Addition” that is shown in Exhibit B, the Applicant shall apply for and receive approval from the Planning Department of an Administrative Conditional Use Permit for final design of the “Main House”. Material samples and final design details must be approved by staff prior to any Building Permit issuance. Construction shall be in substantial compliance with plans reviewed by the Planning Commission on April 22, 2020, regarding Footprint and location. Height shall be in compliance with Plat Note 5.

4. A water efficient (Water-wise) landscape and irrigation plan shall be submitted at the Building Permit phase for staff's review. This shall include information regarding defensible space on the Site. This plan shall abide by the Land Management Code at the time of submittal and will be reviewed by the Fire Marshal and Forestry Manager.
5. Exterior lights shall conform to the Land Management Code at the time of Building Permit submittal.
6. All Conditions of the First Amended Treasure Hill Subdivision Plat Phase 3 continue to apply.
7. Any update to the drinking water booster pump system and/or increase in demand will require Park City Public Utilities to be included in the review and approval process with the Utah Division of Drinking Water. Proof of this approval will need to be submitted at the Building Permit phase.
8. Grading and slope retention must be approved by the City prior to issuance of a Building Permit.
9. Trash pick-up will be by private contractor.
10. The proposed driveway Footprint shall not be expanded or changed. The stone-clad demarcation wall to the east of the new Structure ("Main House") will remain onsite to limit Site disturbance and any further driveway expansion into the naturally vegetated areas.
11. Final design of the "Main House" shall abide by the Plat, the Sweeney Property Master Plan, and the Land Management Code at the time of submittal.
12. Per LMC 15-4-6, Prior to Building Permit issuance, a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separate from the "Main House", shall be recorded at the County Recorder's Office. Applicant will include a copy of the recorded document in the Building Permit file.

6.B. 1209 Park Avenue – Plat Amendment – The 1209 Park Avenue Plant Amendment Proposes to Combine Lot 3 and the Northern Half of Lot 2 of Block 6 of the Snyder's Addition to Park City into One Lot of Record.
(Application PL-20-04500)

Chair Phillips recused himself and left the room. Vice-Chair Suesser assumed the Chair.

Planner Jackson remarked that this request was a typical plat amendment. It is a lot and a half, and the lot line runs through an existing historic structure. The applicant would like to remove the lot line to enable future work on the lot.

Planner Jackson reviewed the request for the proposed plat amendment at 1209 Park Avenue to combine Lot 3 and the northern half of Lot 2 of Block 6 of the Snyder's Addition into one lot of record.

Planner Jackson presented the Existing Conditions Survey and pointed out the existing historic structure. She indicated other elements, including a concrete walkway, an asphalt driveway, a parking pad area, fencing, and a concrete area in the rear yard. There is a gas meter on the front of the house.

The Planning Department had not received no public input on the project.

The homeowner, Puggy Holmgren, was available to answer questions.

The Staff recommended that the Planning Commission review the proposed plat amendment, open a public hearing, and consider forwarding a positive recommendation to the City Council for their meeting on May 14, 2020, based on the findings of fact, conclusions of law, and conditions of approval in the Staff report.

Commissioner Sletten asked if there were any plans to change the structure itself and the driveway issues that are called. Planner Jackson did not believe there were any plans to change the historic structure; however, there is a potential for an accessory building in the rear yard.

Commissioner Kenworthy found good cause for the proposed plat amendment as presented.

Commissioner Thimm, Commissioner Van Dine, and Commissioner Hall had no issues or comments. Vice-Chair Suesser had no comments.

Vice-Chair Suesser opened the public hearing.

No public comments were submitted.

Vice-Chair Suesser closed the public hearing.

Puggy Holmgren explained that the glitch was found in the title report and she decided it was best to clean it up. That was her only reason for requesting this plat amendment.

Ms. Holmgren emphasized that she loves her house as it is and plans to be there forever. She does not even plan to change the color of the house.

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 1209 Park Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was recused.

Findings of Fact – 1209 Park Avenue

1. The subject Property is located at 1209 Park Avenue. It is listed through Summit County as Parcel SA-61-A.
2. The Site is within the Historic Residential-Medium Density (HRM) District.
3. The Site is listed as Landmark on the Park City Historic Sites Inventory (HSI).
4. The Plat Amendment application is a request to combine Lot 3 and the northern half of Lot 2 of Block 6 of Snyder's Addition into one (1) Lot of Record.
5. The proposed Lot Size is compatible with existing Lots in the neighborhood and in the overall Historic District. Per the submitted survey, the Lots on either side of this Site are the same Area as this Lot – a Lot and a half (2,812.5 SF, as measured).
6. The Lot has an existing Historic Structure with a footprint of 954 square feet, as measured. Any new Development will need to come into compliance with the Land Management Code at the time of City permit submittal. See Condition of Approval 4.
7. The Application complies with Lot and Site Requirements of LMC § 15-2.4-4, as represented on the certified survey and as follows:
 - a. The proposed Lot consists of 2,812.5 square feet and meets the minimum Lot Size for a Single-Family Dwelling (1,875 square feet), per LMC.
 - b. The proposed Lot measures thirty-seven and a half feet (37.5') wide and seventy-five feet (75') deep and meets the minimum Lot Width of twenty-five feet (25').
 - c. The minimum required Front and Rear Setbacks for the proposed Lot is ten feet (10').
 - i. The Front Setback Area contains the existing Historic Structure and wood porch, a concrete walkway, and a driveway.
 - ii. The Rear Setback Area contains a foundation wall and concrete patio Area.
 - d. The minimum required Side Setback for the proposed Lot is five feet (5').
 - i. The northwest Side Setback Area has an existing wood slat and chain link fence running along the Lot Line.
 - ii. The southeast Side Setback Area includes a concrete block and the Historic Structure.

- e. The existing Historic Structure is exempt from Setback requirements, per LMC § 15-2.4-6.
- 8. The maximum Building Height of any new Structure would be twenty-seven feet (27') from Existing Grade. The existing Historic Structure is 21.3 feet in height, as measured.
- 9. The Historic Site is exempt from parking requirements, per LMC § 15-2.4-6. Any new Structure will need to comply with parking requirements of LMC § 15-3, if said Structure is not a listed exemption of LMC § 15-2.4-6. See Condition of Approval 4.
- 10. Per LMC § 15-2.4-6, Historic Structures that do not comply with driveway location standards are valid Non-complying Structures. If in the future the driveway's footprint or location is proposed to change, it will need to come into compliance with the LMC at time of permit submittal. See Condition of Approval 5.
- 11. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law – 1209 Park Avenue

- 1. The proposed Plat Amendment has been reviewed for compliance with Land Management Code Chapter 15-2.4 and Sections 15-7.1-3(B) and 15-12-15(B)(9).
- 2. There is good cause for this Plat Amendment in that it will remove an interior Lot Line on a Landmark Site and include a public snow storage easement dedication. The proposed Lot will comply with Zoning requirements for Lot Size, Width, and Depth.
- 3. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Plat Amendments.
- 4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
- 5. 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 – 1209 Park Avenue

- 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 shall 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. The Plat shall note that fire sprinklers are required for all new or renovation construction on this Lot, to be approved by the Chief Building Official.

4. Any future Development on the Site shall abide by the Land Management Code and the Design Guidelines for Historic Districts and Historic Sites. Any new Structure will need to comply with parking requirements of LMC § 15-3, if said Structure is not a listed exemption of LMC § 15-2.4-6.
5. If in the future any changes to the existing driveway's footprint and/or location are proposed, it shall comply with the Land Management Code at the time of City permit submittal.
6. A ten foot (10') public snow storage easement on both street fronts shall be noted on the Plat.
7. This Site is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, 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.
8. 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.

Chair Phillips returned to the meeting and assumed the Chair.

6.C. 1064 Park Avenue – Condominium Plat – The 1064 Park Avenue Condominium Plat Proposes to Create a Two (2) Unit Condominium Plat from the Duplex That is Under Construction On this Lot.

Planner Laura Kuhrmeyer noted that the plat was not attached to the back of the draft ordinance when the Staff report was printed. She would make sure it is included with the Minutes for the record.

Planner Kuhrmeyer reviewed the application for a condominium plat. The duplex structure was currently being constructed on the lot. The owner decided to sell the units separately and would like to condominiumize the duplex in order to sell the front unit and the rear units individually. Planner Kuhrmeyer presented the proposed plat. Unit B has the back half of the building, as well as a small accessory building in the rear of the lot. Unit A is the side closest to Park Avenue.

Planner Kuhrmeyer corrected a typo in Condition of Approval #6. The word "shell" should actually read "shall".

The Planning Department had received no public comments.

The Staff recommended that the Planning Commission open a public hearing and consider forwarding a positive recommendation to the City Council for the proposed condominium plat, according to the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Commissioner Thimm, Commissioner Sletten and Commissioner Hall had no comments or questions.

Commissioner Suesser commented on the parking for Unit B and asked if all the parking was underneath. Planner Kuhrmeyer explained that Unit A has a driveway and a garage. Unit B has a driveway in front of the accessory building in the rear, as well as a garage on the lower half of the accessory building. Commissioner Suesser asked if the accessory building has a residential component. Planner Kuhrmeyer thought there was something similar to a yoga room above the garage, but it is not living space. There are no bedrooms or a kitchen.

Chair Phillips stated that in the past, the Planning Commission has conditioned accessory buildings to prevent them from being turned into an additional livable unit with a kitchen. Planner Kuhrmeyer noted that the building was already near completion. She did not believe gas was into the structure currently, and she was willing to add a condition of approval prohibiting gas lines from being added in the future.

Commissioner Suesser asked for the number of bedrooms in Unit B. She thought the parking for Unit B was unclear and she wanted to confirm that the parking was appropriate for both units and whether the yoga studio could potentially be considered a bedroom. Planner Suesser wanted to know the parking requirements and the actual parking for the building.

Commissioner Thimm asked if the parking requirements were satisfied as part of the building permit. Planner Kuhrmeyer answered yes. Two parking spaces are required per dwelling unit. There are four parking spaces and two units; therefore, the requirement has been met.

Chair Phillips clarified that two parking spaces were on each portion of the units. Planner Kuhrmeyer answered yes.

Commissioner Sletten noted that the photograph on page 112 of the Staff report outlines the property and shows the accessory building with the garage is in the very back on the left-hand side. However, he pointed out that it still did not call out a limitation on future residential. Chair Phillips thought it would be wise to make sure that

limitation is captured through a condition of approval stating that the accessory building cannot be used as a rental because it does not have proper parking. Planner Kuhrmeyer reiterated that she would add a condition stating that the rear accessory unit cannot be used as an additional unit for any type of residential or rental use.

Commissioner Hall asked if the Commissioners would consider not allowing the accessory building to be a nightly rental but allow it to be a long-term rental if it complied with the Code. Chair Phillips remarked that the issue is not having enough parking for a long-term rental. Commissioner Hall clarified that parking would be part of Code compliance. Chair Phillips stated that if it could comply with parking or if the Code changes, it could be considered. He asked if the parking issue would be captured in any required permits for a long-term rental.

Planner Kuhrmeyer thought it was better if she could draft the requested condition and bring it back to the Planning Commission to make sure everyone is clear that the language is accurate.

City Attorney Harrington stated that since the Planning Commission was only making a recommendation to the City Council, they could direct the Staff to add a condition of approval that prohibits additional residential use or rental of the accessory space, unless additional Code compliance is achieved. It would be included in the Council Staff report and representative from the Planning Commission can provide additional input at the City Council meeting if the condition was not drafted appropriately. Mr. Harrington preferred that approach rather than delaying approval to another meeting since the applicant was already pushed back due to the circumstances.

Commissioner Sletten was comfortable with that approach as long as they include it in their recommendation to the City Council and the Staff drafts the appropriate language before going to the City Council for final approval. Chair Phillips concurred.

Chair Phillips thought it would be helpful if Planner Kuhrmeyer could email the drafted condition to the Planning Commission so they can provide additional input, if necessary, prior to publishing the Staff report for the City Council meeting. He also suggested that this be standard procedure whenever they direct the Staff to draft additional findings or conditions for the Council.

Commissioner Suesser clarified that the vote this evening would be to forward a recommendation to the City Council, conditioned on the Council considering additional language provided by Planner Kuhrmeyer. Chair Phillips answered yes, noting that the Planning Commission should expect to see that language before the City Council

meeting through an email from Planner Kuhrmeyer. At that time, the Commissioners will have the opportunity to provide additional comments to the City Council.

Commissioner Suesser referred to an access way next to the unit that accesses the Silver Creek bike trail near the river. She believed it is considered a public access way. If it is public, it should be open and not blocked. Commissioner Suesser asked if there was any consideration for keeping that access way clear. Planner Kuhrmeyer was not aware of the trail. City Attorney Harrington referred to page 109 and noted that it did not appear that any part of the access was on the subject parcel. For that reason, it could not be conditioned. He also did not believe the owners have any ability to block it. Commissioner Suesser noted that construction vehicles have blocked the access way during construction. She just wanted to make sure the public access way would not be blocked once construction is completed. Commissioner Suesser clarified that if the property line does not go up that far, the access way should be clear.

Planner Kuhrmeyer pulled up the existing conditions survey and pointed out that the trail was further down from the property. Chair Phillips asked Planner Kuhrmeyer to pull up the aerial view. Commissioner Suesser located the access way on the aerial and indicated the parking in that area. She was concerned that the access way might be blocked by the use of the condominium unit. Chair Phillips stated that since it was off the subject property, it would fall under the responsibility of Code Enforcement.

Commissioner Suesser asked for further clarification on the parking. Planner Kuhrmeyer stated that all the parking must be provided on the property. One space will be inside the accessory building and the other space is in the driveway, and all are within the property lines.

Commissioner Van Dine had no comments.

Commissioner Kenworthy stated that in an attempt to simplify, he asked if they could just say that the additional space above the garage is not to be used for overnight occupancy. Regarding the parking concerns, he asked if the spaces off the property were designated as "no overnight" parking. Commissioner Suesser thought it should be "no parking" whatsoever. Planner Kuhrmeyer stated that it is technically 11th Street. It is a platted right-of-way and people should not park there at all. She agreed with Chair Phillips that it was a Code Enforcement issue because it is off the property.

Chair Phillips assumed that area had been disturbed through construction. He wanted to make sure that any disturbance in that area is restored so it does not appear to be on the applicant's property. He was concerned that if the area is not restored, it could lend itself to be used by an occupant if it appears to be a parking spot. Chair Phillips stated

that in looking at the aerial there appears to be different colored gravel and it is important that the contractors clean up that space. He was unsure how that could be accomplished.

City Attorney Harrington suggested that the Planning Commission could make that request that the Staff communicate that concern to the City Engineer and the Building Department and report back to the Planning Commission on the status of that right-of-way post project and how it will be handled. Planner Kuhrmeyer stated that when the Engineering Department does their final inspection, they usually make sure that anything in the right-of-way has been restored to its pre-construction condition.

Commissioner Kenworthy reiterated his suggestion for a simple condition stating that "additional space above the garage is not to be used for overnight occupancy". Commissioner Thimm suggested stating, "The additional space over the garage is not to be used for residential habitation". Commissioner Kenworthy was comfortable with that language.

Director Erickson was uncomfortable with the restriction of additional residential use without a condition or finding of fact as to why this does not comply with either the condominium act or the conditional use permit. He stated that Planner Kuhrmeyer would need more fact in her report if the Planning Commission intends to restrict these uses because they are allowed in the zone subject to conditional use permits and parking.

Commissioner Sletten noted that unless the LMC changed the parking requirements, it would not qualify under the current LMC. Chair Phillips stated that Planner Kuhrmeyer has their input and he trusted her to capture what they were trying to do. He also understood Director Erickson's concern if they prohibit rentals because it is an allowed use. Director Erickson suggested that the Planning Commission consider changing the recommendation to the City Council and instead say, "Parking is limited to the two duplexes and no additional uses will be allowed unless additional parking is delivered in accordance with the Land Management Code". Planner Kuhrmeyer agreed that it would achieve the purpose to just limit it to the parking without specifically saying no other residential uses. Chair Phillips agreed, noting that if the parking changes in the future, they would have the right to use it per the zone. Planner Kuhrmeyer reiterated that she would still email the language to the Commissioners once it is finalized.

Chair Phillips opened the public hearing.

No comments were submitted.

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the 1064 Park Avenue Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance, including additional language to the City Council outlining the parking requirements and limitations to the use of the accessory building to what is allowed under the LMC. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1064 Park Avenue

1. The subject property is located at 1064 Park Avenue.
2. The site is within the Historic Residential Medium Density (HRM) District.
3. A duplex is currently under construction on this site.
4. The Applicant proposes to create a two (2) unit condominium from the duplex.
5. The Lot consists of 6,855 square feet and meets minimum Lot Size of 3,750 sf for a Duplex Dwelling.
6. The Lot measures fifty feet (50') wide and meets the minimum Lot Width of 37.5' in HRM.
7. The proposed Lot Size is compatible with existing lots in the neighborhood and in the overall Historic District.
8. The minimum required Front Setback is fifteen feet (15') and the existing duplex is located fifteen feet (15') from the Front Lot Line.
9. The minimum required Rear Setback is ten feet (10') for the Main Structure and one foot (1') for the Accessory Structure. The Main Structure of the Duplex is located approximately twenty-eight feet and eight inches (28'8") from the Rear Lot Line and the Accessory Structure is located one foot (1') from the Rear Lot Line.
10. The minimum Side Setback is five feet (5') with a minimum ten feet (10') required on Street facing sides. The existing duplex is located ten feet (10') from the Side Lot Line that abuts 11th Street and five feet (5') from the interior Side Lot Line.
11. The maximum Building Height is twenty-seven feet from Existing Grade. The Planning Director determined that the Existing Grade had been significantly altered and determined the estimated Natural Grade for the Site. The Duplex is not more than twenty-seven feet from the Natural Grade.
12. Two (2) Off-Street Parking Spaces per Dwelling Unit are required and the Duplex contains four (4) Parking Spaces.
13. As conditioned, the proposed conversion complies with LMC § 15-4-12; 15-7.1-6 and 15-12-15(B)(9), as well as state law regarding condominium plats. Staff finds good cause for this Condominium Plat as the proposal will comply with zoning

requirements for Lot Size, Width, and Depth, etc. Further, condominium conversion is merely a change in form of ownership and will not have any additional land use/density changes.

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

Conclusions of Law – 1604 Park Avenue

1. There is good cause for this Condominium Plat.
2. The Condominium Plat is consistent with the LMC § 15-4-12; 15-7.1-6 and 15-12-15(B)(9), as well as state law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
15. Approval of the Condominium Plat, subject to the conditions stated below, will not have any additional land use/density changes.

Conditions of Approval – 1604 Park Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat. The CC&Rs shall include a methodology for tie break.
2. The applicant shall 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. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. The ten foot (10') public snow storage easement on both street fronts shall be maintained and noted on the Plat.
5. A note shall be added stating that the Site is subject to all Plat Notes from the underlying Plat – Sunshine Ski Home (Entry No. 11101664), Ordinance 2018-29.
6. A note shall be added describing the current Federal Emergency Management Agency (FEMA) Floor Zone information.

- 6.D. **2290 Deer Valley Drive East – Condominium Plat – The applicant is requesting approval of the Snow Park Residences Condominium Plat, Phase 2 of the larger St. Regis Deer Valley project. The Snow Park Residences includes a four-story (4) condominium building with one (1)**

level of underground parking, nine (9) condominium units, meeting spaces, and support commercial space. (Application PL-20-04471)

Planner Alexandra Ananth noted that Tom Bennett, legal counsel for the applicant, was available to answer questions.

Planner Ananth reported that in 2001 the Rosewood CUP approved a hotel with up to 130 residential unit equivalents split between Roosevelt Gap and Snow Park. The CUP was amended a number of times; most recently in 2016, which amended the timing requirements for Phase 2 and 3 of the St. Regis Condominium Project. Planner Ananth stated that both phases are located in the Snow Park area.

Planner Ananth stated that this condominium plat is for the Snow Park Residences, adjacent to the funicular building. It includes a four-story condominium building with one level of underground parking, nine condominium units, meeting space, and support commercial, which total approximately 12.3 residential unit equivalents. It also includes two affordable units. One unit is located in the Phase 2 structure. A second unit is located in the existing funicular building. Planner Ananth reported that in addition to the nine condominium units, approximately 2200 square feet of new amenity club space in this building was recently approved earlier this year as lounge and ski locker space for the Deer Crest Club. A small new restaurant and kitchen totals 2300 square feet on the ground floor; as well as a media and library room for the residents of those nine condo units. Planner Ananth stated that the building remains in compliance with the allowed amount of support commercial and meeting space caps.

The Staff found good cause for this condominium plat, as it is consistent with the density, maximum height, location, and uses identified in the approved Deer Valley Settlement Agreement, the Deer Valley MPD, and the most recently hotel CUP. The project is in keeping with the goals of the General Plan for the Deer Valley neighborhood and adds two additional deed restricted employee units. Approval of the condominium plat will allow for the sale of individual units.

Tom Bennett, representing the applicant, stated that he had nothing to add to the presentation, and he was prepared to answer questions.

Commissioner Thimm had no questions or comments.

Commissioner Sletten thought the Planning Commission had adequately delved into the issues of parking, traffic, etc. with the last application. He had no further comments or questions.

Commissioner Hall stated that she normally rides her bike up there and when she visited the site, she thought it was obvious that one of the main trails was gone. She asked if there was a plan for a new trail connection.

Mr. Bennett was not familiar with the trail Commissioner Hall was referring to. He asked if the trail went through the subject property. Commissioner Hall stated that some people call it the Gap Trail and others call it the Funicular Trail. It is listed on the Deer Valley website for summer trails. The trailhead is maintained by the Deer Crest Association.

Planner Ananth did not have an immediate answer on the trail and offered to research it prior to this project going to the City Council. Commissioner Hall remarked that this trail is important for connecting Snow Park. She noted that the Development Agreement talks about a \$1.1 million offset of fees for the conservation easements for approximately ten miles of the trails. She was unsure how that specifically relates to this parcel because it covers all of Deer Crest.

Chair Phillips asked if Commissioner Hall was saying that the trail has been cut off. Commissioner Hall replied that she knew the trail was gone before today, and she took pictures when she was up there today.

Commissioner Sletten referred to page 129 of the Staff report, and he thought it appeared that the trail goes through the cross-hatched section on the back side of the building. However, it does not show where the trail connects going south.

Commissioner Hall was able to show her photos on the screen. She indicated the main entrance to the Deer Crest funicular, the main trail, and a clear fence. The huge indentation from the parking lot is the trail that would go behind the St. Regis funicular building. She noted that the name of the trail differs on different maps.

Commissioner Suesser was surprised there was no condition about restoring trails. Chair Phillips preferred to hear the applicant's plan for that trail before forwarding a recommendation to the City Council.

Commissioner Sletten asked for clarification on whether the dotted line in the middle of the cross hatched section on page 129 was intended to be the trail, or whether it reflected some other element. Planner Ananth thought it looked like a trail that would connect behind the new building. She suggested that the connection might be restricted currently because of the construction fencing. It is labeled as a trail and she thought it would remain and continue to connect towards the Black Diamond residences.

Tom Bennett offered to follow up on the trail question and provide that information to the City Council. Planner Ananth stated that she would draft a condition of approval to that affect. Chair Phillips was comfortable adding the condition and making sure the City Council receives the proper input from the applicant regarding the trail.

Commissioner Hall was comfortable that the City Council would understand the concern; however, she wanted to provide additional information to the City Council and offered to share the Deer Valley Trail Map and the photos she had taken. Chair Phillips agreed that it was important for the Planning Commission to direct the Staff to make sure the trail issue is well-addressed by the City Council, and that the Staff report include exhibits and at least a statement letter from the applicant.

Commissioner Hall thought the information should include page 47 of the Settlement Agreement because it talks about the offsets of fees in exchange for the conservation easements and fee simple land for recreational open space. She wanted it clear that the developer was given significant offset of fees.

Mr. Bennett did not believe that allocation of open space affected this property. He noted that there are a number of designated open space parcels throughout the Deer Crest subdivision that are preserved as open space, but those are separately designated as open space parcels. The open space is not found in portions of platted lots. Commissioner Hall note that 335 acres was deeded as open space, but 177 acres also have conservation easements. Mr. Bennett was certain there was no conservation easement on the subject property. He would look at page 47 of the Deer Crest Settlement Agreement. Commissioner Hall stated that even if there is no easement connecting this property to the trailhead, she would like Mr. Bennett to find out if there is an easement connecting the trailhead on another piece of property that was developed by this applicant.

Commissioner Hall clarified that her goal was to revive the trail.

Commissioner Suesser requested clarification on the deed restricted employee unit that is currently in the funicular building. She asked if that unit counted towards the new construction and whether it was counted in the past towards other developments. Mr. Bennett stated that it is a new unit. There are currently two affordable housing units in the funicular building. The applicant taking space that is currently used as storage area and converting it into an additional affordable unit as part of this project.

Commissioner Suesser clarified that the new affordable or employee restricted unit would be in the new condominium. Mr. Bennett replied that she was correct. Two units

are being added. One is in the new condominium building and the other one is a change of use of space in the funicular building.

Commissioner Van Dine concurred with all the comments regarding the trail restoration.

Commissioner Kenworthy had no additional comments or questions.

Chair Phillips opened the public hearing.

No comments were submitted.

Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for 2290 Deer Valley Drive East Condominium Plat, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the draft ordinance, with the amendment to forward additional information to the City Council as requested by Commissioner Hall for restoration of the trail as reflected on page 129 of the Staff report. Commissioner Van Dine seconded the motion.

Commissioner Suesser asked that the motion clarify that the restoration of the trail is a condition of approval for the condominium plat.

Commissioner Sletten amended his motion to clarify that a condition of approval would be added to the conditions of approval in the existing Staff report.

VOTE: The motion passed unanimously.

Findings of Fact – 2290 Deer Valley Drive East

1. The St. Regis Deer Valley Phase 2 Snow Park Residences Condominium Plat is located at 2290 Deer Valley Drive East.
2. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council.
3. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, and April 23, 2014, and April 13, 2016. The City Council denied an appeal of the April 22nd approval on June 18, 2009.

4. The density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130-unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.
5. The Hotel is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD. Phase 2, the Snow Park Residences is located in the RD zone.
6. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.
7. A total of 374 parking spaces are required for the entire Hotel, with a maximum of 157 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The applicant expects to have 444 parking stalls available upon completion of the project and 430 stalls available upon completion of Phase 2.
8. A Traffic and Parking Study by Hales Engineering as part of the 2019 expansion of the Deer Crest Amenity Club at the St. Regis determined that the Hotel has sufficient parking for all of the existing and proposed uses.
9. It is the desire of the applicant to build out the St. Regis in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.
10. This application is for the second phase and consists of the south parking structure at Snow Park (35 stalls) with nine (9) condominium units above (approximately 12.2 UE's). The third phase consists of the north parking structure and condominium units above (approximately 17 UE's). The total density approved for Snow Park is 30.5 UEs.
11. Staff finds Good Cause for this Condominium Plat as it is consistent with the density, maximum height, location and uses identified in the approved Deer Valley Settlement Agreement, the Deer Valley Master Planned Development and the most recently amended Hotel CUP.
12. The project is in keeping with the goals of the General Plan for the Deer Valley neighborhood and adds two additional deed restricted employee units.
13. The applicant is creating a Condominium Plat so that the nine (9) condominium hotel units can be sold as individual units creating the Snow Park Residences.

14. All Conditions of the Hotel CUP's shall continue to apply and remain in full force and effect.

15. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law – 2290 Deer Valley Drive East

1. There is good cause for this Condominium Plat as it will allow for the sale of the nine (9) units and the creation of two (2) affordable units.
2. The Condominium Plat is consistent with the Park City Land Management Code including Sections 15-4-12, 15-7.1-3(C) and 15-12-15(B)(9) and applicable State Law regarding Condominium Plats.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
4. Approval of the Condominium Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 2290 Deer Valley Drive East

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Condominium 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. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
4. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), April 23, 2014; and April 13, 2016, shall continue to apply.
5. The two (2) new deed restricted housing units shall be a minimum of 449 and 459 sf respectively, to meet the requirement of 1.135 AUE consistent with the 1st Amendment to the Housing Mitigation Plan for Phase 2 of the St. Regis. One AUE is equivalent to 800 sf according to the Development Agreement.
6. Deed Restrictions for the AUEs, approved by the City in accordance with the applicable Housing Resolution, shall be recorded prior to plat recordation, and Certificates of Occupancy shall be issued for these units prior to the issuance of Certificates of Occupancy for any of the market rate units.

7. The CCRs shall limit the HOA dues related to the deed restricted employee housing units in order to ensure the units remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to such fees. The CCRs shall be submitted with the Condominium Plat for review and approval by the City prior to final Condominium Plat recordation.

8. The applicant shall clear any obstacles and restore public access to any and all trails located on the St. Regis property.

The Planning Commission Meeting adjourned at 7:09 p.m.

Approved by Planning Commission: _____