

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 27, 2019

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO: Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Tippe Morlan, Planner; Hannah Tyler, Planner; Mark Harrington, City Attorney

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ROLL CALL

Vice-Chair Suesser called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Phillips, who was excused.

ADOPTION OF MINUTES

March 13, 2019

Commissioner Thimm referred to page 18, fourth paragraph, second line and added the word of after the word lot to correctly read "...a lot **of** discussion".

MOTION: Commissioner Kenworthy moved to APPROVE the Minutes of March 13, 2019 as corrected. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson announced that the April 10th Planning Commission meeting was cancelled. The next meeting would be April 24, 2019.

Director Erickson reported that at the request of the City Manager, Diane Foster, four sessions would be scheduled on the regular meeting agendas to update the Planning Commission on various City projects. The work sessions were tentatively planned for May 8th to discuss the 20/20 visioning process; April 24th to discuss road improvement plans; May 22nd to present the Capital Budget, which will indicate the City Road

Improvement projects for 2019/2020. The Arts and Culture update will occur June 26th. The Staff was trying to schedule an additional work session for Housing.

Commissioner Thimm disclosed that he would be recusing himself from the National Ability Center MPD discussion because his office was involved with the project.

Commissioner Kenworthy stated that he would be out of town for the April 24th Planning Commission meeting.

Commissioner Hall disclosed that she was a client of Marshall King at Alliance Engineering. Mr. King was present this evening for the Woodside Park Affordable Housing Project items on the regular agenda. She did not believe her association with Mr. King would affect her ability to discuss and vote on those items.

WORK SESSION

Woodside Park Affordable Housing Project Phase II Master Planned Development Application

Planner Hannah Tyler introduced Jason Glidden, City Housing Development Manager; and Jarrett Moe and Gentry Griffin with Methods Studio Design Team, the architectural firm retained by the City.

Planner Tyler stated that the goal of this presentation was to give the Commissioners and the public the opportunity to see Phase II of the project. The Housing Team had done considerable public outreach, but this was the first time it was publicly noticed on an agenda. Planner Tyler noted that the architectural firm had prepared a 3-D rendering to help address specific design questions.

Planner Tyler provided an overview of the project, which included a site plan to give the Commissioners some context. The project is in the Recreation Commercial Zone (RC). There are 58 units in total. She pointed to an asterisk indicating that the market rate units were reduced from seven to six units. She would provide details for the reduction during her presentation. Planner Tyler stated that there will be 52 affordable housing units. This application had triggered three applications; 1) the MPD; 2) a plat amendment; 3) a conditional use permit. All three applications would come before the Planning Commission for action at a later date.

Planner Tyler presented a project overview of the current conditions. She noted that there have been questions as to whether or not this project is a redevelopment. The sites highlighted in red were current structures. She had researched the previous

structures that once existed on the property. Planner Tyler stated that the first green circle was known as 1323 Woodside. It was a single-family dwelling that is listed on the Historic Sites Inventory. The structure was demolished in 2009, but it was retained on the HSI and, therefore, it had to be reconstructed. Planner Tyler noted that during Woodside Park Phase I that structure was relocated to 1353 Park Avenue. The relocation was approved by the Historic Preservation Board and the house was currently being reconstructed on Park Avenue.

Planner Tyler pointed to a second green circle, which was the site of a former single-family dwelling. In 2003 a determination of significance was requested by the then owner of the site to remove it from the HSI. The Historic District Commission at that time agreed with the owner and it was removed. The dwelling was demolished in 2005.

Planner Tyler presented an overview of the site from Google Earth. It was a 2003 USDA Farm Service Agency imagery, which showed 1323 Park and 1330 Empire. Planner Tyler remarked that 1330 was actually referred to as 1350; however, during the Plat Amendment process in 2014 the address changed.

Planner Tyler presented an overview of the entire site to give the Commissioners an idea of what the site would look like as proposed in the MPD. The site is in the RC zone and density is measure via the floor area ratio. There is a max floor area ratio of 1. Even with the reduction in the market rate units, the proposed density was .965; which was under the allowed density in the zone. Planner Tyler stated that along Woodside there will be two triplexes totaling six townhomes; and those will be sold at an attainable rate. She indicated two separate flats, which are affordable units ranging from studio to three bedrooms. The flats link onto Norfolk Avenue and there is additional parking. Planner Tyler pointed to 1302 Norfolk, which is a Significant Site on the Historic Sites Inventory. At this time, site improvements would be done but the City was not proposing any work on the building itself. Planner Tyler indicated the five market rate townhome units that were reduced from six units. These are the only units that access Empire Avenue. All other units will access off of Woodside and Norfolk Avenue.

Planner Tyler identified the lots. She stated that Lot 1 were all the market rates that abut Empire Avenue. She indicated a small street that was a utility easement. Lot 2 were all the affordable and attainable units. Lot 3 contained 1302 Norfolk, which is the historic site. Planner Tyler noted that 1302 Norfolk will be maintained as a market rate unit.

Planner Tyler reported that key pieces of the Woodside Park Phase I and Phase 2 projects was a pedestrian link from Park Avenue and the Miners Park Hospital to the base area at Empire Avenue. She stated that Woodside Park Phase I has a pedestrian easement running east and west, and that is continued across the street to Woodside Phase I. Once it reaches Woodside Park Phase people can walk up the stairs, enter the public plaza and continue all the way up. Planner Tyler remarked that it is open to the public and having that community benefit is an important piece. She presented photographs and included icons to help identify where the photos were taken within the rendering. There is a lot of common area that will be public art and regulated by the Park City Public Art Board.

Planner Tyler thought the rendering provided a good concept of the scale of the townhomes, the flats behind, and the pedestrian easement all the way up to Empire Avenue. There will be solar on all roofs to maintain the net zero goal of the City Council. Planner Tyler remarked that the City Council established a resolution requiring all new buildings built by the City to be net zero. Planner Tyler thought it was easy to see the compatibility within the streetscape. She noted that the relative streetscape presence would be maintained. Planner Tyler presented a photo within the rendering that was taken from Empire looking down the south side of the market rates units. The rendering would be updated to reflect the five units, and they would keep the same architectural style.

Commissioner Van Dine understood that the five units that were reduced from six units would all be market rate. Planner Tyler answered yes.

Planner Tyler stated that the line drawn on the slide was the 20-foot line for the recreation/commercial setback. Within the MPD section for setbacks, a setback reduction can be requested for architectural interest. Typically required for an MPD is a 25-foot perimeter. Planner Tyler noted that because of the location of this project and the added architectural interest, the Staff and the architect felt that an appropriate method for this structure to fit in with the neighborhood was to go down to the zone setbacks.

Jarrett Moe, with Methods Studio Design, stated that when they first started examining this site it became apparent that the existing neighborhood, scale of the structures, and the spacing was a rhythm that was upheld as a product of the RC zone setbacks. Mr. Moe stated that the intent was to keep a natural rhythm and a human scale. Therefore, instead of proposing one large massed project, it was broken into six distinct massing, allowing more space up through the center for the pedestrian walkway. He believed it created a much better human scale on both Woodside Avenue and Empire Avenue. Porches and entries are brought down onto those streets, which brings back life to

those streets and the urban fabric a little more than what currently occurs; especially on Woodside.

Mr. Moe stated that by using the zone setbacks and opening up the center plaza space they were able to preserve view corridors that were more natural than what currently exists. Woodside Phase II also relates better with Woodside Phase I in terms of how the six townhomes are set up facing Woodside Avenue. Mr. Moe explained how they put the largest massings in the center of the lot to minimize their impact.

Planner Tyler stated that in addition to asking for the reduction of the zone setback to be compatible with the rest of the buildings within the streetscape, the applicant was also asking for one reduction in an internal area between two internal lot lines. Planner Tyler reviewed the plan and noted that she had highlighted Lot 1, which is the market rate unit with the utility easement down to Norfolk. She explained that the purpose of the utility easement. The City had worked with the Snyderville Basin on getting the sewer lateral line to a place where they could efficiently remove waste from the site without having to pump up to Empire. She was told that the machines that pump the waste up to Empire Avenue often times fail, and it becomes an issue for the end user rather than the City. It was important to make sure they were delivering a product that would not fail. Snyderville Basin informed the City that laterals cannot cross property lines. Planner Tyler pointed out that the other logical place would have been straight out to Woodside, but they could not cut through Lot 2. Therefore, the City worked with Snyderville Basin to carve out an area of Lot 2 that would allow access to the sewer. The result was the 10' wide utility easement. However, it required a reduction of the building on Lot 2 because the rear yard setback in the RC zone is 10'. She clarified that Lot 2 did not comply with the rear yard setback for the area. Planner Tyler clarified that the justification for recommending approval of the exception was that a 15' setback would be provided between this lot and another developable lot. Any development on these lots would need to comply with the IBC and Fire Codes, so there would not be issues with the buildings being too close together and unsafe. Planner Tyler believed more space was being provided than what would have been approved or allowed if they had not needed the utility easement.

Commissioner Thimm stated that in looking at the building, the building line and the 5' setback, he noticed rectangles in the orange zone. Mr. Moe replied that they were overhangs for the balconies. Commissioner Thimm asked if balconies normally encroach into rear yards. Planner Tyler stated that there is an exception for balconies within the rear yard if they are less than 10-feet wide.

Commissioner Suesser asked if the balconies were part of the proposed homes. Planner Tyler replied that they were part of the flats. Planner Tyler offered to provide more specifics on that exception for the next meeting.

Commissioner Sletten asked if they exist on all levels of the building. Mr. Moe answered yes. He noted that it also provides light and views for the apartments.

Vice-Chair Suesser asked if there was an alley or a sidewalk between the buildable lot and the proposed flat. Planner Tyler stated that it was Norfolk Avenue and two homes access off of Norfolk. Vice-Chair Suesser asked Planner Tyler to locate the staircase that goes up to Empire. Planner Tyler pointed to the staircase. Vice-Chair Suesser wanted to know what was showing between the red lines. Planner Tyler replied that it was the utility easement. Commissioner Thimm asked if it would be a recorded easement. Planner Tyler answered yes. She stated that it would be vacant land with vegetation.

Planner Tyler stated that the next requested reduction was referenced in 15-6-5(d) Open Space for redevelopment. She explained that the LMC allows the Planning Commission to reduce the required open space up to 30%. The applicant was requesting 42.82 in open space. Planner Tyler noted that a different number was reflected in the Staff report; however, since the report the number was updated to accurately reflect what can and cannot count towards open space. Planner Tyler stated that the justification for the exception is that there needs to be project enhancements that the Planning Commission feels are a community benefit. She had listed the benefits in the Staff report; which included affordable housing, the public pedestrian plaza, pedestrian linkage between Park and Empire, the public art piece, and the bicycle parking. The Staff found those project enhancements to be adequate community benefits in exchange for reducing the open space.

Commissioner Kenworthy asked Planner Tyler to identify the bus stop location on Park Avenue so he could connect the bus stop to the pedestrian linkage.

Commissioner Van Dine wanted to know what was being considered as open space. She recalled a letter indicating that roof top patios were being counted as open space. Mr. Moe stated that roof top patios were not included in the updated calculation. He stated that the open space included the setback areas and landscape areas. The plaza space on top of the parking structure between the two sets of flats was also being considered. Mr. Moe remarked that all the property bordering the structures would be considered open space, as well as the pedestrian walkway coming up through the center from Woodside towards Empire Avenue. It also includes the public plaza space between the north side set of flats and the south side set of flats. It continues to the

east of both sets of flats between the flats and the Woodside townhomes. It also includes the buffer space in the location of the utility easement, as well as the buffer space to the north between the north set of flats and the Empire Avenue townhomes.

Commissioner Thimm understood this was a work session, but he thought it would be helpful when the formal submission is put forward to include a diagram that defines the open space. He was particularly interested in what he defined as usable open space. Commissioner Thimm recognized that the LMC does not require usable open space, but since they were considering a reduction he thought it would be beneficial to know how much of the open space would be used by the residents.

Planner Tyler used Goggle Earth to show Woodside Phase I under construction and the location of two bus stops near the pedestrian easement.

Vice-Chair Suesser asked if there was a pedestrian walkway connecting Park Avenue to the plaza. Planner Tyler identified the existing Woodside Park Phase I pathway that goes straight through the project. Vice-Chair Suesser assumed that the public space was common space for the residents as opposed to being utilized by the general public. Director Erickson stated that the walkway and the park on top of the parking garage was open to the public.

Director Erickson commented on the open space question. He stated that because this was a re-development site, private sector development could make the same request to reduce open space inside this neighborhood in order to accomplish community goals.

Planner Tyler clarified a discrepancy in the parking calculation. The numbers in her presentation this evening was an updated and accurate calculation for parking. She had superimposed the updated floor plan and parking area showing the five market rate units. All five units provide a two-car garage and the entire area provides 10 parking spaces. Planner Tyler remarked that when the Staff report was published, the design team and the affordable housing team were still discussing the concept of reducing the number of units due to construction costs. She emphasized that that unit reduction would occur regardless of parking calculation issues.

Planner Tyler provided an updated parking plan showing that the parking total was 72 spaces. The parking requirement for the entire project was 68 spaces. Planner Tyler stated that the affordable units satisfied the parking requirements in that area and the market rate units provide what is required in that section of the lot. The affordable units and the market rate units have completely separate parking requirements.

Commissioner Hall asked for the location of the bicycle parking. Mr. Moe stated that bicycle parking would be off the plaza in bicycle lockers. Pedestrians who live in this project can walk out and access their bikes on the plaza level, and then take them down to Woodside or up to Empire to access the trails system or roads.

Commissioner Thimm noticed a reference to PV array on all the roofs. He asked if this project was part of a specific sustainability certification. Mr. Moe replied that they were targeting net zero energy consumptions. They were targeting a design where this project only uses the same amount of energy that can be produced within the boundaries of this site. However, in terms of sustainability certification, they were not pursuing LEED or any other sustainability certificates. Mr. Moe remarked that the justification is that after a year of use, the energy bills will be offset by all the power produced on the site.

Commissioner Suesser asked for a review of the 3-D architectural rendering. Mr. Moe presented the rendering and oriented the Planning Commission to the different streets, as well as Woodside Phase I project. Commissioner Suesser was interested in knowing whether there was a connection to Norfolk from the location of the historic home out towards Library field. Director Erickson replied that currently there was not a connection; however, he had made a note to consider the idea of a connection down Lot 2. Director Erickson stated that there are trail systems over sewer easements in other locations but he needed to see whether it was feasible for this location.

Mr. Moe stated that as currently designed, the residents occupying the structures off Woodside Avenue could circulate internally through the stair core and then come out and access Norfolk. It would not be a public access.

Commissioner Suesser asked to look at the plaza. Mr. Moe remarked that the doors off the plaza was the bike storage looking towards Woodside Avenue. Commissioner Sletten asked Mr. Moe to walk down the pedestrian walkway. Mr. Moe stated that the ramps and circulation up to the plaza space were designed to be ADA compliant. He noted that the full context had not yet been fully flushed out. Commissioner Kenworthy understood that the walkway continues across Woodside and goes directly in a straight line to Park Avenue. Mr. Moe replied that he was correct.

Mr. Moe noted that the architectural teams for both Phase I and Phase II worked together to match the look and feel of the walkway through both projects.

Commissioner Suesser asked Mr. Moe to show the walkway up to Empire. Mr. Moe pointed out the challenge in putting the design together with the Lot because of the drop that occurs from Empire down to Woodside. That was reflected in the first set of

stairs as it climbs to Empire. Mr. Moe indicated small patios along the pedestrian walkway on the right-hand side for the Empire units.

Commissioner Kenworthy asked Mr. Moe to show the balconies that overhang onto the easement. Mr. Moe noted that the majority of the massing was inset. Only the small protective covering comes out to shield from weather and sun exposure.

Commissioner Sletten asked how far the offset extended. Mr. Moe replied that it was slightly less than 2-feet.

Commissioner Thimm asked how deeply the affordable housing was targeted in terms of the AMI. He was told that the pricing had not been approved by the City Council, but they have proposed starting at 60% AMI, which are primarily studio units; and then go up to 80%. The attainable units are approximately 90%. The highest is 120% AMI.

Vice-Chair Suesser opened the public hearing.

Mike Barille, a former Old Town resident on Lower Woodside, wanted to address the Planning Commission from several perspectives. His Urban Planning Design Firm did some of the initial site studies for this property approximately 10 years ago to look at concepts for how this property could be used to further the objectives of the City. Mr. Barille stated that a variety of densities on the site were studied, and he believed the plan presented this evening was somewhere on the low to middle end of the densities studied. He thought it was reasonable for the neighborhood, particularly in looking at other types of condominiums and stacked flat building commonly seen through that portion of the neighborhood.

Mr. Barille addressed comments regarding the walkway. A large effort was made to try to connect this property all the way up to the Resort. On the question of whether the walkway would be used by the public, he stated that public stairs and walkways through Old Town are a major component of who they are as a community. Mr. Barille believed that maintaining that walkway was important for connecting neighborhoods and maximizing utilization of Transit.

Mr. Barille stated that his next comments pertained to his role as Executive Director of the HPCA. He pointed out that a variety of downtown businesses have real challenges in hiring employees. The HPCA issued a position statement over a year ago regarding affordable housing and the need for smaller units and units focused on rental pool or first purchases within Old Town and walkable to the downtown businesses. Mr. Barille supported the project from that standpoint as well.

Scott Sabey stated that he was an attorney representing Doug Lee, the homeowner adjacent to this project to the north on Empire. Mr. Sabey had submitted two different letters detailing a significant variety of problems. He noted that some of the problems were addressed with the updated plan shown this evening, but some of the underlying issues still remained. Mr. Sabey stated that their letters provided their concerns in great detail, and they were not satisfied with the response they received. Mr. Sabey believed this project was being designed and built under the wrong provision of the Code. He thought it should be subject to 15-6.7, Affordable Housing, which has different standards for parking, and other issues that apply to this project.

Mr. Sabey clarified that his partner had done most of the work in writing the letters. She was out of town and he was filling in, and he apologized if he mischaracterized something that had occurred in conversations with Director Erickson. Mr. Sabey noted that after the first five-page letter, Director Erickson responded via email and in six sentences basically disagreed without giving reasons for position. As an example, on the issue of affordable housing, Director Erickson only said that it was not 100% affordable housing so it did not fall under the affordable housing section. Mr. Sabey argued that per the Code, 100% is not required in order to be subject to that section. He pointed out that the City was calling it an Affordable Housing project. Mr. Sabey stated that 100% is only required if they want certain advantages under that LMC section. Mr. Sabey remarked that if this project was designed and built under the Affordable Housing Section, it skews a variety of issues. However, he also maintained that even under the Section that the City was using, the project does not meet the requirements.

Mr. Sabey reiterated that since the plan had been changed in some cases they needed to go back and address the changes. If the issues cannot be resolved with the City, he would address it with the Planning Commission when it comes back on a Regular Agenda.

Mr. Sabey stated that in a broader sense, his clients struggled with the idea of how much is being shoehorned into this space. It is being done by the City and as the applicant they are pushing this project. Mr. Sabey remarked that because the City is the applicant, it is more crucial that the surrounding property owners and the citizens get the protection the Planning Commission provides, because the Staff is beholden to the City as a City employee. Mr. Sabey thought the Staff report amounted to a sales pitch for this project. He did not believe it was appropriate because it is not a standard the Planning Commission uses to make their determination. Mr. Sabey requested that the Planning Commission read the two letters and examine them in detail. He will continue to meet with the developers and Director Erickson, but at this point he did not think the project was following the proper section of the LMC. He hoped the

Commissioners would actively engage because the applicant is not a developer or a private citizen, and his client needs the protection afforded to property owners in the immediate area.

City Attorney Mark Harrington asked if there was any language in the existing Chapter that the City applied under that prohibits them from making that application. Mr. Sabey answered no; the City could make an application.

Director Erickson stated that the Staff would be happy to work with Mr. Sabey on all the issues and the details with respect to the site. He explained that his intention was to respond to the letters quickly and efficiently, since this was being scheduled for a work session where Mr. Sabey would have the opportunity to see some of the changes before having a discussion.

Doug Lee stated that he is part of the family that owns 1356 Empire Avenue and he handles the real estate matters for the family. Mr. Lee noted that Mr. Sabey and his partner had covered most of his issues in their letter. Mr. Lee stated that his family has owned their house since 1981 and in that 40 years they have watch the neighborhood change. He understands that things cannot stay the same forever; however, their biggest concern is that too much is being shoehorned into this site. Mr. Lee noted that the City is the applicant who was proposing and building this project. For that reason, he thought the City would want to create a development that is responsive to all the stakeholders and not just maximizing the number of units on the site. Mr. Lee did not believe the City should do exactly what a private developer could do. This is RC zoning and the RC zone does not permit multi-unit development. The City is only able to carry out the proposed plan through an MPD and a CUP. Mr. Lee stated that by-right development is a single-family, a duplex, and a triplex. Anything else requires Planning Commission approval.

Mr. Lee asked the City to be responsive and to be sensitive. When he renovated his house from the ground up he did not maximize lot coverage or density, and he actually gave up the height that was grandfathered in an effort to be good members and good citizens of Park City.

Mr. Lee commented on life/safety issues. He recalled from the Treasure Hill process that Empire Avenue on its best days is already dangerous. On snow days and event days Empire Avenue is extremely hazardous. In the middle of the ski season there are no sidewalks from the 1500 block south and where there are sidewalks they are covered with snow. He worries about pedestrians walking to and from the Resort and the amount of traffic they encounter. Mr. Lee stated that earlier comments about the project spoke to the fact that those issues would be covered when the base resort

comprehensive development and master plan is completed, but he fears that may be too late. He thought traffic studies on Empire, Woodside, and 14th and 15 are important in trying to plan ahead. A large part of the solution is not maximizing the density and the number of units on the site.

Ron Spratling asked if the proposed plan calls for widening Empire.

Director Erickson answered no.

Mr. Spratling wanted to know the current width of Empire.

Director Erickson was not certain and offered to check. He thought it might be 20' back of curb or 24' back of curb.

Mr. Spratling asked if there were curbs on that portion of Empire.

Director Erickson believed that section of Empire is classified as a local street and he offered to include more information in the next Staff report.

Vice-Chair Suesser closed the public hearing.

Commissioner Thimm was not opposed to the requested setback reduction based on continuity in the area. However, he would like to keep the setback at 20-feet and no less because there are places where people pull in cars and it is important not to block the sidewalks. Commissioner Thimm thought the internal setback was a nuance because of the easement that is created. He could see no reason to oppose that setback.

Commissioner Thimm commented on the open space reduction. He noted that several bullet points were made with respect to the reasoning from a "gives" and "gets" standpoint as to why the Planning Commission would accept that reduction. Commissioner Thimm stated that for him personally, affordable housing was the most poignant reason, because the project provides a high percentage of affordable units in a needed location. The units are walkable to various places of work in and around the core of the City. For that reason, Commissioner Thimm believed there was a strong case for allowing a reduction provided that there is enough usable open space. He noted that in addition to the available open space, the balconies provide private open space which goes beyond the 42.6%.

Regarding the two letters written by the attorney representing the neighbor, Commissioner Thimm wanted the Staff to address the points in the letter to help the

Planning Commission better understand the City's position; specifically, with regard to which section of the LMC applies.

Commissioner Sletten stated in reading 15-1.11 of the LMC, it simply addresses 15.6 and does not mandate which portion of 15-6 one chooses. Commissioner Sletten believed that whether the applicant is the City or an individual, the applicant is allowed to make that selection in the application process. Commissioner Sletten requested that the Staff address that issue.

Commissioner Kenworthy was comfortable with the General Plan compliance. As a business owner on Main Street he personally knows the pains of trying to get employees. Since the market has changed they have lost a number of locals and the bartenders and librarians and others in town are no longer here renting houses. Commissioner Kenworthy believed this project is needed to balance the community.

Commissioner Kenworthy echoed Commissioner Thimm regarding the setback reductions.

Commissioner Hall agreed with the request for the Staff to respond to the letters publicly. She thought a trail over the utility easement would be beneficial if it is feasible. Commissioner Hall asked for an explanation on the process on how they reached the density, as well as fair market versus rentals versus sales.

Jason Glidden was prepared to answer the second part of the question as it relates to the overall housing program. He stated that the City has a finite amount of money that is set aside for housing, and they were trying to make the most of those dollars. Mr. Glidden stated that the last few projects have been ownership projects that they were looking at transferring into rental. As with any developer, there is a cash flow. They build the property and sell the property to fund the next property. He explained that as a City they subsidize a portion of each project and the cash flow shrinks. Mr. Glidden stated that because of the location with the RDA, they have the ability to sell at market rate. They will not have this same ability again on other City properties because those properties are outside of the RDA and they cannot sell units at market rate. Mr. Glidden remarked that by selling these units at market rate reduces the subsidy to zero, and that amount of subsidy can be put into the next project. The plan is to look at the Homestake Development as rental property and to use that to lower the subsidies even more so the City can offer rent at a 60% AMI, which is more in line with what the work force can actually afford. Mr. Glidden stated that they were selling five units at market rate in an effort to stretch the dollars.

Commissioner Hall asked Mr. Glidden to address the rentals versus outright sales. Mr. Glidden stated that with rental properties the payback is over 30 years. If they only do rentals they would not be able to fund their next project. The selling/ownership component allows the City to continue to build more units.

Commissioner Hall clarified that selling the current market rate units prevents the City from needing to subsidize further affordable units; and the breakdown for selling the affordable units relates to cash flow. Mr. Glidden replied that it provides cash flow for the next project. He stated that the City was currently looking at funding options to fund rental projects that will not have that cash flow to address the need for affordable rental property in the future.

Director Erickson stated that this project has been conceptualized with the City Council. In the Planning Department there is a firewall between himself and Planner Tyler because she is working on the project and he is busy running the regulatory side. The direction from the City Council was to bring the project in under the current Codes, and there will be as few as possible or no exceptions for the Municipality in moving this project forward. Director Erickson explained that when the project was conceptualized the questions focused on which section of the Code to use, the rules to play by, and how to bring it into compliance with the General Plan in terms of the rhythm of the street, height, setbacks, and the walkway that has been in the General Plan since 2014. Director Erickson remarked that from the design side, the units were moved around inside the boxes that were created to achieve the design presented this evening.

Commissioner Hall asked if that was in terms of one-bedroom units versus the micro-unit versus the townhomes. Mr. Glidden stated that they try to keep up with the proper unit size as much as possible by looking at needs of the people on the wait list for affordable housing. They also consider the trends and what people want. Mr. Glidden noted that the younger population needs less space now; and the smaller units are more desirable as long as adequate storage space is provided. However, there are still families in need of housing, which is the reason for having a mix of larger three-bedroom townhomes that can satisfy the younger families who want to come back into town.

Commissioner Van Dine understood that the project does not require child care; however, she wanted to know at what point would the number of townhouses result in the need for child care and how that would be addressed. She noted that people always refer to the Library and the Co-op, but those are limited spaces and difficult to get into it. Commissioner Van Dine remarked that currently it is impossible to get a child into daycare in Park City. She wanted to know when that issue comes into play with the smaller projects.

Mr. Glidden thought it was a fair question, but he was not the person to ask. He suggested that as they look at the possible expansion of City Park, additional community services might include youth services.

Commissioner Kenworthy asked Mr. Moe how restrictive the parking guidelines were for the unit mix. He wanted to know if they were restricted on the full capacity of the lots because of the parking requirements. Mr. Moe replied that it is one of the factors they look at, and it definitely tends to drive the amount of density. Mr. Moe clarified that density is driven by a combination of number of units and parking. He stated that on this project the net zero component drove much of the capacity. With the City Council's resolution to provide new building projects as being net zero, that has to be balanced as one of the many factors.

Commissioner Hall asked for someone to elaborate on the net zero being a limiting factor for the density.

Mr. Glidden first addressed the parking question raised by Commissioner Kenworthy. He remarked that costs come into play in terms of parking. If they dig down further for underground parking that is an increased cost. It also goes towards maintaining the look and feel of the neighborhood by meeting the same massing within that neighborhood. They could put large massing on Woodside, but they felt it was better to transition to higher density and then lower density back to Empire.

To address Commissioner Hall's question, Mr. Glidden stated that net zero is difficult because the more units that go in, more PV array is needed to offset it. The roof space is limited and they do not have enough space to accommodate any more PV arrays. Mr. Glidden noted that the energy modeling is done on a regular basis and they have tried to be very creative.

Mr. Moe stated that as an example, a 20-story high rise building with a limited footprint is more difficult to achieve the energy balance on an on-site production aspect; particularly compared to a single family home. A single family home with five users and a footprint of approximately 1600 square feet conceivably have more available PV area per users to offset the energy use. Mr. Moe clarified that the more density, the harder it is to achieve the net zero energy production on-site.

Director Erickson pointed out that it also means they were using energy efficient designs and energy efficient windows and improved insulation techniques to push the net zero as close as possible. However, that raises the costs as well.

Mr. Glidden noted that this would be the first project with a separate third party who will be watching the construction to ensure the envelope is constructed properly to meet the net zero goals. It is an additional cost, but it is worthwhile to have a third party monitor the construction.

Mr. Moe remarked that currently these projects were targeting a 70% reduction in average energy use compared to standard multi-family housing projects.

Vice-Chair Suesser asked if there was a public easement through the entire property. For example, the 10th Street Stairs. There is no 10th Street but there is a public easement that goes up. The same is true with the 11th Street stairs. She asked if there was a public easement that connects Park Avenue to Empire Avenue.

Planner Tyler replied that Phase I has a recorded easement on the plat. The same will occur for Phase II. She noted that the street stairs are actually still rights-of-way, which is why they are maintained as public. However, when there is private property, the public access easement must be recorded. Planner Tyler stated that when the plat comes before the Planning Commission they will note that an easement runs all the way across.

Vice-Chair Suesser referred to the market rate townhouses that abut on to Empire and asked if the parking garage would be accessed from Empire. Planner Tyler replied that those townhouses now have two-car garages and they are parked on Empire Avenue. There is no connection from the parking garage access via Woodside all the way to Empire. Director Erickson stated that a single driveway comes off of Empire and everyone pulls into their garages.

Mr. Glidden stated that in talking with the City Engineer they needed to make sure there was turnaround space within that internal area to avoid having to back out onto Empire. People will have space to turnaround and drive out onto Empire.

Vice-Chair Suesser noted that there were no sidewalks in front of the building running along Empire. She favored the idea of the public easement from Empire down to Park because it is very needed in that part of Old Town. She also liked the idea of bringing pedestrians up to the Resort through this easement and public walkway. However, she was concerned about those people crossing Empire and into the upper parking lot of the base resort and how they get from the Woodside Park development to the base resort. Vice-Chair Suesser emphasized that there is a pedestrian problem as mentioned during the public hearing. Pedestrians come up the stairs near Library Field and come down that small stretch of Empire to get to the Resort. She was familiar with the problems of traffic congestion and the pedestrians trying to figure out where they

are supposed to walk safely. Vice-Chair Suesser asked if anyone had talked with Vail about ways to get people from the top of the stairs to the base resort, and whether there was a potential plan.

Director Erickson stated that the Planning Department was having conversations with the City Engineering Manager and the Acting City Engineer because it is an issue of crossing the right-of-way. One consideration for the intersection location was the distance from the Manor Way intersection. There may be the potential to install a crosswalk. Director Erickson noted that the General Plan calls for additional pedestrian circulation through the main lot up to the bus stop on the ski resort property. It is one of the considerations they will be looking at when the applicant submits actual plans.

Mr. Glidden stated that in preliminary talks with the Public Art Advisory Board, one of their ideas was to incorporate art into the sidewalks so the sidewalks stand out. He was referring to sidewalks on both Park Avenue and Empire. Mr. Glidden thought it was a creative idea to incorporate art into the pedestrian walkway.

Commissioner Hall asked if the City has the ability to put a crosswalk in conjunction with the bus stop. Director Erickson stated that the City Engineer can move a right-of-way, depending on the sight distances and where the ending of the right-of-way would be on the resort side of the parking lot. It was actually on his list of items to discuss with the City Engineer. He would also have a conversation with the Resort on their parking lots.

Vice-Chair Suesser asked if consideration was given to moving the bus stop on Park Avenue closer to the pedestrian walkway. Director Erickson offered to discuss that suggestion with the Transit Department. Vice-Chair Suesser asked if it was possible to have a City bike rack in these developments as a public benefit. Mr. Glidden stated that they have talked about additional exterior bike racks for visitors who will need a place to put their bikes. Mr. Glidden believed they would also exceed the recommendations on car chargers present inside those parking facilities.

Commissioner Hall echoed Vice-Chair Suesser regarding the bike share, the crosswalk, and the bus stop. It would be a full package to help encourage the public to utilize the walkway.

Vice-Chair Suesser requested that the applicant try to address some of the pedestrian issues as they move forward.

MOTION: Commissioner Thimm moved to CONTINUE the Woodside Park Affordable Housing Project Phase II MPD to April 24, 2019. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. Woodside Park Affordable Phase I Condominium Plat Amendment (Application PL-19-04106)

Planner Tyler reviewed the application for a plat amendment for the Woodside Park Phase I condominiums. This project was previously reviewed and approved through the MPD process, the plat amendment process, and the CUP process. The project is currently under construction. The purpose of the condominium plat is to memorialize each unit so they can be sold individually.

Planner Tyler stated that as part of the conditional use permit review for the multi-unit dwelling, micro-units were identified. In order to memorialize the fact that these would remain micro-units and will not be absorbed into the main unit of the multi-units dwelling that abut Woodside, the interior wall was made to be a common wall. If someone comes in for a building permit the intent is to catch anyone who tries to remove the wall to include the micro-unit. Each unit will be deed restricted.

Planner Tyler referred to the end unit, Unit D, and noted that the main unit will be owned by the micro-unit. She explained that the goal for that was to provide additional income for the main unit owner by renting out the micro-unit. Planner Tyler noted that it would still need to be rented at an affordable rate. Planner Tyler remarked that the purpose of this plat is to memorialize Unit D, as well as the other units within the development.

Director Erickson noted that the hashed area on the plat was the public easement through Woodside Park Phase I that aligns with Woodside Park Phase II and Empire.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the requested plat amendment in accordance with the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance.

Vice-Chair Suesser opened the public hearing.

There were no comments.

Vice-Chair Suesser closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the Woodside Park Subdivision Phase I condominiums located at 1333, 1343 and 1353 Park Avenue, plus 1330 and 1350 Woodside Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Woodside Park – Phase I Condo Plat Amendment

1. The property is located 1333 Park Avenue, 1343 Park Avenue, 1353 Park Avenue, 1330 Woodside Avenue, and 1350 Woodside Avenue in the Historic Residential-Medium Density (HR-M) District.
2. The subject property currently consists of lots the Woodside Park – Phase I Subdivision.
3. The proposed site location addresses are 1333 Park Avenue (“Significant” Single-Family Dwelling), 1343 Park Avenue (new Single-Family Dwelling), 1353 Park Avenue (“Significant” Single-Family Dwelling), 1330 Woodside Avenue (new Single-Family Dwelling), and 1350 Woodside Avenue (new Multi-Unit Dwelling).
4. On July 26, 2017 the Planning Commission approved the Woodside Park – Phase I Master Planned Development application and Conditional Use Applications for the Multi-Unit Dwelling and Parking Area.
5. On July 26, 2017 the Planning Commission forwarded a positive recommendation to City Council for the Woodside Park – Phase I Subdivision.
6. On August 31, 2017, the City Council approved the Woodside Park – Phase I Subdivision.
7. The Woodside Park – Phase I Condominium Plat Amendment application was deemed complete on January 31, 2019.
8. The proposed Woodside Park Subdivision - Phase I Condominiums consists of twelve (12) units, eleven (11) of which will be deed restricted Affordable units. The remaining unit will be retained by the City.
9. The property consists of an eight (8) unit Multi-Unit Dwelling, four (4) Single-Family Dwellings (SFD), a Public Access Easement, common gathering areas, and a 13-car parking lot.
10. The project is phase one (1) of a two (2) phase project that will provide Affordable Housing units developed by the City. In addition to residential units, the two (2)

projects will create a pedestrian link between Park Avenue and Empire Avenue through Public Access Easements.

11. The proposed Woodside Park Subdivision - Phase I Condominium Plat Amendment memorializes private, common, and limited common area which allows the units to be sold individually.

12. The Multi-Unit Dwelling has storage for all eleven (11) deed restricted units in the basement. The basement is accessed via an exterior staircase on the north façade adjacent to the parking area. The basement is a combination of common area and limited common appurtenant with each private unit for the storage.

13. The multi-unit dwelling contains eight (8) dwelling units; however, the Condominium Plat will create four (4) units each consisting of two (2) dwelling units. The two (2) dwelling units will consist of a larger main unit and an attached micro unit.

14. The rental rate of the micro unit will be established by the deed restrictions.

15. The interior wall between the main unit and the micro unit is designated as common area which will prevent the combination of the micro unit and main unit into one (1) dwelling unit.

16. Common areas include a 13-car parking lot, exterior walls and internal bearing walls/columns, internal circulation, exterior gathering areas and pathways, footing and foundation, roof, etc.

17. Limited common areas include porches for each unit, decks, and storage areas in the basement.

18. The proposed Condominium Plat is consistent with the approved Development Agreement and associated Affordable Housing Plan as it provides the eleven (11) deed restricted units.

19. Recordation of this Condominium Plat would allow the applicant to sell each deed restricted unit individually.

20. The proposed Condominium Plat reflects compliance with the approved Master Plan (Development Agreement), Conditional Use, Subdivision Plat, Affordable Housing Mitigation Plan, and issued Building Permit.

21. Staff finds good cause for this Condominium Plat Amendment as the proposal memorializes private, common, and limited common area that would that allows the units to be sold individually. The proposed condominium project consists of twelve (12) units, eleven (11) of which will be deed restricted Affordable units. The remaining unit will be retained by the City. This project is being developed in response to the City Council Affordable Housing Critical Priority.

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

23. On March 13, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on March 9, 2019 according to requirements of the Land

Management Code.

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

Conclusions of Law – Woodside Park – Phase 1 Condo Plat Amendment

1. There is good cause for this Condominium Plat.
2. The Condominium Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat Amendment.
4. Approval of the Condominium 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 – Woodside Park – Phase I Condo Plat Amendment

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat, individual unit deed restrictions, and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
3. The individual unit deed restrictions for the Affordable units, acceptable to the City, shall be recorded with or prior to condominium plat recordation. The deed restriction shall outline and resolve any issues or concerns regarding maintaining affordability of the unit. The plat shall note that the Affordable units are subject to a deed restriction.
4. The CCRs shall limit the HOA dues related to the deed restricted Affordable housing units in order to ensure the Affordable units remain affordable.
5. The applicant shall record the Plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval or 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.
6. All conditions of approval of the Master Planned Development, Conditional Use Permits, Woodside Park – Phase I Subdivision Plat Ordinance No. 2017-48, and approved Housing Mitigation Plan shall continue to apply.

2. **460 Swede Alley – Conditional Use Permit Modification**
(Application PL-19-04069)

3. **Marsac Parking Structure Subdivision Plat – Second Amended**
(Application PL-19-04123)

4. **Marsac-Swede Condominiums First Amended**
(Application PL-19-04124)

Director Erickson noted that the three items above were related and would be reviewed simultaneously. However, three separate actions were required.

Planner Tyler asked the representatives from the KPCW expansion team, which included members from KPCW, the architecture team, as well as the consultants to introduce themselves. She noted that City representatives were also present to answer questions. Those present included Craig Elliott with Elliott Work Group Architecture, the project architect. Renai Bodley Miller from KPCW Radio. Roger Golman from the KPCW Radio Board. Steve Brown, the project consultant.

Commissioner Thimm was not aware that Steve Brown would be present as a representative for the applicant. He disclosed that he has worked with Mr. Brown in the past and his office may be working with Mr. Brown on current projects. Commissioner Thimm stated that his business association with Mr. Brown would have no bearing on how he might vote on these projects.

Commissioner Kenworthy disclosed that he has worked with Craig Elliott on HPCA. He knows Renae Bodly-Miller and he contributes to KPCW. He also knows Roger Golman. Commissioner Kenworthy stated that his association with the three people mentioned would affect his judgment on these projects.

Commissioner Hall disclosed that she has made contributions to KPCW and she also knew people at the table who were representing the applicant. Commissioner Sletten thought it was fair to assume that almost everyone has contributed to KPCW.

Planner Tyler provided an overview of the three applications. She intended to present all three together and asked the Planning Commission to wait until the end of the discussion to make three motions.

Planner Tyler reported that the conditional use permit was for an expansion of the KPCW building. It was originally approved as part of a 2007 conditional use permit that was filed by the City. It was for the Park City expandable shell space. The 2007 approval approved three different uses. The CUP was modified in that same year to

push off one of the phases. Planner Tyler noted that the request this evening was for another modification to the CUP.

Planner Tyler presented slides showing what was included in the 2007 approval versus what was being proposed this evening. The red area identified the area that was approved but unbuilt in 2007. The blue color indicated the current floor plan of the KPCW space. It is one solid building and below that in the exact shape is the space of the DABC, with the exception of a small entrance. Planner Tyler clarified that the building in blue currently exists. When the applicant applied for a modification to the CUP in 2007, they ended up value engineering out the expandable office space, which has also been referred to as a retail shell, and it was deferred to a later date.

Planner Tyler stated that the purpose of this meeting was to use that same space and expand it up to the KCPW level. It requires Planning Commission review and approval because it is different from what was proposed and approved in 2007. Planner Tyler noted that the space shown in green reflected the expansion to the north and to the west.

Planner Tyler reviewed the previous plan to show there was an upper level deck, the front stairs, and how the staircase that currently exists was to wrap around the building. Since that time a historic wall was found and Planner Tyler assumed the wall would have been found during construction. She noted that the wall would still be maintained in the new design. She presented a photo showing the current KPCW building, but the wall was not visible. Another photo showed the expansion. Planner Tyler stated that even with the expansion the unique pedestrian experience for locals and visitors will be maintained in terms of being able to actually see a radio station being a user of the Main Street core.

The Staff found this application to be compliant with the criteria for the Conditional Use Permit outlined in the LMC which references consistency with the Swede Alley Master Plan and previous efforts to revitalize this area. This request is consistent with the previous work, as well as future work they hope to see on Swede Alley.

Planner Tyler commented on one detail of the CUP that she thought was important because it relates to parking. She walked through the Staff report to help everyone understand how the parking related to the 2007 approval versus the current proposal. Planner Tyler presented three tables. The top table contained the parking requirements from the Land Management Code. The requirements are the same now as in 2007 and nothing was adjusted. The middle table was the 2007 CUP parking criteria that was presented to the Planning Commission in 2007. The top line showed the expandable office that was never done, but it did provide three parking spaces. The next line was

the DABC, which was based on the 1,620 square feet of gross area. The space was assessed prior to any tenant improvements. There was no way to know what the net leasable area would be because the contract with DABC was not finalized at the time.

Planner Tyler stated that since they are now able to base that DABC square footage on the net leasable area; the parking requirement was reduced from five to four spaces. She explained that taking the reduction, plus the unrealized office space, which now goes down to zero, the total is still 14 spaces. As part of the 2007 CUP, the parking was satisfied in China Bridge. The Staff found that the proposed 2019 expansion did not increase the parking ratio requirement as set forth in the tables.

Director Erickson reviewed a site plan showing that the sidewalk to the west and the Bob Wells Plaza were not impacted by this building. He stated that the sidewalk remains the same in front of the DABC. Vice-Chair Suesser asked about the staircase. Planner Tyler stated that the stairs would not change; however, it would go underneath the new cantilevered KPCW space. It will be sufficiently lighted for safety in the evening and night hours because it is a highly used staircase between China Bridge and Lower Main.

Commissioner Kenworthy clarified that there would be no loss of parking in China Bridge or in the Bob Wells Plaza. Planner Tyler replied that he was correct.

Vice-Chair Suesser thought the staircase appears to be outside in the picture; however, in the rendering on page 205 of the Staff report, it appears to be underneath. Planner Tyler explained that it starts outside and then it goes under.

Planner Tyler noted that this proposal also triggers a plat amendment. She reviewed the proposed plat included in the KPCW items. She stated that an existing Lot 3 contains the Bob Wells Plaza area. The applicant subdivided out Lot 3B, which will ultimately be taken up into the condominium plat. The lot line will be removed and it will all be under the same Tax ID. The cantilever area extends into the small area of Lot 3B. Planner Tyler pointed out that the lot also contains City Hall. If the space seems too narrow, the tiny space is actually the width of the expansion. She clarified that it will comply because there are zero setbacks in the PUT zone.

Planner Tyler reviewed the condominium plat, which memorializes the expansion.

Vice-Chair Suesser opened the public hearing for the 460 Swede Alley CUP, the Marsac Parking Structure Subdivision Plat-second amended, and the Marsac-Swede Condominium Plat-first amended.

There were no comments.

Vice-Chair Suesser closed the public hearing.

MOTION: Commissioner Thimm moved to APPROVE the modification to the Conditional Use Permit for 460 Swede Alley based on the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the Marsac Parking Structure Subdivision Plat – second amended; based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the 460 Swede Alley Condominium Plat – first amended; based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 460 Swede Alley - CUP

1. The proposed site is located at 460 Swede Alley within the Marsac Parking Structure Subdivision Plat and Marsac-Swede Condominiums.
2. The property is located within the Public Use Transition (PUT) Zoning District.
3. Per LMC 15-2.22-2(2) Conditional Uses, a Public and Quasi-Public Institution is a Conditional Use. Conditional Uses are subject to review according to the Conditional Use Permit Criteria set forth in LMC 15-1-10.
4. KPCW is proposing to expand their unit within the building located at 460 Swede Alley. The proposed KPCW expansion is consistent with the approved 2007 Conditional Use Permit and 2007 Conditional Use Permit Modification.
5. The KPCW Expansion Conditional Use Permit Modification application was deemed complete on January 18, 2019.
6. The Conditional Use Permit Modification proposal has triggered a Plat Amendment and Condominium Amendment.

7. The City received an application for the Marsac-Swede Condominiums – First Amended which will memorialize the proposed expansion area into the KPCW condominium unit (Unit 200).
8. The City received an application for the Marsac Parking Structure Subdivision Plat - Second Amended which will amend the three-lot subdivision. Lot 1 contains the Marsac City Hall. Lot 2 contains the parking structure, radio station, and the liquor store space. Lot 3 contains a plaza. The proposed KPCW expansion will expand into Lot 3 so the applicant is requesting to subdivide Lot 3 into two (2) lots 3A and 3B.
9. In 1986 the Building Permit for phase I of the China Bridge Parking Structure was issued (today, this section is south of the China Bridge central staircase).
10. In 1989 a Conditional Use Permit for the China Bridge Parking Structure was reviewed and approved by the Planning Commission to allow for parking on the top level of the parking structure.
11. In 2003 City Council initiated the Downtown Task Force to review capital project needs in the downtown core.
12. During the spring 2004 City Budget Review, funding was allocated for three (3) major downtown capital improvements including an expansion of the China Bridge Parking Structure.
13. The China Bridge central staircase running from Swede Alley to the Marsac Avenue entrance to the City Hall parking lot dissects the two (2) phases of the China Bridge Parking Structure.
14. The original 1986 phase is south of the central staircase.
15. North of the central staircase was approved through the Conditional Use Permit process in 2005.
16. As a supplement to the Conditional Use Permit approval, a pedestrian access and circulation plan for the area between the newly expanded parking structure and Main Street was approved by Planning Commission.
17. In April of 2007, the Planning Commission approved a Conditional Use Permit for a 4,535 SF one (1) and two (2) story building for retail (2,535 SF) and public/quasi-public (2,000 SF) uses to be located adjacent to the north wall of the new China Bridge Parking Structure. A portion of the retail space was identified for the Utah State Liquor Store and the public/quasi-public space was identified for a radio station (KPCW). 915 SF of “Expandable Office” space was identified.
18. In July of 2007, the City requested to modify the Conditional Use Permit that they had received approval for in April of that year due to financial constraints. The City requested to postpone the construction of a 900 SF general commercial and retail space, thus creating the “retail shell space”. The Conditional Use Permit modification was approved by Planning staff after a disclosure was made to the Planning Commission in August.
19. The un-built portion of the structure includes the “Expandable Office” space identified in the April 2007 CUP and the “Retail Shell Space” identified in the August

2007 CUP Modification. Current staff's research has determined that these are referencing the same space, but using different identifying names.

20. A Building Permit was issued in 2007 for the "Park City Municipal Corporation China Bridge Shell".

21. In 2008, the City Council approved the Marsac-Swede Condominiums memorializing the individual units in the China Bridge Shell Space.

22. In 2008, The City Council approved the Marsac Parking Structure Subdivision Plat which created three (3) from one (1) lot of record.

23. The proposed KPCW expansion is consistent with the purpose of the PUT Zone.

24. There are no unmitigated impacts to LMC 15-1-10(E)(1) as the maximum height of the expansion is less than the CUP specified 26'4" above existing grade. The lot containing the KPCW building does not abut a residential district; therefore, there is no minimum setback requirement. All Setbacks, height, parking, Open Space, and architectural requirements are met.

25. There are no unmitigated impacts to LMC 15-1-10(E)(2) as staff expects a minor increase in traffic from the approved 2007 CUP. There are four (4) additional employees that will be at the KPCW space while the Liquor Store operations will remain the same. Traffic flow to the building has a variety of access points as the China Bridge Parking Structure can be accessed from Marsac Avenue, Swede Alley, and Main Street. Staff finds that this will not have any adverse effects on the surrounding streets as the typical peak hours of operation for KPCW are weekdays from 10:00 a.m. to 4:00 p.m. which would not have much overlap (if any) with the peak parking demand for the Main Street core in the evenings and on weekends.

26. There are no unmitigated impacts to LMC 15-1-10(E)(3) as no issues have been identified at this time by the applicant or the utility providers.

27. There are no unmitigated impacts to LMC 15-1-10(E)(4) as emergency vehicle access will remain the same as existing. Emergency vehicles will access the site directly from Swede Alley, with additional access available through the China Bridge Parking structure via access off of Marsac Avenue.

28. There are no unmitigated impacts to LMC 15-1-10(E)(5) as the applicant has provided a detailed Parking Study which analyzes and compares the Parking Ratio Requirements of the 2007 CUP approval versus the 2019 proposed CUP Modification and no additional Parking Spaces are required.

29. The 2007 CUP was approved with a Parking Ratio Requirement of 14 parking spaces which were all satisfied in the attached China Bridge Parking Structure. The applicant was required to satisfy the Parking Requirements for all shell spaces at the time of construction, even those which were not constructed in the first phase.

30. The 2007 CUP approval calculated the Liquor Store Parking Requirements based on the Gross Square Footage because the interior layout of the shell space had not been determined (no tenant improvements had occurred); however, according to the Parking Ratio Requirements above, Retail and Service Commercial, Minor is calculated

based on net leasable floor area. In this case, the Parking Ratio Requirement would have been based on the 1,080 square feet of net leasable area for the Liquor Store resulting in an actual Parking Ratio Requirement of four (4) Parking Spaces, although five (5) spaces were provided.

31. The “Retail Shell Space” / “Expandable Office” space was not constructed resulting in an additional three (3) spaces provided. In total, staff finds that the current building form has resulted in an additional four (4) spaces beyond the actual Parking Ratio Requirement of the as-built structure.

32. The 2019 Parking Ratio Requirement calculation is based on the known uses of the building, expandable area, tenant improvements, and leasable floor area. In total, the Parking Ratio Requirement has not increased from the 14 Parking Spaces required in 2007 based on the proposed expansion and updated square footage calculations. Therefore, staff finds that no additional Parking Ratio Requirement is required beyond what was satisfied as a part of the 2007 CUP approval.

33. There are no unmitigated impacts to LMC 15-1-10(E)(6) as vehicular and pedestrian access to the site is from Swede Alley (a public road) as well as from the internal public parking garage (which can be accessed from Swede Alley, Main Street, and Marsac Avenue). The internal public parking garage pedestrian entrance is being maintained. Vehicular access will be from Swede Alley and the internal circulation of the parking structure after construction. Pedestrian access will be maintained on the east side of the structure from the public staircase.

34. There are no unmitigated impacts to LMC 15-1-10(E)(7) as no Fencing, Screening and landscaping is proposed. This is consistent with the approved 2007 CUP as this is a public space and separation from adjoining Uses are not needed. Any landscaping that is disturbed during construction will be replaced.

35. There are no unmitigated impacts to LMC 15-1-10(E)(8) as one of the primary purposes of the building as proposed and approved in 2007 was to provide a pedestrian based link in terms of scale and streetscape from the China Bridge Parking Structure to the anticipated downtown plaza (between O.C. Tanner and Café Terigo). The as-built structure has accomplished this. The proposed expansion will increase this pedestrian orientation by providing an entrance to KPCW along Swede Alley. Currently, the only accesses are within the China Bridge Parking Structure (which can prove hard to located by members of the public) and the east facing door off of the public access stairs. The goal of the expansion is to provide more space for the expanding KPCW operation as well as increase the front-facing accessibility of the local radio station offices.

36. There are no unmitigated impacts to LMC 15-1-10(E)(9) as no minimum open space is required in the PUT District. The useable open space remains unchanged by the proposed expansion. The open space on this site includes the plaza areas, landscaped areas adjacent to the China Bridge Parking Structure and adjacent sloped areas.

37. There are no unmitigated impacts to LMC 15-1-10(E)(10) as the project has not yet proposed any new signs for the project. The PUT District allows signs as provided in the Park City Sign Code, Title 12. The applicant does plan on installing lighting in the ceiling of the cantilevered expansion above the Liquor Store entrance. This will help with the visibility of the Liquor Store entrance and adjacent public staircase while also providing a level of safety for pedestrians. Any building lighting will be required to comply with the Park City lighting regulations.

38. There are no unmitigated impacts to LMC 15-1-10(E)(11) as the proposed design is architecturally compatible with all surrounding structures. The goal of the approved 2007 design was to complement the existing China Bridge Parking Structure and the adjacent Historic Main Street Core. The proposed expansion is well articulated through façade variations and provides architectural compatibility in terms of physical design, mass, scale and style, and architectural detailing. The expansion does not compete with the architecture of the existing structure.

39. There are no unmitigated impacts to LMC 15-1-10(E)(12) as the applicant will be required to meet all standards and codes in regards to mechanical systems.

40. There are no unmitigated impacts to LMC 15-1-10(E)(13) as the Service area for the Liquor Store is to remain the same. Vehicular access for delivery and service vehicles is located off of Swede Alley on the west façade of the structure. The new staircase access to KPCW will not impact this loading/delivery access point.

41. There are no unmitigated impacts to LMC 15-1-10(E)(14) as the Marsac-Swede Condominiums will be amended to reflect the expansion of Unit 200 (KPCW). The remaining ownership will remain unchanged.

42. There are no unmitigated impacts to LMC 15-1-10(E)(15) as the site is located within the Soils Ordinance. The applicant will be required to obtain a Certificate of Compliance from the City during construction.

43. There are no unmitigated impacts to LMC 15-1-10(E)(16) as the proposed CUP Modification fulfills Goals, Objectives, and/or Implementation Strategies of the General Plan, specifically Goal 11 and Goal 12.

44. On March 13, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on March 9, 2019 according to requirements of the Land Management Code.

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

Conclusions of Law – 460 Swede Alley – CUP

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria established by LMC 15-1-10.
2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and

3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 460 Swede Alley – CUP

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. A landscape plan is required to be submitted with the building permit. Changes to an approved landscape plan must be reviewed and approved by the Planning Department prior to landscape installation.
5. This approval will expire on March 27, 2020, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
6. Recordation of the Plat and Condominium Plat is required prior to building permit issuance.
7. Any modification of approved unit layout which changes the interior configuration or unit size will require a modification to the Conditional Use Permit.
8. All above grade utility facilities shall be located on the property and properly screened.
9. If contaminated soils are encountered, the applicant shall obtain a Certificate of Compliance from the City during construction.

Findings of Fact – Marsac Parking Structure Subdivision Plat

1. The proposed site is located at 460 Swede Alley within the Marsac Parking Structure Subdivision Plat and Marsac-Swede Condominiums.
2. The property is located within the Public Use Transition (PUT) Zoning District.
3. KPCW is proposing to expand their unit (Unit 200) within the Marsac-Swede Condominiums located at 460 Swede Alley.
4. The current building was approved through the Conditional Use Permit process in April of 2007 as the “Park City Municipal Corporation China Bridge Shell.” The building was approved as a shell for three (3) spaces containing retail and public/quasi-public uses, and a 915 SF “Expandable Office” space totaling 4,535 SF.
5. The applicant has submitted a Conditional Use Permit Modification for the proposed KPCW expansion which will fulfill the postponed phase (un-built “Expandable Office” / “retail shell space”).

6. The proposed KPCW expansion is consistent with the approved 2007 CUP and 2007 CUP Modification.
7. The proposed expansion includes a 1,311 square foot expansion (as measured by the proposed Marsac-Swede Condominium Plat First Amended). The expansion will occur to the north and west sides of the structure on the second level only. The expansion will cantilever above the sidewalk area creating a covered walkway leading into the State Liquor Store in Unit 100.
8. The proposed Marsac-Swede Condominiums First Amended memorializes the expansion of Unit 200 (KPCW) of the existing Marsac-Swede Condominiums.
9. The KPCW expansion complies with applicable LMC requirements of the PUT Zoning District.
10. The Marsac Parking Structure Subdivision plat was approved by City Council on March 24, 2005 (Staff Report, Page 76 and Minutes, Page 8) and recorded at Summit County in November of 2005. The Subdivision plat combined multiple City-owned metes and bounds parcels.
11. In 2008, City Council approved the Marsac Parking Structure Subdivision Amended Plat which created three (3) from one (1) lot of record (Staff Report, Page 19 and Minutes, Page 5) and was recorded on November 25, 2008.
12. The proposed Marsac Parking Structure Subdivision Second Amended Plat amends the existing three-lot subdivision.
13. The PUT Zoning District has no minimum setbacks except where structures abut residential zoning districts.
14. As proposed, the lots, existing facilities, and proposed expansion comply with the requirements of the PUT Zoning District, except in areas where City Hall and existing China Bridge parking structure exist as legal non-complying structures because they do not meet required building setbacks abutting the HR-1 district along Marsac Avenue. This condition existed at the time of the Marsac Parking Structure Subdivision Plat (2005) and Marsac Parking Structure Subdivision Amended Plat (2008) and the buildings exist as non-complying structures.
15. The KPCW expansion complies with applicable LMC requirements of the PUT Zoning District. In addition, the KPCW expansion is being reviewed for compliance with the Land Management Code through the Conditional Use Permit Modification process (in this meeting packet).
16. The lot arrangement, proposed expansion, square footage, lot dimensions, access, easements, utilities, parking, and street frontage are consistent with the Land Management Code.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – Marsac Parking Structure Subdivision Plat

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

Conditions of Approval – Marsac Parking Structure Subdivision Plat

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be added to the plat prior to recordation stating that all conditions of approval of the Conditional Use Permits shall continue to apply.

Findings of Fact – Marsac-Swede Condominiums – First Amended

1. The proposed site is located at 460 Swede Alley within the Marsac Parking Structure Subdivision Plat and Marsac-Swede Condominiums.
2. The property is located within the Public Use Transition (PUT) Zoning District.
3. KPCW is proposing to expand their unit (Unit 200) within the Marsac-Swede Condominiums located at 460 Swede Alley.
4. The applicant submitted a letter from the manager of the Marsac-Swede Condominium Owners Association presenting that the members conducted a vote and unanimously approved for the project to move forward with the land use process.
5. The current building was approved through the Conditional Use Permit process in April of 2007 as the "Park City Municipal Corporation China Bridge Shell." The building was approved as a shell for three (3) spaces containing retail and public/quasi-public uses, and a 915 SF "Expandable Office" space totaling 4,535 SF.
6. The applicant has submitted a Conditional Use Permit Modification for the proposed KPCW expansion which will fulfill the postponed phase (un-built "Expandable Office" / "retail shell space").
7. The proposed KPCW expansion is consistent with the approved 2007 CUP and 2007 CUP Modification.

8. The proposed expansion includes a 1,311 square foot expansion (as measured by the proposed Marsac-Swede Condominium Plat First Amended). The expansion will occur to the north and west sides of the structure on the second level only. The expansion will cantilever above the sidewalk area creating a covered walkway leading into the State Liquor Store in Unit 100.
9. The lot arrangement, proposed expansion, square footage, lot dimensions, access, easements, utilities, parking, and street frontage are consistent with the Land Management Code.
10. The proposed expansion complies with the Parking Ratio Requirements outlined in LMC 15-3. The 2019 CUP Modification Parking Ratio Requirement calculation is based on the known uses of the building, expandable area, tenant improvements, and leasable floor area. In total, the Parking Ratio Requirement has not increased based on the proposed expansion and updated square footage calculations. Therefore, staff finds that no additional Parking Ratio Requirement is required beyond what was satisfied as a part of the 2007 CUP approval.
11. The PUT Zoning District has no minimum setbacks except where structures abut residential zoning districts. As proposed, the lots, existing facilities, and proposed expansion comply with the requirements of the PUT Zoning District, except in areas where City Hall and existing China Bridge parking structure exist as legal noncomplying structures because they do not meet required building setbacks abutting the HR-1 district along Marsac Avenue. This condition existed at the time of the Marsac Parking Structure Subdivision Plat (2005) and Marsac Parking Structure Subdivision Amended Plat (2008) and the buildings exist as non-complying structures.
12. The proposed Marsac-Swede Condominiums First Amended memorializes the expansion of Unit 200 (KPCW) of the existing Marsac-Swede Condominiums.
13. The KPCW expansion complies with applicable LMC requirements of the PUT Zoning District.
14. The current square footage of Unit 200 is 1,960 square feet.
15. Unit 200 will expand to a total of 3,271 square feet.
16. Unit 100 and Unit 300 will not be impacted by the proposed KPCW expansion.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – Marsac-Swede Condominiums – First Amended

1. There is good cause for this Condominium Plat.
2. The Condominium Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium plat amendments.
3. Neither the public nor any person will be materially injured by the proposed

Condominium Plat Amendment.

4. Approval of the Condominium 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 – Marsac-Swede Condominiums – First Amended

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.
2. The applicant shall record the Plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval or the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be added to the plat prior to recordation stating that all conditions of approval of the Conditional Use Permits and Marsac-Swede Condominiums shall continue to apply.

**5. 84 Daly Avenue – Plat Amendment
(Application PL-18-04039)**

Planner Tippe Morlan reviewed the application request to combine portions of two Old Town lots and a portion of vacated Anchor Avenue to the rear of the property. None of the property lines cut through the existing home on the site; however, they do cut through the existing sheds on the site. Planner Morlan noted that this was a standard Old Town lot combination.

Planner Morlan reported that no development applications had been submitted at this time.

Commissioner Kenworthy wanted to know what happened to the historic structure on the site. Planner Morlan stated that the existing house was built in 1989 with the same footprint as the original historic house. The historic house had been remodeled to the point that the 2009 Reconnaissance Level Survey did not include the structure because the exterior alterations diminished the historic characteristics of the home. It was also noted in 2009 that the home was demolished and rebuilt in 1989. Even though it had the same footprint as the original house, the had been completely removed and rebuilt.

Commissioner Kenworthy understood that in 1989 a rock slide destroyed the historic structure. Planner Morlan was not sure of the reason for the demolition. She also understood there had been landslides on the property, and the owner was concerned

about damage to the existing structure. Because the house does not meet the current setbacks of the zone, this lot combination would be necessary before any remodels could occur.

Commissioner Sletten asked if plans had been discussed with respect to building a new home or reconstructing the existing home. Planner Morlan replied that currently there were no plans.

Vice-Chair Suesser opened the public hearing.

There were no comments.

Vice-Chair Suesser closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the 84 Daly Plat Amendment 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.

Findings of Fact – 84 Daly Plat Amendment

1. The property is located at 84 Daly Avenue.
2. The property consists of the majority of Lot 11, a portion of Lot 12, and a portion of vacated Anchor Avenue of Block 74 of the Millsite Reservation to Park City.
3. The property is in the Historic Residential (HR-1) District.
4. There is an existing non-historic structure at this address.
5. The applicant proposes to combine the subject lots into one lot of record.
6. The original structure on this site was constructed on this site between 1899 and 1900 according to the Summit County Records, and it first appeared on the 1900 Sanborn Fire Insurance map.
7. The existing home was constructed in 1989. A Building Permit dated August 21, 1989 was issued for the demolition of the historic structure and the construction of a new single-family dwelling in the same location as the historic structure.
8. On February 5, 2019, the City received a complete Plat Amendment application for the 84 Daly Plat Amendment.
9. Along the southeast corner of the lot, the larger of the two existing sheds encroaches onto the neighboring property at 96 Daly Avenue by 0.7 feet.
10. The existing home is a single-family dwelling which is an allowed use in the HR-1 district.

11. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot has an area of 3,858 square feet.
12. This lot size is large enough to permit a duplex with a required Conditional Use Permit application and approval.
13. The minimum lot width in the HR-1 zone is 25 feet. The proposed lot meets the requirements of this zone at 42 feet wide.
14. The proposed lot will also be 91.87 feet deep.
15. The minimum front setback is 10 feet. The existing house has a 13-foot front setback.
16. The minimum rear setback is 10 feet. The existing house has a 44-foot rear setback.
17. The minimum side setback is 5 feet on each side. The existing house has a 0.3 foot side setback on the north side and a 13.5-foot side setback on the south side.
18. The only setback requirement which is not currently met is the north side setback. The existing structure is between 0.3 to 1.5 feet from the property line along the north side of the lot which does not comply with the 5-foot requirement.
19. All new construction is required to meet the current LMC lot and site requirements including setbacks.
20. LMC Section 15.2.2-3(K) Snow Release requires that "site plans and building design must resolve snow release issues to the satisfaction of the Chief Building Official." This may require a snow shedding agreement with the property to the north at the time of any building permit application, due to proximity of the existing structure to the north property line with a roof that sheds in the direction of that neighboring property.
21. All new construction is required to meet the current LMC lot and site requirements including setbacks.
22. The maximum building footprint for a lot this size is 1,553.04 square feet. The existing footprint meets this standard at approximately 551.5 square feet.
23. The proposed lot size of 3,858 square feet is compatible with existing lots in the neighborhood.
 - a. This lot is directly adjacent to the Daly Doubles Condominiums to the south, which is comprised of 4 units on a lot 8,427 square feet in size, and a vacant lot 3,443.12 square feet in size to the north, which was a part of the 74 & 80 Daly Avenue Plat Amendment.
 - b. This lot also sits across the street from another vacant lot at 81 Daly Avenue comprised of Lots 11, 12, and a majority of Lot 13 of Block 73 of the Millsite Reservation.
 - c. There are a mix of single-family structures and multi-family duplexes and condominiums in the immediate vicinity of this lot on Daly Avenue.
24. A Historic District Design Review will be required, and any changes to the site must be conducted in accordance with the Land Management Code and with the Historic

District Design Guidelines.

25. Any development to the rear of the lot may require an Administrative Conditional Use Permit for development on a steep slope if more than 200 square feet of building footprint is located on or projecting over an existing Slope of 30 percent or greater.

Conclusions of Law – 84 Daly Plat Amendment

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

Conditions of Approval – 84 Daly Plat Amendment

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. New construction shall meet site and lot requirements of the HR-1 District per the Land Management Code in effect at the time of application submittal.
5. A Historic District Design Review application is required for any new construction proposed at the existing site, and any development to the rear of the lot may require an Administrative Conditional Use Permit for development on a steep slope if more than 200 square feet of building footprint is located on or projecting over an existing Slope of 30 percent or greater.
6. A 10-foot-wide public snow storage easement will be required along Daly Avenue.
7. An encroachment agreement is required for the shed along the southeast corner of the property which encroaches onto the neighboring property at 96 Daly Avenue by 0.7 feet, or the encroaching portion of the shed needs to be removed before the plat can be recorded.

**6. 1000 Ability Way National Ability Center Master Planned Development
(Application PL-16-03096)**

Commissioner Thimm recused himself and left the room.

Planner Kirsten Whetstone introduced Michael Barille, John Serio, and Kevin Stickleman, representatives for the National Ability Center.

Planner Whetstone reviewed the application for a Master Planned Development identifying and approving a site plan, uses, and density for the 26-acre National Ability Center Campus. It is also known as Lot 1 of the National Ability Center Subdivision. The property is located at 1000 Ability Way near the City Ice Arena.

Planner Whetstone stated that the Master Planned Development is broken into five sections. The first is that it memorializes the existing uses that were approved through a Specially Planned Area (SPA) that was approved in Summit County prior to be annexed into Park City. The second is a conditional use permit that was also approved by Summit County. The third part memorializes the uses that were approved by the Planning Commission in 2017. The fourth is an additional 1122 square feet for the equestrian center and 332 square feet for the recreation building. Those were approved with the CUP; however, the square footage did not work with what was proposed and with the building permits that were submitted.

Planner Whetstone noted that the swimming pool that was approved with the SPA was not included in this MPD.

Planner Whetstone stated that the fifth part of the MPD is that the NAC was proposing a future three-story lodge building at approximately 22,000 square feet; consisting of 25 suites and 13 lockouts for a total of 38 keys. And additional 104 parking spaces would be phased over the construction time frame. The final total would be 225 parking spaces when the project is completed.

Planner Whetstone remarked that the Development Agreement, which is usually ratified by the Planning Commission following approval of the MPD, would come back to the Planning Commission for ratification. Planner Whetstone noted that the Housing Mitigation Plan will be tentatively scheduled for Planning Commission review and recommendation to the Housing Authority at the April 24th meeting. The water agreement is pending State Engineer review of a change order for water rights. When the Final Development Agreement comes back to the Planning Commission it will also include the Water Agreement.

The Staff had reviewed the proposed Master Planned Development, the plans and the submittal against the criteria for Master Planned Developments in the LMC; as well as for consistency with the 2014 Pre-MPD that was approved by the Planning Commission. The Staff recommended that the Planning Commission conduct a public hearing and consider approving the requested Master Planned Development for the National Ability Center pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report.

Michael Barille stated that the National Ability Center is an organization that provides recreational opportunities for people of all different abilities. The Mission Statement is to empower individuals of all abilities building confidence, self-esteem, and lifetime skills through sports, recreation, and educational programs. Mr. Barille remarked that thousands of volunteers support the organization and make it successful. The National Ability Center has tried to expand the mission to be inclusive of anyone who wants to recreate and has some barrier for whatever reason. Many things have become part of the NAC's mission and has contributed to its growth over the last few years.

Mr. Barille presented numbers of those who were served on an annual basis over the last two years. The numbers reflected over 6600 individuals and over 37,000 different experiences. People come from all 50 states and 18 different countries. The NAC provides education, training, and programming for similar programs in other countries. Volunteers are used to support those services.

Mr. Barille described the growth as building the adaptive nation, which means expanding what people are able to do no matter where they come from and no matter their need. He stated that the proposal that started as a pre-MPD in 2016 and was brought back again as a CUP in 2017 is back before the Planning Commission as an MPD proposal. The goal is to create additional facilities on the main campus to accommodate program growth that has already occurred. The staffing to accommodate that growth has already occurred. If the Commissioners were to visit the facility on a busy day they will see people working standing up next to those sitting down in order to accomplish the needs of the organization.

Mr. Barille reviewed the site plan, noting that the items highlighted in pink hatch were pieces of this proposal. Some were new buildings and other pieces were additions to existing buildings.

Mr. Barille identified the new buildings. The main building in the center of the campus is the recreation center. The idea of that building is to provide open floor space, as well as support spaces with restrooms and a check-in area for that use. He stated that currently there is no indoor recreational space other than the equestrian center. If

there is a ball sport or adaptive learning activity that requires people to move around and interact, there is no space for that to occur. The proposed recreation building will serve that purpose. The building will also be used for larger presentations and educational items from time to time. It was designed with storage around the edges to store tables and chairs and items that can be available on an as-needed basis. Currently, conference rooms in the main administration building are dual purposed for that need.

Mr. Barille pointed to another new building. It is a community programs building that is meant to serve as a starting point for some of the outdoor activities. Currently, a small yurt in a corner of the property houses all the Nordic programming, some cycling programs, archery, and a number of programs that occur in that corner of the campus. The community programs building will provide a more permanent home for those activities, including equipment storage and restrooms and showers. Those spaces will also support the campground in the upper corner of the plan.

Mr. Barille stated that another new building is the lodge that Planner Whetstone had mentioned. He remarked that "lodge" is a misnomer for people and means something different in a resort community than what is intended for the NAC. The existing Lodge is called the "lodge" and they kept the name. Mr. Barille noted that the existing lodge is more of a dormitory. There are many rooms with double bunks and small restroom facilities, and a shared kitchen on the ground floor. The idea of the new lodge is to provide a higher level of service and rooms with kitchenettes to accommodate those who need to stay on site longer for a specific program.

Mr. Barille indicate the location of the campground he previously mentioned. The campground is meant to be open with a series of pathways with tent platforms, a couple of yurts, and a few enclosed cabins. The enclosed cabins would not have kitchens facilities or heating or cooling. Mr. Barille stated that the idea came from a discussion with the Governor's Office regarding recreation and grant funding that was available. Some with the State Parks who partner with the NAC commented on the difficulty of anticipating the needs of all abilities from a camping standpoint. The purpose of the campground at NAC is to put the same environment they would find at a State or National Park within their campus so a family can have the same facilities they would find anywhere else, but have coaching and support nearby for their first experience. Mr. Barille emphasized that neither the lodge nor the campground would be used for commercial uses. It strictly supports the existing programming at NAC.

Mr. Barille referred to the corners shown in pink on the Administration and Office Building that supports all NAC programming. They would like the potential ability to add a few more desks and office spaces to give everyone a little more space. Mr. Barille

pointed to a center square and explained that the concept is to give the climbing wall that currently sits in the middle of the receiving area lobby its own space. Mr. Barille stated that the addition to the equestrian center is meant to be a support space to the existing use. Currently, when someone walks into that building they walk on to the actual riding arena floor. There is very little waiting or observation space except right at the rail. What was being proposed would provide separate viewing area/gathering space/lounge/waiting space for parents; as well as additional meeting space, a check-in area, cubbies and lockers.

Kevin Stickleman reiterated that the primary concern is that they have outgrown so many of the spaces, especially during the summer. Summer is the busiest season of the year and people are crammed into every space. Mr. Stickleman clarified that the purpose of this proposal was to accommodate the present as well as provide for the future.

Mr. Barille remarked that the pre-MPD was done in anticipation of reaching this point with the MPD. They received direction that with the exception of the lodge use, everything could be handled with a CUP. However, there were procedure issues with the housing and water agreements. As they started to build the addition to the equestrian facility, which is currently under construction, it was determined that a different process was necessary in order to build the other facilities. That was the reason they were before the Planning Commission this evening.

Mr. Barille reiterated that the facilities are definitely needed and they have been in process for a long time to make them a reality. Most are fully funded. A general contractor has been selected and is on-site. They hope to be able to move the general contractor from the equestrian arena expansion into constructing the recreation building.

Mr. Barille presented a slide of the open space plan. He noted that parking areas, driveways, or other areas outlined in black were exempted from the open space calculation. Mr. Barille presented a detailed site plan showing the landscaping, circulation, and lighting details. He presented perspective drawings that were prepared as required by the MPD. The purpose was to show that they were trying to maintain the true intent of the original approvals to have a settlement style clustered development. Mr. Barille presented a slide of the opening page with all the calculations on the square footage. Mr. Barille believed the NAC was a huge component of the City Council's goals to promote inclusion and diversity. The NAC recreational programs are an additive and support what happens at the resorts because the skiing and snowboard programming occurs at Park City Mountain Resort. There is also cooperation with Public Parks and rec to enhance their programming and provide training and coaching

where possible. Mr. Barille stated that all NAC participants, families, volunteers, and donors have stories to tell and every time he hears a story it inspires him to be a better individual and think more broadly about how they want to live in this community as a whole. He hoped that message resonated with others.

Mr. Barille remarked that throughout the process the Planning Staff and the Planning Commission have always been supportive of the NAC mission. He invited them to continue to be involved and to ask about volunteer opportunities.

Commissioner Kenworthy offered a thank you. The NAC is the heart of the community and they have done a tremendous job and continue to do so.

Commissioner Kenworthy asked for clarification on the 104 parking spaces and where they would be located. He also wanted to know why they were proposing a 32% parking reduction. Mr. Barille stated that the most intense EUs on the property under normal conditions would be the lodge. However, in this case, everyone who shows up and utilizes the lodge is a member of an NAC group either because of their abilities or because they are coming for a week-long program. They arrive in a shuttle bus or other means of mass transit that brings them directly to the site. Very few lodge guests bring their own vehicle. Mr. Barille remarked that for day-to-day programs, most participants are dropped off or they come via public transit that make regular trips to the facility. For those reasons, they felt a parking reduction was appropriate. Another reason was an effort to be respectful to site boundaries and to maintain as much open space as possible.

Mr. Barille noted that the NAC would be back to the Planning Commission with a CUP for the lodge. Additional parking could be added at that time if needed. Mr. Barille reported that a private consultant had done an analysis of the use and employee generated vehicular trips. Based on the trip counters that were placed on the property and their experience in parking planning, the consultants felt this plan was adequate for the facilities proposed.

John Serio, the Facilities Director at NAC noted that there there was a condition of approval to revisit the parking one year after the first phase is completed. Planner Whetstone noted that it was Condition #24, which states that an updated parking plan would be submitted with the conditional use permit for the Lodge Building. If it is determined that additional parking is needed, the NAC can propose parking with the CUP.

Commissioner Kenworthy asked where the proposed areas would be for parking. Mr. Barille presented an overlay of the site plan on to the actual property. He indicated the

current parking area at the front of the facility in front of the existing Admin Building and the existing Lodge. That parking would be expanded out into the buffer area, and the parking will be angled to allow for additional capacity. He pointed to another area of additional parking, which was an extension of the existing property at the edge of one of the pastures that is not heavily utilized.

Commissioner Hall noted that the 2015 summary of the recommendation states that 500 parking stalls should provide ample parking based on daily use. She asked if that was the study's recommendation. Planner Whetstone stated that the Staff used the LMC parking requirements because they were more specific than the study recommendations. It was based on the overlapping uses, the shuttles, and the fact that most of the facility users do not drive.

Vice-Chair Suesser understood that the current parking was approximately 100 spaces and they were proposing to add an additional 100 spaces. Planner Whetstone replied that she was correct. The actual parking would total 225 spaces.

Mr. Barille asked Commissioner Hall to read from the summary she referred to so he could understand her question. Commissioner Hall read, "The recommended parking supply was approximated using the time of day analysis based on daily trip generation numbers previously presented in this report. We believe that due to the high number of land uses in this proposed project, 500 parking stalls should provide ample parking supply on a daily basis".

Mr. Stickleman stated that they have never had 500 people on site. Commissioner Hall clarified that she was reading the summary from the traffic study that was included in the Staff report. Planner Whetstone recalled that the traffic study was done at the time of the pre-MPD and a parking reduction of 28% was done at that time.

Mr. Barille thought the number reflected in the summary was more like daily trips than a parking requirement. He was confused by it as well. Mr. Barille offered to research it further and clean it up. Director Erickson suggested that they could make a Finding on what the actual parking should be as part of the MPD action; and the Staff would clean it up before the Development Agreement. Director Erickson clarified that the Hales Traffic Study was part of the pre-application. Until the new buildings are built, there is not enough activity on the site to predict the accurate number of parking spaces. Director Erickson pointed out that the NAC is a unique facility and there are no models for this type of campus. However, he did not believe there have been parking complaints.

Director Erickson remarked that the mitigation strategy at Empire Pass is a 25% reduction, and they do not have nearly as much bus service as NAC. He was comfortable with the 32% reduction.

Vice-Chair Suesser asked if there were any changes to the public trails going through the property. Mr. Barille replied that there were no changes to public trails. Easements were in place with the Recreation District for recreational uses. He noted that the NAC has proposed a pathway that winds through the campground, as well as a perimeter trails that is set inside the public trail, with the idea of separating some of the NAC on as needed basis if someone is learning to use a new piece of equipment. In general, the two user groups are mixed on the public trails and people are very respectful.

Planner Whetstone remarked that the Summary of Parking was included on page 434 of the Staff report. She noted that the Summary states that 170 parking stalls should provide enough parking supply on a daily basis. Commissioner Hall had read that, but it conflicted with language in the Summary of Key Findings and Recommendations. She also thought it was unclear whether that was an additional 170 spaces or 70 spaces in addition to the existing 100 spaces.

Mr. Barille stated that they would take direction from Director Erickson and Planner Whetstone. He would get an updated statement from the consultant if necessary. Commissioner Hall has been at the NAC and she did not think the verbal description was consistent with the Summary.

Vice-Chair Suesser opened the public hearing.

Ron Spratling stated that as an owner of a property in Park City, he thought this was amazing. To have this in a community and to serve that need is phenomenal. Mr. Spratling was impressed with the project and he was anxious for the opportunity to participate.

Vice-Chair Suesser closed the public hearing.

Commissioner Sletten asked how they would juxtapose the added condition of approval. Director Erickson suggested adding an additional condition of approval, or attaching the language to Condition of Approval #24 stating, "The information in the Hales Traffic Study shall be updated at the time of the ratification of the Development Agreement."

City Attorney Harrington remarked that the traffic study is just a study that the Planning Commission can accept for whatever analysis is appropriate. The Commissioners did

not need to affirmatively modify it in the future or disregard it because of the unique circumstances. The Planning Commission had the discretion to augment additional language in the condition regarding the parking study to validate that the assumptions they relied on for the parking reduction today were correct. The other option is to leave it to a future review. Commissioner Hall was comfortable leaving it to a future review.

City Attorney Harrington suggested that instead of just saying "An updated parking study shall be reviewed" they should add, "and actual operational requirements", because they were relying more on the operation representations than the parking study.

Commissioner Hall asked if the applicant would need to come back to the Planning Commission if they build 104 spaces but find it is not enough parking for everyone and they want 170 spaces. Director Erickson replied that they would come back to the Planning Commission. Director Erickson stated that the applicant would have the option of submitting an updated operational and parking mitigation plan so the Commissioners would know the operational requirements of the units and the number of times the parking spaces were exceeded; and what operation caused that to exceed. They would then offer recommendations to mitigate that strategy.

Mr. Barille supported what Director Erickson and City Attorney Harrington had suggested. However, he requested that it be conditioned such that the updated study would occur at the time they come back to the Planning Commission with the Lodge CUP. If the 104 spaces are working well, the Commissioners can feel comfortable that the additional use can be accommodated. If it is not sufficient, the parking can be adjusted at that time and the applicant can request additional parking and show proposed locations.

Director Erickson favored Mr. Barille's suggestion to push it to the Lodge CUP process. At that time the applicant should know whether they have enough parking. Commissioner Hall believed they were all thinking the same way and it was only a matter of procedure. Director Erickson was comfortable having the parking study and traffic mitigation updated when the Lodge building is approved as a conditional use.

Commissioner Kenworthy remarked that there would be plenty of room with 78% open space if additional parking is necessary.

Planner Whetstone revised Condition #24 to add the suggested language. The revised condition would read, "An updated parking study of actual operational trips and parking demand shall be submitted with the CUP for the future lodging building and if additional parking is recommended, it shall be reviewed with the future lodging building CUP."

Vice-Chair Suesser asked Planner Whetstone to address the housing mitigation plan and the water agreement she previously mentioned. Planner Whetstone stated that Condition of Approval #8 addresses the housing mitigation plan, which was still being reviewed by the Housing Department. She explained that the housing mitigation plan needs to have a recommendation from the Planning Commission. She believed it was tentatively scheduled to come back to the Planning Commission on April 24th for review and recommendation to the Housing Authority. Sometime in May, the Housing Authority will finalize the housing mitigation plan. Planner Whetstone remarked that the housing mitigation plan must be attached to the Development Agreement.

Vice-Chair Suesser asked if this development triggers an affordable housing component. Planner Whetstone replied that a Master Planned Development triggers affordable housing. Vice-Chair Suesser asked if the affordable housing would be onsite. Director Erickson noted that the Housing Authority would prefer it onsite. This is a unique situation and the applicant has offered to deed restrict some of the existing units for affordability. However, they need to understand the rental rate and number of units to meet the employee housing demand. When the new lodge is built, the deed restrictions would be transferred to the new lodge square footage. There would always be a couple of deed restricted units to meet their requirement. Director Erickson liked the idea, but the Staff was not able to put all the numbers together until it is finalized.

Regarding the water agreement, Director Erickson stated that there are supposed to be water rights that were transferred to Park City from another creek. Those water rights were transferred but required involvement by the State Engineer has not occurred. The Water Department is still working on that issue. A new water agreement will be added to address the water right and also determines how to pay the impact fees for additional water.

Mr. Barille stated that the Water Department had evaluated the ability to supply the facilities that are in the plan and found no issues. Once the change application is processed by the State Water Engineer and they go from a paper right to a right in the City's system, they will know how much water is left at that point and whether or not it provides a credit.

Vice-Chair Suesser asked if the Planning Commission was comfortable approving the MPD without having those agreements in place. The Commissioners were comfortable with it.

Commissioner Hall understood the calculation for square footage for affordable and employee housing was based off of employees and it excludes volunteers. Mr. Barille

stated that affordable housing requirements typically do not include volunteers. It only addresses full and part-time employees. One way to look at it is based on the square footage of the two buildings proposed. Another way is based on the actual employees being generated. Mr. Barille remarked that information on both those avenues had been submitted to Jason Glidden and they were working through the numbers.

MOTION: Commissioner Kenworthy moved to APPROVE the request for a Master Planned Development for the National Ability Center located at 1000 Ability Way, within the ROS MPD zone, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report and as amended with the revision to Condition #24. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – NAC MPD

1. The property is located at 1000 Ability Way and is within the Recreation Open Space Master Planned Development (ROS-MPD) Zoning District.
2. Access to the property is from Round Valley Drive and Gillmor Way, public streets, and Ability Way. Ability Way is public to the NAC property line and private within the NAC property. No new streets are proposed.
3. The property is located in the Quinn's Junction neighborhood of Park City and is identified as Lot 1 of the National Ability Center Subdivision.
4. In the mid-1990s, the parcel was deeded to the NAC by Florence Gillmor and restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complementary recreational activity facilities.
5. The 26.2-acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation and MPD.
6. The National Ability Center is a non-profit organization specializing in community sports, recreation, therapy, and education programming.
7. In July of 1999, prior to annexation, the property received approval of a Specially Planned Area (SPA) from Summit County, which is similar to a Master Planned Development (MPD) in the City.
8. The NAC Specially Planned Area (SPA) and CUP allowed for development of various uses and buildings (50,750 sf), including 20,500 sf equestrian center (17,000 sf equestrian arena and 3,500 sf of barns/stalls), an outdoor challenge/ropes course, a playground and outdoor activity area, an outdoor equestrian arena, an archery pavilion, a gazebo, various barns/stalls and storage buildings, 21,000 sf of residential dormitory/lodging uses with 25 rooms on two levels, 7,570 sf support administrative building, a possible future swimming pool, and 121 parking spaces.
9. A July 15, 1999, Development and Water Service Agreement between NAC and the

City was entered into prior to the annexation. The Agreement describes conditions of water service and the need to transfer and convert a water right. The change application was filed with the State Engineer on February 12, 2019 and is pending review.

10. A new water agreement, updating requirements and conditions for water service, will be included as an attachment to the NAC MPD Development Agreement to be ratified by the Planning Commission prior to recordation.

11. On October 21, 2004, the Park City Council adopted Ordinance #04-50 to amend the Park City Zoning Map to include the annexed NAC parcel into the ROS-MPD District.

12. The ROS zone allows for a variety of conservation, open space, and recreation uses.

13. The proposed uses are support uses to the primary use of the National Ability Center and are consistent with the purpose and uses of the ROS District and in support of the mission of the NAC.

14. The NAC is located in the Quinn's Junction neighborhood, as described in the Park City General Plan.

15. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.

16. On September 2, 2014, the applicant submitted a pre-MPD application for proposed additions to the NAC. On December 10, 2014, the Planning Commission held a public hearing, discussed and approved the pre-MPD application and found the proposal to be in compliance with the General Plan and underlying zoning district. The MPD is consistent with the Pre-MPD and meets the goals and objectives of the General Plan as further outlined in the staff report.

17. On January 26, 2016, the City received an application for a Master Planned Development (MPD) identifying and approving an MPD concept site plan, uses and density for the 26.2-acre National Ability Center campus consistent with the pre-MPD.

18. Between February 2016 and October 2017, the applicant worked on getting the subdivision plat approved and recorded and worked to address staff's comments regarding water service, as it relates to a July 15, 1999 Development and Water Service Agreement, as well as on a housing mitigation strategy.

19. The National Ability Center (NAC) Subdivision plat was approved by City Council on July 21, 2016 and recorded at Summit County on March 28, 2017.

20. On November 29, 2017, the Planning Commission approved a Conditional Use Permit for the following (29,818 sf total):

- Indoor Equestrian Arena additions (10,910 sf)
- Program Services building addition (1,250 sf) and climbing wall (377 sf)
- Community and Programs building (new) (4,962 sf)
- Recreation Center/gymnasium (new) (7,613 sf)
- Cycling Center (storage addition) (783 sf)
- Archery Pavilion and Range (relocated)
- Camping (new) - 3 recreational cabins (444 sf each), 6 graded tent sites, 3 yurt platforms and 1 restroom building (2,274 sf total)
- Greenhouse and gardening area (new) (400 sf)
- Maintenance shop and storage (additions) (1,250 sf)
- Additional parking (104 spaces), snow storage and landscaping

21. The NAC MPD memorializes existing uses (49,707 sf) approved through a Specially Planned Area (SPA) (Exhibit Q) and Conditional Use Permit (CUP) by Summit County prior to annexation of the site into Park City (50,750 sf were approved), as well as uses approved through a CUP by the Planning Commission in November of 2017 (29,819 sf) (Exhibit S). The MPD also includes a future three story lodging building (22,266 sf) consisting of 25 suites with 13 lockouts (38 keys). The MPD also includes an additional 1,122 sf for the equestrian center and 332 sf to the recreation building that were not counted in the square footages approved with the 2017 CUP.

22. A total of 103,246 sf are included in the NAC MPD including administration and programs (13,865 sf), indoor recreation and equestrian center (36,853 sf), lodging (36,567 sf) as well as accessory support uses and storage (15,961 sf). A swimming pool is not included in this MPD approval. Accessory and support uses include barn/stables, camping cabins/yurts/tent platforms, maintenance shop, Nordic center yurt, gardening center and greenhouse and cycling center.

23. The lot is sufficient in area for the proposed uses.

24. The plans indicate that 78% of the site will remain as open space. This area includes all pervious areas such as horse pastures, outdoor arenas, landscaped common areas, campground area (excluding buildings), challenge course, and other outdoor recreation activity areas and includes the hardscaped patio area west of the program services building.

25. The proposed building location minimizes grading. Buildings are grouped on the site, providing greater expanses of open space and separation of activities. Specific site plans, as well as landscaping and exterior lighting details, will be provided with the future lodging building CUP and building permits.

26. The proposed landscape plans indicate compliance criteria to maintain native vegetation and plant appropriate drought tolerant species that require limited irrigation.

Prior to issuance of building permits a final landscape and irrigation plan, and an exterior lighting plan, will be reviewed by Planning Department staff for compliance with the MPD landscape plans. Additional landscaping and lighting plans will be submitted for review as part of the Conditional Use Permit applications for the new lodging building and parking lot expansion. Parking lot lighting is noted to be down directed with cut-off fixtures and will be on a clock timer to be able to reduce overall lighting when use of parking lots is reduced.

27. The MPD is proposed to be developed in two primary phases. Phase 1 is identified as additions to the program services building and indoor equestrian center, a new indoor recreation building, a new community and programs building, additional storage and maintenance areas as well as various outdoor uses and phased parking and landscaping. Phase 1 is essentially the additions, buildings and uses approved with the 2017 CUP to be constructed within the next 1 to 5 years. Phase II consists of the proposed 3 story lodging building. Phase II is projected to begin by 2024, upon completion of Phase I.

28. Proposed uses are consistent with the uses allowed by the National Ability Center MPD (SPA) and the LMC, as support uses to the primary use as a Public and Quasi-Public Institution and as a Private Recreation Facility.

29. A traffic study (Hales Engineering, November 2015) was provided by the applicant and reviewed with the 2017 CUP indicating that study intersections are anticipated to continue operating at acceptable levels of service. Capacity of existing streets can handle anticipated normal traffic, however during special events and activities additional traffic enforcement and Special Event permits maybe required.

30. The 2017 CUP approved 104 additional parking spaces to provide a total of 225 spaces for the entire site (there are currently 121 spaces). Staff reviewed a 32% reduction as uses of the NAC overlap and NAC participants use multiple buildings per visit. Parking reductions are consistent with transportation goals and the General Plan. Parking will be phased with construction of elements of the CUP and MPD.

31. Staff recommends an updated parking study be submitted with the CUP for the future lodging building and if additional parking is recommended, it will be reviewed with the future lodging building CUP.

32. The final parking layout will be reviewed at the time of building permit review to ensure compliance with the LMC regarding interior and perimeter landscaping, lighting, and use of landscaped islands to break up expanses of parking. Lighting is proposed to be sharp cut-off and on a time clock to allow the NAC to reduce lighting when not in use.

33. Utilities necessary for this use are available at or near the site.

34. The proposed additions and uses have been reviewed for potential interference with access routes for emergency vehicles. Fire District has reviewed and approved the emergency access routes and final Fire District approval of building plans is required prior to building permit issuance.

35.Existing internal vehicular and pedestrian circulation systems will be modified and enhanced by this project to provide accessible routes and connections to surrounding City open space, trails and recreation amenities, as well as to public transit routes (currently dial-a-ride service).

36.No outdoor storage of goods or mechanical/utility equipment is proposed or allowed onsite.

37.Impacts of the adaptive camping tents site, cabins, and connected trail system on the open space are proposed to be mitigated by limiting the number and size of the tent platforms and cabins, by installing natural pathways (not concrete or asphalt) where accessibility issue allows, and by minimizing grading and vegetation disturbance. LOD fencing will be installed prior to building permit issuance to contain disturbance for all construction sites. Any exterior lighting will be subdued, fully shielded and down directed.

38.Additions to the Arena and Program Services buildings are located in areas that are already disturbed with pavement and hardscape. The proposed recreation building will impact an area that has been previously disturbed and re-seeded.

39.No signs are proposed at this time and sign permits are required prior to installation of new signs.

40.Exterior lighting fixtures will be reviewed at the time of building permit review for compliance with the City's lighting ordinances.

41.The MPD area contains wetlands and streams and a wetlands delineation report was included with the application. The plans demonstrate that the required fifty-foot buffer from delineated wetlands and streams can be met. Storm water plans are required to be submitted with all building permit applications and conditions of approval note requirements for MS4 plans. Wetlands will be protected during construction as required by the Building Department and Construction Mitigation Plans. Wetlands delineations are valid for a five-year period when applying for a general permit to the Army Corps of Engineers.

42.There are no known physical mine hazards, historic mine waste, or historic structures on the site.

43.The site is not within the Park City Soils Ordinance boundary.

44.A construction mitigation plan will be provided with all building permits and will consider the safety of NAC participants, in addition to all standard requirements.

45.An affordable housing mitigation plan is being drafted by the Applicant and will be submitted to the City's Housing Department. The plan will be presented to the Planning Commission for review and then forwarded to the Park City Housing Authority for review and approval. An approved housing mitigation plan will be an attachment to the Development Agreement at the time of Planning Commission ratification and recordation.

46.The Development Agreement will address specific requirements of the City's Water Department regarding water rights, impact fees, timing, etc.

47. The Development Agreement requires Planning Commission ratification, City Council approval and recordation at Summit County.
48. The proposed mass and scale of buildings and additions, as well as the architectural design, materials, and colors are consistent with existing buildings on the property and in the surrounding area.
49. Proposed buildings and additions are setback more than 25' from all property lines.
50. The MPD proposes a future three story lodging building with a pitched roof at a maximum building height of 45 feet (to the ridge).
51. An addition to the Program Services Building, for expansion of the climbing wall, was approved with the 2017 CUP to maintain the height exception allowed by the Specially Planned Area approvals (43'4" in height from existing grade).
52. All other additions and structures will not exceed the maximum zone height of 28' with LMC height exceptions permitted for pitched roofs, mechanical, elevators, etc.
53. The height exception is requested to minimize building footprint; reduce overall site disturbance; and provide variation in height, massing, and architectural interest.
54. The height request does not increase allowed density in that there is sufficient lot area to accommodate the lodging expansion floor area over a greater footprint and stay within the 33' allowed building height.
55. Potential problems on neighboring property (City Open Space) caused by shadows, loss of solar Access, and loss or air circulation are mitigated by increased building setbacks and orientation of the proposed building. There are no adjacent structures within close proximity to the property lines. The lodge building is shown with a 125' setback to the property line. At the time of CUP review setbacks to adjacent City property may be adjusted provided that plans demonstrate impacts on adjacent City property, due to shadows, noise and nuisances, can be mitigated.
56. Proposed open space of 78% is greater than the minimum of 60% and the three story design results in additional usable open space on the site.
57. Final design of the lodge building is subject to Planning Commission approval during review of the CUP, at which time the design will be reviewed for compliance with Chapter 5, Architectural Guidelines, including architectural design, exterior materials, façade variation and landscaping requirements.
58. The applicant stipulates to the conditions of approval.
59. The property was posted and notice posted, published and mailed to property owners within 300' as required by the Land Management Code.
60. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – NAC MPD

Conclusions of Law

1. The MPD, as conditioned, is consistent with the Park City General Plan and Recreation Open Space (ROS-MPD) zoning.

2. The MPD, as conditioned meets required conclusions of law of LMC Section 15-6-6) as stated below:

A. The MPD, as conditioned, complies with all the requirements of the Land Management Code;

B. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

C. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;

E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

F. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;

G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

H. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

I. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

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

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

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

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

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

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

Conditions of Approval – NAC MPD

1. All standard project conditions shall apply.

2. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall consider the safety of NAC participants. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.

3. A storm water run-off and drainage plan shall be submitted with building permit applications and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed predevelopment drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site. This development is part of a common development that is greater than one (1) acre. This development shall meet the MS4 storm water requirements.

4. Final utility plans, consistent with utility plans reviewed by the Planning Commission during the MPD and CUP review, shall be submitted with building permit applications.

5. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.

6. Snyderville Basin Water Reclamation District's review and approval of building permits and utility plans for conformance with the District's standards for review, is a condition precedent to building permit issuance.

7. An Affordable Housing Mitigation Plan shall be reviewed by the Planning Commission and approved by the Park City Housing Authority prior to issuance of any building permits for the lodging building and any applicable deed restrictions shall be recorded according to the final approved Affordable Housing Mitigation Plan.

8. The Affordable Housing Mitigation Plan shall be recorded with the final ratified Development Agreement.

9. As a condition precedent to receiving a certificate of occupancy for the proposed lodging building, the City shall be provided with proof of compliance with the approved Affordable Housing Mitigation Plan.

10. A master sign plan for the project shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any new sign permits.

11. Once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.

12. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement or as further conditioned by the Development Agreement, unless Construction, as defined by the Uniform Building Code, has commenced on the project.

13. Vegetation and landscaping will be planted in such a manner that screening of adjacent properties is to be consistent with approved landscape plans. The applicant recognizes that the City Engineer has final authority on landscape placement in any required easement areas.

14. The access road is private to the NAC property line and is maintained by the property owner. From the property line to Gillmor Way the road is public.

15. Any changes to Ability Way shall be approved by the City Engineer, including specifications such as final grade, width, pavement depth, materials, signs, and storm drainage.

16. Access to public trails on City Open Space shall be maintained in coordination with the Park City Open Space and Trails Manager/Department consistent with the Park City Trails Master Plan. Any new access points shall be coordinated with Park City Open Space and Trails Manager/Department.

17. The proposal shall comply with Architectural Design Guidelines outlined in LMC § 15-5-5 which includes prohibited architectural styles and motifs, prohibited siding materials, design ornamentation, number of exterior wall materials, roofing materials, roof shapes, solar panels and skylights, window treatments, Lighting, trash and recycling enclosures, mechanical equipment, patios and driveways, and landscaping. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission during approval of the Conditional Use Permit on November 29, 2017 and with plans to be reviewed with the future Conditional Use Permit for the new lodging building.

18. The proposal shall comply with the trash storage and collection parameters with the language outlined in LMC § 15-5-5(G).

19. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space

requirements shall be submitted with building permit applications for approval by the Planning, Building, and Engineering Department.

20. All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of final Certificate of Occupancy for the Lodging Building.

21. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.

22. Best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application shall be incorporated into all plans submitted for building permits.

23. At the time of CUP review of the lodge building, setbacks to the adjacent City property may be adjusted provided that plans demonstrate impacts on the adjacent City property, due to shadows, noise and nuisances, can be mitigated.

24. An updated parking study of actual operational trips and parking demand shall be submitted with the CUP for the future lodging building and if additional parking is recommended, it shall be reviewed with the future lodging building CUP."

25. Ten (10) bikes shall be accommodated with bike racks to be installed prior to issuance of the first certificate of occupancy.

26. Prior to issuance of a building permit for development impacting wetlands or the associated buffer areas, an updated wetlands delineation shall be conducted and presented to the City for review.

27. The Water Agreement shall be recorded with the final ratified Development Agreement.

28. All future development, including CUPs and building permit applications shall comply with terms of the recorded Development Agreement and Water Agreement.

The Park City Planning Commission Meeting adjourned at 8:00 p.m.

Approved by Planning Commission: _____