PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
February 14, 2018

AGENDA

MEETING CALLED TO ORDER AT 5:30PM
ROLL CALL
ADOPTION OF MINUTES OF
January 10, 2018
January 17, 2018

PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda
STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Five-year Affordable Housing Plan – Staff has prepared a drafted Housing Plan for review and adoption by City Council at their February 15, 2018 Council Meeting. Staff is providing the report to Planning Commission in order to add Commission input to the City Council's review. *Informational only*	*Rhoda Stauffer*	*162*

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

Treasure Hill, Creole Gulch and Town Lift Mid-station Sites – Vote by Planning Commission on a resolution supporting Treasure Hill Continuance to date uncertain and supporting the Mayor and City Council consideration of purchasing the property. *Public hearing and continued to a date uncertain.*	PL-08-00370 *Planner Astorga*	*165*
925 Woodside Avenue – A plat amendment proposing to combine two existing lots of record addressed at 925 Woodside Avenue into one lot of record. *Public hearing and possible recommendation to City Council on March 15.*	PL-17-03726 *Planner Morlan*	*167*
2346 Good Trump Court – Queen Esther Village No. 1 Unit 6 Amended Condominium Plat – A condominium plat amendment proposing to transfer 108 square feet of Common Space to Private Space allowing the property owner to convert their deck area into living space. *Public hearing and possible recommendation to City Council on March 15.*	PL-17-03712 *Planner Morlan*	*185*

ADJOURN

***Parking validations will be provided for Planning Commission meeting attendees that park in the China Bridge parking structure.**

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 10, 2018

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Melissa Band, Preston Campbell, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Hannah Tyler, Planner; Tippe Morlan, Planner; Polly Samuels McLean, Assistant City Attorney, Jody Burnett, Outside Counsel; Community Development Director, Anne Laurent.

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REGULAR MEETING

ROLL CALL

Vice-Chair Band called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Strachan, who was excused.

ADOPTION OF MINUTES

December 6, 2017

MOTION: Commissioner Phillips moved to APPROVE the Minutes of December 6, 2017 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

December 13, 2017

Commissioner Thimm referred to page 25 and change dif- to correctly read **different.** On page 36, middle of the page, Commissioner Thimm changed the word and to correctly read **win**. On page 67, Commissioner Thimm stated that the [inaudible] should be **to what we have said**.

MOTION: Commissioner Phillips moved to APPROVE the minutes of December 13, 2017 as amended. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

December 20, 2017

Commissioner Thimm referred to page 25, and stated that the [inaudible] should be **Fact Sheet.**

MOTION: Commissioner Suesser moved to APPROVE the minutes of December 20, 2017 as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS
There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson commented on the paid parking program and noted that he had parking validations for anyone who parked in China Bridge to attend the meeting this evening, including the public. Whenever the meetings go beyond 6:00 the City will validate the parking.
Director Erickson stated that the following evening, January 11, 2018, there would be a voluntary joint meeting with the City Council to discuss the Treasure Mountain project. It would primarily be the same information presented this evening. However, the applicant may return with additional comments on the information prepared by Anne Laurent.

Director Erickson noted that Vice-Chair Band would be recusing herself from the King's Crown item on the agenda. The Planning Commission needed to appoint a Chair Pro Tem to facilitate the King's Crown project in her absence.

MOTION: Commissioner Suesser moved to elect Preston Campbell as the Chair Pro Tem for the Kings Crown project this evening. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Vice-Chair Band referred to the 277 McHenry agenda item and disclosed that she had a conversation with the applicant about this application. She was also present as the Planning Commission liaison at the Board of Adjustment meeting. She did not believe that speaking with the applicant in the Beer Tent on Miner's Day would affect her decision.

Commissioner Phillips disclosed that he is an acquaintance with the applicant on 277 McHenry, but that would have no impact on his decision. He has not discussed this application with the applicant.

Commissioner Suesser disclosed that she had a conversation with Rich Wyman regarding the Treasure Hill project. His predominant question was why the Planning Commission did not vote on 17.2 and bring that application to a close before pursuing consideration of the alternative plan. She explained to Mr. Wyman that the Commissioners had only paused 17.2 to consider this alternative. In the event that the alternative does not move forward, the Planning Commission would go back to 17.2 for final discussion and a vote on that application.

CONSENT AGENDA

88 King Road – Steep Slope Conditional Use Permit – applicant is proposing to construct a new single-family dwelling on a vacant lot with a slope greater than 30%.
(Application PL-17-03654)

Vice-Chair Band opened the public hearing. There were no comments. Vice-Chair Band closed the public hearing.

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

VOTE: The motion passed unanimously.

Findings of Fact – 88 King Road

1. The property is located at 88 King Road.
2. On August 30, 2017, the City received an application for a Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 88 King Road; the application was deemed complete on October 2, 2017.
3. The property is located in the Historic Residential Low-Density (HR-L) District.
4. The lot contains 3,750 square feet. It is an uphill lot.
5. The Historic District Design Review (HDDR) application for the proposed for the new single-family dwelling is on hold, pending Planning Commission approval of the Steep Slope Conditional Use Permit. The HDDR application was also submitted on August 30th, 2017.
6. An Administrative Lot Line Adjustment was approved in 2006 creating the 88 King Road Replat.
7. A single-family dwelling is an allowed use in the HR-L District.
8. The lot contains 3,750 square feet. This is an uphill lot, and the average slope of the lot is about 58%. The average slope of the footprint area is approximately 44%.
9. Access to the property is from King Road, a public street.
10. Two (2) parking spaces are proposed on site in two (2) single-car garages.

11. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes, and duplexes. The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments, with a few three- to four-story houses.
12. An overall building footprint of 1,518 square feet is proposed. The maximum allowed footprint for this lot is 1,519 square feet.
13. The proposed addition complies with the front and rear yard setbacks. The minimum front and rear yard setbacks are 10 feet, for a total of 20 feet; the applicant is proposing a 10 foot front yard and 10 foot rear yard setback, for a total of 20 feet.
14. The proposed structure complies with the side yard setbacks. The minimum side yard setbacks are 5 feet, for a total of 10 feet. The structure has a 5 foot side yard setback for both the north and south side yards for a total of 10 feet.
15. The proposed structure has a maximum height of approximately 24.89 feet. The maximum height in the HR-L is 27 feet.
16. The proposed structure has an interior height of 35 feet. The maximum interior height is 35 feet.
17. The proposed development is located on the lot in a manner that reduces the visual and environmental impacts of the structure. The majority of the mass and bulk of the building has been broken up into smaller components. Only a one- to two-story structure will appear above grade on the hillside.
18. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this single-family dwelling on the cross canyon views and the King Road streetscape. The proposed single-family dwelling is compatible with the surrounding structures as the majority of the mass and bulk of the single-family dwelling will be buried underground based on this analysis.
19. Access points and driveways have been designed to minimize grading of the natural topography and reduce the overall building scale. The proposed driveway leads to two (2) single-car garages. The applicant has incorporated terraced retaining walls which mitigate the visual impact of the steep grade. These terraced retaining walls mitigated the need for an out of scale retaining wall to accommodate the garage(s) entrance. This driveway design is consistent with the driveways of new construction in the Historic District.
20. The applicant has incorporated a series of terraced retaining walls to regain Natural Grade as a result of the driveway and single-car garage entrances. These terraced retaining walls will be vegetated in each terrace which will help to shield any further impact.
21. There are retaining walls in the rear yard to accommodate a patio area. The retaining walls throughout the site will not change grade more than 4 feet from Existing Grade. The applicant will change grade at the garage entrance which is allowed per LMC 15-2.1-5 Building Height.

22. The new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The design steps with the grade of the lot which allows for the mass and scale to be compatible with development patterns in the Historic District
23. The applicant broke up the mass of the new structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of individual smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.
24. The applicant has incorporated setback variations to prevent a wall effect and reduce the building scale and setbacks on adjacent structures.
25. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.
26. No lighting has been proposed at this time. Lighting will be reviewed at the time of the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.
27. The property was posted and notice was mailed to property owners within 300 feet on December 27, 2017. Legal notice was also published in the Park Record in accordance with requirements of the LMC on December 23, 2017.The property is located outside of the Soils Ordinance.
28. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 88 King Road

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

Conditions of Approval – 88 King Road

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition

precedent to building permit issuance.
4. This approval will expire on January 10, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on January 10, 2018, and the Final HDDR Design.
6. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade unless an exception is granted by the City Engineer per the LMC, Chapter 4.
7. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
8. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
9. Construction waste should be diverted from the landfill and recycled when possible.
10. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
11. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
12. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. <u>1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue. Woodside Park Affordable Housing Project Phase I – Master Planned Development – Ratification of Development Agreement.</u> (Application PL-17-03454)

Planner Hannah Tyler noted that this item was the ratification of the development agreement for Phase I of Woodside Park Affordable Housing project. The Planning Commission adopted the Master Planned Development on August 23, 2017; and ratification would memorialize that approval. Planner Tyler remarked that plans and the development agreement were included in the Staff report. A public hearing was not required.

The Staff recommended that the Planning Commission review the Woodside Park Affordable Housing Project Phase I MPD Development Agreement and consider ratifying the agreement to memorialize the MPD that was approved on August 23, 2017.

Vice-Chair Band opened the public hearing.

There were no comments.

Vice-Chair Band closed the public hearing.

Director Erickson stated that a motion would be to ratify the Development Agreement in the form contained in the Staff report.

MOTION: Commissioner Thimm moved to RATIFY the Development Agreement for the Woodside Park Affordable Housing Project Phase I MPD as outlined in the Staff report for 1333, 1353 Park Avenue, and 1364 Woodside Avenue. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

2. <u>277 McHenry Avenue – Request for a Conditional Use Permit for an Accessory Apartment on Parcel A of 277 McHenry Avenue. Request for a Conditional Use Permit to allow construction of an Accessory Apartment on a steep slope. The applicant proposes at least 200 square feet of Building Footprint to be built upon an existing slope of 30 percent or greater</u>. (Application PL-17-0365 and Application PL-17-03676)

Planner Tippe Morlan noted that two items were being requested simultaneously; however, separate motions would be required.

Accessory Apartment

Planner Morlan reported that the applicant was requesting a conditional use permit for an accessory apartment to be located on Parcel A of 277 McHenry Avenue. The plat was approved by City Council in July 2017. Planner Morlan presented a slide showing the plat. She explained that McHenry cuts through the lot, which turned the eastern portion of the Lot into Parcel A. The western portion with an existing house was Lot 1. She pointed out that this was the same lot and the same address of 277 McHenry. The applicant was requesting an accessory on the east side on Parcel A. She stated that accessory apartments are classified as a conditional use in the HRL zone.

Planner Morlan reported that the applicant was also requesting a Steep Slope CUP for the construction of the accessory apartment if it is approved, because the slope in the middle of the lot exceeds 30%.

The Staff recommended that the Planning Commission conduct a joint public hearing for these items. Each item would require a separate motion. Planner Morlan noted that the accessory apartment needed to be approved before the Steep Slope CUP could be considered.

Planner Morlan stated that related application to this project included the plat amendment. It has not yet been recorded but it was still in progress. The plat must be recorded before anything else could move forward. Planner Morlan reported that the Board of Adjustment approved a variance in March 2017 to allow an accessory apartment with a floor area greater than one-third of the floor area of the main dwelling unit, up to 1,000 square feet. Planner Morlan pointed out that if the variance had not been approved, the applicant would have only been allowed 400 square feet.

Planner Morlan reported that the applicant also had a Historic District Design Review in process. That final review depends on whether the use is approved.

Planner Morlan commented on the terms of the proposed application. The proposed house meets the HRL requirements and the variance terms. It also meets the accessory apartment regulations outlined in the LMC. Section 15-4-7 lists a number of requirements for accessory apartments, such as the property owner needs to occupy one of the spaces. Planner Morlan stated that this property owner intends to occupy the accessory apartment structure. The accessory apartment may never be sold separately from Lot 1 and the existing structure on Lot 1. No nightly rentals are allowed. Planner Morlan noted that all the requirements were addressed in the drafted conditions of approval for this item.

Planner Morlan commented on parking, and noted that one parking space per bedroom is allowed. The applicant was proposing the structure with one bedroom; and proposed one full standard parking space and an additional substandard parking area. The substandard parking area may not be counted toward required parking, but it would be counted as having two parking spaces.

Planner Morlan presented a floor plan which showed a mechanical room and a washer/dryer room. She noted that the applicant had submitted a new plan today showing that this room would be removed. The mechanical area was moved under the stairs and the washer and dryer was moved to the office upstairs. The storage area was approximately 16' long, which is slightly under what is needed to be considered a full parking spot. The City Engineer allowed this area to be a substandard parking area. Planner Morlan noted that a standard parking stall needs to be 9' wide by 18' long. She reiterated that the applicant meets the parking requirement by providing one full-size stall because there is only one bedroom proposed.

Planner Morlan reported that a Condition of Approval addresses the Fire Marshal's comments that no parking can be allowed in the driveway since it is in the 10' front yard setback area, and because McHenry Avenue is a substandard street.

Planner Morlan stated that the proposal also meets the CUP criteria in LMC Section 15-1-10 as stated in the Staff report.

<u>Steep Slope CUP</u>
Planner Morlan commented on the Steep Slope CUP and noted that all the requirements of the Steep Slope CUP were met. No exceptions to height or setbacks are allowed; and none were proposed. She presented the street view and showed how the structure fits in with the streetscape. The applicant was not proposing anything outside of the LMC standards.

The Staff recommended approval of the CUP for the Accessory Apartment and the Steep Slope CUP, finding good cause with the conditions of approval that it does not cause an increase and impact to the site based on the condition of approval which was stated in both this application and the application for the plat. The condition is that the existing duplex, which is a legal non-conforming duplex on the Lot 1 portion of the site, needs to be converted to a single-family dwelling, turning it from a density of two to one before an accessory apartment would be allowed. Based on that condition, the accessory apartment would not cause an increase in impacts to the site. It also brings the existing structure into compliance with the zone as a single-family dwelling. It would also bring the parking for the site into compliance with the LMC, since the existing duplex only has two off-street paved parking areas, and four is required. Converting to

a single family dwelling would require only two parking spaces, which is has, and it provides one full-size parking spot for the one bedroom being proposed.

Planner Morlan outlined conditions that should be noted for the CUP approval. One unit must be owner occupied. Night rentals are not allowed. Density on this lot cannot increase. Parcel A and Lot 1 can never be sold separately. No parking is allowed within the 10' front yard setback area per the Fire Marshal.

Planner Morlan stated that the Planning Commission may also add additional conditions, based on their discussion this evening and public input, to mitigate any reasonably anticipated detrimental effects of the proposed use. She encouraged the Planning Commission to think of any additional conditions that would potentially mitigate their concerns.

Commissioner Suesser understood that the duplex currently has two off-street parking spaces, and there is no garage. Planner Morlan replied that she was correct. Commissioner Suesser understood that the proposed structure would have one off-street parking stall and one sub-standard stall. She asked if there would be a garage as well. Planner Morlan remarked that both of the parking spaces in the proposed accessory apartment would be covered in a garage. Commissioner Suesser asked if the garage would be a substandard size. Planner Morlan explained that only one parking space is required. One space is 9' wide x 18' long. She indicated two garage doors, and noted that the left-hand side garage was deeper than necessary based on the sizing requirement. On the right-hand side the garage area was previously labeled as storage because it was not long enough to be considered a parking area; however, the City Engineer indicated that it could be considered a sub-standard parking space because the washer and drawer and the mechanical was being removed. Planner Morlan stated that it would be a covered parking spot, but not counted towards the parking requirement. Commissioner Suesser asked about a driveway. Planner Morlan replied that there is a 10' long driveway in the setbacks.

Commissioner Thimm thought the substandard parking space was moot because the required parking is satisfied by the full-size stall. Planner Morlan answered yes. However, based on comments heard by the neighbors during the HDDR, the Staff wanted to show that there was space to park two cars in the proposed garage. Commissioner Thimm noted that the additional parking would have less impact on street parking.

Commissioner Phillips commented on the condition of approval related to owner occupation and asked how it could be monitored or enforced. He was not particularly concerned with this owner, but he had concerns if the property changes owners.

Assistant City Attorney replied that it was recorded against the property and a buyer is made aware of the conditions. She believed that enforcement would primarily be what the neighbors know and see. Commissioner Phillips asked if owner occupation means it has to be occupied full-time or whether it could be a vacation home. Ms. McLean stated that it could not be a nightly rental. If it is used as a vacation home, the owner would have to leave the accessory apartment empty except for when they use it. Planner Morlan noted that Condition #3 was taken from the Accessory Apartment section of the Code and says that the owner must record this notice to purchaser with the property. The condition will always run with the land. Vice-Chair Band assumed that would pull up easily on a Title Report. Planner Morlan answered yes.

Commissioner Campbell asked if nightly rentals are precluded from all nightly rentals or whether the condition was specific to this application. Planner Morlan replied that it was all accessory apartments. Vice-Chair Band noted that it is prohibited by the zone. Commissioner Campbell understood that Condition #4 prohibiting nightly rentals is not just for this zone, but for accessory apartments in any zone. Planner Morlan answered yes.

Commissioner Campbell stated that on general principle, he was uncomfortable with the fact that the applicant had submitted new plans today that were not in the Staff report. He felt they were being asked to vote on a plan that was already outdated. Commissioner Campbell asked how they could make sure that what they were voting is what would actually be recorded. Commissioner Phillip thought the change to the plan was irrelevant to what they were being asked to approve. Commissioner Campbell agreed.

Planner Morlan reiterated that the only change to the plan was moving the mechanical and the washer and dryer to a different location, and using that garage space as substandard parking.

Michael Kaplan, the applicant, requested to make his comments after the public hearing so he could address any concerns that may be raised. Mr. Kaplan introduced his architect, David White, and noted that Mr. White was retiring after 47 years. Mr. Kaplan stated that Mr. White is a wonderful person and architect, and he wanted to acknowledge him publicly.

Vice-Chair Band opened the public hearing.

Mary Wintzer, a resident at 320 McHenry, asked if the second bathroom was eliminated from the plans so the office just has the washer and dryer. David White answered no. Ms. Wintzer stated that she sits on the Board of Adjustment and Makena Hawley was

the planner at the original meeting; not Planner Morlan. Ms. Wintzer recalled that the approval was not for an accessory apartment. The Board of Adjustment approved the variance. She noted that the Board questioned whether the applicant should have come before the Planning Commission first for the approval of the accessory apartment, instead of having the Board of Adjustment go through the variance process. Ms. Wintzer thought the possible square footage, based on Mr. Kaplan's existing house, was 720 square feet that could be built, not 400, and he was requesting 1,000 square feet. Ms. Wintzer asked Planner Morlan to check her recollection just to be accurate for the record.

Planner Morlan stated that the existing house is 720 square feet. Ms. Wintzer accepted that she was incorrect and that was why she recalled the 720 square foot number.

Ms. Wintzer commented on the purpose of the HRL zone. As listed in #8, the purpose is to reduce the density that is accessible only by substandard streets so these streets are not impacted beyond their reasonable carrying capacity. She pointed out that McHenry is below substandard. Many of the neighbors feel that if the application is improved it would increase the level of substandard even further, as evidenced by some of the pictures. She stated that the existing house, which is a duplex and would go to single-family, has three cars parked there. It has always been rented to two people with two cars. Ms. Wintzer asked the Planning Commission to keep in mind that their main concern with this accessory apartment is that there is no off-street parking.

Ms. Wintzer noted that Item B of the purpose of the zone is to provide an area of lower density residential use within the old portion of Park City. This CUP will increase the density by two bedrooms and possibly two cars. Ms. Wintzer pointed out that this is a separate dwelling, and either the house or the apartment will be rented. Item C of the zone is to preserve the character of historic residential development in Park City. She noted that on McHenry there are no accessory apartment at this time, and with the exception of one duplex there are only single-family homes. Item E is to encourage construction of Historic District and maintain existing residential neighborhoods. Ms. Wintzer noted that her argument was the same as she stated for Item C. Item F is to establish Development Review Criteria for new development on steep slopes, which mitigate impacts to mass and scale and the environment. Ms. Wintzer stated that if this CUP is approved, it will establish a review process that is friendly to accessory apartments, and increase the density on a substandard road. Item G is to define development parameters that are consistent with the General Plan policies for the historic core. Ms. Wintzer stated that her argument was the same as she stated for Item F.

Ms. Wintzer stated that under the Conditional Use Review Process 15-1-10, there are certain uses that because of unique characters or potential impacts on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. She remarked that it is impossible to mitigate or eliminate the substandard road. Two or three years ago the City put in curb and gutter and asphalted the road. This is how the road is and there is no changing what they have. It is a dead-end road and they are on an island accessed by a sub-standard road. Ms. Wintzer stated that if the reasonable anticipated detrimental effects of the proposed CUP cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the CUP may be denied. It is all about the substandard road, life-safety, emergency vehicles, and maintaining single family neighborhoods that exist now.

Ms. Wintzer stated that she has lived on this road for 37 years. Their home burned in the winter in February. Fire trucks had to come. A neighbor died shoveling his roof, and ambulances and fire trucks had to come. Another neighbor had a heart attack in the winter. These are real life issues for the people on McHenry. She referred to Section 15-1-10E Review - #1 Size and Location of the Site. She believes this parcel is too small to be developed in this zone. She pointed out that the lot size in this zone was increased for this reason. #2 – Traffic Considerations, including capacity of the existing streets in the area. Ms. Wintzer stated that the street is a 1300-foot long dead-end road without an adequate turnaround. Most trucks, including the garbage truck, have to back up the road. If this application is approved, it will increase traffic on a substandard street. She remarked that with the new design and the gutters that occurred three years ago, the road goes down to one lane within the first month of winter. The used to have one and half lanes, but not anymore. #4 – Emergency Vehicle Access. Ms. Wintzer stated that the road is only 8' wide in front of where Mr. Kaplan's accessory apartment would be located. #5 – Location and Amount of Off-Street Parking. Ms. Wintzer reiterated that with the existing house there are three cars parking on the edge of this street. The accessory apartment will add two bedrooms that could add two additional cars. She stated that based on the applicant's history, he will rent each bedroom and each bedroom will have a car. There is no off-street parking anywhere on McHenry because the street is physically too narrow. Ms. Wintzer commented on the Physical Design and Compatibility with Surrounding Structures in Mass, Scale, Style, Design and Architectural Detailing. She stated that this zone was created to establish a single-family area that is lower density in Old Town. The size of the lot, size of the structure, and use of the apartment does not meet the purpose of the HRL zone.

Ms. Wintzer understood that Mr. Kaplan was taking the remarks and the concerns personally. She wanted it clear that this has nothing to do with him personally. Ms. Wintzer stated that she is the longest resident in that area and she has a rental house next door that has a long driveway and room for four cars. She is always careful not to over rent the house because of the impact it puts on the one lane road. She cares about her neighbors, her tenants, and anyone coming up on Rossi Hill because it is a dangerous road in the winter. Ms. Wintzer stated that if she were proposing this project, all of her neighbors would be here to fight against it. She emphasized that this issue has nothing to do with Michael Kaplan. It is about everyone trying to exist on an island and a steep dead-end one lane road in the winter. They all have to help each other. If one person gets stuck they have to help each other; otherwise they are all stranded.

Ms. Wintzer remarked that many of her neighbors could not attend this evening, and she provided a petition of signatures. She understood the reason for the Treasure Hill scheduling but she believed it impacted a lot of people that would have come otherwise.

Vice-Chair Band clarified that Ms. Wintzer kept referring to two bedrooms and two cars; however, the accessory apartment is only one bedroom. Ms. Wintzer stated that the plans she saw had a bedroom with a bath and an office with a bath. In her opinion, that office would be a bedroom. Mr. Kaplan may not have that intention, but a future owner could use it as a bedroom. In addition, if the main structure goes from duplex to single-family, it would be possible to rent to someone who has three cars. She has three two-bedroom apartments on Iron Horse and they need three parking spaces. Ms. Wintzer state that if the office is allowed to have the second bathroom, it could become a bedroom and there would be two cars.

Planner Morlan stated that this issue came up during the HDDR Review and she had checked with the Building Department. She was told that if the room does not have a closet, even with the bathroom it cannot be considered a bedroom.

Vice-Chair Band clarified that the question is what is a one bedroom, plus an office with a bathroom. Planner Morlan explained that she had also spoken with the applicant after the HDDR public hearing. The rationale is that there is a hot tub and the bathroom would serve the deck and the hot tub area.

Commissioner Campbell asked if the packet that was handed out was prepared by the Staff or Ms. Wintzer. Planner Morlan replied that it was prepared by Ms. Wintzer. She had not seen it until this evening when it was out handed out to the Commissioners. Commissioner Campbell had a question on how Ms. Wintzer had indicated the parking.

It showed three cars; one was parked next to the duplex and two parked on the street across the street from the duplex. He understood that the two parked across the street would be eliminated. Ms. Wintzer clarified that those were Mr. Kaplan's renters. Commissioner Campbell pointed out that they would not be able to park across the street after the accessory building is created. Ms. Wintzer stated that it was part of their argument because they would have to park somewhere. She believed that the girl and her roommate who rented from Mr. Kaplan did not have a closet. It may not have been considered a bedroom, but it was rented with two people.

Commissioner Campbell asked if Ms. Wintzer agreed that legally by this proposal, no one would be able to park on that side of the street because there would be a building. However, they would be able to park inside the garage. Ms. Wintzer argued that they may not be able to park in that exact spot, but she was convinced that they would try to park up above where it is even narrower. That happens when renters have no place to park. Commissioner Campbell clarified that this was biggest objection by the neighbors. Ms. Wintzer answered yes. The plow cannot get by, people cannot pass, and emergency vehicles cannot get up that road.

Commissioner Suesser asked for the number of bedrooms in the duplex. Planner Morlan stated that she was unfamiliar with the duplex, and the proposed change would be addressed by the Building Department as a separate application if this is approved.

David Constable stated that he lives right next door to Michael Kaplan to the north. Mr. Constable supported Ms. Wintzer and wanted to explain how difficult it is on McHenry. He stated that a normal street is 20' wide; two 10' lanes for passing. McHenry itself is 1300 feet long. The first 700 feet is 11' wide going up the steep hill, and that is always difficult; but especially in the winter because it on a north exposure. Mr. Constable remarked that McHenry opens up to 17 feet wide for 220 feet in front of the Wintzer's property. At that point two cars cannot pass. Right after Ed and Debbie's place he road narrows to 8' wide. Mr. Constable noted that this is the area of his property, Mr. Kaplan's, and most everyone else on the street. It is an 8' wide road and when there is snow it gets totally block and no one can get through.

Mr. Constable thought it was unrealistic to think that this project would not increase density because it will; and that will exacerbate the problems and make it even more difficult. He stated that with no off-street parking it is difficult all the time, and additional traffic would only make it worse. Mr. Constable emphasized the importance of keeping in mind what this road is really like. There is a cul-de-sac at the end that is substandard and not wide enough for a fire truck or a garbage truck to turn around. They are forced to back up or back down. Mr. Constable reiterated that it is already a bad situation and increasing the density would only make it worse.

Patricia Constable referred to the pictures in the back of the packet that Ms. Wintzer handed out. Picture #1 showed her house on the left side. On the opposite side of the street is where the downstairs renters park. She stated that generally two cars are parked there, but if the renters have guests it becomes a problem. People tend to go to Ontario to park, and sometimes that is impossible if the berms on the side of the road are heavy from snow. Picture #2 showed three parked cars. Ms. Constable noted that if two cars were parked in front of what would be Mr. Kaplan's garage, it would be hard to parallel park and the cars would be out in the road. She noted that Mr. Kaplan's car is sometimes tilted out to the road. Ms. Constable remarked that it is not purposeful, but it is difficult to get a car in and out, especially in the snow.

Ms. Constable stated that Picture #4 showed the most difficult scenario. It was garbage day when the garbage cans are out and the snow plow comes along. She thought it was easy to see how difficult it is for the plows to try to avoid running into the garbage cans or into Mr. Kaplan's car. Ms. Constable commented on situations where if one car is tilted out into the street, the snow plow will stop at that point and no one above can get down the street. That situation occurred last year and it was very dangerous. If there had been a fire or medical emergency, a truck could not have gone beyond her house.

Ms. Constable stated that she and her husband have a four-wheel drive truck and a Subaru, and they rarely drive their truck. Last year they had to drive their truck to get up and down the road because the Subaru could not handle it. She pointed out that often times they would have to back down the road. When construction was occurring at the property across the street from the Wintzer's, there were times when you would have to sit and wait for construction vehicles to move.

Ms. Constable stated that it is a challenging but wonderful place to live. The neighbors are careful about how they drive up there and they take care of one another. She believed that increasing the density would be increasing the problem. Ms. Constable does not like telling people they cannot do what they want with their private property; however, the neighbors think it would be appropriate for Mr. Kaplan to build a two-car garage but not an accessory apartment. That would be their recommendation for the safety of the area and to maintain the basic services; and it would be in the best interest of an HRL neighborhood.

Ed Axtell stated that he has lived at 321 McHenry since 1981. He noted that five years ago he went before the Board of Adjustment for permission to add a garage on their lot. He had a small parcel similar in size to what Mr. Kaplan has, and they built a small two-car garage. Understanding the housing needs of the City and looking for a way to help

pay for his improvements he wanted to build an apartment above the garage, but he was told that it was not allowed. Mr. Axtell stated that if Mr. Kaplan only wanted to add a garage across the street from his house, all the neighbors would be in favor. When he built his garage, Anita Baer also added a garage to her house. He remarked that at the time the survey indicated that the road in front of his house was 15' wide. Today that road is 8' wide with 2' curb and gutter on either side. He pointed out that the residents argued with the City that the curb and gutter was not necessary and they did not want it, but their complaints were ignored. Mr. Axtell stated that it made the situation more difficult because the curbs and gutters fill with snow and the snow plows do not remove it, it ices up, and they only have 8' of pavement. Two cars cannot pass. He needs to pull into a neighbor's driveway or back into his own driveway to allow a car to go by on any given day, and it only becomes worse in the winter. Ms. Axtell remarked that if Mr. Kaplan added a two car garage it would help solve the problem because it would get the two cars that are parked parallel to the road across the street from his home off the street. Instead, he is proposing to change the existing duplex to a single-family home. Mr. Axtell understood that currently there is parking for two cars in front of that duplex, but he has never seen more than one car parked there, and it is usually Mr. Kaplan's car. His renters park across the street in the space where this accessory apartment/garage would be. Mr. Axtell pointed out that they would not be adding additional parking, but the existing house, which probably has three bedrooms, would be turned into a rental, while Mr. Kaplan moves into the accessory apartment across the street. He believed that would add at least one additional car, and possibly two, with nowhere to park.

Mr. Axtell commented on emergency access. In the time he has lived there, there was a fire at the end of the cul-de-sac. It was in the winter and the fire trucks could access, but that was before the road was narrowed. There was also a death. The neighbor below him had a heart attack and they could not get an ambulance up the hill to take him to the hospital. They had to use a four-wheel drive pickup to get him down the hill. Mr. Axtell reiterated that it is a dangerous situation, and it only takes one car to block that road. Mr. Axtell remarked that there is a duplex on the corner as the road turns and heads down the hill, and often there are renters in that duplex. They are people with rental cars who do not know how to drive in the snow and they get stuck.

Mr. Axtell agreed with his neighbors that granting this accessory apartment with two bedrooms and two garages, would increase the traffic on the road and cause more problems for the residents in the winter.

Charlie Wintzer, a resident at 320 McHenry, stated that his first comment goes to the comments about two bedrooms and one bedroom, and whether it is two bedrooms in the duplex. He noted that the plans they all worked off were the plans that showed a

closet upstairs and everything that needed to be a bedroom. According to the building department when he was building, if a room had a closet and a bathroom, you had to have egress for bedroom. Regardless of whether or not it was a bedroom it had to have the egress because it was counted as a bedroom. Mr. Wintzer noted that this was the basis for their comments. It is annoying when you prepare your presentation on a set of plans and the applicant changes it at the last minute.

Mr. Wintzer commented on construction mitigation. He noted that a condition of approval requires a construction mitigation plan. As a contractor he did not understand how this could be built without building on the road. There is a 10' front yard and it is 37' wide. A dumpster and porta-potty takes up half the space. That leaves 20 feet to excavate, store materials, etc. When pouring there will be a pumper truck and a concrete truck and it will all be done on a City street. The street is so narrow a dump truck could not be turned enough to back it off the street. It would have to dump gravel on the street and bring it on site. Mr. Wintzer thought the Staff had created a condition of approval that was impossible to do.

Mr. Wintzer stated that the entitlement of this project, like all projects, goes with the land. It does not go with the project. He believed the scenario would be that Mr. Kaplan would build this with the potential of two bedrooms, eventually sell the project, and the new owner would tear down the existing house and build a bigger house that does not have parking. They would use the street parking and still have an accessory apartment. Mr. Wintzer remarked that the property next door recently sold for $1 million. He believed the ski country house that they all grew up with and loved will be torn down and replaced with a modern house.

Mr. Wintzer thought the biggest mistakes that were made when he was on the Planning Commission is that they started looking at setbacks before they looked at the zone, and they started defending the setbacks. He believed the arguments that were made about the purpose statement of the zone and the conditions of approval for CUP is where they should start and decide if this is something that is wanted in the neighborhood; not if it fits the setbacks or if they can squeeze the garage in by ignoring the 1-1/2 foot. The first question should be whether this is really what they want and does it fit in the neighborhood. He thinks the answer is definitely no. Mr. Wintzer remarked that arguing whether they took the door off the closet or whether or not it is a closet makes no difference because it is still the same shape and it is still there. On the issue of whether the laundry room will be upstairs or downstairs, once the house is built it would be moved around. He noted that the house next to Mr. Kaplan's had a two car garage and they turned one into living space and now it has a one-car garage. Mr. Wintzer clarified that he was not necessarily looking at what Mr. Kaplan was proposing, but what could be done on the property.

Vice-Chair Band closed the public hearing.

Michael Kaplan stated that he currently has 4.5 bedrooms. One does not have a closet. When this project is done there would be a total of 5 bedrooms. The one without a closet will be combined with another room.

Vice-Chair Band asked if those numbers were based on the two properties combined. Mr. Kaplan answered yes.

Mr. Kaplan stated that he listened carefully to his neighbors and he believed it came down to two key issues. One is parking. He explained that they would now be parking in a garage perpendicular to the road, which is a public benefit. Mr. Kaplan stated that density was the second issue. He has had three sinus operations and he can no longer stay in a forced air house. Like everyone else, he loves his neighborhood and that is why he would be moving into the accessory apartment with radiant heat. He intends to rent out his current house, but he will be living right there, and like in the past, he is careful about choosing his tenants. Mr. Kaplan stated that like his neighbors he does not want problems. He has lived there over 18 years and he has no intentions of leaving. He hoped that would mitigate some of the concerns expressed by his neighbors.

Mr. Kaplan understood from the process that his application was within the LMC and he has Staff approvals. Concessions were made and he was giving up the duplex use of the house. He is within his rights. He is one of two houses on the entire street that does not have a garage. He would like to have a place to live where he can have a garage.

Assistant City Attorney McLean asked Planner Morlan to make sure Mr. Kaplan receives a copy of the packet that was distributed by Mary Wintzer.

Commissioner Phillips asked if the Staff had an official determination on the existing non-compliant parking configuration for the duplex. Planner Morlan replied that the duplex is considered to have two off-street parking spaces. They are wide enough and long enough to fit the 9’ x 18’ in a parallel parking off-street manner. She had spoken with Matt Cassel about that. Planner Morlan reviewed an aerial map to show how Mr. Kaplan could fit two cars in a paved area. It is more than 9’ wide in most areas and 37-1/2; long. Commissioner Phillips clarified that they did not have an official determination of existing non-compliant parking.

Assistant City Attorney McLean understood that Commissioner Phillips was asking whether the Planning Department had made a determination to the duplex, and more specifically to the parking, for it to be a legally complying structure/use. Planner Morlan did not believe an application was made for that determination. Commissioner Phillips suggested that it was a good idea for the applicant to follow through on that so there is an official determination.

Planner Francisco Astorga stated that a determination was made by former Planning Director Pat Putt that the applicant had a legal non-conforming duplex. He did not believe it addressed the parking, but it specifically talked about the duplex. The parking on the duplex is compliant. Commissioner Thimm pointed out that it would be two 18' stalls. A duplex is required to have four, but under this proposal it would become a single-family dwelling.

Commissioner Phillips believed that explanation answered his question. Vice-Chair Band understood that in order to obtain a permit, Mr. Kaplan would have to make it into a single family home.

Commissioner Phillips believed the biggest issue was public safety. He understood the position of the neighbors. Commissioner Phillips commented on the current parking situation with two cars parking across the street. In his opinion, having the garages with the 10-foot no parking seems like it would actually help with the existing problem. Commissioner Phillips thought the parking as proposed would improve the situation in the neighborhood. He wanted confirmation that two parking stalls on the duplex fit within Code. Planner Morlan replied that they are within Code. Commissioner Phillips suggested that to further help with the issue of the cars being so close to the road would be to widen those spaces if there is room. However, if there is already enough room he did not believe they could ask the applicant to go beyond what he already has.

Commissioner Phillips commented on the concerns raised about additional traffic. He could find nothing written about the road not being able to hold the capacity, and he was unsure how the Planning Commission could weigh in on the traffic element.

Commissioner Phillips stated that in looking at the application they were following the Code and it appeared to fit within the Code. He noted that the Planning Commission is tasked with looking at projects through that lens.

Commissioner Campbell read from Carol Sletta's letter regarding 88 King Road, which was on the Consent Agenda. "I realize a lot of my concerns refer to mitigation and enforcement, but feel these concerns are often lost between the Planning Commission and the Building Department enforcement." Commissioner Campbell shared that

opinion. It is frustrating for the Planning Commission to put conditions of approval on projects and they are never followed up to find out if they are being enforced. Commissioner Campbell felt like a lot of the objections are parking Code Enforcement. In the pictures that Mary Wintzer provided, two cars are parked across from where the accessory apartment would be, and only one car parked in front of the duplex. Commissioner Campbell believed that people park where it is easiest to park. If there was a guarantee that Mr. Kaplan would have two off-street full-size parking spaces in front of the duplex, which would become single-family, and they know per the conditions parking that would not be allowed in front of the new accessory apartment; if that were enforced it would mitigate all the complaints. Commissioner Campbell wanted to know how they would ensure that is enforced. He asked Ms. McLean if there was an option to strengthen enforcement on the parking issue.

Assistant City Attorney McLean recognized that this has been an ongoing problem. She pointed out that it is usually done by Code Enforcement, which is under the Building Department. They have the ACE program which enables a civil fine against owners. It is challenge but those are the tools they have. Ms. McLean stated that a conditional use is an allowed use as long as the impacts are mitigated. If the Planning Commission finds that certain conditions are not mitigating the impacts because they cannot be enforced, that could be part of their determination.

Commissioner Campbell did not think it was fair to punish the applicant because the City is lax at enforcing the existing Codes. Assistant City Attorney McLean thought enforcement was difficult because the City has chosen not to have someone standing at every street corner. These are serious neighborhood issues, but there is a balance in terms of enforcement. Ms. McLean pointed out that enforcement is primarily complaint based and the City responds to every complaint.

Commissioner Phillips noted that it is complaint based and the City Council has given Code Enforcement more tools to be more effective.

Assistant City Attorney McLean asked David Thacker, the Chief Building Official, to comment on the challenges with Code Enforcement in trying to enforce conditions put on by the Planning Commission, and the frustration that the conditions are never enforced. She asked Mr. Thacker to talk about the ACE program, and Code Enforcement, and the ability to enforce. Commissioner Campbell noted that he was referring specifically to parking this evening.

Mr. Thacker asked if he was being asked about the ability to enforce the regulations. Commissioner Campbell stated that he was specifically asking about parking. Ms. McLean remarked that one of the conditions on this project is that parking is not

allowed in front of the garage. She asked Mr. Thacker to explain how that particular condition would be enforced. Mr. Thacker stated that it becomes a challenging area in Code Enforcement, particularly once a certificate of occupancy has been issued. He explained that the Building Department could make a note in their file, and also follow through on the computer processes. However, most of those become complaint based. Mr. Thacker stated that there is the ability to be proactive. There is a tickler file of projects that they follow and do a drive-by or a walk-through on a regular basis. He assumed this would probably become one of those projects because it would be easy to see if they were violating the parking. At that point they could use the ACE program, which is a civil process to write a Notice and Order, and issue fines if the violation is not rectified after the initial Notice and Order is issued. Commissioner Campbell asked if Code Enforcement would have that ability after the Certificate of Occupancy was issued. Mr. Thacker answered yes.

Commissioner Campbell did not have an issue if the cars are parked off the street. It would be up to the neighbors to complain if the issue continually occurs.

Commissioner Phillips also wanted to address parking during construction at this time because it is a narrow road. He was unsure of there were no parking signs on the street, but he thought it may be a good idea to say that for this particular project all parking must remain on site or at another location; but not on the street. He pointed out that the two duplex parking spots on the site could be used during construction. Commissioner Phillips recommended that they add a condition of approval to address parking for construction on this particular project.

Commissioner Suesser asked if the street restricts on-street parking. Planner Morlan believed there were signs on the street, at least in the roundabout area. On the private properties most neighbors near this house have signs saying “no parking”.

Matt Cassel, the City Engineer, did not believe there were “no parking” signs on the street. However, the street is so narrow there is no place to park on the edge of the street.

Commissioner Suesser referred to the driveway in front of the duplex and she thought it looked like a single access to the parking area. Picture #3 in the packet Ms. Wintzer handed out showed one car parked in front of the duplex. Commissioner Suesser asked if the car could access the road from that end. Commissioner Phillips pointed to Picture #1 and noted that it was basically curb to asphalt parking across the entire driveway. He agreed with Commissioner Suesser that in Picture #3 it appears to be a stall.

Commissioner Suesser clarified that she was asking whether two cars could park there and access the street without having to move one of the cars. She was told that both cars could pull out. Commissioner Suesser understood that this project would eliminate one of the cars that parks in the lot where the accessory apartment would be built, because one of the car would be parked in the garage. She stated that in order to mitigate the impacts of building the accessory apartment, they would need to provide another parking stall, unless the applicant is suggesting that his renters park in the garage of the accessory apartment. Commissioner Suesser recommended that they condition approval on the duplex parking be improved so two cars can always easily be parked there, because they are not currently. She asked if she was correct in assuming that two cars are not parked in front of the duplex on a regular basis. Mr. Kaplan replied that she was correct, but two cars could be parked there. He only has one car, which is why only one car is parked there.

Vice-Chair Band pointed out that people usually park across the street, but when that parking is gone they will have to park in front of the house. Mr. Kaplan agreed. He will park in the garage and the duplex resident will park where his car is now. Commissioner Campbell clarified that there were two parking spaces in that area. Mr. Kaplan answered yes. Commissioner Campbell thought it was important to make sure that two cars can fit in that area.

Planner Morlan reiterated that the parking area is big enough for two 9’ x 18’ stalls. Commissioner Suesser understood, but according to the neighbors, the reality is that two cars are never parked there. Commissioner Phillips remarked that there is room for two cars, but Mr. Kaplan chooses to only park one car there. He agreed that it would be helpful to have an actual drawing that shows the dimensions, but they were relying on the word of the Staff that it does have two stalls. Commissioner Campbell thought that should also be an additional condition of approval.

Commissioner Suesser was concerned about the potentially sub-standard parking area in front of the duplex. She wanted to an added condition that requires the applicant to improve that parking area so it can easily accommodate at least two cars for the duplex.

Assistant City Attorney McLean asked the City Engineer to address the parking. Commissioner Phillips did not believe they could require the applicant to improve it if it meets the Code. Ms. McLean replied that he was correct. Commissioner Phillips thought they could require the applicant to maintain two legal stalls.

City Engineer, Matt Cassel stated that the language could be changed to improve and maintain. He explained that the condition is that they need two 9’ x 18’ spots to satisfy

the LMC. He visited the site and looked at the pavement and it currently meets that requirement.

Commissioner Thimm stated that in looking at the Code the first thing that comes to mind is the purpose of the zone being to reduce density where there are substandard road systems, which they have in this case. He first thought they should refer to the structure as a single-family dwelling rather than a duplex for the purposes of this discussion, because it is a single-family dwelling for action on this proposal. Commissioner Thimm believed that changing from a duplex to a single-family dwelling would reduce the density. In changing it from a duplex to a single-family dwelling, he asked if there were requirements for plans to come and improvements to be made to turn it into a single-family dwelling. Planner Morlan answered yes. The applicant would have to meet all the standards of the Building Code. The second kitchen would have to be removed, the secondary access to the downstairs area would have to be removed, and they would have to make changes to the interior to make sure it counts as a single family dwelling. Commissioner Thimm asked if there was a condition of approval, or if they could add a condition saying that before a Certificate of Occupancy is issued for the accessory apartment, that a new Certificate of Occupancy must be issued for the now single-family dwelling.

Planner Morlan noted that it was a condition of approval on the plat. She needed to check to make sure it was added for the CUP. Assistant City Attorney McLean could not recall a condition requiring a new Certificate of Occupancy for the existing structure. Commissioner Thimm clarified that he was trying to make sure that the duplex becomes a single-family dwelling. He wanted to avoid having the applicant build the accessory apartment and never actually change the duplex, and they end up with a building with two kitchens across the street from the accessory apartment. Commissioner Suesser had a similar concern.

Planner Astorga stated that early in the process when he was working on this application they discussed having a deed or a note placed on the property indicating that the applicant was foregoing the duplex use and turning it into a single-family dwelling. He had not read the conditions of approval for the CUP and he was unsure whether that was included as a condition of approval. Planner Morlan noted that it was on the plat. She stated that Condition of Approval #5 says that the density cannot increase on this lot. if the use is approved and the applicant wants to apply for an accessory apartment the duplex would need to be converted to a single-family dwelling. She offered to add language stating that the Certificate of Occupancy must be issued for the single family dwelling before the accessory apartment.

Commissioner Thimm stated that the necessary improvements would require a building permit, which would require a certificate of occupancy. Planner Astorga explained that because it is already an occupied structure the City would not issue another Certificate of Occupancy. However, through the building permit process and final review, they would have to issue a final inspection. Commissioner Thimm clarified that they could not require a new certificate of occupancy, but there was a way to stipulate that when the accessory apartment is applied for, that the improvements to the building also be applied for and a permit be issued at the same time. In addition, before a Certificate of Occupancy is issued on the accessory apartment, the single-family dwelling is verified and received a final inspection.

Mr. Thacker stated that a certificate of occupancy would not be re-issued, but the Building Department would do a final inspection, and upon approval of that final inspection they would issue a letter of completion. The letter of completion would trigger allowing a Certificate of Occupancy for the accessory apartment.

Commissioner Thimm understood that per the Code it needs to be a single-family dwelling, and he would like some teeth to say that it would be a single-family dwelling at the end of the project. Commissioner Phillips concurred with adding the condition requested by Commissioner Thimm. Commissioner Phillips clarified that it should occur before the certificate of occupancy on the accessory apartment, but not before issuing the building permit, because the applicant may want to leave it as a duplex until he is ready to move across the street.

Planner Morlan asked if the Planning Commission would like that language to be a separate condition, or as an add-on to Condition #5. Commissioner Campbell thought it should be Condition #17.

Commissioner Campbell suggested that they clarify that Condition #14 talks about the accessory apartment, and it should specifically state that parking is allowed in the 10' setback in the new single-family dwelling because that is their only parking.

Commissioner Thimm agreed with the comments about construction parking and that no construction parking is allowed on the street and in any way interfering. In terms of mitigation, he asked if it should be stipulated in the conditions of approval that it gets melded into the construction mitigation. Commissioner Thimm stated that based on Charlie Wintzer's comment about the ability to stage and construct this project, he would like the construction mitigation measures to include a requirement stating that building cannot occur off the street, that concrete trucks are not allowed on the street, and that the deliveries will be on-time. It is important to make sure that construction

trucks are never stacked up along that roadway because it would create a major safety and emergency issue.

Commissioner Phillips stated that for a project on his street a condition was put in place that large trucks could not back up. He was unsure whether that would work on this street.

Vice-Chair Band commented on the number of important changes that the Planning Commission would like to see in the conditions of approval. She asked if the Commissioners wanted to work on the changes at the end of the Treasure Hill item, or whether they wanted to continue to another meeting.

Vice-Chair Band believed that there was consensus to approve this application if they could strengthen the draft conditions of approval and add additional conditions to further mitigate the impacts. Vice-Chair Band stated that she personally would like the opportunity to look at the language that was discussed this evening.

Assistant City Attorney McLean suggested that Planner Morlan could draft conditions based on their comments while the Planning Commission continues with the agenda, and come back after the King's Crown item so the Commissioners could review the wording and possibly take action before moving on to Treasure Hill. The Commissioners concurred.

Commissioner Suesser asked if permits are issued for the residents on McHenry for parking. Planner Morlan answered no.

Vice-Chair Band announced that the Planning Commission would continue the discussion on 277 McHenry after the King's Crown item on the agenda.

3. <u>7695 Village Way – Empire Residences Conditional Use Permit for a 21 unit building at the Village at Empire Pass Master Planned Development for Lodge Building 3, with one employee housing unit and one ADA unit</u>. (Application PL-17-03526)

4. <u>7695 Village Way – Empire Residences Condominiums – condominium plat to create private and common ownership for 21 residential units, one employee housing unit and one ADA unit</u>. (Application PL-17-03721)

These items were discussed together and a public hearing was held on both items simultaneously. Separate actions were required.

Planner Whetstone reviewed the application for a conditional use permit for the Empire Residences. The applicant was represented by Brady Deucher, Lynn Peyton, Harrison Horn, and Riley Jarrett, the architect.

Planner Whetstone reported that the applicants were requesting approval of a conditional use permit for a 21-unit residential lodge building located at 7695 Village Way, as part of the Village at Empire Pass Master Planned Development. The building also includes one ADA unit, as well as an 880 square foot deed restricted affordable unit; or an EHU, which is an employee housing unit.

Planner Whetstone stated that the Planning Commission previously discussed this item on October 25, 2017 and conducted a public hearing. At that time, they looked at the draft conditions and continued the item to November 29th where it was again continued to this meeting. Planner Whetstone noted that notice letters were sent out again and the property was posted. Planner Whetstone stated that on October 25th the Staff and the Planning Commission discussed specific items. The applicant was requesting setback reductions on the north side of the building for the balconies into the 12' setback. They were also requesting a review of the compliance for the building volumetrics for the MPD. In addition, the Planning Commission discussed the provision of storage area in the basement as part of that required 880 square foot affordable unit.

Planner Whetstone reported that since the last meeting the applicant redesigned the balconies to comply with the 12' setback on the north side. They also redesigned the affordable unit to contain the full 880 square feet, and still have additional area in the basement for storage.

Planner Whetstone stated that the Staff looked at the approvals for the other lodge buildings. The three larger buildings similar to this were Flagstaff, the Silver Strike and One Empire Pass. The Staff found consistent interpretation of the MPD volumetrics. They did not believe those previous approvals were mistakes and that they did comply with those volumetric diagrams. Planner Whetstone noted that the applicants had provided Exhibit P, and they had prepared a presentation if the Commissioners needed additional information.

Planner Whetstone stated that the Staff had reviewed the approvals for the Silver Strike, the Flagstaff and the One Empire Pass; and in all cases these lodge buildings were approved with areas of six residential levels or stories, where the volumetric diagrams show four and five, in addition to the parking garage and roof envelopes. She

noted that in looking at the volumetric diagrams there was specific language that said it was encouraged to be residential uses within the roof areas to provide additional architectural interest and articulation.

Planner Whetstone stated that the Planning Commission had looked at the maximum building heights and the building is less than the allowed height exceptions for this particular lodge building.

The Staff requested that the Planning Commission discuss any issues, including the volumetric issue. The Staff recommended that the Planning Commission conduct a public hearing and consider approving this conditional use permit pursuant to the findings of fact, conclusions of law and conditions of approval as stated in the Staff report.

Mr. Peyton, representing the applicant, clarified that they were not asking for a variance. The decks that extended into the side yard were redesigned and the project complies with height, setbacks and parking. He pointed out that the project is below the maximum height in every instance.

Commissioner Thimm noted that the volumetrics isometric diagram that they have seen many times with various approvals talks about levels. He emphasized that regardless of whether the building has floors, lofts, or mezzanines it talks about numbers of levels. Commissioner Thimm pointed out that there are requirements that limit the intensity of use area through UEs. There are stringent requirements in terms of building height dimensionally, enforcing how much of a building can be at any certain height. Commissioner Thimm remarked that it provides a very detailed description of the volume and massing of the buildings. There are controls in terms of the intensity of use, the massing, height, and essentially the volumetrics. Commissioner Thimm asked if there was a way to change the volumetrics. He was not particularly concerned about this issue with the present projects, but he wanted to know if there was a mechanism to eliminate the term levels or floors so it would not have to be discussed, because in his opinion it was moot.

Planner Whetstone replied that the Staff could bring an amendment to the Planning Commission, especially since other projects would be coming forward. She noted that the Exhibit was part of the Master Plan Development; however, when she looked at the approval it did not go into detail of the levels. Planner Whetstone understood that the visual analysis for that MPD was taken from the Stein Eriksen Lodge and other viewpoints that were far away. The idea was to identify whether the density would fit into the Village with the building heights and volume. She believed it was a way for the applicant to demonstrate that they could meet that density in these buildings. When

she looked at some of the background information there was language about five stories and each story having five units. It was calculated that way to demonstrate that they could meet the UEs. Planner Whetstone thought the Planning Commission could amend the Exhibit to the MPD.

Commissioner Phillips noted that new Commissioners would be coming on board and he agreed that the Exhibit should be amended for clarification so they would not have to have this same conversation again.

Vice-Chair Band opened the public hearing on the CUP and the Condominium Plat.

There were no comments.

Vice-Chair Band closed the public hearing.

MOTION: Commissioner Suesser moved to APPROVE the Conditional Use Permit for the Empire Residences at 7695 Village Way, according to the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council for the Empire Residences condominium plat for 21 market rate residential units within one building, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 7695 Village Way – CUP

1. The Empire Residences Conditional Use Permit (CUP) is located at 7695 Village Way in the RD-MPD District, within Pod A of the Village at Empire Pass Master Planned Development.
2. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
3. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.

4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage). The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units. To date approximately 382 multi-family units (588.742 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built (including the One Empire Pass units).
5. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Building 5 is under construction as One Empire Pass. Still to be approved: Tower Residences (Building 1), Building 3 (subject property) and Building 4. There is sufficient density remaining within the MPD with approximately 196.268 UE (168 MF units) remaining (see Exhibit NDensity Summary) for the 21 units (24.5 UE).
6. Approximately 540 certificates of occupancy have been issued for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D). According to the Annexation and Development Agreement, 15 AUE of affordable housing obligations come due for each 150 UE certificates of occupancy. The next housing obligation trigger point is 600 UE certificates of occupancy, when 60 AUE are required to be complete. As of now 104 AUE are completed and have certificates of occupancy (89 off-mountain and 15.46 on-mountain).
7. As part of the Empire Residences CUP 1.1 AUE (880 sf) is required by the subdivision plat for this lot. The affordable unit is a total of 880 sf (not including dedicated storage areas). One AUE is 800 sf for the Flagstaff Development.
8. On April 12, 2017, the Planning Department received an application for a Conditional Use Permit for a twenty-one (21) unit residential building to be located on Lot 3 of the recently approved Village at Empire Pass North Subdivision.
9. The application was deemed complete on July 17, 2017, following submittal of revised plans.
10. Access to the property is from Village Way, a private street.
11. The property is also known as Lot 3 of the Village at Empire Pass North Subdivision,
approved by Council in 2017.
12. Lot 3 consists of 28,750 square feet and is currently developed with a temporary sales building and small parking area, approved with an Administrative Conditional Use Permit.
13. The property is subject to subdivision plat notes that require compliance with the Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of

condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20" snow storage easement along the street frontages, water efficient landscape, and includes other utility and maintenance provisions.
14. The proposed Empire Residences CUP consists of a single multi-story building with 21 residential units ranging from 542 sf to 3,596 sf, one 880 sf affordable housing unit and one 436 sf ADA unit.
15. Gross building area is 85,757 sf, of which 50,284 sf is all residential (58.64%); 18,029 sf is circulation/lobby (21%); 4,500 sf is guest amenities (5.25%); and 12,944 sf is parking garage, mechanical, storage, manager office, housekeeping, etc. (15.1 %).
16. The total floor area of the residential (market rate) units is 48,968 square feet and utilizes 24.484 UE, this does not include the affordable unit or the ADA unit (which will be designated as common area). Guest amenity areas (exercise and recreation areas, locker rooms, lobby and reception area, lounge/après ski, restrooms, etc.) are proposed on the first level. These common residential accessory uses do not require use of UEs.
17. No commercial uses are proposed within this building.
18. The Transit and Parking Management Plan approved with the VEP MPD requires a 25% reduction in parking from what would normally be required by the LMC. Based on unit sizes, forty-two (42) spaces would be required for the 21 units, affordable unit, and ADA unit. The 25% reduction rounds up to 32 spaces. The underground parking structure will have 30 parking spaces. Three (3) surface spaces are provided for a total of 33 parking spaces.
19. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
20. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village at Empire Pass Master Plan Development. Specific volumetric diagrams were approved for each Building. For Building 3, 25% of the building (north side) was permitted to reach 74" above existing grade, 55% of the building (central) to reach 82" above existing grade, and 20% of the building (south side) to reach 74" above existing grade.
21. The proposed building complies with the MPD height allowances and has 25% (north side) at or below 74", 50% in the central portion at or below 82" and 25% (south side) is at or below 74".
22. The building contains 4 levels of residential units on the northern portion, and 5 and 6 levels of residential units (with a Mezzanine Level in the roof area for three upper units) in the central and southern portion of the building. There are visually four, five and six stories, in addition to the parking level and the mezzanine levels. Building articulation and massing are consistent with previously approved lodge buildings and meet the intent of the VE MPD.

23. The building complies with RD District zone setbacks maintaining a 20" front setback, 12" side setbacks and 15" rear setbacks. LMC exception to the side yard setback allows screened mechanical equipment to have a five-foot setback as follows: LMC Section 15-2.13-3 (G) (10) Side Yard Exceptions "Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5") from the Side Lot Line. Balconies on the north side have been redesigned to comply with the 12" setback requirements.
24. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
25. Excavated soil will remain within the Flagstaff Annexation area as required by the Annexation Agreement with a location to be identified on the final Construction Mitigation Plan submitted with the building permits.
26. The property is part of a common development that exceeds one acre and thus has MS4 requirements to meet.

Conclusions of Law – 7695 Village Way - CUP

1. The CUP, as conditioned, is consistent with the Village at Empire Pass Master Planned Development and Flagstaff Mountain Resort Master Planned Development, the Park City Land Management Code, and the General Plan.
2. The proposed use, as conditioned, will be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 7695 Village Way – CUP

1. All standard conditions of approval apply to this Conditional Use Permit.
2. 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 and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on January 10, 2018.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy. Exterior lighting shall be shielded and down

directed.
4. All exterior signs require an approved sign permit prior to installation.
5. 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 on January 10, 2018.
6. All exterior mechanical equipment shall be screened and shielded from public streets. Screening with landscaping and fencing/grating materials is allowed. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof to minimize impacts on public view.
7. All utility facilities must be located on site, unless specific easements have been provided on the recorded plat. A plan must be provided at the time of the building permit application showing all utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and the utility boxes can be screened with landscaping and/or fencing.
8. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 10, 2018.
9. The applicant shall record a condominium plat prior to selling individual units.
10. Utility and grading plans, including storm water drainage plans, must be approved by
the City Engineer prior to Building Permit issuance.
11. Affordable housing provided with this Conditional Use Permit shall comply with all requirements and stipulations of the Flagstaff Development Agreement and the City's affordable housing resolution in effect at the time of the Development Agreement prior to issuance of a certificate of occupancy for the building. The affordable unit shall be indicated on the final condominium plat prior to recordation of such plat and shall be completed prior to issuance of a certificate of occupancy for the building.
12. A deed restriction for the EHU unit, acceptable to the City, shall be recorded prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns that may have come up on other affordable units platted as private. The plat shall note that the EHU is subject to a deed restriction.
13. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
14. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
15. All conditions of approval of the Village at Empire Pass MPD shall continue to apply.
16. All conditions of approval of the Flagstaff Annexation and Development Agreement

shall continue to apply, including the restrictions on solid wood burning fireplaces, removal of excavated materials, construction of pedestrian connections to the transit hub within the Village, and provision of any required ADA and affordable housing units.
17. A Final Construction Mitigation Plan (CMP) shall be submitted for approval by the Planning, Building, and Engineering Departments prior to issuance of a building permit. The CMP shall indicate where and how excavated soils will be hauled and/or stored, hours of construction, truck routes, phasing of construction, road closures, and other items required by the Building Department.
18. Interior fire sprinklers are required for new construction and shall meet requirements of the Chief Building Official at the time of review of the building permit.
19. The property is located within a water source protection zone. All sewer construction
must comply with State of Utah drinking water regulations.
20. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
21. The deed restricted unit shall be a minimum of 880 sf to meet the plat note requirement of 1.1 AUE for this lot. One AUE is equivalent to 800 sf according to the Development Agreement.
22. This development is part of a common development that is greater than one acre. This development shall meet the MS4 storm water requirements. Prior to building permit issuance, the applicant shall verify that capacity exists in the existing detention pond utilized by Pod A and shall demonstrate that sufficient run-off will remain on site to support existing tree stands.
23. Development of this property is subject to the conditions of approval, plat notes, easements and restrictions of the Village at Empire Pass North Subdivision plat.
24. The Village at Empire Pass North Subdivision plat shall be recorded prior to issuance of any building permits on this property.
25. This Conditional Use Permit shall expire on January 10, 2019, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.

<u>Findings of Fact – 7605 Village Way – Condominium Plat</u>

1. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
2. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
3. On July 28, 2004, the Planning Commission approved a Master Planned

Development for the Village at Empire Pass (VEP MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (also known as the Mountain Village) was later amended to include Pod B2 (Montage and B2 East).
4. The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.
5. To date approximately 382 multi-family units (588.742 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built (including the One Empire Pass units currently under construction) within Pods A, B1 and B2.
6. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Building 5 is under construction as One Empire Pass. Lodge buildings still to be approved within Pod A are: Tower Residences (Building 1), Building 3 (subject property) and Building 4.
7. There is sufficient density remaining within the VE MPD for the proposed 21 units (24.5 UE).
8. Approximately 540 certificates of occupancy have been issued for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D). According to the Annexation and Development Agreement, 15 AUE of affordable housing obligations come due for each 150 UE certificates of occupancy. The next housing obligation trigger point is 600 UE certificates of occupancy, when 60 AUE are required to be complete. As of now 104 affordable units are completed and have certificates of occupancy (89 units are off-mountain and 15 units are on-mountain).
9. As part of the Empire Residences CUP 1.1 AUE (880 sf) is required by the subdivision plat for this lot. The affordable unit consists of 880 sf (not including dedicated storage areas) and is designated as private area and can be sold as an affordable unit or used for long term rental to qualified workers consistent with the Flagstaff Housing Mitigation Plan and applicable housing resolutions.
10. On April 12, 2017, the Planning Department received an application for a Conditional
Use Permit for a twenty-one (21) unit residential building to be located on Lot 3 of the Village at Empire Pass North Subdivision. The application was deemed complete on July 17, 2017 and is currently under review by the Planning Commission.
11. The Village at Empire Pass North Subdivision was approved by Council on June 15, 2017 and is currently under final review by the City as required prior to recordation.
12. The property is located at 7695 Village Way.
13. Access to the property is from Village Way, a private street.
14. Lot 3 consists of 28,750 square feet and is currently developed with a temporary sales building and small parking area.
15. The property is subject to subdivision plat notes that require compliance with the Flagstaff Annexation and Development Agreement, approval of a Conditional Use

Permit for each lodge building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20' snow storage easement along the street frontages, water efficient landscaping, and various utility and maintenance provisions.
16. On November 21, 2017, the City received an application for the Empire Residences Condominium plat. The application was considered complete on November 27, 2017.
17. In December of 2016, a building permit for a temporary sales office building was issued for this site. Building permits for the condominiums cannot be issued until the Conditional Use Permit is approved by the Planning Commission and the Subdivision plat is recorded.
18. The proposed condominium plat memorializes the density, size and configuration of units to be construction in one phase and identifies areas of private, common and limited common ownership.
19. The condominium plat identifies 21 private residential units totaling 48,968 sf, utilizing 24.484 UE. The units range in size from 542 sf to 3,596 sf with an average unit size of 2,331.8 sf. The 436 sf ADA unit is required to be identified as common area. The 880 sf EHU is identified as private area.
20. No commercial uses are proposed.
21. Based on the unit sizes, a minimum of 32 parking spaces are required when taking into consideration the 25% parking reduction required by the Flagstaff Development Agreement and MPD.
22. An underground parking structure provides 30 parking spaces, including 2 ADA spaces, as well as limited common storage areas for each unit. Three surface spaces are provided for a total of 33 parking spaces.
23. Each unit has one assigned limited common parking space and the remaining spaces are common.
24. The plat is consistent with the approved Village at Empire Pass Master Planned Development and the Empire Residences Conditional Use Permit in terms of density, height, uses, setbacks, and parking.
25. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
26. The condominium plat allows for the sale of individual units.

<u>Conclusions of Law – 7695 Village Way – Condominium Plat</u>

1. There is good cause for this condominium plat.

2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 7695 Village Way – Condominium Plat

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended condominium 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 submitted in writing and approved by the City Council.
3. Conditions of approval of the Village at Empire Pass Master Planned Development (MPD) and the Empire Residences Conditional Use Permit (CUP) apply to this plat and a note shall be added to the plat prior to recordation referencing that conditions of approval of the Village at Empire Pass MPD, Village at Empire Pass North Subdivision, and the Empire Residences CUP continue to apply to this condominium plat.
4. All applicable recorded public utility and access easements shall be indicated on this condominium plat prior to recordation.
5. The Village at Empire Pass North Subdivision plat shall be recorded prior to issuance of building permits for the condominiums and prior to recordation of this condominium plat.
6. The deed restricted employee housing unit (EHU) shall be a minimum of 880 sf, exclusive of additional storage area to be dedicated to this unit, to meet the plat note requirement of 1.1 AUE for this lot. One AUE is equivalent to 800 sf according to the Development Agreement. The ADA unit shall be platted as common area.
7. A deed restriction for the EHU unit, acceptable to the City, shall be recorded prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns that may have come up on other affordable units platted as private. The plat shall note that the EHU is subject to a deed restriction.
8. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.

9. The ADA unit shall be platted as Common Area.

5. King's Crown Master Planned Development located at 1201-1299 Lowell Avenue consisting of 27 single-family lots, 23 residential units, 7 townhouses, and 15 affordable housing units, all residential (Application PL-17-03515)

6. King's Crown Conditional Use Permit for five (5) multi-unit dwellings consisting of 23 residential flats, 7 townhouses, and 15 affordable housing units. (Application PL-17-03566)

7. King's Crown Re-subdivision of subject land into 32 lots of record consisting of 27 single-family dwelling lots, 3 lots for the vie (5) multi-unit dwellings, and 2 open space lots. (Application PL-17-03567)

Commissioner Band recused herself and left the room. Chair Pro Tem Campbell assumed the Chair.

These items were discussed together and a public hearing was held on the three items simultaneously. Separate actions were required.

Planner Astorga stated that the Kings Crown application consists of a Master Planned Development, a Conditional Use Permit, and a Re-subdivision.

Planner Astorga reported that the Planning Commission had a work session discussion on July 26, 2017. A public hearing and work session was held on November 29, 2017. On December 13, 2017 the Planning Commission had a brief work session regarding excavation placement and construction mitigation. For this meeting, the Staff was recommending that the Planning Commission move forward with the Master Planned Development, the conditional use permit, and the re-subdivision.

Planner Astorga reviewed the zoning designation to make sure everyone was clear. He referred to Sheet AS-003 in the Staff report. He noted that the area where the development takes place is approximately 200,000 square feet. That entire area is in the Recreation Commercial District (RC). A portion of the property in the back is also zoned RC; however, a portion of that property is in the Sensitive Lands Overlay. Planner Astorga stated that the Code indicates that the steep slopes, the ridgeline area, and other protected types of areas can shift density from one place and cluster it to another place. He clarified that 25% of that density could be moved.

Planner Astorga commented on the density for multi-unit dwellings. The site has a Floor Area Ratio, which indicates that whatever the size of the property, that is the exact area they could build in terms of UEs. Planner Astorga stated that adding together the 200,000 square feet and the 78,000 square feet results in approximately 112 unit equivalents. Based on the information submitted by the applicant, and based on a total of 57 units consisting of 27 single-family dwellings, plus the seven townhouses and the 23 units, the proposal is to build 77 unit equivalents. Planner Astorga noted that affordable housing requirements do not count towards unit equivalents. The Staff found an overall reduction in density as indicated on the same exhibit. Planner Astorga pointed out that the applicant was using less than a quarter of the entire development. He reminded the Commissioners that this was the typical methodology used for specific density calculations, and the numbers are the same as what the presented to the Planning Commission in July and November.

Planner Astorga stated that there were 247 platted lots of record that are currently on-site; however, only a portion of those lots have direct access on platted Lowell Avenue. Some are bits and pieces that were left over from the Historic Snyder's Addition to the Park City Survey that do not meet the minimum lot size; not even for a single-family dwelling. Most of the lots do not have access to a public right-of-way because in 1966 the City vacated all of the platted streets on this subject property.

Planner Astorga stated that as part of the subdivision, the property in the back owned by Nastar LLC was initially part of this application, but they later changed their mind. They are no longer part of this application. Planner Astorga clarified that this was one MPD, one site, and one subdivision. It is slightly different from what presented to the Planning Commission in December. Planner Astorga explained that the original intent to move forward with removing the lot lines in the triangle piece towards the back is no longer the case. He received a letter indicating that they do not wish to move forward with that application.

Planner Astorga noted that the Planning Department re-noticed for this meeting by sending letters to property owners within 300 feet, posting the site, and publishing it in the newspaper.

Planner Astorga stated that the applicant was proposing to build a sidewalk up to City Engineering standards. The sidewalk would be extended from the Marriott Mountainside, and it would end at the staircase system which separates the multi-unit dwellings and the five single-family dwellings. Planner Astorga indicated where the sidewalk would stop at the request of the City Engineer. He presented the 2011 Transportation Master Plan and noted that Lowell Avenue followed the same

designation. There is a 50' right-of-way. The street was built at 27'. He remarked that instead of utilizing the secondary alternative in the Master Plan, the City Engineer's direction is to place a sidewalk outside of the 27' travel lane, plus specific improvements consisting of a rolled gutter and the parking area designation. The Staff believes that the 5' sidewalk matches the Mountainside. The applicant has agreed to do whatever the City Engineer stipulates and was proposing to add the sidewalk.

Planner Astorga noted that the applicant was not planning on building the 27 single-family dwellings. Each lot would be sold individually. However, everything else in the proposal would be built, which includes the 30 units and the affordable housing building.

Planner Astorga noted that Dave Thacker, the Chief Building Official, and Matt Cassel, the City Engineer were present to answer questions.

Planner Astorga reported that the applicant was proposing a private drive/road, called Rothwell Drive, that extends from the intersection of Lowell Avenue and 12th Street and curves up towards the northwest of the property. The road is approximately 550 feet in length and it climbs approximately 60 feet from Lowell Avenue to its highest point at the back turnaround. The proposed grade of the road has a transitional slope at the intersection and then climbs up to 13-1/2%. Towards the last half of the road it drops down to 5% to accommodate the specific standards for emergency access for the turnaround. Planner Astorga stated that he current Code requires a private drive to be no more than 14% grade.

Planner Astorga noted that four driveways are proposed for the multi-unit dwellings. The five single-family dwelling would be accessed off Lowell Avenue. Everything else in the site beginning with Lot 7 on would be accessed off Rothwell Drive.

Planner Astorga explained that the applicant was not seeking a height exception per se, but for the Master Planned Development. The MPD allows the applicant to request that additional height. He noted that there are other exceptions are listed in the zoning district such as mechanical equipment, etc. Exceptions will be applied for as part of the zone designation. Planner Astorga wanted it clear that the City provides those exceptions as codified and that no MPD additional height was being requested by the applicant. Planner Astorga recalled that during the meeting on November 29th a setback reduction was identified. He explained that the MPD language indicates that a Master Planned Development of 1 acre or more requires a 25' setback around the peripheral of the entire structure. He pointed out that the multi-use dwellings comply with the 25' setback; however, the five lots on Lowell Avenue, Lots 3, 4, 5, 6, and 7, would not. The applicant was requesting to reduce that setback from 25' to 10'. The

Staff recommended that the Planning Commission grant that reduction and had drafted a finding to support their recommendation. He stated that it is not a special exception or a variance, but it is an exception that is codified in the MPD language that allows the Planning Commission to grant that if it meets specific criteria. One criteria is that no additional density is being requested. Another criteria is that the exception does not remove or take away from any open space requirements. Planner Astorga believed the proposed open space was approximately 82%. For those reasons the Staff believed the Planning Commission could reduce the setbacks from 25' to the zoning designation of the RC District for single family dwellings, which is a minimum of 10'. Planner Astorga noted that the same request was being made to reduce the rear yard setbacks for Lots 21 and 22. Planner Astorga reviewed a site plan to identify which lots were requesting the exception.

Chair Pro Tem Campbell asked if there would be sidewalks in front of those lots. Planner Astorga replied that there were no sidewalks, as currently proposed by the applicant, to comply with City Engineer policy. Chair Pro Tem Campbell understood that the houses across the street had a 10' setback without a sidewalk. Planner Astorga explained that the minimum is 10'. He was not aware of the built setback because the RC District on Lowell Avenue has a very interesting development pattern, and they do not see many lot combinations on Lowell Avenue. It remains true to the standard Old Town development pattern of 25' x 75', which would trigger a minimum setback of 10'. However, in order to accommodate at least one exterior parking space, that portion of the house would be set back at least 18'. If a house has two interior parking spaces, then the setback is 10' minimum.

Chair Pro Tem Campbell recalled from the last meeting that the neighbors on that side supported the reductions. Planner Astorga replied that it was Patricia Crafton. He received an email from Ms. Crafton indicating that she had worked out her issues directly with the applicant. Ms. Crafton did not offer public comment and was not in attendance this evening. Chair Pro Tem Campbell assumed that meant Ms. Crafton had no objections. Planner Astorga agreed.

Planner Astorga pointed out that there is no guarantee that if the Planning Commission allows a 10' setback that all of those five houses would be built exactly at 10' because it is the minimum. The applicant could come back with an 18' setback to accommodate the exterior parking space.

Rory Murphy, representing the applicant, stated that their property line is 18' from the edge of the road, and that is where these lots would start. He pointed out that there is an effect of 18' already, plus the 10' setback. As Planner Astorga reported, having a

car in the driveway would set it back another 10'. Mr. Murphy estimated 38' on Lots 3, 4 and 5. On Lots 6 and 7 he believed it would likely be closer to 28'.

Planner Astorga stated that the Staff report discussion followed the Exhibit as proposed by the applicant for Lot 21 to have a rear setback of 20'; and for Lot 22 to have the setback reduced to 10'.

Planner Astorga believed that Lot 1 has to be a separate lot of record for financing reasons. Based on the number of units overall, the current Housing Resolution requires at least seven affordable housing units. The applicant was providing 15 affordable units on Lot 1.

Planner Astorga noted that the Staff report contained combined Findings of Fact for the CUP and the MPD. The required language for the Conclusions of Law of the MPD was included towards the end of the Staff report, as well as the Conclusions of Law for the conditional use permit. Planner Astorga stated that once the Planning Commission takes action on the MPD, the applicant has a maximum of six months to submit a development agreement, which would come back to the Planning Commission for ratification. The Housing Authority needs to approve the Mitigation Housing Plan because specific agreements need to be in place and specific prices need to be assessed and determined. Planner Astorga stated that the Staff report also contained the Conditions of Approval for the CUP and the MPD. There is also a separate ordinance for the 32 lots of record. Because it is a legislative item, the Planning Commission would provide a recommendation to the City Council for removing the specific lot lines on this property in order to move forward with applicable codes and policies.

Planner Astorga pointed out that there was not a condominium plat before the Planning Commission for the affordable housing buildings nor the other units. He explained that a condominium plat is a use; it is a type of ownership that would come back to the Planning Commission for review and a recommendation to the City Council.

Planner Astorga provided an update to Finding of Fact #38. The finding indicates that the townhouse building is 29,005 square feet; however, the actual number is 29,735 square feet. If the Planning Commission takes action this evening, Finding #38 would be revised to reflect the correct number. He did not believe the increase of 730 square feet was substantial since the density was being decreased.

Commissioner Suesser asked Planner Astorga to comment on the adjoining landowner not participating in this application, what transpired, and how it impacts this project. Planner Astorga stated that the City first received an Affirmation of Sufficient Interest

that was signed by the landowner; but the landowner later changed his mind. He presented the original plat that was submitted and compared it to the current plat. Planner Astorga clarified that he had received a letter from the landowner requesting to be included only in the subdivision, but not the Master Plan. However, a little over a month ago he received another letter from the landowner stating that they no longer consent to the application.

Mr. Murphy explained that the property was subdivided out when he purchased the ground. It was confirmed by the title company, as well as legal counsel, that because of the way this was configured with the pre-existing lots and pre-existing roads, that it was a legal subdivision. Mr. Murphy stated that he was asked by the Planning Staff to make that a more formal subdivision, and they agreed. The family who owned the property wanted to keep that piece because of the ski run and a relationship with the ski area that dated back to 1963. Mr. Murphy noted that the individual he was working with tragically died in a horse accident, which is why they chose the name Rothwell Street. After that they were not able to communicate effectively with the family, and after a lot of debate this applicant elected to pull this out.

Mr. Murphy was concerned that the family would come in with a subsequent application. Therefore, there they eliminated the one access up to that property that would comply with Code. It was access coming up the old railroad bed. Mr. Murphy had the landowner sign an agreement that it would be pedestrian only to access their property; and they could not put a motorized vehicle road on that ground.

Commissioner Suesser asked how that agreement was formalized. Mr. Murphy replied that the landowner signed an easement agreeing that it would be pedestrian only. He emphasized that the family never sold them the property and they never had control over it. They relied on the family to act in good faith, which they consistently did until the individual representing the family passed away.

Chair Pro Tem Campbell asked if Planner Astorga had identified the pedestrian access overlaid on the new site plan. Commissioner Suesser wanted to see a visual of the actual property they were talking about that has pedestrian only access. She also wanted to see what was first proposed versus what was currently being proposed. Planner Astorga pulled up the proposed plat to address Commissioner Campbell's question. He noted that it did not include a triangle shaped property towards the end. Nastar LLC owns the triangle piece. He indicated the subject property of CRH Partners going from the North Star. He presented the survey which provided better detail indicating the pedestrian access to the property. Chair Pro Tem Campbell asked if that was the existing trail. Planner Astorga answered yes. He clarified that it allowed the

Nastar property owners to access the CRH property, which is currently proposed as open space Lot 32.

Commissioner Phillips asked Planner Astorga to walk through and explain page AG102. Planner Astorga stated that the architect had provided this exhibit to show compliance with the specific height parameters. Starting with the houses, he noted that the RC District has always mimicked the HR-1 as far as maximum building height at 27'. The height parameter of the multi-unit dwellings is 35' from existing grade. There are other exceptions that can be granted based on specific architectural constraints such as a 5' slope roof, and other exceptions including mechanical equipment.

Planner Astorga reiterated that no additional height was being requested beyond the zone height for the MPD. Commissioner Phillips asked for clarification on the 40' and 35' heights. The project architect, Chimso Onwuegbu, explained that 35' is the zone height. The 40' is 35' plus an additional 5' that is allowed with a height exception.

Mr. Murphy thanked Planner Astorga for his efforts.

Chair Pro Tem Campbell opened a public hearing on all three items related to the King's Crown project.

There were no comments.

Chair Pro Tem Campbell closed the public hearing.

Commissioner Suesser remarked that this application has gone very quickly and the Planning Commission was pleased with what they have seen. However, she personally did not feel like the Commissioners had vetted the details of the project enough. A lot of information was received in the last 24 hours and she had not had the opportunity to look into the details provided. Commissioner Suesser was not prepared to move forward voting on this application this evening. She requested another meeting to go over some of the details of the project after having the opportunity to review the finer details and extensive exhibits that were provided.

Commissioner Phillips agreed that it is difficult when updated information is received in a time frame that does not always allow the opportunity to review it. Planner Astorga explained that the Commissioners had received the information the day before because he was not able to send it sooner due to his workload and having to be away from the office for a personal matter. He wanted it clear that the delay was not on the part of the applicant. Planner Astorga stated that State Code requires that the applicant is given the Staff report three days prior to the public hearing. The applicant had consented to

providing the information on Monday given the personal issues Planner Astorga had mentioned. Planner Astorga took full responsibility for the delay in finalizing this specific Staff report.

Mr. Onwuegbu clarified that none of the information submitted by the applicant was new or different from what the Planning Commission had seen in December. Planner Astorga concurred, with the exception of the 730 square foot discrepancy on the townhouses.

Commissioner Phillips stated that he was comfortable moving forward.

Commissioner Thimm had compared previous Staff reports to the current Staff report, and he did not find anything substantially different. The question he had earlier in the process having to do with affordable housing, the setbacks, and the 10' setback were reasoned through in the work sessions. He did not feel a need to continue this item.

Chair Pro Tem asked Commissioner Suesser if she had specific concerns or questions that could be addressed before taking action.

Commissioner Suesser replied that she did not have specific questions because she had not had adequate time to thoroughly review the entire packet. She did not anticipate having specific problems, but she wanted the opportunity to carefully review all the information. Commissioner Suesser stated that she would likely be a nay vote if a vote was taken this evening.

Chair Pro Tem Campbell summarized that the Planning Commission could either continue this item; take additional time this evening to discuss it further and give Commissioner Suesser a better level of comfort; or they could call for a vote.

Commissioner Suesser recommended that they call for a vote.

MOTION: Commissioner Phillips moved to APPROVE the King's Crown Master Planned Development located at 1201-1229 Lowell Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Staff report. Commissioner Thimm seconded the motion.

VOTE: The motion passed 3-1. Commissioner Suesser voted against the motion. Commissioner Band was recused.

MOTION: Commissioner Thimm moved to APPROVE the Conditional Use Permit for the King's Crown Master Planned Development based on the Findings of Fact,

Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed 3-1. Commissioner Suesser voted against the motion. Commissioner Band was recused.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council to re-subdivide the subject land of King's Crown, in accordance with the Findings of Fact, Conclusions of Law as found in the ordinance in the Staff report. Commissioner Thimm seconded the motion.

VOTE: The motion passed 3-1. Commissioner Suesser voted against the motion. Commissioner Band was recused.

Master Planned Development & Conditional Use Permit
Findings of Fact

1. The subject site is located at 1201 – 1299 Lowell Avenue.
2. The subject site is within the RC, ROS, and SLO District.
3. The proposed development takes place roughly over 30% of the property, all contained within the RC District located adjacent to Lowell Avenue towards the northeast of the subject site.
4. The applicant proposes to build three (3) multi-unit buildings with access off Lowell Avenue, a private road/drive to be known as Rothwell Road, and a townhouse building with access off Rothwell Road.
5. The proposed private road/drive begins at the 12th Street / Lowell Avenue intersection which then curves up to a hammer-head turn around.
6. Rothwell Road climbs up approximately sixty feet (60') and is approximately 548 feet long.
7. The applicant also proposes to develop 27 single-family lots, 4 of which would be accessed off Lowell Avenue, and the remaining 24 would be accessed off Rothwell Road (15 on the west side of the private road and 8 on the east side of the private road).
8. The applicant does not plan on building the 27 houses, but to develop the lots to be able to sell them individually.
9. The MPD includes a total of 32 lots.
10. The MPD includes seven (7) deed restricted affordable housing condominium units (8.55 affordable unit equivalents).
11. The MPD includes eight (8) additional non-required deed restricted affordable housing condominium units (9.07 affordable unit equivalents).
12. The MPD includes 11.2 acres of platted open space in the form of large tracts

of contiguous natural open space that does not include open space area around the units, equating to 74.6%. The total open space percentage is 83.9.
13. The MPD includes 23 market rate condominiums, 7 market rate townhomes, and 27 market rate single family detached houses.
14. Building A is a multi-unit dwelling, listed as a conditional use.
15. Building A has 15 residential affordable housing units.
16. Building A has the following square footage:
    a. Residential: 16,520
    b. Mechanical: 256
    c. Internal circulation (hallways and stairs): 1,833
    d. Parking and vehicular circulation: 5,571
    e. Overall: 24,180
17. Building A has 18 parking spaces located in an enclosed underground parking garage.
18. Building A has vehicular access off Lowell Avenue through one (1) driveway.
19. Building A has 5 stories above the parking garage.
20. Building A is on proposed lot 1.
21. Affordable housing residential units do not count towards residential Unit Equivalents.
22. Building B/C is a multi-unit dwelling, listed as a conditional use.
23. Building B/C has 12 residential units.
24. Building B/C has the following square footage:
    a. Residential: 28,253 (14.13 residential Unit Equivalents)
    b. Mechanical: 375
    c. Internal circulation (hallways, stairs, and elevator): 1,133
    d. Parking and vehicular circulation: 9,305
    e. Overall: 39,066
25. Building B/C has 21 parking spaces located in enclosed underground parking garages.
26. Building B/C has vehicular access off Lowell Avenue through two (2) separate driveways.
27. Building B/C has 4 stories above the parking garage
28. Building B/C is on proposed lot 2
29. Building D is a multi-unit dwelling, listed as a conditional use.
30. Building D has 11 residential units
31. Building D has the following square footage:
    a. Residential: 24,590 (12.30 residential Unit Equivalents)
    b. Mechanical: 166
    c. Internal circulation (hallways, stairs, and elevator): 1,827
    d. Parking and vehicular circulation: 8,313
    e. Overall: 34,896

32. Building D has 22 parking spaces located in an enclosed underground parking garage.
33. Building D has vehicular access off Lowell Avenue through one (1) driveway.
34. Building D has 4 stories above the parking garage.
35. Building D is on proposed lot 2.
36. Townhomes Building is a multi-unit dwelling, listed as a conditional use.
37. Townhomes Building has 7 residential units
38. Townhomes Building is 29,005 (14.50 residential Unit Equivalents).
39. Townhomes Building has14 parking spaces, 2 within each parking garage.
40. Townhomes Building has vehicular access off proposed private drive through individual driveways.
41. Townhomes Building has 3 stories above the garage level.
42. Townhomes Building is on proposed lot 30
43. Single-family dwellings are an allowed use within the District.
44. The applicants request to plat 27 lots to accommodate one (1) single-family dwelling on each lot.
45. The approximate buildable square footage of the single family dwellings is 71,880 (35.94 residential Unit Equivalents).
46. The single-family dwellings require 54 parking spaces, 2 within each lot as required.
47. The single-family dwellings have vehicular access off proposed private drive through individual driveways and four (4) off Lowell Avenue.
48. The single family lots are on proposed lots 3-29.
49. The applicant proposed two (2) lots to be re-platted as open space.
50. Proposed open space Lot 31 is 2,106.4 square feet with retaining walls and stair access to adjacent property to the south.
51. Proposed open space Lot 32 is 487,798.29 square feet (11.2 acres).
52. Proposed open space Lot 32 is to house an accessory building, 750 square feet, consisting of restroom and lockers for the exclusive use of property owners.
53. The proposed accessory building on Lot 32 is located on the RC District.
54. Accessory buildings are an allowed use with the RC District.
55. Restrooms/lockers are considered residential accessory space and does not count towards Unit Equivalents.
56. The site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:
    a. RC District: 199,867 sf. (4.59 acres)
    b. RC District within the SLO Zone: 78,654 sf. (1.81 acres)
    c. ROS District: 84,194 sf. (1.93 acres)
    d. ROS District within the SLO Zone: 291,145 sf. (6.68 acres)
57. The applicant proposes to build solely within the zoning boundaries of the RC

District. The applicant does not request to build within the boundary of the RC District/SLO, or within the ROS District, and these areas would be dedicated as open space.
58. Within the RC District, sites with multi-unit dwellings receive a maximum floor area ratio (FAR) of 1.0.
59. The portion of the site in the RC District has a maximum floor area of 199,867 sf. for multi-unit dwellings.
60. The RC District does not provide a FAR standard for single-family dwelling lots, but rather, a minimum lot area requirement of 1,875 sf.
61. The proposal contains a total FAR of 0.41 (80,963 ÷ 199,867) for multi-unit dwellings.
62. In applying the FAR at its maximum, the site would have a remaining 118,904 sf. in density (199,867 - 80,963).
63. In applying the floor area not used for multi-unit dwelling for single-family dwellings, this would create approximately 63 residential lots (applying the minimum lot area of 1,875 square feet).
64. The applicant requests to re-subdivide 27 single-family lots in conjunction with their 80,963 sf. of multi-unit dwellings.
65. A residential Unit Equivalent is 2,000 square feet.
66. The applicant proposes the construction of the following 30 residential units and the allotment of 27 lots:

a. 12 flats within multi-unit Building B/C totaling 27,683 square feet (13.84 residential Unit Equivalents).
b. 11 flats within multi-unit Building D totaling 24,255 square feet (12.13 residential Unit Equivalents).
c. 7 townhouses within the Townhome Building totaling 29,005 square feet (14.50 residential Unit Equivalents).
d. 27 lots to accommodate one (1) future single-family dwelling on each lot which would be approximately 71,880 square feet (35.94 residential Unit Equivalents).

67. The applicant requests to maintain the MPD setback of 25 feet around the perimeter of the entire development, with the exception of seven (7) future single-family residential Lots 3-7 and 21-22.
68. Applicant seeks the following setback reductions as allowed by the Code, if granted by the Planning Commission:

a. Proposed Lot 3-7 front setback reduction to ten feet (10’).
b. Proposed Lot 21 side setback reduction to twenty feet (20’).
c. Proposed Lot 22 side setback reduction to ten feet (10’).

69. The proposed setback reductions as described above matches the abutting zone setbacks and all aspect of the project will comply with applicable Building and Fire codes. The reductions do not increase project density, maintain the

general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and they meet open space requirements of the MPD.
70. The proposed setback reduction are in compliance with LMC MPD provisions.
71. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 […].
72. The site contains a total of 653,759 square feet. The site contains 17,012 square feet of hard-scaped plazas equating to 2.6% of the site and 531,519 square feet (12.20 acres) equating to 81.3% of natural open space.
73. The applicant proposes to designate the use of the two (2) open space lots on the proposed Re-Subdivision (plat).
74. The applicant does not request to decrease the required number of off-street parking spaces; therefore, no parking analysis has been submitted. See building by building requirement:

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

75. The proposal complies with the provisions of the building height parameters for multi-unit buildings listed under LMC § 15-2.16-4 Building Height and singlefamily dwellings listed under LMC § 15-2.16-5 Special Requirements For Single Family And Duplex Dwellings (subsection L-M), including all applicable height exceptions as allowed in the LMC.
76. The applicant does not seek additional height under the MPD parameters listed under LMC § 15-6-5 MPD Requirements, Sub-section F.
77. The project has been designed to maintain the existing neighborhood development pattern, with the larger scale buildings located alongside the existing multi-family.
78. The proposed plan uses the massing of the buildings to mitigate the need for retaining walls by burying the buildings into the hillside. The balance of the required retaining walls has been stepped in shorter wall sections to reduce/eliminate tall retaining walls.
79. Roads and utility lines are proposed to work with the existing grades to the greatest extent possible, as indicated on the civil site and grading plans. Areas

of the deepest cuts are mitigated by using the townhome buildings to step up the hill.
80. All trails proposed with the MPD are incorporated into open space elements and in some areas are maintained and improved in their existing locations. Trail easements will be platted on the final recorded subdivision plats. Staff recommends adding a public recreation easement on Rothwell Road (private road) connecting to trail network on the mountain.
81. The City requests to secure a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access.
82. The City requests to prepare a public trail plan for the open space parcel, provide for trail 'corridors' subject to final alignment, which would be part of the recorded development agreement. The applicant stipulates to this condition of approval.
83. There are sufficient areas adjacent to the streets, driveways, and parking areas to store snow.
84. The MPD shall comply with the trash storage and collection and recycling regulations contained herein.
85. There are no commercial or non-residential uses with this project, and all offstreet parking requirements are met within the project. The bus stop/ transportation area is located yards away from the project at the resort base. The applicant is considering placing an e-bike sharing station on site on Lowell Avenue for public use.
86. The submitted landscape plans specify the maximum area allowed for lawn or turf is limited to fifty percent (50%) of the total Area allowed to be disturbed and not covered by Buildings and other hard surfaces.
87. Drought tolerant species and species native to the area are stipulated in the Guidelines. Native rock and boulders are stipulated as allowed within the LMC.
88. Lighting is proposed to comply with requirements of LMC Chapter 15-5, Architectural Review and is further spelled out in the Guidelines.
89. No development within the MPD is located within the SLO with the exception of trails, which are an allowed use in the SLO.
90. The proposal includes 200% of the required Affordable Housing as required by the current housing resolution (03-2017).
91. The current affordable housing proposal, which is developed through the Affordable Housing Staff and the Affordable Housing Authority (The City Council), is shown on a table within this staff report. The Staff and the Affordable Housing Authority retain the final say on these figures.
92. The proposal does not create additional demands for child care.
93. An environmental survey (Exhibit P - Environmental Survey) was prepared revealing no environmental contaminants on the property.

94. A mine site study (Exhibit Q - Mine Site Studies) was conducted and determined that there were no mining related activities on the property.
95. The proposal fulfills the following goals and objectives of the General Plan.
96. A cultural survey (Exhibit O - Cultural Survey) was prepared revealing the only significant historical element on site was the Crescent Tramway, which will remain as the existing ski/ bike trail on the property. There are no historic structures on site.
97. LMC § 15-6-4 (G) states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement and shall be submitted to the Planning Department within six (6) months of MPD approval, for ratification by the Planning Commission.
98. Multi-unit dwellings and Master Planned Developments are listed as a conditional uses in the RC District.
99. The applicant proposes the construction of four (4) multi-unit dwelling buildings which includes one (1) building housing the affordable housing units that exceeds the required affordable housing requirements.
100. There are certain uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
101. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.
102. The project is located on Lowell Avenue, between 12th and 13th Street.
103. The four (4) multi-unit dwellings are located at the lower portion of the subject site.
104. A traffic study (Triton Engineering, June, 2017) was provided by the applicant and reviewed by the City indicating that study intersections are anticipated to continue operating at acceptable levels of service.
105. Capacity of existing streets can handle anticipated normal traffic especially based on the fact that maximum density is not being pursued by the applicant.
106. Utilities necessary for these proposed uses are available at or near the site.
107. Final utility plans, including grading and storm water run-off plans will be required at time of building permit review.
108. The proposed plans have been reviewed by the City and the Park City Fire District for compliance and meet the requirements for emergency vehicle access based on the close proximity to Lowell Avenue and the direct connection of the private drive.
109. The proposed conditional use meets all LMC parking regulations.
110. The internal circulation plan incorporated on the site plan showing proposed access to existing trails as well community access point to the trails and ski

runs.
111. Adjoining uses mirror the uses proposed in this project, and no separation is required. In fact, the project is providing community access through to adjacent open space.
112. The project has been designed to mirror the existing neighborhood development patterns.
113. The larger mass buildings are located adjacent to the larger buildings on Lowell, and the project homes mirror the East side of Lowell, with the townhomes continuing the townhome pattern as well.
114. As designed, approximately 82 percent of the project is contiguous open space, with access to skiing and bike trails.
115. All signs and lighting for the project will be approved through the Master Sign Plan application process and through building department review for compliance with the LMC.
116. The physical design of the proposed additions and new buildings, in terms of mass, scale, style, design and architectural detailing.
117. The proposed buildings complement the existing neighborhood in architectural character, materials, colors, mass and scale.
118. Proposed materials consist of metal and membrane roofing, wood and metal siding, natural stone and other elements consistent with the existing buildings.
119. This project will not create any of the conditions listed that are not normally associated in the residential nature of the proposed use.
120. There will be no commercial delivery or service vehicles to the project as the entire project is residential. Typical residential delivery service will utilize residential streets and driveways.
121. Trash and Recycling will mirror the existing Old Town pattern and usage with small residential trash bins, and shall comply with the required regulation listed under Master Planned Developments.
122. All condominiums will be sold as wholly owned condominiums and be required to follow local guidelines relative to other uses, the same applies to the singlefamily lots.
123. The proposed development is not within any environmentally sensitive lands, physical mine hazards, historic mine waste, or Park City Soils Ordinance.
124. The site is within steep slopes found throughout the site.
125. The overall proposal, both Multi-Unit Dwellings (conditional use) and singlefamily detached houses (allowed use) takes place over approximately 30% of the entire site.
126. The Applicant provided Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations, with the placement, volume and height of on-mountain waste rock on a map showing the placement areas for waste rock
127. Applicant indicates a verbal agreement with Park City Mountain representatives

to place the material from the multi-unit buildings and road construction on Park City Mountain.
128. Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations also shows the proposed study of the corresponding volumes and depths of the waste material on adjacent property.
129. Applicant indicates that all waste material must be certified as environmentally clean, compacted in no more than 2-foot lifts (to achieve a 90%+ compaction) covered with six inches (6”) of topsoil, seeded with a native grass mix and sod placed over the grass seeds.
130. Applicant demonstrates that the maximum depth would be 5 feet, tapering off to 0 feet.
131. Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant’s responsibility to seek such permission with the neighboring site.
132. Applicant explains that in the highly unlikely case that they are unable to secure a written agreement with the Park City Mountain, the excavation material would be disposed of by the traditional method used in the vast majority of construction projects to be approved by the City prior to issuance of building permits.
133. The applicant estimates 14,400 cubic yards of material (includes swell) which would equate to 1,440 truckloads (at 10 yds. / truck).
134. As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.
135. Applicant has indicated that they will instruct construction staff to keep delivery trucks off the streets during the peak busy times of between 8:30 am and 10:00 am as well as the peak afternoon times of 3:30 pm through 4:30 pm.
136. Applicant agrees to not deliver materials during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President’s Day weekend, Arts Fest, July 4th weekend, Miner’s Day weekend, and Tour de Utah.
137. Applicant has provided the approximate excavation quantities of the 27 singlefamily
dwellings which would be approximately 7500 cubic yards.
138. The applicant does not plan on building the 27 single-family dwellings but plans to sell the lots to individuals and/or builders.
139. The Chief Building official has studied the applicant’s preliminary Construction Mitigation Plan and finds that the proposal is in compliance with current Building Department policies.
140. Construction Mitigation Plan will be finalized by the Building Dept. once building

permits are submitted by the applicant.
141. The applicant stipulates to the conditions of approval.
142. The discussion in the Analysis section is incorporated herein.

Master Planned Development
Conclusions of Law

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.

Conditional Use Permit
Conclusions of Law

1. The proposal satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16).
2. The proposal complies with all requirements of this LMC.
1. The Uses will be Compatible with surrounding Structures in Use, scale, mass and circulation.
2. The effects of any differences in Use or scale have been mitigated through careful planning.

Master Planned Development & Conditional Use Permit
Conditions of Approval

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 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 the building plans 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.
4. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
5. Final utility plans, consistent with preliminary utility plans reviewed by the

Planning Commission during the MPD review, shall be submitted with the final subdivision plat.
6. 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.
7. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
8. An Affordable Housing Plan shall be approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD and deed restrictions shall be recorded.
9. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing 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 individual sign permits.
11. 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 unless Construction, as defined by the Uniform Building Code, has commenced on the project.
12. 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.
13. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
14. 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 have final authority on landscape placement in required easement areas.
15. All interior roads shall be constructed to Park City Engineering standards. Final grades, storm drainage and width to be approved by the City Engineer.
16. Interior roads are proposed to be private and maintained by the HOA.
17. An HOA shall be in place to maintain and govern the property.
18. An open space use plan shall be approved by the Park City Planning Department and shall be included as part of the development agreement. Such uses shall be

consistent with the LMC and shall include ski runs, hiking/biking trails and related ski improvements such as snow making and signage as needed and appropriate.
19. A trails master plan that is consistent with the city's needs and desires shall be forwarded by the City Trails personnel and approved by both the applicant and the Park City Planning Department, which would be part of the recorded development agreement.
20. The applicant shall allow a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access, and shall be shown on the plat.
21. The proposal shall comply with all 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 on January 10, 2018.
22. The proposal shall comply with the trash storage and collection parameters with the language outlined in LMC § 15-5-5(G).
23. The proposal shall not undergo excavation or footings and foundation work on the multi-family buildings or the access road (Rothwell Road) during the winter season from Christmas (December 25) through April 1st.
24. Materials shall not be delivered during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
25. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 10, 2018.
26. The applicant shall record a plat prior to selling individual units.
27. A deed restriction all affordable housing units shall be recorded prior building permit issuance.
28. The CCRs shall be submitted with the plat for review and approval by the City prior to final plat recordation.
29. The CCRs submitted with condominium plats that include any deed restricted affordable housing units shall limit the HOA dues related to the deed restricted employee housing unit in order to ensure that the units remain affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the units (or exempt the units from HOA fees) to ensure that the units don't lose their affordability due to HOA fees. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium

plat recordation.
30. The Conditional Use Permit shall expire on January 10, 2019, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.
31. 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 and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on January 10, 2018.
32. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
33. This development is part of a common development that is greater than one (1) acre. This development shall meet the MS4 storm water requirements.

Findings of Fact – King's Crown Re-subdivision

1. The subject site is located at 1201 – 1299 Lowell Avenue.
2. The subject site is within the RC, ROS, and SLO District.
3. The site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:
    a. RC District: 199,867 sf. (4.59 acres)
    b. RC District within the SLO Zone: 78,654 sf. (1.81 acres)
    c. ROS District: 84,194 sf. (1.93 acres)
    d. ROS District within the SLO Zone: 291,145 sf. (6.68 acres)
4. The site is within the Snyder's Addition to the Park City Survey which requires the reconfiguring the entire site, 653,860 sf. (15.01 acres), into the proposed 32 lots.
5. The applicant proposes the following lots:
    a. Three (3) lots to accommodate the four (4) Multi-Unit Dwelling buildings: proposed lot 1, 2, and 30.
    b. Twenty-seven (27) single-family dwelling lots: proposed lot 3 - 29.
    c. Three (3) open space lots: proposed lot 31 - 32.
6. The three (3) proposed multi-family lots would in the future re-platted via Condominium Plat re-subdivided into their individual units, allowing the property owner the ability to sell each unit individually.
7. The development proposes the re-configuring of 27 single-family lots to house one single-family dwelling each.
8. The development also proposes the re-configuring of two (2) open space lots that would be owned and maintained by the development homeowner's association (HOA).

9. The City vacated internal Rights-of-Way (ROW) in 1966.
10. This Re-Subdivision in conjunction with the concurrent MPD and CUP.
11. The Re-Subdivision application request removes all platted lots within the development.
12. Land Management Code Section 15-7.1-5 Preliminary Subdivision Plat, specifically indicates that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval.
13. The minimum lot area for single-family dwellings in the RC District is 1,875 square feet.
14. All of the SFD lots meet the minimum lot area requirements.
15. The applicant has indicated that they will not seek to build (sell) duplex lots on applicable lots. A note shall be added to the plat indicating that.
16. The applicant has filed a Line Extension Agreement with the Snyderville Basin Water Reclamation District. The City Engineer has reviewed preliminary utilities which comply as conditioned.

Conclusions of Law – King's Crown Re-Subdivision

1. There is Good Cause for this Final Plat as it consistent with the MPD and CUP.
2. The Final Plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed Final Plat.
4. Approval of the Final Plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – King's Crown Re-Subdivision

1. The City Attorney and City Engineer will review and approve the final form of 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 present the final signed Mylar plat to the City, for City signatures and recordation at Summit County, within one year of the date of City Council approval, or this approval will be considered void; unless an extension request is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of this Plat is subject to the Master Planned Development approval.
4. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD/CUP review, shall be submitted with the final subdivision plat for approval by the City Engineer.

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. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
7. Utilities must be extended to the site to sustain the anticipated uses. Twenty (20') foot wide non-exclusive utility easements are generally necessary for long term maintenance and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities.
8. Final road designs will be provided to the Park City Planning, Engineering and Building Departments for review and approval as part of the permit process.
9. The proposed final plat shall in compliance with criteria outlined under the LMC § 15-7.3 Requirements for Improvements, Reservations, and Design which includes the following, as applicable: general subdivision requirements, general lot design requirements, road requirements and design, drainage and storm sewers, water facilities, sewer facilities, sidewalks, hiking trails, bike paths, and horse trails, public uses, preservation of natural features and amenities. All plats are reviewed by the City Engineer for these and other applicable standards.
10. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program
11. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation
12. A note shall be added to the plat indicating that development on each SFD lot is limited to one (1) single-family dwelling.

Commissioner Band returned to the meeting and resumed the Chair.

Continued Discussion on 277 McHenry Avenue – Request for a Conditional Use Permit for an Accessory Apartment on Parcel A and a request to allow an accessory apartment on a Steep Slope.

The Planning Commission discussed this item earlier in the evening and directed the Staff to come back at this point in the meeting with drafted revisions to the conditions of approval.

Vice-Chair Band reopened the discussion on 277 McHenry Avenue.

Director Erickson noted that Planner Moran had reviewed the information and input with the Chief Building Official and City Engineer and had revised the conditions of approval for their review.

Planner Morlan referred to Condition #7 addressing the construction mitigation plan, and noted that she had added sub-requirements to the condition. The additions included a) no construction related parking or material storage shall be allowed on the street; b) there shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department; c) two separate traffic control personnel will be onsite for any construction related deliveries; d) these requirements shall be shown in the construction mitigation plan.

The Planning Commission was comfortable with the revisions to Condition #7 as proposed.

Planner Morlan noted that she had added language to Condition #14. The revised condition read, "No parking is allowed within the 10-foot front yard setback area of the Accessory Apartment parcel. The parking in front of the existing structure shall be maintained adequate for two cars to park parallel to the street consistent with the Land Management Code. This existing parking area shall remain in good repair and private snow removal must be adequate to maintain two parking spaces".

The Planning Commission was comfortable with the revision to Condition #14 as proposed.

Planner Morlan had added Condition #17 to address the address the comments regarding Certificates of Occupancy. Condition #17 would read, "A letter of completion for the conversion of the existing duplex to a single unit, including the removal of one of the kitchens and demising walls, shall be issued before a Certificate of Occupancy can be issued for the Accessory Apartment structure".

The Planning Commission was comfortable with the addition of Condition #17.

Commissioner Campbell thought item c) under Condition #7 was onerous. Director Erickson explained that it was consistent with the way they had to handle the project at 422 Ontario, where the road had to be closed during deliveries or during pumping. He noted that there is no site distance on that street; therefore, they would need to control both ends of any staging or construction activity on the street to adequately mitigate the access concerns. Commissioner Campbell asked if it would be a requirement for a pickup truck that comes in with four 2 x 4s. Director Erickson clarified that the condition was written that way because it is a dead-end road with a substandard turnaround. Prohibition of backing is difficult and requiring two construction personnel would help manage the backing activity better they did on upper Norfolk. Commissioner Phillips understood that it would help with

the public safety factor. Director Erickson replied that he was correct. Commissioner Phillips thought public safety was important, especially knowing what has previously occurred in that neighborhood.

Chief Building Official David Thacker stated that they had talked about specifying the size of a delivery vehicle; understanding that there would be smaller delivery vehicles. However, there is no way to enforce or mitigate that and it becomes an argument on either side. Mr. Thacker believed that if the requirement is blanket for all vehicles there would be a more focused attempt to do “on time” deliveries.

Commissioner Campbell asked if they could make it easier on the applicant and allow two roofers or other construction workers to put on vests and become the traffic enforcement while the truck is being unloaded. Mr. Thacker replied that the intent is to have traffic control with signs, and it could be anyone with the ability to turn the signs and mitigate the traffic.

Planner Morlan noted that the Planning Commission needed separate motions for the Conditional Use Permit and for the Steep Slope.

MOTION: Commissioner Suesser moved to APPROVE the Conditional Use Permit for an accessory apartment to be located on Parcel A of 277 McHenry Avenue; based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report and as amended this evening. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Suesser moved to APPROVE the request for a Steep Slope Conditional Use Permit for the construction of a new accessory apartment on Parcel A of 277 McHenry Avenue; based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report and as amended this evening. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

<u>General Findings of Fact for both requests at 277 McHenry</u>

1. The site is located at 277 McHenry Avenue.
2. The site is located in the Historic Residential-Low Density (HRL) zoning district.
3. The site is 4,381 square feet in its entirety comprised of Lot 1 and Parcel A.
4. The accessory apartment is proposed to be on Parcel A which is 1,824 square feet in size.

5. There is an existing non-historic duplex structure on Lot 1 which must be converted to a single-family dwelling before a building permit can be issued for an Accessory Apartment.

6. The proposed structure complies with all setback and LMC requirements as outlined in the analysis.
7. The City Council approved the 277 McHenry Avenue Subdivision Plat Amendment at this location on July 26, 2017 and the plat is pending recordation.
8. A Historic District Design Review (HDDR) application is currently under review.
9. The Board of Adjustment conducted a public hearing on March 21, 2017 and approved a variance request to allow a proposal of the accessory apartment at 277 McHenry Avenue with an allowed square footage of up to a maximum of 1,000 square feet.
10. The Board of Adjustment also conducted a public hearing on March 21, 2017 and denied a variance request to allow a square footage greater than 1,000 square feet for the accessory apartment.
11. The Board of Adjustment conducted a public hearing on May 16, 2017 and denied a variance request to allow a 5' setback reduction from 10' in the rear yard to construct an Accessory apartment in the HR-L zone.
12. On September 27, 2017, the City received an application for a CUP, Steep Slope CUP, and Historic District Design Review for the construction of a new accessory apartment on a steep slope at 352 Woodside Avenue. The applications were deemed complete on November 8, 2017.
13. The applicant requests to build a new accessory apartment at this location.
14. The proposed structure has a Floor Area of 991.9 square feet.
15. The proposed building footprint is 686.2 square feet. The total footprint on the lot is 1,386.2 square feet which complies with the maximum allowable footprint of 1,712.5 square feet.
16. The new construction takes place over slopes that are thirty percent (30%) or greater.
17. The proposed front yard setback of ten (10') complies with the minimum front yard setback of ten feet (10').
18. The proposed rear yard setback of ten (10') complies with the minimum rear yard setback of ten feet (10').
19. The proposed side yard setbacks of three feet (3') comply with the minimum side yard setbacks of three feet (3').
20. The proposed structure complies with the maximum building height as follows:
    a. The structure cannot be more than 27 feet from existing grade. It is proposed to be 27 feet from existing grade at its highest point.
    b. The structure cannot be more than 35 feet measured from the lowest finish floor plane to the point of the tallest wall top plate. The proposed

structure measures at 33.7 feet.
c. The final grade must be within 4 vertical feet of the existing grade. The maximum difference proposed is 2 feet.
d. A 10-foot minimum horizontal step in the downhill façade is required at a maximum height of twenty-three feet (23') from where Building Footprint meets the lowest point of existing Grade. The proposed structure meets this requirement.
e. The primary roof pitch is required to be between 7:12 and 12:12. The proposed structure has a primary roof pitch of 7:12.

21. This property is located outside of the Soils Ordinance Zone.

Accessory Apartment CUP Findings of Fact for 277 McHenry

1. Accessory apartments are conditional uses in the HRL zone.
2. The LMC requires one parking space per bedroom in an accessory apartment.
3. The applicant is proposing one bedroom and one parking space.
4. Nightly rentals are not allowed in either the existing structure or the proposed structure.
5. The property owner must occupy either the main dwelling unit or the accessory apartment. The owner has expressed intent to occupy the accessory apartment.
6. The Accessory Apartment may never be sold separately from the main dwelling unit.
7. The LMC requires that no more than three homes within 300 feet of the subject property contain established Accessory Apartments.
8. There are no other accessory apartments within 300 feet of this lot,
9. The Accessory Apartment meets the criteria for a Conditional Use Permit found in Section 15-1-10 (E) of the LMC as detailed in the Analysis.

Steep Slope CUP Findings of Fact:

1. The applicant submitted plans including a streetscape showing how the structure will be observed when viewed from Marsac Avenue.
2. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
3. The proposed house is located within the building pad and outside of all setbacks required on the lot.
4. McHenry Avenue is comprised of Old Town lots from the Park City Survey which have been bisected by McHenry Avenue.
5. The presence of the road adds another frontage element to the lot requiring an additional front setback on this portion of the lot.
6. The front portion of the lot (approximately 6 feet from the front property line) and the rear portion of the lot (approximately 30 feet from the rear property line) are nearly flat; however a majority of the structure is proposed to be built into a steep

slope that runs through the very middle of the parcel.
7. The structure is proposed to match the stepping of similar homes in its vicinity.
8. The applicant submitted plans through the Historic District Design Review process including a streetscape showing how the three story structure will be observed when it is constructed.
9. The drive access is approximately 10 feet long with a grade of 0 percent from the street.
10. No retaining walls are proposed on this lot.
11. The proposed structure is to be built into the existing grade.
12. The bottom garage level of the proposed structure is proposed to be constructed into the slope on the lot. The upper floors are built on top of this floor and onto the flat portion of the parcel at the top of the slope to avoid additional cuts and fills following the topography of the lot.
13. The proposed structure maintains a maximum building height of 27 feet and does not propose any height exceptions.
14. The proposed structure is oriented against the lot's existing contours and is stepped with the grade.
15. The garage/basement floor proposed to be built into the existing slope is approximately 686 square feet in size.
16. The garage is proposed to have one standard parking space and an additional substandard parking space which may not count toward any parking requirements. The accessory apartment has one bedroom and a one parking space requirement.
17. The main floor is approximately 666 square feet and sits on top of the garage floor, and the top floor is significantly smaller at 326 square feet in size. It's set back from the rest of the structure and sits mostly on the flat portion of the lot.
18. The proposed structure meets all size, height, setback, and volume related requirements indicated in the LMC for the HRL zone.
19. The proposed massing component is compatible with both the volume and massing of structures in the area comprised of three story dwellings.

<u>Conclusions of Law for 277 McHenry</u>

1. The Application complies with all requirements of this LMC.
2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

<u>Conditions of Approval for both requests at 277 McHenry</u>

1. All Standard Project Conditions shall apply.
2. One unit, either the main Dwelling Unit or the Accessory Apartment, shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.
3. A deed restriction “Notice to Purchaser” must be filed with the County Recorder, which states:
"A permit for an Accessory Apartment was issued to _____, the current Owner of this Property on _____. This permit runs with the land and is automatically transferred to the new owner by the sale or Transfer of this Property, provided however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7(B)(1). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner. The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days.”
4. Nightly rentals are not allowed. Neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty days.
5. The density cannot increase on this lot. If the use is approved and the applicant wants to apply for an accessory apartment, the duplex will need to be converted to a single-family dwelling.
6. Parcel A is appurtenant to Lot 1. This lot can never be further subdivided or sold separately. The property on both sides of the road will always be 277 McHenry Avenue as noted on the 277 McHenry Avenue subdivision plat.
7. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

a) No construction related parking or material storage shall be allowed on the street.

b) There shall be no construction vehicle staging on the street and deliveries shall be “just in time” to the satisfaction of the City Engineer and Building Department.

c) Two separate traffic control personnel will be onsite for any construction related deliveries.

d. These requirements shall be shown in the Construction Mitigation Plan.

8. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
9. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
10. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

11. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
12. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
13. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
14. No parking is allowed within the 10-foot front yard setback area of the Accessory Apartment parcel. The parking in front of the existing structure shall be maintained adequate for two cars to park parallel to the street consistent with the Land Management Code. This existing parking area shall remain in good repair and private snow removal must be adequate to maintain two parking spaces.
15. This approval will expire on January 10, 2019 if a building permit has not been issued by the building department before the expiration date, unless a written request for an extension is submitted prior to the expiration date and the extension is granted by the Planning Director.
16. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes related more specifically to the architectural design made during the Historic District Design Review.
17. A letter of completion for the conversion of the existing duplex to a single unit including the removal of one of the kitchens and demising walls shall be issued before a Certificate of Occupancy can be issued for the Accessory Apartment structure.

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

3. <u>Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Amended Development Agreement and Conditional Use Permit – Sweeney Properties Master Plan</u> (Application PL-08-00370)

Vice-Chair Band: All right, welcome everyone back to Part B of our evening. And thank you for your patience for us running a little bit late. We are going to open with

Treasure Hill Creole Gulch and Town Lift Mid-Station sites – Amended Development Agreement and Conditional Use Permit. Take it away, Anne.

Anne Laurent: Okay, good evening. I'm Anne Laurent. I'm the Community Development Director for Park City Municipal. I'm here with Craig Call who represents Park City II and the, the Landowner for this alternative proposal should it move for forward.

So we've certainly been working a lot and I know that everybody has---we've tested everybody's patience with not a lot of information. We're going to try to show how much and demonstrate how much progress we've been making. And I think there's, there's a fair amount here, but yet we're still going to have work to be done. But last week when we talked to the City Council there was some questions and public comment around an alternative access or moving, moving some density to another property. And we have talked to adjacent property owners, and at this time the proposal remains using Lowell and Empire as the primary access. And those alternatives, although won't be taken off the plate should some proposal come down the road for this negotiation, this is where we are and this is what we're talking about.

So, you heard us talk a lot about the access road and how important it is to understand and make sure the access road works to get to where the Alternative C hotel site is, and then as well as adequate access to single family home lots. And so we did make an attempt to want Number 1, where we took Option C and that alignment to road, and we hired Ward Engineering, the City did. And Park City II also had GSBS and Parametrix as their consultant look at it. Did I say that right, Craig? Parametrix? Okay. And it ended up resulting in 80' tall retaining walls and over 60,000 cubic---or 600,000 cubic yards of excavation. So we didn't think it got us to this place we were hoping to, which was to significantly reduce the amount of excavation and reduce the height of retaining walls this project would need.

So we huddled again and made an attempt to Number 2 of realigning the road to try to find a more efficient location for it with the grades, as well as adding a loop road to address fire access issues. And the result---and, and it was certainly an improvement and a step forward, but in order to get the catch grades, we were still at a 14% road grade, which is really tough for that length of road. I mean, we're talking 3-5,000 feet of road when you talk about the loop. And for fire trucks and access, they don't mind a steeper

grade than 10%, but if its limited to a shorter amount. And this was just too much all the way up and all the way down almost at 14%.

And then attempt Number 3, which is in process, realigns the road to better utilize and take advantage of the flatter grade at the bottom eastern portion of the site, and keeping the road development just a bit lower than where it was on the Attempt 2.

So, just to give you some visuals, this was Option C. You can see Lowell and Empire is here. Town lift is right here. Hotel site at the---towards the top of the hill. And then the corner of the property line up here. And this is the power line.

Commissioner Phillips: Anne, can I, can I interrupt real quick?

Anne Laurent: Yep.

Commissioner Phillips: This is the same exact Option C that we've been looking at and unedited?

Anne Laurent: This was the same, this was the unedited same one.

Commissioner Phillips: Okay, I just wanted to make sure.

Anne Laurent: I just wanted to remind you what---

Vice-Chair Band: First iteration of Option C, correct?

Anne Laurent: Correct. Yep. Okay. So this is what was still, this road alignment that, this road alignment is what I was talking about required a significant amount of excavation and retaining walls.

And this is the retaining walls analysis. The red and the orange is, you know, 10 to 20 feet of retaining wall. And then when you get down to the blue and

the teal, that's when you got 80 feet and a little higher, even. So, that's, that's why we moved to an alternative. A next step.

This is the loop road option that GSBS provided the City. And it was after discussions and similar to what we were modifying the first option to with Ward Engineering. And we ended up with the 14% grade. So here are the road profiles associated with that option. And it was slightly less than 14% off of Empire. And so this just shows the slope of the road, is the darker line. And then then the dash line is the, the topography. And so where the road, the dark line is below the dash line, that means retaining wall. And on this scale there's two areas---a lot of times it followed grade, you can see. But this area here and this area down here was still resulting in up to 50' of cut. But then other portions of the road nicely followed grade.

And then I just wanted to show---because I was, I've been asked by a few folks, well you know, give me some context of retaining walls. And so a few of us did just spend an hour driving around Deer Valley because you'll see a lot of retaining walls in a small area. And these are just kind of images of a stepped retaining wall. This is a rock sloped back retaining wall. And quite honestly this is what we, this is what we don't want to see, which is a concrete stamped, straight up, straight down. So this would not---this is what we, in planning in all our projects, certainly try to stay away from. We try to step, we try to slope back, and we try to keep them in the most reasonable heights.

Vice-Chair Band: So Anne, these two examples in front of us, how are they? Just to give us some context.

Anne Laurent: I think this is less than 20'. And I'm thinking this one is pushing above 20'. If that sounds about right, Bruce?

Vice-Chair Band: Okay. Thank you.

Commissioner Suesser: Before we leave the loop road and the retaining walls, can you just go back to that second slide, I think the slide right before this, and show us---okay, maybe one more.

Vice-Chair Band: That's a different plan, isn't it?

Commissioner Suesser: That's the old Option C?

Anne Laurent: Yes.

Vice-Chair Band: Yeah. So the, the one forward, this is the new---

Commissioner Suesser: Right. So do we have an idea, if this is the new proposed loop road, where retaining walls---could you just sort of point to where retaining walls are anticipated?

Anne Laurent: Sure. Most of them were along this area here. And there were certainly some along the entrance area where you're gaining grade. And what we modeled was a little different, slightly different from this. We actually separated this piece of the road and had this piece return into Empire. So it was, it was---

Commissioner Suesser: The, the---can you just---

Anne Laurent: And there, and then there was a little small section of retaining wall up here too?

Commissioner Suesser: So the main retaining wall is really in the hillside. In the current hillside.

Anne Laurent: Uh-huh.

Commissioner Suesser: And the purple area up top there, that indicates what, some sort of--- those, those purple and the red. Can you just tell us what that means?

Anne Laurent: Sure. I mean, if Craig wants to chime in. My understanding is that the purple--well I think it's the right understanding. The purple represents an area to develop the hotel. And the reddish-pink represents an area to develop some resort accessory uses if and when the lift gets upgraded and has a transfer x at that location.

Vice-Chair Band: So that's the Mid-station?

Anne Laurent: Uh-huh. So those are areas that would not be home sites.

Vice-Chair Band: Okay.

Anne Laurent: Are we good?

Vice-Chair Band: Yep.

Anne Laurent: Okay. So we wanted to touch on environmental and soil regulations a little bit. And we've done some research with Jim Blankenau, our environmental specialist here at Park City, and we also worked with Clint McAfee in charge of the Water Department. And so we looked at comparable situations with the mine shaft, and we looked at Montage and B2E, and the depths of the shaft, and we think its comparable to what the projects at the Montage and B2E dealt with. And we just wanted to give people an idea of volume of what was eventually hauled off those sites. And that was 60,000 cubic yards of material.

Vice-Chair Band: Each?

Anne Laurent: Yes, each project.

Commissioner Phillips: And B2E, I'm sorry, is?

Anne Laurent: Bruce, do you want to answer that?

Director Erickson: B2E is the next subdivision east of the Montage. It's where the mine site was remediated this summer by EPA.

Commissioner Phillips: Okay.

Anne Laurent: So the, the opinions of City Staff at this point is that the excavation of the rock is not likely going to increase the amount of material required mitigations. I think we sort of know which portion of the site will require it. And the excavation of new development of the site we don't believe will affect the City Spiro Drinking Water Source. But with all that said, there's certainly going to be additional---subject to final engineering reviews both at the Federal, State and Local levels, depending on the issues. And we've done this before and we just wanted to let everybody know that this is not foreign territory on developments that are similar, if not bigger.

Commissioner Suesser: Could you show us on the diagram where you anticipate the larger amount of excavation on the site?

Anne Laurent: For---do you want to see where the mining operations were?

Commissioner Suesser: Yes, that would be great.

Anne Laurent: Okay.

Commissioner Suesser: You said you, you know where most of the excavation is going to be.

Anne Laurent: Yeah. It shows up nicely if you look at a summer aerial of Creole Gulch, you can, you can certainly see it. But Bruce, I believe this is the area of the mine shaft?

Director Erickson: That's correct.

Anne Laurent: And this is the dump area. And it might have also a shaft in it. So there's an area up here and an area down here.

Vice-Chair Band: Do we have just a future slide? An idea of where these single-family homes are going to be place around this road?

Anne Laurent: At this point it's going to be dependent if we can resolve the road.

Vice-Chair Band: Okay.

Anne Laurent: Okay. Any more questions on environmental issues at this point?

So here's information from LSC Transportation Consultants that was asked to update the Treasure Hill development traffic, trip generation analysis based on this reduced, reduction of density and land use. And even though it's a 50% reduction of UEs, because of the different uses as well, the---what they came back with is between 56 and 75 less trip generation, depending on category and peak hour in and out.

I have the chart here. I'm not an expert. Matt Cassel is here if you have specific questions. But I wanted to give you a high level idea of what the reduction does to the traffic.

Commissioner Phillips: And LSC was hired by the City?

Anne Laurent: Yes.

Commissioner Thimm: So 56 to 75% less when compared to what, specifically?

Anne Laurent: Refinement 17.2.

Commissioner Thimm: 17.2.

Anne Laurent: Yes.

Commissioner Thimm: Okay.

Anne Laurent: Okay. The other area we've been working quite a bit on are the size and square footages, floor areas of the proposal. And it was asked, I believe, of the Planning Commission and Council to also demonstrate that in comparison to the 17.2 Refinement, as well as the Woodruff conceptual plans. There's also the Master Plan in some areas that you might want to bring into this analysis as well. But this is where we are right now. And for those who listened to the last 18 months of hearings, these numbers, the 875,000 square feet of total area that's on the concept Woodruff plans as a representation; Refinement 17.2 being larger than that at 948,000 square feet. It's not that those are entitlements or anything. We're just trying to show overall size in a gross format rather than in the net format, which is this first column. UEs are, are translated into square footages in net format. And then there's all these additional columns and uses that are in addition to that, and that's how these projects are looked at on a case by case situation in front of the Planning Commission. So, so we're just trying to do that in a little bit of different format here because we don't have an application. It's a negotiation. However, we're ending up---at least is seeing this project at around 383,000 at this point. And I'll explain that in a little more detail on the next slide. And that, and that is a gross square footage, including parking and other things.

And I can zoom into this if it's not legible or if it's too small for anybody. But this is more of the detail of how Staff arrived at this 383,000. And

what we tried to do was compare it, put it in the categories that represent our Code and represent how we evaluate any new development project.

So the first three rows are simply the UEs. If, if the buy down is half of the density it, it's 100,000 square feet of residential UEs going towards a hotel, and 97,000 UEs going towards a single-family. And in addition to that, there's 9500 square feet of commercial. So that represents the square footage of the UE equivalents. In addition to that, Fire Code allows for 5% of---and this our, I'm looking at our current Code right now. We can certainly get more complicated as to which code we want to talk about. But for the purposes of this spread sheet I applied current 2017 Land Management Code. And it allows for 5% support commercial of the residential hotel UEs, and another 5% for meeting rooms. And so that's what the 5,000 represents. You'll notice those are in red. And both of those numbers are ones that the applicant is still working on and differs slightly, I don't think significantly, from, from these numbers. But that's why they're highlighted.

The residential accessory spaces are spaces that are allowed to accommodate and support the residential UEs, but they don't have any specific calculations of the CAP, the amount of them. It all comes down to can the massing and traffic and other things all be mitigated. And that's how those are usually looked at through applications and considerations.

This is what represents what we think is fairly standard of what we would see for the type of application, as well as some categories fit with what the applicant believes they would like to see. So the back of house, fitness lockers, pool, family entertainment. These are uses that support the visitors to the hotel. And it's, right now it's at 7500 square feet. Circulation we're looking at right now is just a multiplier; primarily because we're trying to look at best practices of fairness and what's similar on similar projects. And trying to get to a gross square footage. Normally we wouldn't do this step. And then in addition to that, there's some larger areas that are pretty standard for a hotel use, such as a lobby and mechanical rooms. And then lastly, spaces that don't apply to unit equivalents as employee housing. And that would be an obligation as part of this. And right now we're in a TBD on this. I've got a placeholder. But based on---if we can come to agreement on some of these other numbers, we could probably refine that and go further.

Commissioner Suesser: Can we just talk through that line item about residential accessory spaces. And then it says in the notes, “resort accessory spaces not applicable”.

Anne Laurent: Yes. So, I can bring up our Code if you want. But there’s two types of accessory spaces that are mentioned in our Code.

Director Erickson: So before you on, Anne. Francisco will have this loaded up to website so everybody can see it better tomorrow. That will be, that will be up and running by 9:00 a.m. or 9:30 at the latest. I see some folks in the audience trying to take pictures of it, and I know it’s not---

Anne Laurent: Yeah. I did send it to Liz and Laura and asked them to post it, so it might already be up.

Director Erickson: Real good. Thank you.

Anne Laurent: Yes. So residential accessory uses are in the Code to support residential UEs. So that’s why that note is there. They’re very similar. You’ll see things like lobbies, registration, concierges, mechanical. Okay. So this is right out of our Code.

Commissioner Suesser: Uh-huh.

Anne Laurent: Resort commercial applies to directly supporting resort activities. That’s why we’re using that, that’s why that term is being used in support of people using the ski lift. But we usually don’t use both. And right now we’re using residential UEs. Or, we’re using residential UEs, so for the hotel we are using, and typically do, use residential accessory uses. But there’s quite a bit of overlap.

Commissioner Suesser: Okay, so in your, I'm sorry, in your spreadsheet then, that was just the title of the things that you were listing below it. It wasn't just a---residential accessory spaces is blank, basically. Then you have back of house, circulation, lobby, mechanical rooms, employee housing. So---

Anne Laurent: Right. So---

Commissioner Suesser: Back of house looks like a lot of residential accessory spaces.

Anne Laurent: Correct.

Commissioner Suesser: And lobbies, too. Okay.

Anne Laurent: Exactly. Back of house circulation, lobby, mechanical rooms. All of those, before I put it in PowerPoint, were actually indented in under residential accessory uses.

Commissioner Suesser: Okay. Thanks.

Anne Laurent: Thanks for that. Sorry, I didn't notice that went away. We did include structure parking. This number may change down the road if parking is negotiated, but we are assuming 220 spots. We think this covers all the commercial that's being asked for, as well as the hotel rooms and the employee housing. However, based on more additional information, that certainly could be further negotiated. We tried to be just conservative and assume sort of---I don't want to say worst case scenario, but a reasonable scenario.

Vice-Chair Band: So Anne, that's one story of parking that we're anticipating?

Anne Laurent: Unclear until we really determine what the massing would be of the hotel.

Vice-Chair Band: Okay.

Anne Laurent: But we, at this point, anticipate it being a structure. You can see the title of it, structure parking, and that's consistent with the MPD.

Vice-Chair Band: Sure.

Commissioner Thimm: The footprint, at least the largest footprint we were given before was 50 some thousand square feet. So 86,000 square feet is starting to say there's at least a couple of floors underground if we're staying under that footprint.

Anne Laurent: Could be. And depending on using the slope, you know, you could use that to your advantage. And it might make some sense, anyway, to just work with the slope.

Vice-Chair Band: Okay. Thank you.

Anne Laurent: So all of that information gets to a hotel square footage of 266,200 with these assumptions and these estimates. And the main purpose of this presentation is to show everybody what ballpark we're in. I don't know if this is going to fluctuate. We don't anticipate it fluctuating much. But this is where we are right now and we're going to keep talking about it until next week, and probably beyond that.

Vice-Chair Band: And Anne, I'm sorry to interrupt again. We do not generally put limits on back of house stuff and accessory uses and things like that in our Code.

We are sort of planning on giving them some parameters with this application, correct?

Anne Laurent: Staff's position right now is we would like to sort of establish where we are with gross square footages so that we have a good understanding of the project massing. Without the gross square footage, it's hard to anticipate and understand what the massing might be

Vice-Chair Band: Sure. Okay.

Anne Laurent: So the next one is kind of a similar issue, and it's highlighted red again. And that's because Staff is making an assumption of a gross square footage on the single-family homes. The way the 197,000---I'm sorry, the 97,000 UEs applied to the single-family is, the assumption right now is the 18 lots. If you divide that by 18 you come up with a 5,388 square feet per each single-family home. But per our Code, that is not inclusive of basements or garages. And so right now what we're saying is we're assuming 6500 max, including basements. We are still at this point excluding garages, primarily because with the site topo we're not overly sure how garages are going to be best handled.

Commissioner Suesser: What about decks? Are decks included in that square footage?

Anne Laurent: At this point we did not talk about---we don't usually include outside spaces. That could be something that could be handled through a subdivision approval.

And the just to talk about, you know, give people an idea of where we are big picture. That 383,200 is 40% of the 17.2 gross refinement, 17.2 gross square footage, and 44% of the Woodruff 878. So what that translates to is a 60% reduction from Refinement 17.2; and a 56% reduction from the Woodruff. And the only thing that's not included in that is the landowner has requested to reserve the ability to use resort accessory at the Mid-station Lift improvement when and if that moves forward.

Any questions on that? It's a big spreadsheet. Okay.

So over the last week I certainly received quite a few concerns about traffic as it relates not only to the development itself, but to construction. And so I think one of the benefits of this project is it's not conceived to be done all at once as the 17.2 Refinement was, or is. The---and I think there's a logic to this is---I'm just kind of stating the obvious a little bit on some of these things, but I also don't want to overstate them at this stage of the process either. And that is that certainly you have to get an access road in first to get, you know, to some of these lots and certainly, and also to the hotel. So we think that's going to be in the first phase along with getting utilities to the sites. And the---we don't anticipate the hotel and the single-family's all being done at once. We anticipate them being separate building permits. We do, as we've been doing on all of our projects recently, putting in time frames of when projects need to be done once they're ground broken, once they break ground. But that's going to be on a case by case basis of the building permit; not as a total project. And, and we also want to include in that discussion about---an understanding of when the employee housing will be fulfilled. And depending on whether that comes first or second, we want to make sure that we have some sort of guarantee that it will get done, and it won't get left undone. And so that's, that's why I included a housing obligation in this slide.

And then this---the intention of all of us is to keep the excavated soil, and I think I can say this Craig. Correct me if you have a different opinion. But the intention is to keep the soil on mountain, meaning either on the site or on the resort to use towards on the runs. But that is subject to the agreement of the Resort. And that is subject to knowing what kind of numbers we end up dealing with, with the road. But I put this in there because right now that's our intention. But it has some concerns and some caveats in there still at this point.

Utilities to the site. The current MPD talks about needing to understand that at an early phase in the project. So we would certainly want to see more design and engineering if this project moves forward before we get to building permits to understand the site utilities that need to be brought to the site.

There will likely---I, I think we all understand there's going to be some future planning review process. I don't know if this is exactly right, but we wanted to give you, everybody an idea of some of the things that will likely be included as future projects if this project option moves forward.

Rezoning we've talked about in the past. Subdivision for the single-family homes. Some additional design review at least on an administrative level. And I'm not sure if there's any special CUPs associated with things like the ski---modifying the ski runs and other things. So this is where we are right now. This might change, but I wanted to give you an idea and let you know it's being talked about.

And then the last slide is just next steps. We have a meeting again tomorrow with you all in City Council. And then another meeting next week. We are very, very focused on resolving the access road and the general hotel locations, and then---which will hopefully give us some comfort on where the single-family lot locations are available. And I think we want to---once we can do that we can further develop a concept around limits of land disturbance and other physical development constraints. And then we want to revisit other conditions that might also need to be put in the development agreement or settlement agreement. And those are in, in line with what we were on track to do, but taking into account the lesser impact of what's being proposed here.

So with that I'll turn it over to Craig to see what I missed, and then you guys can chime in.

Craig Call: Thank you. My name is Craig Call and I'm here on behalf of PC II, Park City II, who owns a half interest in the property, and is working with you to pursue an alternative. This is a little different context than we're all used to. We're really not applicants. We're not applying for anything. We're asking if these alternative proposals have merit and should be substituted for the pending application. And because of the ongoing effort and what everyone has done to try to move this along in a timely manner, then we've had people working full-time on our behalf to just validate what we'd like to propose and offer. And the City, of course, is engaged, particularly civil engineers, for a full complete instant peer review. I've just been stunned with the turnaround time that people have done on both sides of this.

And it's absolutely true that, you know, Plan A, Plan B---well, Plan 1, Plan 2, now Plan 3; we're working really close on this on an hourly, if not daily, basis to try to keep up to speed on how its, it's fleshing out, because nobody wants to drag it out. On the other hand, the intensity of the review and the professionalism, the thoroughness of it is very impressive. So the

reasons we're now on to the third option for a road system is because of this concern for reliability and care at the same time as we're trying to plow the ground in a timely manner as well.

I'd be happy to respond to questions. Basically, the, the comments that have been made are in line with our understanding. We're, to the extent we're not in complete agreement, we're really close. And we consider the details to be just a matter of getting comfortable with what we look at as we separate and, and review and then come back again. The, the irony of this course is you're seeing it in real time. And this is a snapshot of exactly where we were today at 5 o'clock when the PowerPoint was put together. And tomorrow at 4 o'clock we'll see, you know, what the snapshot shows then. But we're fully engaged and really appreciate all the time people are working to make this---to fully review it to see if it really a viable option.

Vice-Chair Band: Great. Anything to add for either of you? Okie-doke. Well, I am just going to start out this a little bit differently. And I would really like to start by acknowledging the public that's here, and how often you all have come and stood up in front of us and asked questions and given feedback. And I have heard a lot of frustration, occasionally. I think it's complicated. You get up and you say, hey what about this, what about this; this is a great idea. And we often just sit here and listen and nod, and then the public feels a little bit like they haven't heard because we haven't necessarily acknowledged you. We are up here. We are listening. It's complicated. We have to ask Jody, we have to ask Polly, can we do that? Is that even viable?

The density transfer, I think, Andy I know is here in the room and can talk about it if he wants to. And I think Anne touched on it as well. But they did talk about King's Crown. They did talk about moving some density to the base of Park City Mountain Resort. That's not really what we're looking at tonight. I'm not saying that the door is closed in the future. We really have no way of knowing that. But as far as what the Planning Commission is doing, what we're looking at is this settlement versus 17.2, which is what we were looking at before.

The '86 approval. One of the things---and again, I'm just kind of going through some of the public comment I've heard to acknowledge what people are asking. The approval that we got, I've had people come up

and say, oh how can the Sweeney's think that they can get all of this square footage when they were only approved for around 400,000 square feet. Anne showed a great slide a little bit earlier, but that 400,000 didn't include parking, accessory space, lobby space, hallway, locker rooms. There's, there's a whole list of things. So I thing that 875 was pretty darn close to what most of us thought was the, the fair number at the end of the day. So when we were looking at mitigations of that Woodruff project, we really were looking at a pretty small number. We were talking about excavation and things like that that weren't anticipated in those original things; in those original approvals.

And the final thing I guess I have to say that I'd like people to at least take into consideration, is when we were looking at the 17.2 that was a big project. A huge project with four years of excavation and trucks going back and forth, and really something like we've never seen in Park City at all. Right now what we've got in front of us is essentially a boutique hotel and a single-family subdivision plat. So I know there's a lot of people who think that we're rushing this, and I know we don't have all the details. Again, we are not looking at an MPD. We're not going through the normal course of action that we would with an MPD. We're looking at a settlement. So it is a little different. We're out of our comfort zone. We have to ask Legal a lot. But, when it comes to a single-family plat and a boutique hotel subdivision, we do that a lot. We had King's Crown through tonight. We had Goldener through in just a few meetings. So this is pretty doable and it's pretty typical, quite frankly.

I think that's just really all I have to say as far as my comments tonight. I'd love to hear if any of the other Commissioners have any questions or comments before we open public hearing.

Commissioner Suesser: I have a question for the applicant. I'd like to---or for Mr. Call. I'd like to hear a little bit about some of the ideas being contemplated for the Mid-station.

Craig Call: Thank you. Just want to make sure my mic is on. I've also been told I drift away from the microphone, and I'll try to stay close. There's a lot of moving parts on the lift station. There is no firm proposal anymore if, if the original proposal that was before you in November does not proceed to stage transfer process to get to the top of Pay Day. And as far as---we

have no other plans to, even if we could unilaterally, to make any changes to the Town Lift at all. So the question is optimally, perhaps, could there be a chance to, to drop off the Town Lift. I don't mean drop. To get off the Town Lift and get, you know, someone else to get on it in its current alignment, in a way that could be relatively unobtrusive to what's there already. If so, then we would think that would be a great thing for people who are within our project. They don't have to leave the project. They don't have to drive anywhere. Obviously, we'd like it to be ski in/ski out. It needs to be. But instead of skiing cross the Town Bridge and down to the base and then up, they would have a more convenient way to get on the lift. In doing that, there also might be an opportunity, we think, to provide resort accessory services there at that connection. So there could be lockers, there could be moderate size food service oriented to the skiers. And there could be other things useful to that ski use that would enhance the experience for everybody.

Vice-Chair Band: And there was no parking anticipated at that, correct?

Craig Call: It's hard to say that it would be no parking. Again, with the on-rush of everything, it may be that, you know, you'd certainly need to have employees there. And one argument, or one option would be to have the employees park somewhere and then ride the lift up there. And I just don't know the quick answer to that. The, the fallback safe position is providing for some parking, but understanding that it wouldn't necessarily need to be an extravagant number at all.

Vice-Chair Band: Right.

Craig Call: And then we know we're safe, whatever the ultimate configuration proves to be.

Commissioner Suesser: Anne, on your spreadsheet is the---oh, the Mid-station. So no square footage is being designated to the Mid-station right now?

Anne Laurent: No, that's one of the, the ones highlighted in red we're talking about.

Commissioner Suesser: Do we have a ballpark or---

Anne Laurent: Do you want to talk to that? I mean, I think there's a net ballpark. I think Staff's preference is to talk in gross because net is hard to know what that really means.

Commissioner Suesser: I'm just throwing out some questions.

Vice-Chair Band: Okay. No, that, that's what we're here for. Doug, you look like you have some things to say.

Commissioner Thimm: So I, I have more questions at this point.

Vice-Chair Band: Perfect.

Commissioner Thimm: So, first question. Anne, or I don't know who the best person is to answer this question. But, what is the schedule calling for right now? Is it changed at all in terms of when this Commission is going to be asked to provide some sort of a ratification vote.

Anne Laurent: So all I know at this point is there is another meeting next week. Beyond that I think I'd have to defer to, to our Mayor or to Matt Dias.

Commissioner Thimm: Okay. Because originally I thought it was like the 17th, which would be a week from tonight, right? So, I don't---I was just curious if that had changed.

The next question then, sort of related to that is, is there a drawing of some kind with a workable roadway system anticipated and being in place before we're asked to provide a ratification vote?

Anne Laurent: Yes.

Commissioner Thimm: Okay. And I don't know if you can flip to the slide, the slide that talked about actions. I had a quick question there. Here, back. So we have rezone with Planning Commission and, and City Council; Subdivision, Planning Commission and City Council. Then everything else is Staff level, including the CUP? So we're saying that a CUP would not come back before this Commission in this thinking of this?

Anne Laurent: I don't know. This is where we are now. There's other thoughts being thrown out there, but we wanted to give you a preview as to what's at least been discussed at this point.

Director Erickson: Yeah, I don't---Commissioner Thimm, I don't think we would step outside of our designated administrative conditional uses in, in the zone that we choose. So we probably wouldn't add administrative conditional uses. And that's what the Admin means. The pure CUP---let's say ultimately that we do some retaining walls and a retaining wall would require a conditional use permit, that would have to come back to the Commission. Just for an example.

Commissioner Thimm: I'm just looking at the, what's on the other side of the colons in this slide.

Director Erickson: Yeah. The administrative conditional use permit is always reviewed by Staff. It's me.

Commissioner Campbell: Bruce, if one of the 18 single-family houses was on a steep slope, would that have to come back to us?

Director Erickson: No. Well, right now no because it would be in a zone outside the Historic District.

Commissioner Campbell: Okay.

Director Erickson: If, if we chose to put one of the H Districts on it---and I think that's a discussion we're having amongst the applicant and our department, is the current Master Plan is approved with an Estate MPD designation. So it's the Estate zone, which is almost our lowest density zone. You know, so do we, if we ultimately end up recommending a rezone, do we rezone again to Estate? Is there a better zone that we could rezone to that perhaps gives us more control over houses or uses, house size, excavation all those other things? If there's a better zone inside our Code that we can work with, we, we're giving that some consideration. I don't have an answer for you yet.

Commissioner Suesser: Just to clarify the slide a little bit, Anne. This is in addition to our review of the amendment to the MPD. These are two additional things that the Planning Commission is going to look at. This isn't all that's on deck for us.

Anne Laurent: This is, this would be in addition to whatever ends up in the development agreement/settlement agreement.

Commissioner Thimm: There was a slide that talked about some of the, for lack of a better term, features of the project. And it in terms of employee housing it was talking about either completed or posting of guarantee. What is meant by posting of guarantee?

Anne Laurent: So it's uncertain as to whether the hotel will go first, or some of the homes will go first. And so that's why we said that---the way we've been working is the Housing Authority has to prove a plan of how they're going to meet their obligation. And all we're saying is that we would want to have some option of how we would know that would come in. Right now, I know the past frustration, and this has nothing to do with project at all or proposal, has been when we've deferred and let the housing obligation be built later, and then it never does. And we don't have the ability to take away a Certificate of Occupancy. And so that's why this is in there. I don't know

exactly what that looks like, but I wanted to raise it as it, as it relates to construction because of how it usually is tied to a certificate of occupancy.

Commissioner Thimm: Okay. Just a couple of just fine points. I, I believe that in terms of---we've been so concerned about intensity of use as we've looked at these submissions that have come before us. And taking 97,000 square feet of entitled by UE square footage, intensity of use and making it single-family is, by my way of thinking, a major reduction in the overall intensity of use. And I think that's something that sits very well with some of the concerns that have been expressed both by the Commission and by the public up to this point. And the other thing, just for whatever its worth. I sort of do this for a living, and I came within a few thousand square feet totally independently of the numbers that you are talking about.

Anne Laurent: It must be an architect thing.

Commissioner Thimm: For whatever it's worth.

Vice-Chair Band: Preston?

Commissioner Campbell: I don't have anything they haven't already answered.

Vice-Chair Band: Okay. How about you John? Anything.

Commissioner Phillips: No questions.

Vice-Chair Band: Any questions or points you'd like to make before we open up public comment.

Commissioner Phillips: No.

Commissioner Suesser: I actually have some questions.

Vice-Chair Band: Okay. Sorry, Laura.

Commissioner Suesser: That's okay. Anne, you mentioned that moving soils off-site is a possibility. I think we heard previously that it was anticipated that none of the excavated material be moved off-site. So---and you said that that was contingent on talking to the Resort and the amount of excavated material that is---is there, are we going to learn or do you anticipate having an understanding of how much excavated materials we're talking about from these sites. And, and has something changed on Vail's end in terms of using excavated materials to regrade ski slopes.

Director Erickson: I can answer that, Anne. Let me take that one for Anne, because I've kind of been in the middle of it. The current agreement between Sweeney, the, the Sweeney applicants and the Resort allow for materials to be placed on ski runs consistent with the Resort approval. But it also specifies the material has to be quote, unquote clean. So, depending on how the next LLC shows up for Park City II or whatever business form the outcome is, that agreement would have to either survive the change or be re-negotiated. And we don't have any way of, of getting in the middle of that one yet.

So having said that, our team, the City Team, is not convinced that it's a good idea to be placing potentially contaminated soils on steep slopes. And if the Resort won't take it, then we have to assume it's going to get hauled off to Tooele. We will have a rough estimate of the amount of material, and then we'll divide that by the number of dump trucks, so you'd have an idea of how that's going to go. But placing this kind of material with these levels of, of contaminants on them on the hillside would be, would be a test of, of skill. You know, the EPA regraded a portion of the ski run with contaminated materials on it earlier this year at the, at the old turn station on the Gondola. That whole big gray zone up there got regraded. It's in the process of being revegetated and top soil being placed. But that was a fairly level site compared to this site that's within the Sweeney properties.

So we're just trying to make sure we cover our bases on that one. And in the interest of transparency there would have to be some, some special tricks to, to keep this onsite. We also conclude in, in the report you're seeing today that it's in the best interest of these materials to be regulated by the State or by the EPA on voluntary clean-up programs, instead of trying to be regulated at the municipal level.

Anne Laurent: All I'd like to add to that is for each of the first two road alignments we did we had a really good idea of how much excess soil or balance would be. And so if we can work out this third one we will have a pretty good idea of what that number is, like Bruce said. And so, yes, we anticipate having a good ballpark.

Commissioner Suesser: Okay. Just my final comment is that I like, you know, the numbers where you're coming in but---basically it was 383 or 383,200 square feet. But I'd like to see some sort of, just so we know what we're talking about in terms of gross, gross, gross development, as we joke about. So I'd like to see a number for that Mid-station. And I'd also like to see some sort of cap on the residential homes. I think that we should be looking at numbers that include garages and decks, and you know, a gross number for residential homes. And I'd like to see it somewhere in that ballpark. So that's where, those are my thoughts on those numbers.

Commissioner Campbell: I don't want to pile on, but I want to agree with Laura. If we're asking for Staff to create some numbers for us as quick as they can, it would be nice to see two things. One, a gross set of number for the residences, which I know it would just be an estimate, but we're doing that for the commercial side. And then the second thing is all of your excavation numbers, the cubic yards of fill or, or excavation that might potentially have to be hauled off, that's just for the road. And this may not be possible, and I know it would be just a wild guess, but I'd love to know if---I'm assuming these houses are going to be fairly large on these Estate size lots and a lot of them are going to have basements. Multiple that by 18. You know, what kind of---is it 100 more dump trucks coming out of there or is it 10,000 more dump trucks coming out of there?

Anne Laurent: Yes, so we actually have gone further than just the road and looked at the footprint and massing of the hotel, which is the largest piece. The home sites are going to be a little more difficult because they're going to be on a case by case basis. But I think based on general area, we can get a good sense of where the best access is and, and know where we'll be.

Commissioner Campbell: And, and I know it will be a guess, but I just think that as we have, you know, people, people in the public are going to ask us questions [inaudible] a million cubic feet but it turned out it was really---you told us it was going to be 60,000 and it turned out to be 460,000. And I'm exaggerating for effect, but I'd like to have just some kind of a rough idea of what, you know, a 5,000 square foot house times 18, if each one of them has a full basement how much more does that add. Thank you.

Vice-Chair Band: John, nothing?

Commissioner Phillips: No questions.

Vice-Chair Band: Okay. Actually, I have a quick question and then we'll open public comment. What is the road grade---and you may not know this because I know it's County? What is the road grade at the Colony?

Director Erickson: Which one, Melissa?

Vice-Chair Band: The Colony. I know they've got some big retaining walls and some steep grades.

Director Erickson: Oh, at the Colony?

Vice-Chair Band: Uh-huh.

Director Erickson: I'm sorry.

Vice-Chair Band: Just in my head and you know for---

Director Erickson: For, for the most part the Colony roads are graded in at somewhere between 6% and 8%. There are some stretches of 10%. And as you access into the later Phases 4/5, there's some pretty switchbacky things. All of Deer Valley's original 2,000 units went in at 6%.

Vice-Chair Band: Okay.

Director Erickson: Marsac out here is anywhere between 10% and 12%.

Vice-Chair Band: Okay.

Director Erickson: Ontario can get as close to 20% in a couple of cases.

Vice-Chair Band: Okay, great. No, I was just, I think that's helpful for at least me, if not everyone in the audience, to sort of get in your head, get your head around 14%. As were the slides, so thank you very much for doing that.

So without further ado, would anyone who wishes to speak on this please come forward. I'm not going to believe it. Okay, thank you, Kyra. I was really going to just fall over in my chair if we had more Staff coming up tonight than we did public. Thank you.

Kyra Parkhurst: Hi, I'm Kyra Parkhurst. And I want to thank the opportunity that's been presented to us to try to get something to work here. There still are a lot of questions, but this certainly starts us. I love the numbers that are coming in. But I still would love more specific numbers--- I know it's hard to do and we don't even have an architectural drawing---of number of

trucks, the excavation. My concern about developing Mid-station is that becomes a magnet for more people to come up and down Lowell and Empire and hop on the ski lift right there. Leave their car in the street and it further blocks the street. It just brings more traffic, especially if you have parking spaces and other facilities right there. That's just a draw for more traffic.

The other thing that was interesting to me. I came early and some bits and pieces of mitigation that were being used on McHenry I think would work really well on this street. For instance, requiring on-time deliveries, no concrete and lumber trucks stacked up due to a backup getting in and out. And I know all these things are hard to enforce, but it would be nice. It would be some way to mitigate the amount of traffic that's on the road at one time. What we can't have are concrete and lumber trucks all backed up there, and then an emergency happened and we can't get up; in addition to all the cars being parked up there. So those are just some things I got from that that I thought might be good.

The other thing that might help is I wonder if consideration could be given to the employee housing being moved to the base of Vail Resort. That---we could move 10,000 more square feet down to the base, and also the employees would have access to the transportation hub there. If they're going to be all the way up our road and then up a 14% grade road, that's hard for employees to access and move around town. That may just be another thing.

Then I don't have my pictures here tonight, but some possible either permanent speed bumps. And I know in the past they have said with snow removal that's a problem, but if you drive through areas out at Jeremy and some other areas, there are places in town that do have permanent speed bumps. Or even temporary speed bumps that are put into the street during the, you know, once the snow melts; especially where the stairs cross. That, it slows the people, the trucks down when there's pedestrian crossings coming across the stairs.

And I think that's it. Is that, is that loop road the road now that---it was hard for me to tell. Is that the road we're thinking of using? I know---

Director Erickson: That's, that's the concept of trying to---

Kyra Parkhurst: That's the---okay.

Director Erickson: Trying to get the loop road to work. I don't know that it's 100% perfect at this point, and the engineers are reviewing it.

Kyra Parkhurst: Okay.

Director Erickson: There's a number of things going on with that loop. But that's the idea.

Kyra Parkhurst: Okay.

Director Erickson: That the applicant has provided.

Vice-Chair Band: And Bruce, don't we have three separate engineers? Did I understand that correctly?

Director Erickson: We have the City Engineer and his department, we have Ward Engineering under contract to the City, and Parametrix is under contract to GSBS, which is the applicant's engineer.

Vice-Chair Band: So rest assured, there are several engineers.

Kyra Parkhurst: Okay.

Director Erickson: Which, which causes me some concern, honestly.

Commissioner Suesser: And just to clarify, Kyra, that road, as Anne mentioned, it now looks like it's just one entry out to Lowell, but it's anticipated that it will be two exists; one on to Empire and one on to Lowell. That configuration changes.

Kyra Parkhurst: Okay. Okay.

Commissioner Suesser: Right?

Director Erickson: Yes.

Kyra Parkhurst: Understand. And just want to---I think the big concern a lot of the people have had is that we haven't heard from you, but it's because you haven't had anything to digest, or question, or talk. And we continue to put our trust that we can work something out here. Thank you.

Vice-Chair Band: Thank you.

Tom Fey: My name's Tom Fey. I'm a Park Meadows resident. I hadn't planned to say anything tonight, but---

Vice-Chair Band: Tom, I'm sorry. Don't forget to sign in, please.

Tom Fey: I shall do that. I think there's several questions that were raised. And first thing, I'd like to go back to the first slide that was put up because there were I think four sentences. And two of those sentences had the words "most likely will not". And I don't think those are very good statements to put any credence in. One of them, I think, had to do with a possible impact on our water system. And saying it most likely will not impair our water system, that's, in my opinion, that's not good enough. When we were talking about the million square foot project we were talking about 70 feet of dirt and gravel being put on the ski slopes with a couple of entrances into the mine tunnels. I don't know how much we're talking about now, but I think those questions need to be answered. And I don't remember what the other one was that had "most likely will not", but I think, I would hope that you all ask that those questions become definitive rather than guesses.

Secondly, several of you talked about putting caps on the [inaudible] this development and I, I would like to see you do that. Ten thousand square feet of 18 houses, as somebody said, is about 5500 square feet per house. Suddenly, it's now maybe 6500 square feet per house, but that doesn't include the garage and the basement, which could quite livable space. So suddenly is that a 9,000 square feet house and is that now 120,000 square feet. So I think, I'd like to see you put caps on every single piece of that. I don't think 120 room hotel is necessarily a boutique hotel. A 120 room hotel my father-in-law built in Green Bay, Wisconsin, and it's a biggie. It's not a boutique hotel.

So I think in any of these cases we need to refine the numbers and make sure that we understand the impact. You all as a group spent hours and hours talking about the ten points in traffic. Nobody's talked about the traffic impact of this modified plan. And I'd love to have you run back through, because I think the million square foot project probably has at least half those items on the list that that million square foot project didn't comply with. So the question is, does this half a million square foot project comply with all tend of the items on that traffic list. And if not, what happens.

So those, those are my, those are my thoughts.

Vice-Chair Band: Thank you. Do we have a definition for boutique hotel, just out of curiosity?

Kyra Parkhurst: I'm just looking it up.

Vice-Chair Band: Thank you.

Kyra Parkhurst: A 100 rooms.

Vice-Chair Band: Is that a definition from our Code or just from---

Assistant City Attorney McLean: No. Commissioner Band?

Commissioner Phillips: Yeah, I wouldn't take that from the audience.

Assistant City Attorney McLean: Under our Code we have no definition for boutique hotel.

Vice-Chair Band: Okay, that, that was my question. Thank you. All right.

Nikki Deforge: Nikki Deforge here, speaking on behalf of THINC. Just a few things briefly. Again, we appreciate the information that's trickling in. We hope and anticipate that there will be more detail fleshed out. I know that there's been talk about maybe how many stores at this hotel, how many rooms. None of that's been presented tonight, so I, we're expecting that that will come as some of these other issues are first dealt with. And that information will be vitally needed, obviously, before we do any sort of an approval. Issues about massing. Also add our voice to the concerns about the Mid-station lift to make sure that we have some concrete information about that; particularly in light of the conditions that were included in the MPD and a number of places about not drawing off-site commercial traffic to this. And just the comments that we're hearing tonight about this Mid-station lift seems to suggest that that's exactly what the idea is and the concept is. And it's going to require parking and, and food, and services and things like that, and we want to make sure that that's not an issue. That it's not something that's going to be driving more traffic to this site, when the whole idea is to reduce traffic and keep, keep commercial traffic from coming on site.

Obviously, we're going to need more details about the excavation plans once we have those numbers. More concrete details about construction and that sort of thing. The idea being that we want all of it here right now, in front of the Commission, in front of the public, so we know what we're either supporting or opposing and not punting down the road.

So again, thank you so much for your time, and also to the applicant for their willingness to collaborate and to take input. Thank you.

Commissioner Suesser: Thank you.

Vice-Chair Band: Thank you.

Rich Wyman: Good evening. My name is Rich Wyman. I guess my first thing I'd like to talk about is the schedule. Is there, are there firm dates? Anything you can give us?

Vice-Chair Band: On, on which part of the schedule? Sorry.

Rich Wyman: Well, let's start with the first part, which would be---I, I heard that you guys have to come to a conclusion by January 17th. Is that true?

Vice-Chair Band: Polly, do you want me to answer that?

Assistant City Attorney McLean: Let Craig or Anne respond.

Anne Laurent: At this point we're working towards that. And we're going to be where we are on the 17th. And then at that point it's going to be probably a discussion between each legal representation to determine what they want to do.

Rich Wyman: I'm not sure I understand. So that means in two weeks?

Anne Laurent: We're working feverishly to get resolution on something to decide on next week.

Rich Wyman: So in one week you'll have, you'll have something. But the vote won't be for two weeks.

Anne Laurent: No, the public vote won't be until November.

Rich Wyman: Right. But I'm saying the Planning Commission.

Anne Laurent: We don't have any meetings scheduled after 1/17.

Rich Wyman: So this whole process will be done in two weeks.

Commissioner Suesser: Well, the 17th is next Wednesday.

Rich Wyman: Oh, it's next Wednesday?

Vice-Chair Band: Next Wednesday.

Rich Wyman: I'm sorry. So in one week.

Vice-Chair Band: I think everyone's trying hard not say in theory. You know, I, I think if it's going to die on the vine if we don't go past 1/17, I think we're still going to look at that. But I think the date 1/17 is what everybody is shooting for.

Rich Wyman: Okay. I just want to say that just, it seems crazy. Even if I wanted this in every cell in my body to happen, don't you think it would be wise to give yourselves a little wiggle room. Why is the 17th written in stone?

Vice-Chair Band: Again, I don't know that it necessarily is. I think that's what we're shooting for. So, I mean, nobody wants this to drag on for a really long time. And if we can flush out the details to the satisfaction of all parties by then, then I think that we will do so. I, I wouldn't say that, again, if, if we're at a stopping point that we just say never mind we give up.

Craig Call: If I may, Madam Chair.

Vice-Chair Band: Please, please.

Craig Call: I'm happy to jump in on behalf of the landowners involved. Again, we hate, we don't want to rule out the possibility that we can come to a conclusion and have the information as soon as possible. And to keep our feet to the fire we appreciate that, you know, you're talking about that deadline. But we understand that the Planning Commission and the City Council must have the essential questions answered. So we're doing everything we can to meet that time frame, understanding that if we can't do it on the 17th then we want to do it as soon as possible.

Vice-Chair Bands: Goals. We have big goals, Rich.

Rich Wyman: Yeah. And I guess the other---so once you guys do that vote, how much will this change between then and the vote in November. Or does it not change between then and November?

Craig Call: I'm happy to weight in. Again, Craig Call. What you're suggesting when you approve this settlement is pretty well the way it has to be going into November. I mean, that doesn't mean there isn't any chance to find some kind of a fatal flaw. The interesting thing, of course, is there are stages to this that is, we've got our arms around the general arrangement; residential subdivision, hotel, a road plan that we can count on that actually will work because it's essential to everybody. And then, we're

hoping quickly to come back in the zone change process. And there are things there that have to be decided. But the voters will vote in November on the decision that's made, we hope in January. And then partly put into effect with a zone change. And, you know, I'm kind of drifting off into the infinite here, but understanding is that zone change will be subject to the voter approval, because there's no reason to change the zone if the bond fails.

Rich Wyman: Okay. I'm just trying to picture what's going to happen over the course of ten months or so, between the time the vote is taken here and something were to happen with the bond. So, and that brings me to another question about the bonds. I don't know how many, how many bonds are out there? I mean, we know there was a bond for Bonanza Flats. Right? Are there any other bonds out there already, or is that the only one out there? Is there one for schools that's out there? So there's at least two bonds already on the, on the books. Is there a third bond out there already?

Vice-Chair Band: I'm not sure. So, Rich, if you don't mind. I mean, like I'm not going to---I don't know if we're necessarily going to go back and forth question and answer. But we definitely---

Rich Wyman: Okay.

Vice-Chair Band: No, we definitely want to hear your public input. And then if we could maybe get it all at once and then---

Rich Wyman: And maybe this isn't the place for that question, maybe.

Vice-Chair Band: Yeah.

Rich Wyman: Because this is---maybe that's a question for the City Council.

Vice-Chair Band: It, it definitely could be. We---as, as I stated a little bit earlier, here we're kind of looking at 17.2, a settlement. So our, our scope is a little bit limited. Certainly not to the school bond.

Rich Wyman: Okay. Yeah. Again, this is a whole new platform, I think, for all of us going from you guys tonight and then City Council tomorrow night.

Vice-Chair Band: It is.

Rich Wyman: So I don't know which questions are appropriate for you guys and which questions are appropriate for the City Council.

Vice-Chair Band: I would say give us your questions; everything you've got written down there. And then whatever we can answer we will.

Rich Wyman: Okay. So, yeah, the whole bond issue is a question for me. If people want to take another bond on I think they need to know how much, how much is already owed before we stack on a whole other $30 million on to what's already owed.

I just have a few questions, some notes I took, so I hope these aren't---make sense. We want to know how high, how many stories the boutique hotel is going to be. Are there any artist renderings? Anything the public can look at? We'd like to have better understanding of the massing. There's still soil and water issues. Excavation concerns. We need more time to fully understand what is being proposed. We need more time to allow better project design. Less mitigation.

The water issue is a huge one. I'm glad Tom brought that up. I think it's something that really needs to be addressed before approval. Water is a huge issue. The mine waste. The toxicity in the air pollution. Detailed construction plan. How will it flow? The roads are already failing. We all know how bad the traffic is already. Incredibly dangerous to locals and

tourists at risk. Sundance is a week away. We all know how bad the traffic is.

I want to speak specifically about trucks, because dump trucks have been an issue. I live in Prospector close to Kearns Boulevard, and the number of dump trucks that I see every summer going in and out of town. I've counted them going out of town. I guess they go out to Richardson Flats, a lot of dump trucks. And then they go out there full and come back in empty. I've sat on my back porch and I can see Kearns Boulevard. And sometimes it's like every ten seconds a dump truck is going out or coming in. So I think the---however the dump trucks and the number of dump trucks and the time of day of the dump trucks. It's an important issue. The scheduling of the dump trucks.

Details on the commercial space. Meeting space. I'm not sure meeting spaces were ever permitted or allowed. I'm not sure meeting spaces have been fully addressed. And that's really all I have to say for now.

Vice-Chair Band: Great. Thank you so much. And I think a lot of us have those same questions. So, we look forward to hearing the answers.

Kyra Parkhurst: I want to do my p.s. really quick. I think this would be a great focus as everyone moves forward. It says a boutique---this is by definition on Wikipedia. "A boutique hotel is usually a small designed hotel between 10 and 100 rooms with its individual style and atmosphere, and nothing like a box hotel. A personalized approach to every guest. The main difference between a boutique hotel and traditional chain hotels lies in the balance between luxury and comfort, classy interiors, and a cozy home-like atmosphere". If we could have a cozy home-like atmosphere up there it would be great.

Vice-Chair Band: Indeed. It would indeed. Thank you, Kyra. All right. Anyone else for Treasure?

Ed Parisien: Hey everybody. Ed Parisien, an Old Town resident. I'm not going to repeat everything that everyone said, but I have to agree with a lot of what Rich brought up that, boy, this seems rushed. If we weren't even close to

the other one getting approved, then I just don't see how you can approve anything in a week. And I don't know how---who it behooves to get it done ten months before it might get cancelled again. So just want you all to realize that I think, like you said, Melissa, we all have these concerns. And just for the record I have a lot of these concerns, too; especially traffic. Since it's half the size do we just take the prior traffic studies and cut them in half and say that we're good. Or are we going to go through a whole other process and try to figure it all out. So I just have a lot of the concerns. I do agree that it's a better alternative than the first one.

Vice-Chair Band: Just so you know, they flipped the traffic thing up there. We did, we have looked at the traffic.

Ed Parisien: So you got it?

Vice-Chair Band: We have.

Ed Parisien: All right, then.

Director Erickson: To be clear, we got parts of it. So, at least got the clarity that the traffic consultant who prepared that information is the City's traffic consultant.

Ed Parisien: Right.

Director Erickson: And we commissioned this study to do a quick determination just to see the measure---measure the impact of this potential reduction. So there will be more analysis. And it's on the slide. Either they put it up tonight on the website. It's up, Steve? So it's already up on the website and it's easier to read and see and all of that.

Ed Parisien: All right. Well, thank you for all you've done.

Vice-Chair Band: Thank you. Andy.

Mayor Beerman: There were a couple of questions for Council, so I thought I'd help out with those.

Vice-Chair Band: Fantastic. We, we appreciate you doing that.

Mayor Beerman: But Kyra, I'm wondering if you're the one that's going to break it to the Montage they're not a boutique hotel. I just want to address the schedule because that's an important one. And I want to point out, this is not your typical approval process. This is a negotiated settlement, which is a very different process and it had criteria on it. Both out of respect to the Planning Commission, all of you were very far along in your process, and you wanted to take a quick look at this and be able to reconvene and go back into your standard approval process if we didn't come to it; as well as the applicant had very specific timelines they wanted us to hold to. So we are trying to honor those timelines. And clearly if, if we don't have the information we need to make a good decision, then we're going to go back to the Planning Commission and we're going to go to the applicant and decide whether we need additional time. But at this point we are honoring our agreements upfront. And we're working around the clock. Staff has been putting in an incredible amount of time, as well as the applicant, to try to get there.

As far as the question about changes after the fact. The whole point of this exercise is to create parameters. We are going to put, and we're trying to put sideboards or boundaries on what we can and can't do, and very specific. And I think you're seeing those tonight. So the changes after the fact are going to have to be within those parameters. And if we set up maximum square feet there might be some shuffling internally there, but there's not going to be overall shuffling. And ditto on other factors.

As far as what bonds are out there from the City, no this is, this is all we're talking about at this point. We have no idea what the school and the County and other things linger out there, but we are not aware of other ones.

Renderings and massing, I believe that's something that we're going to try to have some visuals for everybody next week. Traffic I think we just hit on. There is an analysis done by the City's consultant in the report. And then the question about how we're going to handle the excavation. What we do know is there will be significantly less excavation, and most of that will be kept on the mountain. So, we can try to come up with some details on that, but we know it is going to be far less than what we would be looking at otherwise.

That's about it unless you guys have any questions.

Vice-Chair Band: I think we're good. Thank you.

Mayor Beerman: Okay. Thanks for your good work on this.

Pam Vernagaard: Hi, I'm Pam Vernagaard, 822 Lowell. We live right across from where the project is going to take place. I would just like to see some consideration for ski access for folks on Lowell and Empire. That's a lot of where our home value is, and so I'd like to see people look into that, you know, further. So thanks, guys.

Vice-Chair Band: Thank you.

Commissioner Campbell: I'm sorry. Could you clarify what you mean by ski access? Not to be dense, but I want to make sure that we're going to get the information you need.

Pam Vernagaard: Okay. Right now we can walk up the Sweeney property and ski down to the Town Lift. So I'd like that still to be something we could do, you know, for the neighbors, the neighborhoods. You know, that it's not blocked off like the big project was going to do.

Commissioner Campbell: You think most of the neighbors would be happy if there was a mid-station there that you could walk to instead?

Pam Vernagaard: Yes, yes. We'd love that.

Commissioner Campbell: Okay.

Pam Vernagaard: Okay, thanks Preston.

Commissioner Suesser: Right now, Preston, there's a residential access sign right near Town Lift that sort of points down the access to Lowell Avenue where the entrance to the project will be.

I just want to make two more comments.

Vice-Chair Band: Actually, do you mind if I make sure there's no one else in the public who would like to speak.

Commissioner Suesser: Yes.

Vice-Chair Band: If not I will close the public hearing. Going, going gone.

<u>End of public comment.</u>

Commissioner Suesser: I just, to sort of piggy back on some of the comments we heard. I think we need clarification on the uses being contemplated; particularly for the Mid-station. This is the first we've heard the possibility of an additional restaurant going in up there. Also, those accessory buildings that were shown near the boutique hotel in that Option C. I'd like clarification on what uses are being contemplated for them. So just to make sure we're covering---I thought we were going to get to uses tonight so that we could

kind of drill down on that a make sure we have a good understanding of what's being contemplated.

And also, in the past when we were contemplating 17.2 we talked about, and, and for this project, we talked about gaining an understanding of what the capacity of Empire and Lowell were for construction traffic. And I think you said that you would get back to us with those numbers at some point. So I'd like to---that was a comment that Steve Joyce had brought up a couple of times. That we want to understand the capacity of those roads. And I'd like to just get the City's response to that question.

Anne Laurent: Matt Cassel is here so I mean, no, no time like the present if he can get up here.

Commissioner Suesser: Right.

Assistant City Attorney McLean: While he's getting up, could I recommend that instead of closing the public hearing you continue it to January 17th.

Vice-Chair Band: Sure. Okay, we will continue the public hearing until tomorrow January 17th. Wait, sorry. Well, how about tomorrow as well because there is a City Council meeting, right?

Assistant City Attorney McLean: But for the Planning Commission.

Vice-Chair Band: I'm kidding. Okay, January 17th we will continue the public comments.

Matt Cassel: Was the question capacity for construction or after construction?

Commissioner Thimm: Yes.

Matt Cassel: Both? Can I have a week to answer?

Vice-Chair Band: Sure.

Matt Cassel: Because it's not an easy question to answer. And we, we actually spent some time with Steve a couple days ago to try to help him understand the concept of capacity, and why Staff was comfortable with what capacity is available on the streets today and as they serve Treasure. So if I can have a week I can probably give you a better answer, because it's not a short answer.

Vice-Chair Band: Sure. I think we'd rather have a thorough and correct answer than something you just threw off the hip, anyway. Only speaking for myself here.

Matt Cassel: I wouldn't have done that anyway.

Commissioner Campbell: Can I ask Matt a question while he's up here. Don't answer this tonight, but throw it on your pile for next week. I'm just thinking we're only going to get one shot at, at building these parameters as Andy called them. These sideboards, I think was the word he used. I'm wondering, do we want all 18 houses to be built within a certain time period, or do we want to have some kind of a limit that says only three can be built in a season, and the fourth can't start until one of them is completed. I don't even know if we have the legal right to do that, but if we're only going to get one chance at, at putting parameters on there, I'd love to get your opinion next week on whether or not you want to spread it out, or whether you'd rather have them all happen at once.

Matt Cassel: You, you've done it before on North Silver Lake where you gave---one of the parameters was the speed and timing of the construction. So it was

broken into three or four time periods and what they had to complete in each time period. And each item had to be completed before they could move on to the next one. So you have done it before.

Commissioner Campbell: And as this is a negotiation, I think this would be question for the, for the quasi-applicant as well. Is that something that your owners would be willing to entertain as a way to help mitigate construction traffic, to say we'll only have a certain number of residences happening at a time. Or maybe none of the residences can go at the same time until the hotel is finished. I don't even know if that's possible, but it would be something I'd like to hear an idea for.

Matt Cassel: The most difficult thing at this location will be the ski use. So if you try to speed things up you're going to take winter season and ski access may go away for a period of time. So, there's a huge balance on this site versus North Silver Lake.

Commissioner Campbell: Okay.

Craig Call: So that's new. Hold that thought. Let me do some checking.

Vice-Chair Band: Great.

Craig Call: Appreciate it.

Commissioner Campbell: Thanks.

Vice-Chair Band: Commissioners, anything else?

Commissioner Phillips: I haven't talked much so I'll just make a---I just have a blanket statement.

Vice-Chair Band: Feel free.

Commissioner Phillips: I am happy to see that the number, you know, it's really good to see these numbers. What I'm seeing is that there---it's a 50, a 50% reduction in density is resulting in a much greater percentage in the volume. And changing the units into individual residential is drastically reducing the figures for parking, circulation, back of house, and more importantly, the intensity of use. So, yeah, it's really good to, to at least get that information in. And I look forward to seeing the numbers close in.

Let's see. Yeah, that's pretty much it. I look forward to moving forward.

Vice-Chair Band: Great.

Commissioner Suesser: I guess I have one more comment. I didn't hear any discussion about the possibility of combining lots for the 18 residences. I don't know if that's being considered by the landowners.

Director Erickson: Yes. Well, it's, it's in our design of the parameters of the site whether or not unit equivalents could be combined. And an average number of---an average houses size or other individual house sizes, we're trying to determine how we establish the buildable areas on each one of the lots. We're trying to establish how big that buildable area is on each one of the lots. And we have a couple of different ways we do it in the City. If you remember up in Morning Star and Hidden Oaks, we actually gave them a building pad and then zoned everything else ROS around the building pad. We've got a couple others with three or four variations on how we do limits of disturbance. Right now we're working really hard to use our existing definition of gross residential floor area in the Land Management Code, because that how we consistently apply it everywhere else and we think we understand it. There may be some additional definitions in there.

The applicant is going to give us some information over the next two or three day---or not the applicant, excuse me. The property owner will give us some additional information on how they see that going. But because of the steepness of the site and a few other parameters on that road, I

think we're going to have to have some fairly good understandable controls going forward.

Commissioner Suesser: Okay. Thank you.

Vice-Chair Band: Okay. Well, if no one has anything to add I think that we should probably go ahead and continue.

Commissioner Thimm: We keep saying this not a CUP application at this point. What are we continuing?

Director Erickson: So, the Treasure project---

Commissioner Suesser: It's an amendment to the MPD.

Assistant City Attorney McLean: Just read the agenda.

Vice-Chair Band: An amended development agreement and conditional use permit.

Director Erickson: That's what we're doing.

MOTION: Commissioner Thimm moved to CONTINUE the Amended Development Agreement and Conditional Use Permit for Treasure Hill to January 17, 2018. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:45 p.m.

Approved by Planning Commission:

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PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 17, 2018

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Assistant City Attorney Polly Samuels McLean; Jody Burnett, Outside Counsel; Anne Laurent, Community Development Director; Matt Dias, Assistant City Manager

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

PUBLIC COMMUNICATIONS
There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson announced that January 26th is the deadline for applications to fill vacancies on the Planning Commission and for current members who wish to re-apply.

Director Erickson noted that the Staff was scheduling a potential meeting on January 24th. That discussion would take place later in the meeting. They needed to make sure there would be a quorum for that meeting and for future special meetings into February if it becomes necessary.

Director Erickson reminded everyone that the parking plan is in effect and he had the blue validation tags for people who parked in China Bridge.

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

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

Chair Strachan: Since this is different than what we've been doing in the past, I don't know who's really going to take the lead here. So I'll just kind of throw it that way and whoever catches it can start talking.

Craig Call: Thank you, Mr. Chairman. My name is Craig Call and I'm here representing the property owner for the alternative Treasure project. And I'd like to start out by simply explaining how committed I believe the City Staff and others who have been working on this have been. As you know, or course, Monday was a Federal Holiday, and yet several times during the day it was obvious from the communications back and forth that your Planning Department leadership and City leadership were busy trying to solve problems with this case. As were our consultants and the professionals that have been retained by both us and the City.

So I just want to appreciate---express my appreciation as the property owner's representative for all the extra work that's gone into this. That doesn't mean that we are smiling with all our arms around even the biggest question. We certainly have our arms around a lot issues so far. We've covered a lot of ground, literally. But the one major thing has been elusive, and a lot of things hang on that. That basically is the road configuration; thus the optimal location of the hotel; thus the amount of excavation; thus the amount, you know, what there is to do with it. But I don't know how anyone could work any harder. And I guess I'm willing to offer that, and then let the City leadership here speak somewhat on where we are.

Matt Dias: Thank you. Matt Dias, Assistant City Manager. I know you're probably all anxious to see all the good work that Mr. Call said we've been doing. So I will say ditto on his comments in terms of effort and people working together. We obviously appreciate your patience and we know that you're seeking specificity. So we've been doing everything that we can to try to answer the questions that have come up over the past few weeks as we've been working on this.

There was some additional public comment that Staff received over the past two weeks, and so we want to make sure that Francisco presents that for the record prior to going through some points of the development agreement.

Planner Astorga: Planner Astorga, Senior Planner. We received three additional public comments that were emailed to you this morning. And they're also available on our website. One is from an adjacent property owner, the North Star Homeowners Association, which they simply indicate that they prefer Alternative C. It's the one that also the City and the Commission prefers. They do request that the, that the developer and the City work on finding a secondary access. And that we maintain the ski access available for everyone. It was a short letter. Everything else, over a 100 public comments have been uploaded on our website and are available for review by anyone.

That's all I have to report on that.

Matt Dias: Okay, so what, what I have here in front of you is I have some sort of, some deal points that have come up in the Development Agreement over the past few weeks. And these are areas where we've had a great discussion. Where you've had great discussion, also, over the past 18 months.

Just to summarize things like the housing obligation, how we're going to handle parking, how we're going to handle excavation, gross square footage for single families. I could kind of go on and on, but there seems to be these kind of six or seven, and I'll call them sticky points, that we've been debating and you've been debating over the past 18 months on how to mitigate and how to handle these issues. And we see the opportunity to try to resolve these in a potential development agreement. So, I'm going to kind of run through them from top to bottom and then offer you, obviously, the opportunity to ask us questions. If that sounds okay.

Okay, so I'll just start right from the top. We've had a lot of discussion about the housing requirements that the development would trigger. And we have agreement with, with the property owner in this revised scenario to use the 99-Resolution, which would be approximately between 8-12,000 net square feet of affordable housing. The reason we don't have the specific number is because it will ultimately be determined by the commercial uses in the hotel and the number of hotel rooms. And so that's the reason I don't have the exact number. That is the general kind of ballpark number that we are using in the Resolution. That is the foundation of that. And it's a little bit---well, it's two-fold so it can be a little

bit confusing. But since the project has been bifurcated into a commercial aspect and into a residential aspect, there are two obligations. And so we've been working on what's the best way to manage that obligation and handle them. Should we handle them together? Do we handle them separately? And so we've had a lot of discussion about that. And what we've been circling around is requiring the owner to fulfill the obligation prior to a CO, certificate of occupancy. Either the residential or commercial. And also allowing them to fulfill the obligation, the entire obligation into one aspect if they wanted to.

So, here's the hypothetical. Although the obligation is bifurcated, we could have a scenario where the hotel was developed first. And under that scenario we would allow, presumably, the entire obligation to be fulfilled at the hotel property. Conversely, if the single-family went first, the owner could fulfill the single-family obligation in that area if the hotel wasn't being built yet. And we kind of think---right now we're circling around that's the most practical, practical solution; and probably the fairest to all parties involved.

We've had a lot of discussion about fee-in-lieu. Moving the housing to other parts of the community where there's more shopping centers and services like the post office and other things. But right now we think this is probably the fairest, most transparent way to present this application.

So, with that, you know, Craig or Anne, if I've, if I've left anything out. And feel free to take questions on this aspect.

Craig Call: I'm happy to chime in and just make sure that there's some indication of where we can confirm what you're hearing. The, the ideal way to resolve the questions is, of course, if the hotel is built first. So, because of extended ownership we haven't yet resolved the ideal way to solve the problem if houses go first. But there are several option, one of which Matt has explained. If, for example, part of the [inaudible] complex is going to be modern income housing anyway, and we certainly expect it will be employee housing, then also we've been able to find a way to diffuse the massing of the hotel into different components on the hillside, then it may that, part of that could be the employee housing component which could free stand. But we just need to get the final information to confirm that. That's certainly a viable option that we're exploring.

Commissioner Suesser: Matt, could you just explain the---if, if the houses go first, how would the employee housing obligation be filled?

Matt Dias: It would be fulfilled on site. I should, I should---

Commissioner Suesser: Before a CO is issued for the home they'd have it on---

Matt Dias: Correct. Before the first, and correct me if I'm wrong. Before the first single family home received its Certificate of Occupancy, they would have to fulfill the single-family obligation. Not the other obligation, which is for the commercial uses and the hotel. I should say that at any time the developer, or whoever is the ultimate developer or owner, could come in and seek to amend this. There's no reason that they couldn't say we have a good opportunity in another part of town or we have this creative idea. Nothing we would do, I would think, would preclude that unless you asked for it. So that could always be something that happens down the line. But right now knowing that there are two very distinct types of uses up there and the obligations are bifurcated, that there's a way that we can allow these to be tied together and fulfilled together, or allow them to be bifurcated in perpetuity. And just allowing that flexibility. And we're thinking right now it's maybe the way we want to go. And so we're asking for your feedback on that.

Craig Call: If I may jump in again. Just---one of the problems we have is it's just a 16 or an 18 lots subdivision with a small hotel comparatively to what we've seen before. And so one of the problems we're trying to grapple with and make sure the owners are all in line is, what is the total cumulative over-burden with all the different factors put together? I mean, it may be that once---that when all the factors are considered, you know, the removing of material, the building of the road, the preservation of all the ski slopes, the location of the hotel, and the utilities and everything else. Utilities, of course, having to be scaled almost as big as the original plan; and yet a much smaller investment to amortize that over. Maybe it will just be too much. So we certainly expect to get to a conclusion quickly about that, mainly because the biggest factor is the road, and I've already made that speak. And so it may be that we just find that the moderate income

housing requirements at the time that a house is sold makes it really difficult. But we're not there yet, and we hope we never will be. We understand what the City has required. And we also understand your experience and why you want guarantees that this is actually going to be built. And we, we fully understand that and want to make sure that it's completely understood and decided upfront. Thanks.

Commissioner Phillips: Can, can you tell us of the 8-12,000 square feet, a portion of that is tied to the residential, a portion is tied to the commercial. Do you have any idea on how much? Because if you're talking about building---oh, I'm sorry, it's at the bottom of the page.

Matt Dias: No, it's a good, yeah, it's a good question. And we won't know definitely, John, until---

Commissioner Phillips: Yeah, but just ballpark.

Matt Dias: But ball park. We've done the best we could with ball park.

Commissioner Phillips: I apologize. It's right in front of my face.

Matt Dias: No, that's okay. And we knew that was important to you, we knew that was important to the public. So to the extent that we could try to add specificity here, we've attempted to do that.

Commissioner Suesser: Can you just walk through how that was calculated, the 8-12,000?

Anne Laurent: Sure. Anne Laurent, the Community Development Director. The way the Resolution works is that you look at the different uses. And the Code talks about employee generation. And then you translate that into AUEs, and then you multiply that by 800 square feet per AUE. So each of that, like that 2.7 AUE equals times 800 square feet is 2160.

And the hotel employee generation is based on number of rooms. The single-family is number of units. So if that 18 number changed that AUE number would change, and that final number would change.

Chair Strachan: I think it's probably best to maybe just roll through them all, and then we can give you feedback on all of them since we better look at them globally.

Matt Dias: Great. Sounds good. Yeah, we agree. We've had a long discussion, as well as you, in terms of the parking requirements and how to park this hotel. For a variety of reasons parking equates to excavation, soils, neighborhood disruptions. And so we've had a lot of discussion about how to minimize neighborhood impacts and if there was a way that we could play with the parking requirements to attempt to mitigate neighborhood impacts. And we've been circling around a few options. And so I'll throw them out here.

The first one is, we can obviously just be true Code compliant. And it's similar to what we presented over the last few weeks, which is approximately 225 spaces of structured parking. It is dependent on some hotel rooms and other things, but that's an approximate number. But we have been consulting with our transportation team and our transit folks and other individuals who contemplate a parking reduction. A parking reduction would mean less excavation, less soils remediation, soils removal, less blasting; but we would need to make sure that we have stringent controls in terms of firm transportation plans for guests and for visitors. Ongoing monitoring, counting, making sure we're holding the property and its operations accountable. So, that is one idea is we could reduce the parking requirement by 20%.

And then we had another idea that was perhaps an additional reduction or an additional incentive could be provided if we had better connection to Old Town. I think it's in everyone's best interest if this property had better connection to Old Town. If people are going shopping or dining or wanting to go to dinner, that they don't have to be shuttled back and forth. And that would be an ideal scenario. So, we throw out there the potential to provide an additional incentive to under park the property, provided we had a very, very high end, very efficient kind of connection to Main Street that would ensure that those trips didn't need to be taken in a shuttle or a

van; which would reduce the impacts on streets like Empire from those shuttles and those trips.

So those are two, well three, excuse me, concepts that we have. The first is Code Compliance, the second is consider a 20% reduction. And the third is you could go even further some day with a new mid-mountain station and a really slick kind of people-mover. You could even contemplate maybe an additional reduction. So I throw that out there.

Commissioner Thimm: So just looking at the map, are we talking about, with the additional reduction, a total of 55% reduction or just 15% more than the 20%?

Matt Dias: I'm sorry, can you say that again?

Commissioner Thimm: So it says, if I look at the third bullet point it says additional reduction 35%. Is that 35% on top of the 20% reduction, or is that a total of 35%?

Matt Dias: Total of.

Commissioner Thimm: Okay.

Matt Dias: Good question. Excuse me. And so obviously we're trying to be creative. We understand we would need a very robust transportation plan, monitoring plan, to ensure that the operations warranted this type of a reduction. And we're aware of that.

Keep moving or you have anything you want to fire at me? Keep moving?

All right. Mid-station. We've had a lot of discussion about this, particularly at the last Planning Commission meeting, and even the last City Council meeting. Tentatively, we have agreed on no more than 10,000 gross square feet of resort accessory at Mid-station, and 7500 net. There's been a lot of discussion about what this Mid-station might need to be a functioning Mid-station. Whether it would need to be able to sell lift tickets, ski lockers and storage. And then obviously some type of food

and beverage. And we have worked with the owner to try to constrain having a full-service restaurant there. And I think we heard from you and from City Council that that was a concern, having a full-service restaurant there and that becoming a commercial draw and driving traffic and parking and other intensity to this, to this area. And the idea was this is truly supposed to be a skier amenity. And so we've tried to constrain it. We've constrained it with a no table service type food and beverage accessory, and employee parking only. So it's not somewhere that Anne and I can drive when we want to go mountain biking or we want to go skiing for the day and park. It is not that type of a, of a mid-station. Obviously, this is contingent upon some sort of Town Lift upgrade with, with the Resort. And we would also make sure it complied with the other zoning requirements in that zone. Height and everything else. So that's, that's where we've come on that issue. I know there's been a lot of discussion.

Keep moving? Some other items that have turned a lot of heads. You know, obviously the excavation of the reduced scale and scope of this project in and of itself, we feel like, is a major, major get for the community and for that hillside. We are trying to maintain that any uncontaminated soils remain on the site to reduce dump trucks moving in and out of this area and on neighborhood streets. Trying to use fill and other methodologies at the Resort potentially to take some of this material. And then obviously there's a caveat at the stage where the EPA has any type of contaminated soil, that that soil would need to come off. And I think we've heard from you and the City Council that you'd like us to hold the line here and try to make sure that everything can stay on site. We're working to do that.

Single-family. This has been another area that people have commented on in terms of trying to get a better definition of the total size of the homes in this area. And normally this type of a subdivision we would just apply the Code, and, and whoever the developers would come in, and there would be some type of an allotment for net square footage versus gross square footage for a garage and other type of things that typically aren't counted in the net square footage. But again, we know you've sought and the Council has sought certainty and specificity. So we've been working very, very had with the owner to try to bring you a number and try to bring the community a number; a gross, gross square footage. I don't have for you today. I do hope to have that for you, though, next week. We hope to have a cap on the single-families, to provide you and the community with

certainty of how big those homes are. And we know that's very important [inaudible] as well.

And then finally we had previously been in here and we had said we had a, a disagreement---or I won't even call it a disagreement. The owner was requesting additional meeting space, but the owner is no longer requesting that meeting space. They are just going by the kind of Code compliant 5,000 square feet of meeting space that the Code would provide. And we just applied the percentage to it. So, positive progress there. And we know that had been a concern of yours last week.

Okay, so this is the, the elephant in the room, so to speak. Adam, I don't know if you want to take a break here and just review those items and see if there were any other questions before we dive into the, the difficult with the road and the work we've been doing there.

Chair Strachan: Questions on those other issues? Thoughts?

Commissioner Thimm: A couple of questions. Regarding excavation, with respect to clean soil, you said it would remain on site. Is there going to be some sort of a definition of what on-site means.

Director Erickson: The answer is yes. And we're working on that definition as part, as part of the mitigation strategy now. But it will be at a minimum consistent with the previous MPD. And we're exploring with the owner at adjacent property, particularly the ski run, but we don't have any agreements to commit to at this point.

Commissioner Thimm: Another quick question. It's on parking impacts, these, these reductions. Is there any kind of analysis being done or has it been done to determine viability of the 35% reduction, for example? I mean, you mentioned if a more robust mid-station were established, then that could work. Is there some sort of an analysis that says that it actually would be viable, or how do we get to that conclusion?

Matt

Dias: Well, we have a few other properties in our community that have been under parked, and they're kind of the basis for our initial run at this. And we have been working with our transportation and transit folks. But the basis of this is there are a few other hotel properties in our community.

Commissioner Thimm: So local case studies, then?

Matt Dias: There are some local examples. And I think Bruce can probably sound off a couple of them off the top of his head. And we have reviewed several of them. And there are examples that have worked well, and there are examples that have not worked so well. And I think our intent is to try to take the best examples and apply them here. And that's what we've attempted to do. So Bruce, I don't know if you want to chime in to answer Doug's question.

Director Erickson: Thank you. Just---I'll put two of them out there. The 20% reduction number comes from the development agreement at Empire Pass and the approval of Montage, which goes with their full shuttle and full employee work. We have a gate on both ends of Deer Crest, which you're aware of. We just received the 2016/2017 update of the parking studies at four of their peak periods and two of their unpeak periods. And we now have that number of parking spaces that's consistent with the previous studies that occurred at Deer Valley under the previous manager up there. So we'll be able to share those numbers in the next report.

The 35% I think is a, is a more experimental number. But I think it has to do with the distance of the project to Old Town and the viability of the lift system that potentially could mitigate trip generation, rather than a shuttle service, or Lyft or Uber or this, that and the other thing. The opportunity to have a gate on this property, which we've discussed with you in the past, also gives us some control mechanisms we wouldn't have say at Montage or at Empire Pass, the other projects near the Silver Strike project, or Silver Lake.

Commissioner Suesser: And that reduction, that 20% or 35% reduction in parking, is that parking overall, including employee parking?

Director Erickson: We're working on that right now. It's much easier for us to control a larger reduction for, for guests than it is for employees. Right now we're working on a requirement to know where employee parking will be on a fee title piece of land that's consistent with the Land Management Code. So we wouldn't just reduce this without having the piece of ground where employees would be parked and a shuttle program for employees.

Commissioner Band: And if---I think you mentioned it as an incentive, the 35% reduction and the lift. I know that we've heard from the applicant here that the viability of the Mid-station isn't really something that they can do themselves because it's just not a big enough project to pay for it. So who are we anticipating paying for that if it happens?

Director Erickson: We, we have precluded no options in terms of upgrading the lift systems. So there's nothing in the development agreement that would preclude it. You could have, similar to what we see in Europe or some of the other places, a separate operator to come in and operate and lift, and make some sort of adjacent deal with the property that the Resort could operate it, a Master Owners Association could operate it. We're just not precluding any of the options to see that installed.

Commissioner Campbell: Can I throw one thing out? This may be more detailed that we want to get into at this early stage, but I---and I think somebody already brought it up, but it's kind of gelled in my mind and I think it would be a miss. I would love to see some kind of people mover so somebody in street shoes could go to dinner in, in town. Get on the people mover get back to this hotel, or vice-versa. But if it turned into such a thing that a visitor that was staying somewhere else on the mountain skied down to the Town Lift, took their skis off to go in and eat, and had to carry the skis back up, that's not a big deal either. But if somebody just wanted to do laps on the Town Lift, and some people do, and you couldn't get on that thing without taking your skis off, it seems like it would be a miss. Does that make sense? You know, because right now it's a typical chair lift and you can ride it in street shoes, or you can ride it without taking your skis off.

And again, I apologize if I'm getting into more detail than we need to. But if I had my way I'd be more supportive of a people mover that lets you get on it without taking your skis off.

Matt Dias: Okay. Noted tonight. I don't want to speak out of turn, but we all sort of agree on that quality guest experience.

Commissioner Campbell: It would be great if it would run at night, too, and that you didn't have to have skis on. I don't know what kind of configuration that would take, but it would be nice if that was possible.

Matt Dias: Right. And I think our attempt is not to preclude anything like that because we would, we would be supportive of that as well.

All right. I'm going to kick it over to Craig Call here.

Craig Call: So---we're on the road, right? There we go. So let me kind of help to do just a bit of background first. Again, we've been trying to look at this entire huge Treasure site and come up with ideal configurations. And---I'm sorry, I should have booted this up beforehand. So this is the, this is the big picture. And one of the big reasons that I can't see it is that I [inaudible]. So you'll notice, one thing about this is, incidentally just in case you were wondering, those colored areas on the ski slopes are placement zones for---fill zones for a much bigger project. So some of those may still be available. And I guess the only point I'd make at this point is, a lot of work has already been done on where some fill might go. And we hope that the major mitigation of dropping the amount of fill dramatically makes this much more reliable. And that's the thing that we are trying to probe. But moving right along.

So, the one thing you remember about the site in particular is how heavily wooded it is, and also how dramatically steep it is. So, the good news is you could do a lot of work as you move across the hill that isn't going to be particularly observable in part because it's, we've got a lot of natural [inaudible]. That doesn't mean there won't be quite a lot done to change what's there, but what isn't changed is going to help mask the kind of cuts and fills that would be necessary. Here's a view of the same area from

the Marsac parking lot. And the potential location of the hotel is this area where there's some pine trees. I guess I'm not showing---if you look at the Silver Top Transit center, then you go up and you can see the ridgeline coming down covered with trees. And behind that another ridgeline covered with aspens where there's no leaves. And then a pocket of pine trees, of evergreen. That's the hotel location if we achieve what we've been trying to achieve. Let me show it for the benefit of those in the audience.

On the picture, on the picture you can see the power line. And that's---the power line crosses the hotel site. But the question is, you know, given the steep terrain, how do you get there. And when you get there can you take advantage of some of the, the existing landscaping and such to help the whole process blend in better. In this photograph, which is from the Aerie, you can again see the Treasure Mountain. The, the line running up through the center of the mountain is the Town Lift. Then moving to the right, that's the Creole ski run. Then moving farther to the right you can see relatively faintly kind of an elbow where something goes up off to the right-hand upper corner and then turns. That's the power line. Next to that is the grove of trees. And I use the term grove a little loosely here because it's steep. I mean, it's not like---if you had picnic area you'd want a very flexible picnic table, because it's, it's a little steep.

So the question is, how do we get there? So this is one plan we came up with showing some, some roads on the larger Treasure site. And we, we brought the road out of Empire and Lowell, which is off to the left. And then crossed where you see two orange balloons there. Going off to the right and then making a fast switchback, and coming back along the face of the mountain, then skirting over to the northwest corner of the property up in the hotel location. The reason for all this road is to maintain the grades. And as this was completed, we, we just found that it probably didn't, it wasn't optimal. And we also, of course, had quite a lot of comments from the City Staff. We appreciate all the involvement of Matt Cassel, as well as the fire authorities, to try to determine how all this is balanced. And the City, of course, has retained Ward Engineering, and they commented on this. And these, and we've retained our own civil engineers to try to comment. So, again, this is an interim plan that simply wasn't, it wasn't settled on and we went to another one. A little closer view of that same plan.

But the concept of creating a loop is in response to the Fire Code, and a real effort to try to get some kind of adequate emergency access that meets the requirement to make sure even for a modest size 18-lot subdivision on a very steep location, that we can, we can provide the kind of emergency, really, that's needed when relief is needed.

So, you remember this from the very first meeting. This is where we started; Options A, B and C. Basically, the hotel remains in about the same location as this C. The return loop that we planned has been dramatically changed and, and expanded and re-thought. So let me show you the latest drawing before today. So this is much more current. And this drawing is not even showing up on the screen. That's interesting. Honest, it's on mind. How do I do that. Francisco, seeing that you got all the talent here, how do I send that to the other---? Okay. I apologize. All right.

So here we have done our best to make sure that we have 10% grades with no more than a 12% grade on short intervals. And, you know, here is one road plan. And the City may have another to show. This has been proposed through our architectural firm GSBS, and with the civil engineering firm that's been of help there. And the City's proposed another. And we're responding to the City's proposal and the City's responding to ours. But generally speaking, these are the kinds of solutions we're coming up with. Number one, the roads are not as long. The loop is not as high. It comes much farther down the mountain. And the loop crosses and touches the purple area on the left, which is the hotel site. And, again, it's very conceptual. It shows a cul-de-sac, but my guess is that that road might, might come right into an entryway or an underground parking structure more than a cul-de-sac, simply because anything we do to better utilize the site for disperse massing, the better the whole structure will function, I hope, and appear from both the community, from the town center, from State Route 224, and from other vistas where it might be seen. And then we have also put circles here to indicate that yes, there are viable locations for homes dispersed around the property so they cannot be in a point where they disturb a lot of that vegetation, and we can preserve much of the hillside and the vegetation.

Let me also comment on the red areas on the upper right-hand. Those are areas adjacent to the future Town Lift connection or weight station, where the Mid-station could be built. But there are, there are huge areas shown there as possible locations. Again, the, the maximum footprint for

that structure would only be at 10,000 feet. So this is much larger than what anything, than what might be included in the Mid-station complex.

So anyway, that's the, those are the factors we've been considering. The terrain, the slope, the vegetation, the location of the hotel, and the ability for the emergency access that meets the Fire Code. This is one of the solutions. The City may have another that it wishes to show, depending on what you all want to do.

Anne Laurent: Okay, good evening. Anne Laurent, again. The, the City's alignment is slightly different. Primarily, we just have slightly different, like, goals we're trying to achieve. But at the end of the day we want a road that works. So, we---based on the options I updated you all on last week, we further refined it. And you can see that we were able to get a road that accesses off of Empire and is at the 9-10% that meets the Fire Code all the way up.

Where we run into trouble is how do we get back down? And we are getting close. What we're going to do as a last step is finesse, finesse this piece of it here to try to get it to cut in a little lower and start going down lower. And then look at just doing maybe a separate little spur, one spur up to the hotel, and enter into it and maybe go underneath it, to try to allow us to start lower to get down. And we think that, we believe we're going to be able to get this pretty close if we refine this upper piece. So that's where we are and that's our goal.

The other option we looked at was if we can work with this section here and try to do something. Even though it's a little steeper, that's not where the access is. The main access would be this access. And we could work on smaller sections being a little steeper here, which is allowed in the, in the Fire Code.

So those are the two that we're trying to refine to get one that works that the Fire Code, well the Fire Marshall, the Fire District, sorry, I can't find the right words. But you can see that we still have some trouble areas we're still trying to refine. And then in addition to that, what I haven't---until we refine it I want to be able to give definitive answers on the amount of excavation and where the retaining walls area. Right now on this the retaining walls are largely down in the lower area up to about here. There, there certainly will likely be some in other areas, but I don't have that level

of detail yet on this. And once we get it working with the grades we look forward to giving you that specificity.

Commissioner Thimm: So, Anne, in addition to where the roads are and the excavation, I think the---and where the retaining walls are, I think the heights of the retaining walls will be really important too for consideration.

Anne Laurent: Yes. Yes. And, and we're feeling pretty good that we're not having much issues up high on these options. So that's good. The main difference between what Mr. Call showed and what the City showed is we were trying to keep at least one of the roads on the, I guess to the north of the run, ski run, and trying not to cut into the hillside again with a second road. I think we'd also like to keep the road a little lower if we can and make it work, because we're just trying to think of minimizing the amount of cuts across the same hillside.

Commissioner Suesser: Could you run, could you run through the three, I think three proposed---Mr. Call's proposed road and then the City's two proposals. I just want to look at them again.

Anne Laurent: So these are the City's two. I don't have---I'd have to hand the---and then this one. And I'm going to hand it over to Craig to show his.

Commissioner Thimm: Has the City looked at this, and are there misgivings with respect to this? Or is there a preferred option that the City and the City Engineer, in particular, have in terms of these three options.

Anne Laurent: I think, I think right now we're just trying to get the civil engineers to agree with the main issues and what the points are so that we're not dealing with different perceptions of the information of what's doable and not.

Commissioner Thimm: So still all preliminary. Still all feasibility study, then.

Anne Laurent: I would say the City's, the City's options are much further along in their engineering. GSBS has just started to have Parametrix look at theirs. So there's been more work done engineering wise on the City's side of this point. And they're trying to catch up.

Commissioner Thimm: Okay. Thank you.

Chair Strachan: Craig, anything further to add?

Craig Call: I think that shows the main issues that we're trying to address. Let me just verify. Our, our architect is here in case he wanted to comment. I think that's a pretty good overview, but again, we set the stage for public questions and your questions that we're happy to respond to.

Chair Strachan: Great.

Director Erickson: So I, I think the highest possible level for the Planning Commission determination is whether the road should try and come down north of Creole Gulch and only cross once, or should the road cross the main mass of mountain to the south of Creole Gulch, which is the applicant's suggested proposal right now. We're working on that and I don't have an answer for you. But that's, that's the main distinction. The applicant is further up the hill than the City's proposals. The hotel is closer to the north and west property lines in the applicant's proposal.

I think the other factor in the applicant's proposal that you're not seeing in the City's conceptualization of this, is the applicant is showing some potential locations for homes which are distributed across the site. We haven't made a determination whether the impacts are greater or less from that. And none of the engineers have confirmed the location of the retaining walls and the ability to access the building sites off of the road.

So all of those issues are moving forward in a, in a calculus of how does this work, where do they all go, is this the real deal, what's the deal killer,

you know, and, and magnify this discussion by the steepness of the site and visibility of the site.

Commissioner Band: So the problem is that we've got these three drawings and we're not really looking at apples to apples here. I mean, we've got the applicant's drawings, which is lovely, but it doesn't show us where the grades are; and the City's do. So, I think you said it's a 10% overall mostly, and with a little stretch of 12%. Is that correct?

Craig Call: Let me invite the architect to just address that briefly.

Commissioner Band: Thank you.

David Brems: What we're trying to achieve is a 10% road that directly goes up to the hotel and does not have to go through the home sites. And what we've been asked to do is look at a 10% road with some stretches of 12% road; not to exceed 250 feet in length, which helped in some of these locations. And as Anne indicated, we, we have another traffic civil engineer looking at this road right now. We'll, we'll get this road to the same level of engineering as the one that you're seeing by the City probably within a week, maybe sooner. We're also---there's similarities to these two proposals, and there's difference. We would like to get together after we get that engineering done and look at the amount of cut and fill, and see if we can't arrive at a, you know, one proposal that we'll bring, bring back to you.

I think we ought to talk about the differences in, in the grading and the way that this works at that later date.

Assistant City Attorney McLean: Can you state your name for the record, please?

David Brems: My name is David Brems, B-r-e-m-s, GSBS Architects.

Commissioner Suesser: And Matt, can you bring up your drawings again and show us the best you can the difference in the hotel sites from your proposal to the applicant's proposal. Or Mr. Call's proposal.

Director Erickson: While they're getting that up, the simplest, the simplest way to look at these two where the hotel site is, is the proximity to the corner in the upper left, and also the location of the angle station in the power line. You can see the bend in the power line in this drawing. The other proposal, the proposal we looked at earlier in the week was sitting on the order of elevation 7400. This proposal is sitting on the order of elevation 7300, plus or minus. So, the applicant has moved down the hill. We're attempting to hold firm at this location. It's much more consistent with the location of Exhibit C or Plan Option Concept Idea C, Charlie, which is at the bend of the power line.

Commissioner Suesser: Oka, so I misunderstood. So the applicant is bringing the hotel down the hill a little bit.

Director Erickson: The applicant is further up the hill than the City's current proposal, but they have brought it down from their previous proposal.

Commissioner Suesser: The City's proposal, though, is a little higher, isn't it?

Director Erickson: No. No. The applicant's proposal is always higher than the City's proposal.

Anne Laurent: Anne Laurent. I can chime in. There's an area in here where my cursor is moving, where it flattens out a little bit. The goal of both the landowner and the City is to utilize that to the best of the design's advantage. It's just a matter of the other design---GSBS is running the road up and above and using both sides and spreading out a little more. I think the City's goal would be to start a little lower. And yes, it may have to spread out just a bit and to try to work with the terrain. We don't know exactly, yet. But I

think at the end of the day we want to merge and we want to come with something that we can say, yeah, this works and it will work for the hotel.

Commissioner Band: So just so I understand, help, help me. What more important here? Is it keeping to a certain defined area, or getting a road that works?

Anne Laurent: Largely it's getting a road that works. And the, the purpose of the hotel being on a site that isn't as sloped allows us to minimize the massing and the impacts as it falls, as the grade falls away.

Commissioner Band: No, no, I get that. And it sounds like you guys are---both, both the applicant and the City are in agreement about where the hotel should be. So, it sounds like we've got a couple of different---obviously we've got a couple of different iterations on the road here. And I know, Bruce, you said you wanted to hear from us, but I'm not an engineer. So what I would love to see is the traffic engineers agreeing where the best---and the Fire Department saying, okay, this is where the road should go. And the least amount of cut and the least amount of, you know, over 10% grade.

Director Erickson: So the Fire Official is working daily on these roads. But I'm going to---the traffic, the, the civil engineers are the ones that are going to rule on the, on the adequacy of the road; not the traffic folks. The traffic folks will decide which way the road, the cars want to go and how many. I, I don't think you need to be an engineer to conceptualize the difference between two roads crossing the south face of the mountain, or one road crossing the face, and a steeper road on the north face. So you can do that from a resident perspective, and that's the concept. So if you look at it top down, everybody seemed to accept sort of Concept C, which is the hotel higher on the site and away from the neighbors. Right now we're trying to attempt to resolve a Concept C with a road that meets the fire standards and the civil engineering standards with the least amount of cut and fill, least amount of retaining walls. And then we'll deal with the home site locations.

Commissioner Band: Okay.

Commissioner Suesser: So the City's alternative roads would result in a lot less cut and fill.

Director Erickson: I don't know the answer to that yet, because the City's alternative comes down the north side, and the landowner's alternative cuts across the south side. So it would be on the, underneath this blue section, again. So they may, they may come in fairly close, but we don't know yet.

Commissioner Suesser: Keeping the road in the gulch like the City's proposed and having it switchback like that is going to require more bridges. Correct?

Director Erickson: In the drawing you're looking at right now, it looks like there's only one bridge across the ski run. In the applicant's proposal I think I saw two. But I didn't review it today.

Commissioner Suesser: Okay.

Director Erickson: There may be a third down at the bottom where Empire and Lowell cross in order to maintain ski in/ski out to those properties on both solutions; whether it's the landowner's solution or, or one of the City's solutions. And that's still to be determined while they work on these road grades, cuts and fill.

Chair Strachan: All right. What next?

Matt Dias: I guess---well, thank you. I think that we, we, you know, appreciate the opportunity and your patience, and, and sticking with us as we presented the information tonight. And a lot of what we presented tonight was based on your feedback and the feedback from the public, quite frankly. We've been taking sort of meticulous notes of the questions from the public. And so, maybe before we discuss---if you don't have any other questions, before we discuss kind of next steps or where we go from here, maybe

take public comment and hear from the public. And that's been very important to us.

Chair Strachan: Yeah. Have we aired out all of our kind of substantive questions and comments about what we've seen tonight, or are there more?

Director Erickson: Let me do one more thing, Mr. Chairman. Where is Francisco? Both of these presentations are going to be up on the website by when?

Planner Astorga: [Inaudible] as soon possible. I just need to get Mr. Call's presentation. It will be up tonight.

Director Erickson: Okay, so I'll repeat what Francisco said too far away from the mic. And that is that he will upload the City's presentation this evening and Mr. Call's presentation in the morning. And then we're happy to take comments on what the drawings do as we work through this. All right. So they'll be up, the public will be able to see the drawings. Be able to zoom in and out, make some determinations. Thank you. Sorry, Mr. Chairman. I just wanted to make sure that that got out.

Chair Strachan: Any more questions, comments?

Commissioner Thimm: I have just a couple of quick things. I presume---Matt, you mentioned that when we're talking about next steps, I mean, this is, and probably rightfully so, come to a very fine focus on how, how we're actually going to get there. We've---and last week we talked a lot about square footages and what's going to be there in terms of area. I presume that in the next steps that, that we're going to be talking about massing and height and scale and that sort of thing, especially for the boutique hotel. Is that true?

Anne Laurent: Our certainly goal is to, once we get the road figured out and we can hit the massing hard. I know GSBS has already looked at it. We've taken a little run at the mass and scale. But yes, until we get the road nailed down we, we'd like to just---

Commissioner Thimm: That's where the focus is now?

Anne Laurent: Yes.

Commissioner Thimm: Okay. Then, then one other quick thing. Seeing David Brems here, I do need to disclose that over the years I have worked collaboratively with GSBS, as well as in friendly and professional competition with GSBS. But those associations will have no bearing at all on any decisions I'm a part of.

Chair Strachan: Understood. All right. Anything further? Okay. Let's talk about some next steps so that we give the public everything before we open public comments. Do you have something to on that front?

Matt Dias: I guess what I would have to add on that front is, is our hope is to return on the 23rd with a bundle package of a development agreement for your consideration, so you can evaluate to what Commissioner Thimm said earlier, everything in its totality and not sort of these kind of one-off kind of issue spotting in a vacuum. And I think it's hard to do that when you're considering the totality of the situation, the ultimate buy-down of half the project, the separation and bifurcation from this kind of mixed-use commercial into half residential and half commercial, more neighborhood compatibility, reduction of the impacts. I think you have to look at the whole thing. And so our objective is very early next week. And I believe the owner agrees to try to give you the package for your consideration.

And at that point if you had additional questions we would obviously do whatever we could to answer those. But you could also direct, for example, you could direct the attorneys to begin, you know, begin drafting up the legal terms. If you could kind of give us the head nod that substantially we have met your concerns and your questions, and you want the attorneys to begin that process. So, so that's a hypothetical, but I think our expectation is we'd be back here next week to answer these final questions and try to give you everything in one big package so you can evaluate it that way. And also make it available for the public ahead

of time so they can provide you with their input and have something to review prior to the meeting.

Chair Strachan: Well, let's mull that over a bit and open the public comment with that possible schedule in mind. Although I'm not so certain that's the schedule we'll be adhering to. But anything further before we open the public comment? Okay.

Commissioners, anything further public comment? Okay. Let's open the public comment on the Treasure Hill item on the agenda.

Public Comments

Kyra Parkhurst: Good evening, all. I am Kyra Parkhurst. I live on Empire. Just one thing. The one thing absolutely---the one thing I loved about the Sweeney's project was their original idea of something to help the Main Street merchants. And I don't want that to get lost in this. And I feel the one thing that does kind of perk the Main Street merchants, especially those immediately at the bottom of the Town Lift, is developing a coffee house and ski shops. I mean, how far do we have to go to go get to another coffee house. It's just a little bit down the hill. So I'm not sure---I mean that's another big part that could be eliminated and some excavation to help mitigate the project. After all, right down is the Bridge Café, Atticus, four ski shops; and then they're going to have them at the hotel, and there at the base. So I'm not sure if we really need, if there's a need for it. And there's many resorts that just have a really just smooth drop-off, and there's just a little stand for the lift operator. And they get off or get on and away they go. So, I still, I think that would help the merchants an awful lot.

And then on the 5,000 square feet of meeting space, I think that's---it would be nice if that could be explained or defined on whether it's going to be one large, like the Egyptian at 6,000, and they can hold 266 people. So is it the idea to have one large so that they can have that type of auditorium facility also? Or is it 5,000 divided into smaller spaces that small meetings can be held? And I think there's a big difference there. You know, because 286---one big, will hold events that will draw people into the resort.

But that's it. Thanks.

Chair Strachan: Thank you.

John Stafsholt: Hi, John Stafsholt, 633 Woodside. I'm just going to respond to some of the stuff I've seen tonight so far. This---the reason I got up now is this is out on the screen. Looking at it, right here in this support commercial, support commercial, we're supposed to be half the amount, which is 9500. A 50% reduction. But we're adding in 5% of the hotel. This has been contentious all along. I don't think it should be there. We're also double-counting I over here; 5% again in accessory and meeting space. And the meeting space shouldn't be in there, or it shouldn't be counted twice.

We also shouldn't be adding a brand new thing of 10,000 square feet at the mid-station, which is not support commercial at all because it's not attached to the hotel. If there is a mid-station, which is new, and now we have 10,000 square feet of commercial there, that means that everyone, every single skier who goes up the mountain or comes down the mountain whether they're skiing or riding hopefully a gondola and not a people mover, has access to that. So that's absolutely not support commercial at the mid-station if a ski lift goes through there. And to my mind that shouldn't be allowed.

What else in here. A few things beyond this. I just wanted to comment on that because it's there. We're also adding 68,000 square feet of back of house to a 100,000 square foot hotel; plus 5,000 meeting, plus 9500, plus 5,000. We're also adding 20,000 back of house to single-family houses. I don't know. Never heard that at my house, anyway.

Beyond all those things, it's still striking me kind of strange that we are taking like new information that Bruce talked about of actual parking studies in 2017, when this is supposedly still the MPD from 2004 that was done under the 2004 LMC. Now I'm seeing up here that this is based on the 2017 LMC. I may be dim, but I'm probably not the only one who doesn't understand why this isn't a new MPD but it's under a new Land Management Code. So I'd like to understand that. I think we all would. It seems to be it's clearly a new Master Planned Development if it's half the size, all new roads, all new hotels. It's all, if the whole hotel is outside the

limits of disturbance, how could this not be a new Master Planned Development.

It's nice---believe me, I met privately or with the City and they are doing a great job, absolutely, so I don't want to seem like they haven't. It's nice to see the City present here, but I'm a little bit surprised that the City's presenting Park City II's plan. It's kind of surprising to me. If this is the private road system we've been told all along, it's kind of interesting that we're designing it as the City, if we're not to maintain it or plow it or anything else.

Just some thoughts that came to my mind. Hopefully it wasn't too rambling. Thank you.

Neals Vernagaard: Hi, Neals Vernagaard, Lowell Avenue. Agree with, with John that this whole mid-station thing needs some better clarity for the public. It's starting to sound a little bit like incrementalizing ourselves to Treasure, which doesn't feel right. So we need a whole lot of clarity. [Inaudible], all those kinds of things. Because if it's just a place to change to ski lifts, you don't need a coffee shop. You don't need anything. You just need to show up and put your skis on and go. So that's that point.

Are we going to get some clarity on time frame? I thought after, after reading the paper and going to a bunch of these meetings that tonight was the night that was going to be signed, sealed, and delivered. That the Sweeney's would get their check. Clearly that's not going to happen. Are we going---that's kind of a question that maybe somebody can answer for me.

Chair Strachan: We've got that same question. We're going to talk about that.

Neals Vernagaard: And then least, your two road proposals. Best I can see it cuts right through somebody's house. Down at the bottom as it connects with Empire, there's, there's a house there, so it would cut across that person's driveway. That's it. Thank you.

Anne Louis Garda: I live next door to the property. Thank you, thank you, thank you. Obviously a tremendous amount of work has gone into this and I'm very appreciative of that. I'm particularly appreciative of the time we spent, we spent on excavation and heights and retaining walls and things like that. And that the developer is not pushing to have more meeting space than [inaudible].

I, I just want to talk a minute about the possibility of a mid-station. Please don't put anything there that is going to have people parking on Lowell and Empire to get on to the ski lift. Like others, I see no reason to have any kind of mid-station facility at all. We're all perfectly capable of skiing down to the bottom of the Town Lift and going up. And so I, I hope nothing will be put there that attracts more traffic to get on the ski slopes. Thank you.

Chair Strachan: All right.

Ed Parisien: I just had a couple of quick questions on, on the road. Has any thought been put into connecting this road, or one of the roads anyway, to the Crown, King's Crown?

Chair Strachan: Yes.

Ed Parisien: And that didn't work out? All right. Okay. So, we're going to have two roads, and they're going to be private roads. Right? Are they going to be lit up all night? Has there been any thought given to how they track the lights going on. Those are my two thoughts. Thanks. And thank you for all your work on this. But the lights wouldn't be good.

Rich Wyman: Hi, my name is Rich Wyman. I'd also like to thank everyone here at the City for doing such excellent work. Just a couple of things. Maybe you already know, maybe you don't. When you, when you Google boutique hotel the first thing that comes up is the Washington School Inn, and it has 12 rooms; not 100. Another comment. At least as far as I understand, and I could be wrong, no meeting space was permitted in the

original MPD. It was absolutely not allowed. And this will exacerbate an already bad situation with the roads. Another thing I just looked up. There's a website called Banquet Tables Pro. And when you type in the amount of meeting space you have---I typed in 5,000 square feet. If you're doing cocktail parties, standing guests, the number of people you can accommodate is 833. That's a lot of people. Both standing and seated is 625. And they go on to break it down into banquet style. Roundable seating, 416 people. Rectangle tables seated 500 people. Theatre or auditorium style; you can get 833 people in there again. So I seriously think you ought to consider the meeting space whether it is in the original MPD or not; which I understand it is not. And second of all is how it's configured, how many people you're going to be able to fit in there, and how much traffic that's going to generate. Thank you.

Chair Strachan: Thank you. All right, anyone else from the public?

Clint Massey: Hi, my name's Clint Massey. I've lived at 1213 Empire for 15 years. It's not a rental house, it's mine. I've never been to a meeting, I've never spoken up or anything because I've been a member of THINC and they've done such a good job of speaking up for me. But as we get to the end of this process, I just wanted to just give you a feeling for having lived there for 15 years what I've experienced as the traffic has increased, as we go through destroying---we'd really be sacrificing a lifestyle, our, our neighborhood to this project or any project up there. We all know that. But last Friday night we had traffic backed up all the way from PCMR all the way up Empire Avenue at a standstill for over an hour. And I don't know if anything special was going on, but that just has become the way Empire Avenue is, is being treated now. I ask---you guys have done a great job and, and I love what you've done. Just keep in mind that this is a neighborhood that we live here as you proceed with all these negotiations and the details that's involved in this. This is our home and we are going to sacrifice our, our style, our style of living, no matter what. If anything can be done along the way that alleviates the traffic or that helps, helps everybody understand that we've been here for a long time living, and we deserve to be treated with a little bit of respect as it goes along.

That's all I'm going to say. Thank you.

Chair Strachan: Anyone else from the public wishing to speak on this item? All right, we'll close the public hearing.

End of Public Comment

Chair Strachan: Let's talk about next steps. And Anne, you were about to add something? No? Okay. It seems at least to me a little odd that we would have a package before us to consider and sign off on as early as next week, when there's still a lot of questions that I think myself and the other Commissioners still have. And so I don't want to rush that, but I'm open to hearing what the other Commissioners' thoughts are on that.

Commissioner Suesser: I fully agree with you, Adam. I don't think we have nearly the, the details for what's being proposed here to consider voting on the package as early as next Wednesday.

Commissioner Band: It would have to be a very impressive package.

Chair Strachan: And we'd need more time to digest some of the larger---

Commissioner Thimm: Yeah, and, and that's the point. I mean, it sounds like everything is sort of just in time. So we come to a meeting and it sounds like the ink is still maybe drying on some of these drawings as we look at them. And it seems like we ought to have a full chance to review that in advance of a meeting, not only for the Commissioner but also for the public.

Chair Strachan: Yeah, I agree. I agree.

Matt Dias: I mean, obviously the time line was negotiated between the Planning Commission and City Council when the, the two Mayors at that time came and negotiated before you; and obviously there was an agreement with the property owner. So, I don't want to speak on behalf of the Mayor,

particularly when he's right behind me, or the property owner. So I might let them speak for themselves if that's okay.

Chair Strachan: Yeah, go ahead, Andy, enlighten us a little bit on what the timing is.

Mayor Beerman: I was hoping that Matt would speak on my behalf. About a month ago, Chairman, we sat down and you spoke on behalf of the Planning Commission and I spoke on behalf of the Council, and we agreed that we needed to do this in a fairly tight timeline due to your time constraints due to the applicant's time constraints, and the public's concerns. I think we've made a ton of progress but we haven't hit all of our benchmarks. There are certain things that we promised we would have to you in a timely manner so you could make decisions. So I think that coming from the City Council's standpoint we would be okay with a, with a delay long enough to get you that information, which could hopefully could get there pretty quickly. But I can't speak on behalf of the property owner, so I, I will pass that over to Craig.

Craig Call: Thank you, Mayor. Again, we appreciate all the extraordinary work that people have done and it's hard to imagine that it could have been, that we could have gotten where we are any quicker. And so we were, we will admit, too optimistic about gathering enough information soon enough. But the kind of commitment we're making---we're, for example, trying to schedule a meeting tomorrow when all the engineers can be in the same place at the same time, and on a couple of key issues, so that the rest of the things can fall into place.

I don't want to slam the door on the idea that we may have enough to you for this very impressive package that Ms. Band referred to. If that's true, then again the, the most---I mean it would be great to get a sense of the Planning Commission. But once we let the lawyers loose and start drafting, obviously, that's where the devil is with the attorney's and the details. So, I mean, there simply can't be a final decision next Tuesday. What could be is a clear direction if we are worthy of that answer because we provided what you need to have to give it.

And by the way, I know the biggest thing that I regret of not having is the massing analysis. I mean, we've got some road work and you can see

kind of how it works. And it really---there's a lot of commonality. But this, this will be a major challenge to try to give, to give you something that would indicate the options for massing that much density, that much, that size. I don't mean to use the word density. The gross size of the project in the location we've chosen and give an impression of what that means. So that's a very high challenge, but we don't want to let ourselves off the hook to try to do that as soon as we can do it in a reasonable, measured, and adequate manner. Understood.

Chair Strachan: Well, you know, I guess underlying this all is this sort of subtext that the City is demanding information, answers from the applicant. And in some areas we've got them and some areas we haven't, and is holding the applicant's feet to the fire. And that's been one of the reasons for the delay. So I can't say that I am appalled at the delay because I think the reasons are right for it. I mean, we can't just roll over and say, all right it looks good. It's so much less density than 17.2 so we'll just take anything. I think the City has been very good at saying we're not just going to take anything. It's got to be right. You know, it's got to work. So the delay and the time that it takes to flesh those demands of the City out, I'm fine with, with having. It would be another situation altogether if you guys were coming before us and telling me and the rest of the Commissioners that you really just kind of skied most of Martin Luther King weekend, and everything you know, just got put on hold because somebody's daughter graduated from driving school.

And so I just, you know, I'm willing to, to, willing to give you guys more time. I don't know if that's possible in the deal that Park City II, LLC has with the Sweeney's, but that's for you guys to figure out. But there's got to be, to Neals' point, we need to be able to give not only the Commissioners but the public a finite deadline at some point. And maybe it's not next Tuesday we get that future deadline, but at some point we've got to be, you know, all cards face up so we can look at, you know, who's got the best hand and count the cards. So I just hope that you guys, and I think you do understand that, but, you know, it's, it's not going to be okay if this comes to us and we get a week and we're told you gotta decide it. You know, February 7th is, February whatever is the decision date and this is all the information you're ever going get. And we just don't have enough time to go over it all. I mean, I think you guys understand that, but I mean, Doug Thimm is going to look at this with a fine tooth comb because he has all the expertise to do it. So you can't cram it down us.

So I guess in sum, my recommendation is just give us enough notice to read over all the information that you give us in that finite packet and, and we'll do our best. We'll do our best. But, boy, we'll keep at it.

Anything more to add on that front? Are you guys getting the direction you need from us? I mean, you guys are driving the ship yourselves and, and doing a good job at it.

Mayor Beerman: Just a question for you guys or a request. I think certainly the timelines have been important to keep things moving along and honor our obligations, but it is equally or more important that we get this correct. And in order to keep us moving along rapidly, I think it's important that we have a firm list of requests from the Planning Commission and what they would like to see at the next meetings. I think most of that Matt's been taking notes, but if you want to summarize what the key items are, we, we know what we need to accomplish what we need to accomplish before you can get to a point where you're willing to make a decision.

Chair Strachan: Well, clearly the road has got to be nailed down because that's, that's the foundation upon which all the other questions are based. It's holding up the massing analysis, it's holding up the excavation analysis, it's holding up the soils analysis. So that's got to be decided and it's got to be decided soon. That's an engineering and fire question. It's not necessarily a Planning Commission question. But once that gets nailed down the things, I think, we're all going to be looking for---and this is just a partial list, because these guys are going to chime in with several others, I'm sure. You know we're going to be looking at the massing and the bulk and scale. And we're going to be looking at the retaining walls that are going to be necessary for that road. We're going to be looking at the use of that meeting space, because the use ought to be defined. It shouldn't just be blanket meeting space that can be used for hundreds and hundreds of person gatherings. It's got to be nailed down. The mid-station has to be hammered out. That may be policy decision that the City Council has to make, but it is troublesome that that may compete at some level with Main Street, which has always been one of the third rails of the Sweeney MPD. That is that none of the commercial in that project could compete with Main Street. So, if we're going to throw that idea out, there better be a damn good reason why. And we better be very convinced it's

viable. And then if the project---the applicant itself thinks it's worthwhile because the last we heard was that it just may not make financial sense to do it based on the size of the project. If the project was bigger it might make sense, but this project may not support it.

I think those are the biggest issues. The other Commissioners are going to have many more. Why don't we do it the old fashioned way and we'll move left to right and let's just give them some issues.

Commissioner Thimm: I think, Adam, that you've hit most, most of what's on my mind. I think we, based upon what we've been through, we should probably have an area of disturbance line that's actually defined on this that we understand. A true description and understanding of where, what and what depth the soil is going to be or the rubble or whatever it is when we're done. Another thing is understanding what this means in terms of traffic impacts. I don't think that when we went through the first, when we went through the consideration of 17.2 and maybe it's predecessors, we never even got to a point to where we were completely comfortable that everything was properly mitigated both from a traffic standpoint and emergency vehicle access standpoint in the worst of conditions. And I think that we should understand that if we're going to be looked at as ratifying an agreement.

Chair Strachan: Yeah, and I think a way to do that is to just have---I've been thinking about that a little bit. And I don't want to open a full-blown traffic study into this because I don't think it's necessary. I think what you can do is you can have Alfred Knotts compare the numbers of this new alternative to the numbers that were plugged into the traffic analysis for 17.2. And you can figure out the percentage reductions between those two numbers. And I'm sure he can do that pretty quickly. And the mitigators to that are up to the applicant to provide us, but because you've got the benchmark of 17.2 and its traffic studies, I don't think you have to start from scratch.

Commissioner Thimm: I, I don't agree. Or excuse me, I do agree. I don't think we need a full-blown study. I do want to hear from both Matt and Alfred.

Chair Strachan: Yeah, yeah. I think that's right. Laura?

Commissioner Suesser: Well, I, I agree with everything that Doug Thimm just said. With regard to the mid-station, I think that it could, I think a people-mover or some connection from this project to Main Street is vital. And I think that this mid-station, which isn't really mid at all, it's quite close to town, could, could serve that purpose. I don't agree that there should be any commercial uses in the building. I don't believe there should be any parking in that building, including employee parking. I think employee parking can be done off-site. Someone compared it to something like the building at the base of the Funicular, but the access to the base of the Funicular up at Deer Valley and the St. Regis is not what we have here at this development. And I think that part of the mitigation measure could be eliminating any additional parking in that building, and any commercial uses. I think lockers and a people-mover type thing could be uses in that mid-station, but a café and parking, I think, goes too far in terms of the uses of that building.

We've seen three proposed roads. We haven't really heard the pros and cons of any of the proposed proposals. We don't know which of them would, would result in the least excavation or the lowest retaining walls. We haven't really been presented with much tonight with regard to those roads. We need all those details. And yes, the road has to be decided on and the engineers are the ones that will make that decision, but in terms of our weighing in with regard to the roads, you haven't presented enough for us to really evaluate which would be the---whether or not we agree that a road shouldn't cut, two roads shouldn't cut across the hillside versus switch-backing up the north side of Creole ski run. So I don't know how to evaluate it without more information, and I think that needs to be provided so we can do that analysis.

We haven't heard about the gross square footage of the residential homes. We, we haven't heard about whether or not certain configurations of the roads would lead to less disturbance of toxic materials up there. Perhaps that's being considered, but I'd like to hear if one road would prevent more disturbance than another. That could, we could---if we had that information we could help evaluate what's been presented tonight.

And we also certainly need to discuss the massing and the height of the hotel that's being proposed.

One of the public comments was street lights. We haven't heard---and I, I assume that these roads are 20' wide, but we didn't hear that tonight. So, I'm assuming from last week's presentation that they are still 20' wide, but I'd like confirmation of that.

The, the meeting space is a concern. Again, one of the restrictions in the original MPD was not to draw people to the site. And as we mentioned at the first meeting when we considered this alternative, it, it's my feeling that we should stick to that. We shouldn't be drawing people to this site, and that includes event space that could be used for large events that would draw people from off-site.

So, those are my comments.

Commissioner Band: Thank you. Great comments, so that gives me fewer things to say. I definitely want to understand the 20-35% parking, or under parking if we're going to have the people mover. That sounds pretty iffy right now. It's a great idea. I think we all agree on that as far as a traffic mitigator. As for under parking and meeting space, I think we should---whatever we decide with the meeting space, understand how it's going to work; if it's going to be split up. I think some people have said that already. But if we are allowing them to have larger events, I think we should think about a condition of approval for some kind of shuttles if any of those events actually occur, as opposed to having---especially if we've under parked it, that we have a way to get people to and from there.

Residential home lot size. I'm not sure that we've talked about that at all. I would definitely like to understand what those lots look like. The employee housing being on site. And I think there was a comment made as well about how there might be multiple buildings. Obviously, that goes to mass and scale, but if we're looking at multiple buildings, including a freestanding employee housing building, it would pretty interesting to see what that looks like and how it lays out on the lot. That's it.

Chair Strachan: Great.

Commissioner Campbell: So Anne, could you put your second road page back up there? I just want to ask you a quick question about that. So the, the red section there it

feels a little misleading. And that's not the right word because I know it wasn't intentional, but I don't want to pile on and ask for things that are impossible to get in the next week or two. But I think for us to be able to say yes we like it or no we're worried that it's---because really what, I think get a little bit lost in the details here. Really what we're voting on is---my understanding is whether or not we agree with the concept that this reduction is worth the City paying money for as opposed to what we had at 17.2 or, or going back to Woodruff. So I think it would help me, and I think maybe help everybody else, if we could potentially get a 3-D model of that. My question is, is that something you think you can have by next week?

Anne Laurent: Yes. We've actually done two 3D models of the two previous ones already. We just don't want to show them until we think it works because we don't want to scare anybody.

Commissioner Campbell: At the risk of over-simplifying, I think we've moved from a thing before and whether it's 17.2 or Woodruff, where the buildings were the most offensive, if that's the right word, but certainly the most noticeable. With this new version, the road is going to be the most noticeable thing with the hotel tucked back in there. There will be a lot of places in Old Town where you won't even be able to see the hotel, especially if it's under four or five stories, which I think we all agree it should be. So to me, you're doing exactly the right thing, which is to concentrate on the road, because that's, that's the make or break portion. But if you're going to have the 3-D model for us next week, I think that's, that's the only thing I would ask for. Thank you.

Commissioner Phillips: Okay. Well, one of the nice things about going last is that a lot of the things have been said, so I hope I don't disappoint in my lack of things to add to this. You know, I look forward to seeing the, you know, I mean the thing is, is we spent a lot of time looking at three different versions of roads that you guys are all still trying to figure out yourself. So, and we don't know much about it. So I look forward to having you guys flush things out and really presenting, because this more of an update to use and where you're at. Obviously, we don't know what we're looking at as far as that goes.

So, I'm just trying to think. One of the things---I, I guess the one thing that I will kind of, you know, give my input is on the mid-station. And during the meeting tonight I just, you know, it, it's kind of, it's the one thing to me that seems kind of vague. And I started to try to think about what, what's the purpose? What was the purpose in, in 17.2, and its location and its proximity to where the hotel is? And so I just started thinking about it tonight taking in some the comments. And it seems to me as I'm looking at this map the mid-station---I'm having a hard time getting the complete complex. So I guess what I, what I'd like to see is the concept of the mid-station and how it functions. Because if it's going to be down lower where it was, it's not really serving the, the hotel. So I don't see how it's---unless there's a separate people mover that goes from the mid-station to the hotel. And to me, you know, so---and maybe I'll just leave it at that. But I'm trying to understand how it functions in this new design and the concept. So, to me, with what I have in my head now, it seems to be another pit stop on the way down and it doesn't seem to be serving the same purpose. So, that's all I got.

I might have one more comment. Let me just [inaudible] my notes. If you want to---

Chair Strachan: One thing that occurs to me is traditionally we haven't even had a meeting during the week of Sundance, which would be next week. It doesn't seem like it would be beneficial to stop the applicant's headway and make them come meet with us when their time may be better spent to try to figure out the mid-station or the road or, or whatever. Plus, trying to jam people into the, what, 12 parking spots that are free during Sundance and making them all drive up here has been something we've not historically done. But---so I guess the short question is do we even want to have a meeting next week?

???: Yes.

Chair Strachan: Okay.

Commissioner Suesser: If they have a presentation to give us, I'm willing to meet next week.

Commissioner Phillips: I agree with that. If they, if they feel like, if they feel like they have something to present, I would be more than willing. I think it gives us---instead of waiting two weeks to get any more information, even if it's only a little bit more information, the sooner we can get it the better. My opinion. But I'm not saying I'd be ready to vote on the project.

Chair Strachan: Yeah. No, I don't, don't think that would come up. I think what we've got to figure out is how we're going to agendize things if we have a meeting or not. I think I turn to the applicant and maybe Andy to try to figure that out.

Mayor Beerman: I'd just like to throw an alternative out there. I think there are some concerns about the public getting here during the middle of the Sundance festival and having full attendance. So in the spirit of allowing us the time to continue working on this but keep you and the public update on progress, would it make sense to post a written update packet for you to have time to review, but not have a formal meeting next week.

Chair Strachan: Yeah, I think that makes sense. It sounds like, Mr. Call, you guys are getting close to being able to provide us with some level of packet of materials that would delve into some of these specifics, or is that not right?

Craig Call: I believe we are very close. I think one more session with the engineers may crack the nut and give us a, if not a consensus agreement---I mean we really have come very close. The hotel is in the same location and the upper road reaches the same elevation in all the plans. So, we're very close to having it. And that means the engineers can come up with the---it's been very impressive to me how soon Ward Engineering, for example, working diligently has come back with excavation numbers and retaining wall numbers. And it's phenomenal the kind of commitment that everyone's making. So, yes, it could happen relatively quickly, and I expect it will. But I can't, of course, promise, and your points are well-taken.

Chair Strachan: what do you guys think about that? A package of materials but not a meeting.

Commissioner Thimm: I, I think, actually, having a package and having a week to review is, is a very wise thing.

Chair Strachan: Yeah, I would agree with that.

Commissioner Campbell: Can I just say, without us here to get feedback on what they present next, the, the following week would really be wasted. They're not going to be able to keep going forward if they don't have the direction from us of where to, where to move.

Chair Strachan: Well.

Commissioner Campbell: Which maybe that's okay. I don't know. Andy, can you speak to that? I mean, I like the idea of doing it somehow without having to have a meeting, but I wonder if there's some way to get some feedback to the applicant so the second week is not wasted.

Director Erickson: Let us, let us work on this and decide whether we want to have a two on two or some other kind of meeting, and make sure the public has an opportunity to review it as well. If we do not have a meeting on the 24th, we kind of need an idea whether we have a potential quorum on 31 or, on 31 January whether or not we have a quorum. And I believe we've floated Valentine's Day and that got rejected. So, so it would be the, if we were going to stay on the Wednesdays it would be the 7th---the 31st of January, the 7th of February and not the 14th of February. And, or we'll do a special meeting on one of the other nights because the Historic Preservation Board has a meeting coming up on one of those nights as well. So we need, we should probably, we'll send out another email tomorrow from Laura and Liz to check in on your availability for the 31 and the 7th date.

Assistant City Attorney McLean: I'm just going to jump in here. Let's find out availability on the 31st. I don't recommend that we continue this tonight without a date certain.

Chair Strachan: All right. Well, I think we can all figure out availability on the 31st right here and now, right? We've all got calendars. Is everybody going to be here? I can't be here.

Commissioner Band: I can't either.

Commissioner Suesser: I can be here.

Chair Strachan: We got four?

Commissioner Campbell: I'm here.

Commissioner Phillips: I'm here.

Director Erickson: No Adam, no Band.

Chair Strachan: We can still have a quorum. We've got a quorum.

Assistant City Attorney McLean: Do we have a new vice, Vice-Chair.

Commissioner Band: Preston.

Director Erickson: Preston.

Chair Strachan: Yeah, let's nominate one Pro Tem right now. I nominate Preston Campbell.

Commissioner Band: I second.

Chair Strachan: All in favor.

All: Aye.

Chair Strachan: Motion carries. Okay.

Commissioner Suesser: Adam, are you here next week on the 24th? You're available on the 24th?

Chair Strachan: I am not.

Commissioner Band: I can, I can be here on the 24th. Just not the 31st.

Chair Strachan: I'm a little leery, I'm not, I'm not sure it's necessarily the Commissioner's availability. It's more the public and, you know, dragging everybody in the middle of Sundance up to, up to the Marsac Building.

Assistant City Attorney McLean: Would, would more Commissioners be available on the 30th? The Tuesday night?

Chair Strachan: No.

Assistant City Attorney McLean: No? Okay.

Commissioner Band: Hold on, let me check. I could do the 30th.

???: Is there another location we could do it on the 24th.

Chair Strachan: Well, you know, what would you---let's first ask the applicant. Is it your preference to have a meeting, or is it your preference to submit materials and keep driving, and then, you know, have a meeting in a few more week?

Craig Call: I think the sooner is better. I don't have authority to commit anybody after the end of January. You know, again, the timelines were set in the original negotiation.

Chair Strachan: Yeah. Right.

Craig Call: Because nobody's asked that question.

Chair Strachan: Well, it sounds like we better keep the meeting on the 24th and probably on either the 30th or the 31st.

Craig Call: That would be consistent with the original plan. Thank you.

Chair Strachan: Okay. All right. I think that handles scheduling. That doesn't present you guys with any insurmountable snafu's does it? So, going forward with the meeting on the 24th and a meeting on the 31st.

Director Erickson: Thank you. Thank you, Mr. Chairman.

Commissioner Thimm: Melissa, you were available on the 30th but not the 31st?

Commissioner Band: Yes.

Chair Strachan: Do we have enough time agendize that? I don't think we do. WE need two weeks, right?

Assistant City Attorney McLean: No, you can---because it's a continuation you're okay for the 30th.

Chair Strachan: Great. Okay. Show of hands, availability on the 30th. Perfect. All right. So a meeting on the 24th. Following meeting on the 30th.

Director Erickson: Thank you, Mr. Chairman. That's a motion to continue to January 24th when you have a moment, when you're ready.

Chair Strachan: As soon as we make sure there's nothing else we need to cover. Anything?

Anne Laurent: Mr. Chair, Commission. Last week at the City Council, the joint City Council/Planning Commission there was some questions about Lowell Avenue, and Matt Cassel, our City Engineer promised to come back. He can provide that information if you'd like it. He can also hold off if you'd prefer. And then I just didn't know, there was some questions asked in public comment tonight, and I know last week we tried to answer those and keep a rolling conversation, making sure people's questions were answered. Just wanted to check in with you to see if you wanted any of those questions asked during public comment to be answered.

Chair Strachan: You know, in light of when we're going to have, we're going to handle, you know, the other questions, I think are going to get hammered out as we go through this. You know, I, I suppose the questions about whether we're---what MPD we're under, I don't think that matters because we're going to be amending it substantively at the end of the day. So, that's the only way

this Development Agreement is going to be memorialized. You're getting an MPD amendment and I don't think there's any other answer to that.

The other questions I think are probably best handled by submitting them to the Staff in writing. The Staff can answer them in writing to the best of their ability and present that to us at the next two meetings. And along with the applicant as well because a lot of those questions Staff isn't going to have the answer to. Only you will.

Craig Call: Yes.

Chair Strachan: Okay. All right. Anything else, Commissioners? Are we missing anything? Okay. Nothing further. Great. Then let's have a motion to continue.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill CUP to January 24, 2018. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Chair Strachan: All right. Anybody going out? I'm obviously sick, I won't be going. Going out? No? We're adjourned.

The Park City Planning Commission Meeting adjourned at 7:30 p.m.

Approved by Planning Commission: _____

Memo to Planning Commission

Subject: **Five-Year Affordable Housing Plan**
Author: **Rhoda Stauffer, Affordable Housing Program**
Date: **February 14, 2018**
Type of Item: **Informational**

In accordance with Utah state code, a moderate-income housing plan is required to be updated every five years. The plan must contain an estimate of the need as well as provide plans for how the municipality will facilitate a reasonable opportunity for building a variety of housing, "to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life." Based on these requirements, staff has prepared a draft Housing Plan for review and adoption by City Council at their February 15, 2018 Council Meeting. Staff is providing the report to Planning Commission in order to add Commission input /feedback to the City Councils' review. Please find the Five-Year Assessment and Plan linked here.

Highlights include:

- There is a greater need for affordable rental units: new apartments haven't been built since the late 1990's.
- Park City's median age continues to rise due to loss of young families as a result of the cost to purchase a home.
- More than 8,000 employees commute from outside the city limits.
- Home prices within city limits continue to rise to a level that makes it impossible for households with middle and upper management wages to afford.
- As a small rural town (7,558 in population) in a low-population county (36,000) and a very high cost area, Park City doesn't have ready access to federal housing grants and subsidies. As a result, Park City has initiated its own housing development program with a current pipeline of over 200 units.
- At minimum, to keep the current economic and cultural diversity and to reduce commuting time for the local workforce, 80 units need to be added each year for the next ten years. These units should be a 50/50 mix of rental and homeownership.

Five-Year goals (begins on page 13 of plan):

1. Continue to serve as developer and partner in order to add units as outlined in the development pipeline attached (page 17 of report).
2. Update LMC § 15-6-7 Master Planned Affordable Housing Development to remove barriers to affordable housing development and amend Housing Resolution to address two outstanding policy issues: employee generation formula for recreation businesses and analyze cost/benefit of amending the residential formula for calculating housing obligations.
3. Establish a Stewardship Program for owner-occupied, deed restricted properties to ensure long-term viability and affordability.
4. Continue the "buy-back and sale" program to update older deed restrictions as properties are available for sale.

Resolution No. 01- 2018

RESOLUTION BY THE PLANNING COMMISSION SUPPORTING CONTINUING THE TREASURE HILL CUP APPLICATION TO A DATE UNCERTAIN AND SUPPORTING THE CITY COUNCIL AND MAYOR OF PARK CITY IN THEIR CONSIDERATION OF PURCHASING THE TREASURE HILL PROPERTY

WHEREAS, the Treasure Hill Conditional Use Permit (CUP) application is before the Planning Commission; and

WHEREAS, the Park City Planning Commission supports continuing the application to a date uncertain in order to allow the applicants and the Council and Mayor to negotiate the purchase the Treasure Hill property; and

WHEREAS, all evidence and arguments regarding the CUP on record will continue to be preserved and considered with the application if the CUP application moves forward at a later date; and

WHEREAS, nothing herein will prejudice the Planning Commission's review of the CUP if the application is heard by the Commission at a later date; and

WHEREAS, the Park City Planning Commission supports the efforts of the Council and Mayor to negotiate the purchase the Treasure Hill property;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Park City, Utah that:

SECTION 1. CONTINUE THE APPLICATION The Planning Commission hereby supports continuing the Treasure Hill CUP application to a date uncertain.

SECTION 2. SUPPORT OF COUNCIL AND MAYOR'S EFFORTS. The Planning Commission hereby supports the City Council and Mayor in their consideration of purchasing the property.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 14th day of February, 2018.

PARK CITY PLANNING COMMISSION

_____

Adam Strachan, Chair

Planning Commission
Staff Report

Subject: **Treasure Hill Resolution**
Authors: **Francisco Astorga, AICP, Senior**
Date: **14 February 2018**
Type of Item: **Property Acquisition and Settlement**

Recommendation
Staff recommends that the Planning Commission review the drafted resolution supporting continuing the Treasure Hill Conditional Use Permit (CUP) application to a date uncertain and supporting the City Council and Mayor in their consideration of purchasing Treasure Hill, Hillside Properties (Creole-Gulch and Mid-Station sites). Staff recommends that the Planning Commission hold a public hearing prior to continuing the item and taking action on Resolution No. 01-2018.

Purchase Agreement Timeline

- January 24, 2018 - City announces agreement to purchase 100 percent of the Treasure Hill property for $64 million.

- February 1, 2018 - City staff presents Treasure Hill Purchase and Sale / Settlement Agreements to City Council for review, discussion and public comment.

- February 6, 8, & 13, 2018 - Public information meetings and online comment platform

- February 15, 2018 - City Council to review, discuss, hear public comment, and take action on Treasure Hill Purchase Agreement.

- February–April 2018 - $6 million non-refundable earnest money deposit payment upon execution of the Purchase Agreements.

- May–June 2018 - Park City Municipal budget process and public hearings.

- On or before August 30, 2018 - 75 days prior to election date, City Council must pass a resolution submitting the question of the issuance of the bonds to the voters. The resolution must include the ballot proposition language, dollar amount (sizing) of the bonds and the maximum maturity of the bonds.

- September 2018 - Resolution followed by a series of public hearings and notices of the bonds in September.

- September 24 – October 24, 2018 - Voter information pamphlet created and mailed to all city addresses. The voter information pamphlet will include the ballot proposition language, dollar amount of the bonds and the maximum maturity of the bonds, as well as the estimated annual property tax impact on a primary, secondary and business property related to the bonds.

- November 6, 2018 - General Obligation Bond Election – Special Election on November 6, 2018, question of the issuance of the bonds to the voters.

- November 2018 – March 2019 - If the bond initiative passes, the City will proceed with issuance and sale of bonds. If bond initiative fails, the City will acquire of 10 percent of the project density, with the remaining 90-percent of project density returning to the owners of the Treasure Hill property.

- April 1, 2019 - Park City Municipal closes on General Obligation bonds. Property purchase to close shortly thereafter.

Exhibit
Proposed Resolution No. 01-2018

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **925 Woodside Re-Plat**
Author: **Tippe Morlan, Planner II**
Date: **February 14, 2018**
Type of Item: **Legislative – Plat Amendment**

Project Number:	PL-17-03726
Applicant:	Stephen DeFalco
Location:	925 Woodside Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential – Single-family dwellings
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval.

Proposal
The proposed 925 Woodside Re-Plat seeks to combine an existing lot and a half lot addressed at 925 Woodside Avenue into one lot of record. The site consists of the entirety of Lot 7 and the north half of Lot 6 of Block 10 of Snyders Addition to Park City. There is an existing non-historic structure at this address which was constructed in 1971. The property line between the two existing lots bisects the structure. The proposed plat amendment will create a lot of 2,812 square feet in size.

Summary Recommendations
Staff recommends the Planning Commission hold a public hearing for the 925 Woodside Re-Plat located at 925 Woodside Avenue and consider forwarding a **positive** recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Background
1971 – The existing structure was constructed on this site according to Summit County records.

March 17, 1992 – The Historic District Commission approved an addition to the Schifferli residence at this location.

November 29, 2017 – The City received a Plat Amendment application for the 925 Woodside Re-Plat. The application was deemed complete on December 19, 2017.

Purpose
The purpose of the HR-1 District can be found in LMC Section 12-2.2-1.

Analysis

The purpose of this plat amendment is to combine two existing lots addressed at 925 Woodside Avenue into one lot of record. Lot 7 is 25 feet by 75 feet and 1,875 square feet in size while the half of Lot 6 included is 12.5 feet by 75 feet and 937 square feet in size. The new proposed lot will be 2,812 square feet in size with a lot width of 37.5 feet.

There is an existing non-historic structure at this address constructed in 1971. The applicant has indicated that they would like to demolish the existing structure and construct a new house in accordance with the Land Management Code and with the Historic District Design Guidelines for new construction. A Historic District Design Review will be required for any proposed construction on this lot. No known encroachments exist on this property.

HR-1 Requirements

All City documentation indicates that the existing home is a single-family dwelling which is an allowed use in the HR-1 district. The minimum lot area for a single-family dwelling is 1,875 square feet. The minimum lot width is in this zone is 25 feet. The proposed lot meets the requirements of this zone at 37.5 feet in width. The proposed lot will also be 75 feet deep. These measurements determine the minimum setback requirements which are as follows:

	Required	**Existing**
Front Yard	10 feet	14.4 feet
Rear Yard	10 feet	24 feet
Side Yard	3 feet each	North: 12.3 feet South: 5.5 feet

The maximum building footprint for a lot this size is 1,201 square feet according to the building footprint formula illustrated in Table 15-2.2 of the Land Management Code (LMC). The existing footprint meets this standard at approximately 715 square feet.

Good Cause

Staff finds good cause for this plat amendment in that it will clean up the property lines at this location and resolve any issues created by the extraneous lot line running through the property and through the existing house. This amendment will allow the property owner to make improvements and changes to the existing house, including demolition and new construction, as allowed by the LMC and Historic District Design Guidelines. Snow storage easements will be required.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18. A Historic District Design Review application will need to be submitted for review by Planning Staff prior to issuance of building permits.

Department Review
This project has gone through an interdepartmental review. No issues were brought up at that time.

Notice
On January 31, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on January 27, 2017, according to requirements of the Land Management Code.

Public Input
No public input has been received at the time of this report.

Alternatives
- The Planning Commission may forward positive recommendation to the City Council for the 925 Woodside Re-Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 925 Woodside Re-Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 925 Woodside Re-Plat.

Significant Impacts
There are no significant fiscal or environmental impacts from this application.

Consequences of not taking recommended action
The subject property would remain as two separate lots and the existing house would continue to have a lot line running through it.

Summary Recommendation
Staff recommends the Planning Commission hold a public hearing for the 925 Woodside Re-Plat and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits
Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)
Exhibit B – Survey
Exhibit C – Existing Plat
Exhibit D – Applicant's Project Description
Exhibit E – Site Photographs
Exhibit F – Aerial Photographs

Exhibit A – Draft Ordinance

Ordinance No. 2018-XX

AN ORDINANCE APPROVING THE 925 WOODSIDE RE-PLAT LOCATED AT 925 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 925 Woodside Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on January 31, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on January 27, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on February 14, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 14, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on March 15, 2018, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 925 Woodside Re-Plat located at 925 Woodside Avenue.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The 925 Woodside Re-Plat, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 925 Woodside Avenue.
2. The property consists of Lot 7 and the north half of Lot 6 of Block 10 of Snyders Addition.
3. The property is in the Historic Residential (HR-1) District.
4. There is an existing non-historic structure at this address.
5. The existing home was constructed in 1971.
6. The property line between the two existing lots bisects the structure.

7. The applicant proposes to combine the subject lots into one lot of record.
8. Lot 7 consist of 1,875 square feet and is 25 feet by 75 feet. The north half of Lot 6 included in this application consists of 937 square feet and is 12.5 feet by 75 feet.
9. No known encroachments exist on this property.
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 2,812 square feet.
12. The minimum lot width is in the HR-1 zone is 25 feet. The proposed lot meets the requirements of this zone at 37.5 feet in width.
13. The proposed lot will also be 75 feet deep.
14. The minimum front yard setback is 10 feet. The existing house has a 14.4 foot front yard setback.
15. The minimum rear yard setback is 10 feet. The existing house has a 24 foot rear yard setback.
16. The minimum side yard setback is 3 feet on each side. The existing house has a 12.3 foot side yard setback on the north side and a 5.5 foot side yard setback on the south side.
17. The maximum building footprint for a lot this size is 1,201 square feet. The existing footprint meets this standard at approximately 715 square feet.
18. A Historic District Design Review application is required for any new construction proposed at the existing site.

Conclusions of Law:

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding 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:

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. A 10 foot wide public snow storage easement will be required along Woodside Avenue.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 15th day of March, 2018.

PARK CITY MUNICIPAL CORPORATION

_____
MAYOR

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

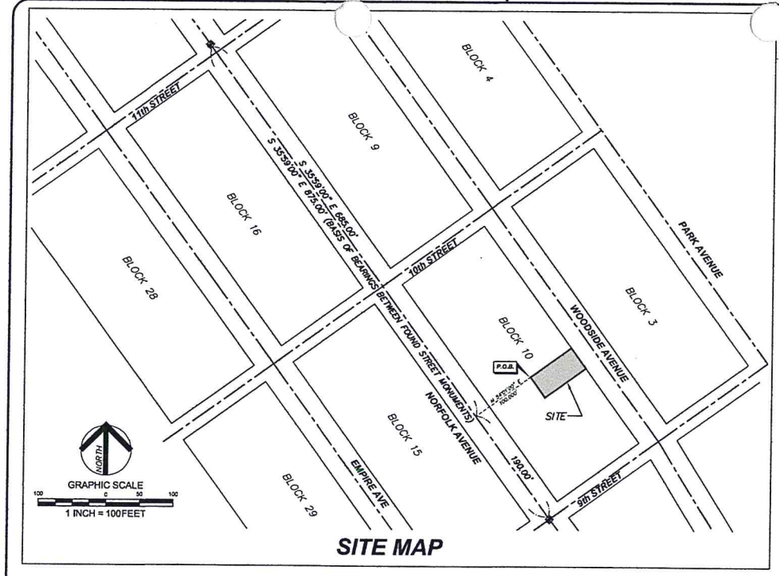
_____
City Attorney

Attachment 1 – Proposed Plat

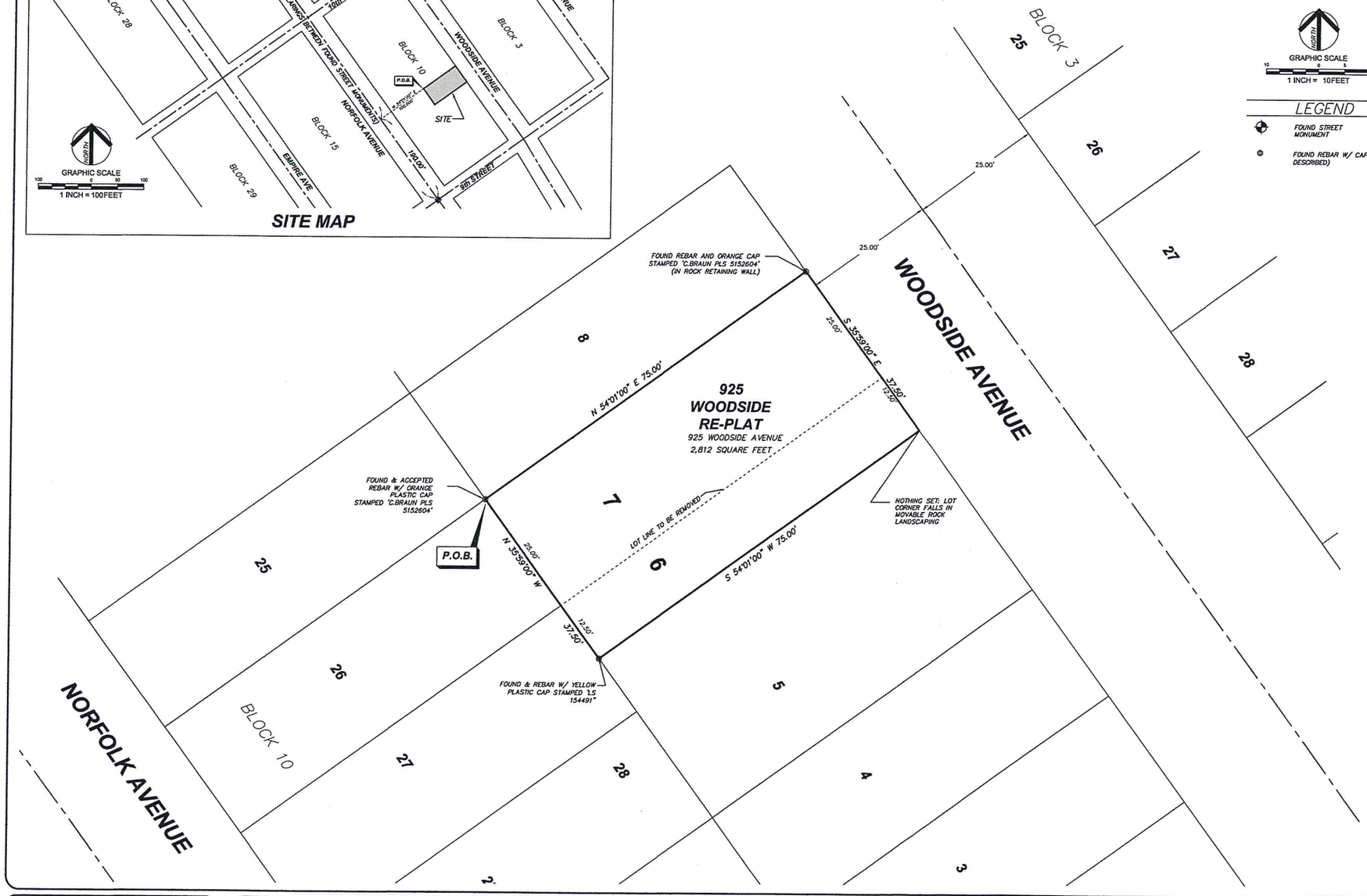
Exhibit A - Attachment 1: Proposed Plat

925 WOODSIDE RE-PLAT

LOT 7 AND THE NORTH HALF OF LOT 6, BLOCK 10 OF SNYDER'S ADDITION TO PARK CITY, LYING WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN SUMMIT COUNTY, UTAH



SITE MAP



PLAT NOTES

1. THE PURPOSE OF THIS PLAT AMENDMENT IS TO COMBINE LOT 7 AND 8THE NORTH HALF OF LOT 8, BLOCK 10 OF SNYDERS ADDITION TO PARK CITY, INTO ONE LOT.
2. SEE RECORD OF SURVEY S-8676, RECORDED 07-22-2016, FOR REFERENCE.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner(s) of the herein described tract of land known as _____ to be known hereafter as the _____ do hereby certify that I have caused this Plat to be prepared, and we, _____ hereby consent to the recordation of this Plat. ALSO, the owners, or their representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, We have hereunto set our hand this _____ day of _____ 2016.

BY: NAME
NAME OF COMPANY/CORP.

_____
NAME

_____
NAME

ACKNOWLEDGMENT

State of Utah
County of Summit

On this _____ day of _____, 2016, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, _____ the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public: _____

My Commission Expires: _____

LIEN HOLDER'S CONSENT TO RECORD

State of Utah
County of Summit

The undersigned lien holder hereby consents to the recordation of this plat.
_____ BY: _____

The foregoing consent to record was acknowledged before me this _____ day of _____ 2016.

By: _____

_____ My Commission Expires:
Notary Public

SURVEYOR'S CERTIFICATE

I, Martina Nelson, certify that I am a Registered Land Surveyor and that I hold Certificate No. 8910903, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

_____ _____
Martina Nelson Date
PLS 8910903

SHEET 1 OF 1

Park City Surveying
P.O. Box 682993
Park City, UT 84068
(435)649-2918
(435)649-4637 fax

COUNCIL APPROVAL & ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2016 A.D.

_____
MAYOR

PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF _____, 2016, A.D.

_____
CHAIRMAN

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 A.D.

_____
PARK CITY RECORDER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 A.D.

_____
S.B.W.R.D.

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 A.D.

_____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF _____, 2016 A.D.

_____ _____
PARK CITY ATTORNEY DATE

RECORDED

ENTRY NUMBER: _____
BOOK _____ PAGE: _____
STATE OF UTAH, COUNTY OF _____
DATE: _____ TIME: _____
FEE PAID: _____
RECORDED AND FILED AT THE REQUEST OF:

_____
COUNTY RECORDER

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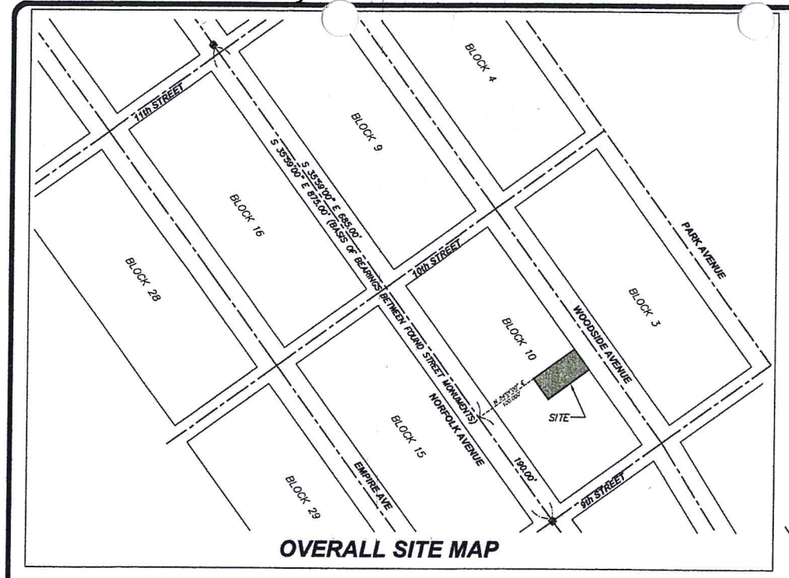
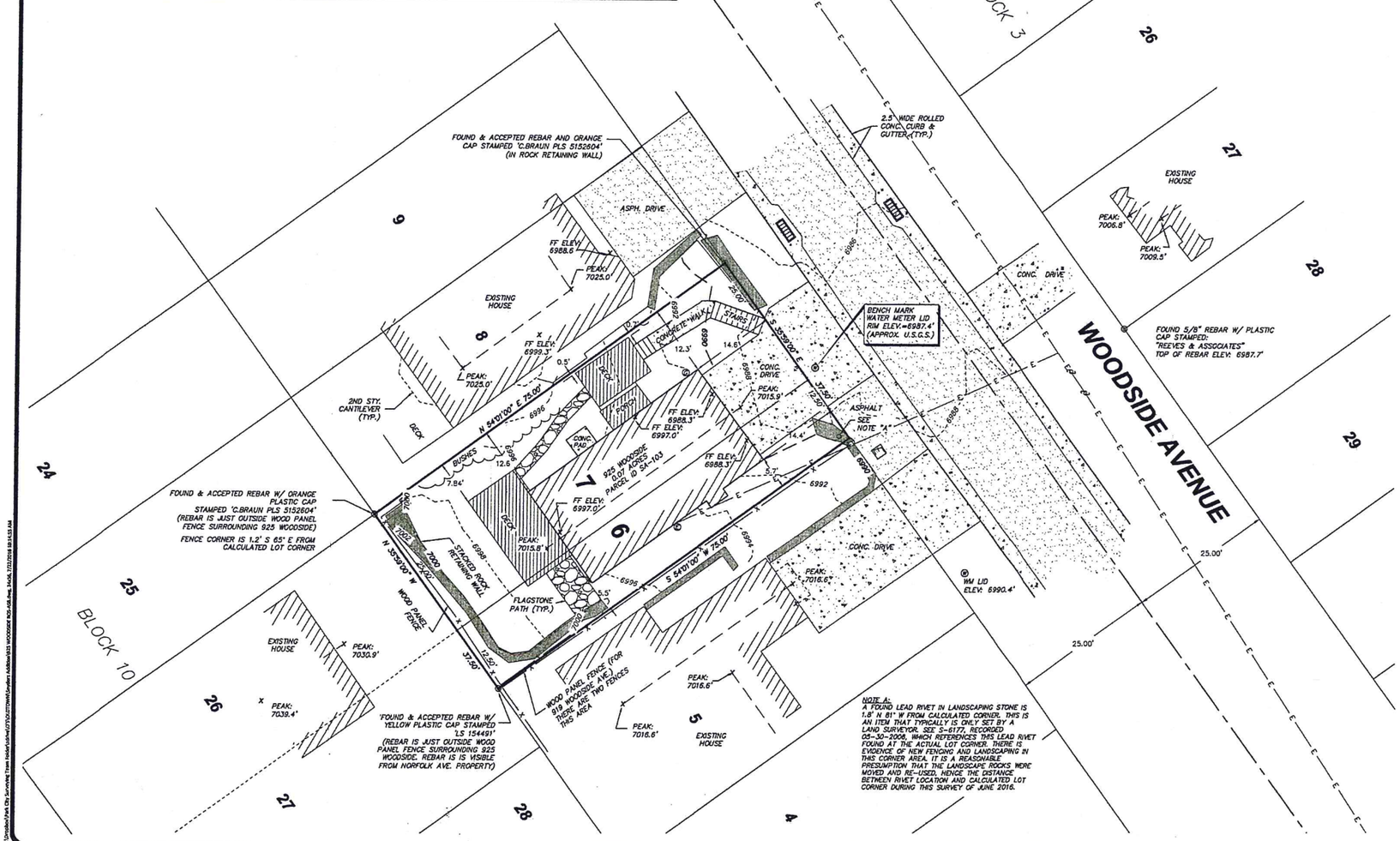
Exhibit B - Survey

RECORD OF SURVEY & TOPOGRAPHIC MAP

LOT 7 AND THE NORTH HALF OF LOT 6, BLOCK 10 OF SNYDER'S ADDITION TO PARK CITY, LYING WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN SUMMIT COUNTY, UTAH



OVERALL SITE MAP



NOTE A:
A FOUND LEAD RIVET IN LANDSCAPING STONE IS 1.8' N 81° W FROM CALCULATED CORNER. THIS IS AN ITEM THAT TYPICALLY IS ONLY SET BY A LAND SURVEYOR. SEE S-6177, RECORDED 08-30-2006, WHICH REFERENCES THIS LEAD RIVET FOUND AT THE ACTUAL LOT CORNER. THERE IS EVIDENCE OF NEW FENCING AND LANDSCAPING IN THAS CORNER AREA. IT IS A REASONABLE PRESUMPTION THAT THE LANDSCAPE ROCKS WERE MOVED AND RE-USED, HENCE THE DISTANCE BETWEEN RIVET LOCATION AND CALCULATED LOT CORNER DURING THIS SURVEY OF JUNE 2016.

NORTH

GRAPHIC SCALE
1 INCH = 10FEET

LEGEND

- FOUND STREET MONUMENT
- FOUND REBAR W/ CAP (AS DESCRIBED)
- FIRE HYDRANT
- WATER VALVE
- CATCH BASIN
- WATER METER
- ELECTRIC METER
- ELECTRIC BOX
- GAS METER
- UTILITY POLE
- LANDSCAPING
- FENCE
- OVERHEAD UTILITY LINE
- STACKED ROCK RETAINING WALL

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY & TO SHOW EXISTING CONDITION OF THE SITE AT TIME OF SURVEY.

EXISTING SURVEY MONUMENTS IN ADJACENT ROADWAYS AND LOTS WERE USED TO REESTABLISH THE PROPERTY CORNERS.

THE BASIS OF BEARING IS SHOWN HEREON. ALL BEARING AND DISTANCES SHOWN HEREON ARE THE EQUIVALENT OF RECORD, UNLESS NOTED.

EXISTING BUILDING LOCATION IS TO AS-BUILT LOCATION OF BUILDING WALL CORNERS. ACTUAL FOUNDATION LOCATION MAY DIFFER.

SURVEY COMPLETED: 06-13-2016

SEE SAID OFFICIAL"SNYDER'S ADDITION TO PARK CITY SUBDIVISION" PLAT FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS.
NOTE: OTHERS MAY APPLY.

THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT; THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.

EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL FOUND EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

LEGAL DESCRIPTION:

ALL OF LOT 7 AND THE NORTH HALF OF LOT 6 OF SNYDER'S ADDITION TO PARK CITY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 8910903. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

PROFESSIONAL LAND SURVEYOR No. 8910903 MARTINA NELSON STATE OF UTAH

Martina Nelson — JUNE 23, 2016
MARTINA NELSON — DATE
P.L.S. 8910903

FILE NO. S0008676
07/22/2016 02:37:51 PM
Survey 1 of 1
RUDY ZON TROSSELL, SUMMIT COUNTY RECORDER
FEE $ 10.00 BY PARK CITY SURVEYING

S-8676

Park City Surveying
P.O. Box 682993
Park City, UT 84068
(435)649-2918
(435)649-4637 fax

REVISIONS		
DATE	BY	COMMENTS
xx/xx/xxxx		

SURVEYED BY: SC/KR
DRAWN BY: MN
DATE: JUNE 23, 2016

RECORD OF SURVEY & TOPOGRAPHIC MAP
LOT 7 & THE N. HALF OF LOT 6
SNYDER'S ADDITION TO PARK CITY SUBDIVISION

FOR: STEPHEN DeFALCO
DWG: 925 WOODSIDE ROS-ASB.dwg

SHEET 1 OF 1

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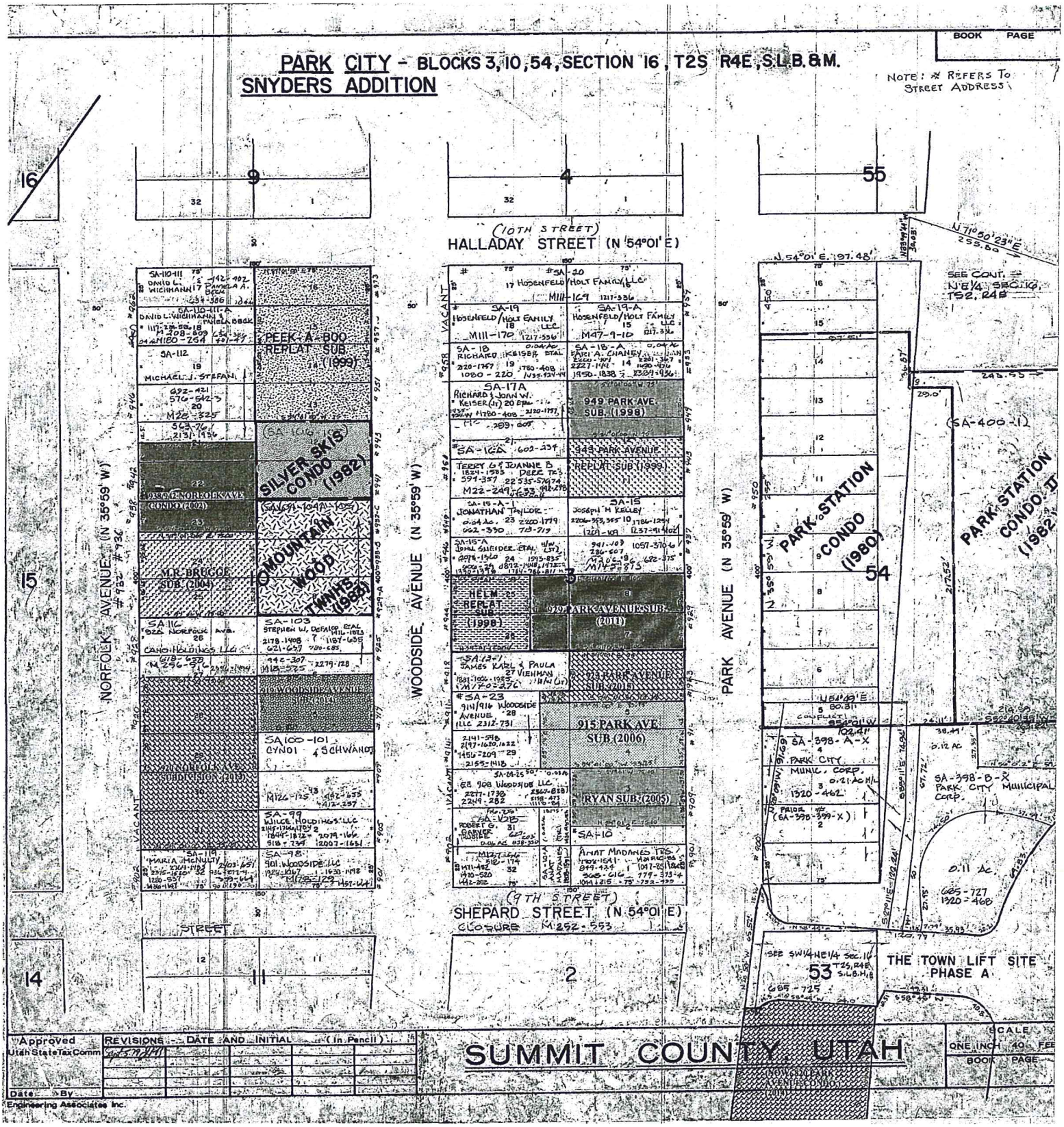
Exhibit C - Existing Plat



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PARK CITY
PLANNING DEPT.

Project Description

Project Details

Project Name	925 Woodside Avenue, Park City Utah 84060
Projected Start Date	March 2018
Projected Completion	March 2019

Project Description

This application is for a complete demolition of the existing structure and rebuild under the historic guidelines in keeping with the current Land Use Management Code. The home is not labeled as a historic home but does site within the historic old town district and such would be such to HDDR review.

The proposed home will be approximately 3 stories and contain 3,000 SF and a one car garage. It will be of wood frame construction and in keeping with the design guidelines of the Land Use Management Code.

Current Improvements

The existing home was built in 1971. It is a two story A frame structure with a two car garage facing the street with two parking spaces in front of those garages. The site is 1 and ½ lots and such measures 27.5 feet wide by 75 feet deep.

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Exhibit E - Site Photographs

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PLANNING DEPT.

RECEIVED
NOV 29 2017
PARK CITY
PLANNING DEPT.

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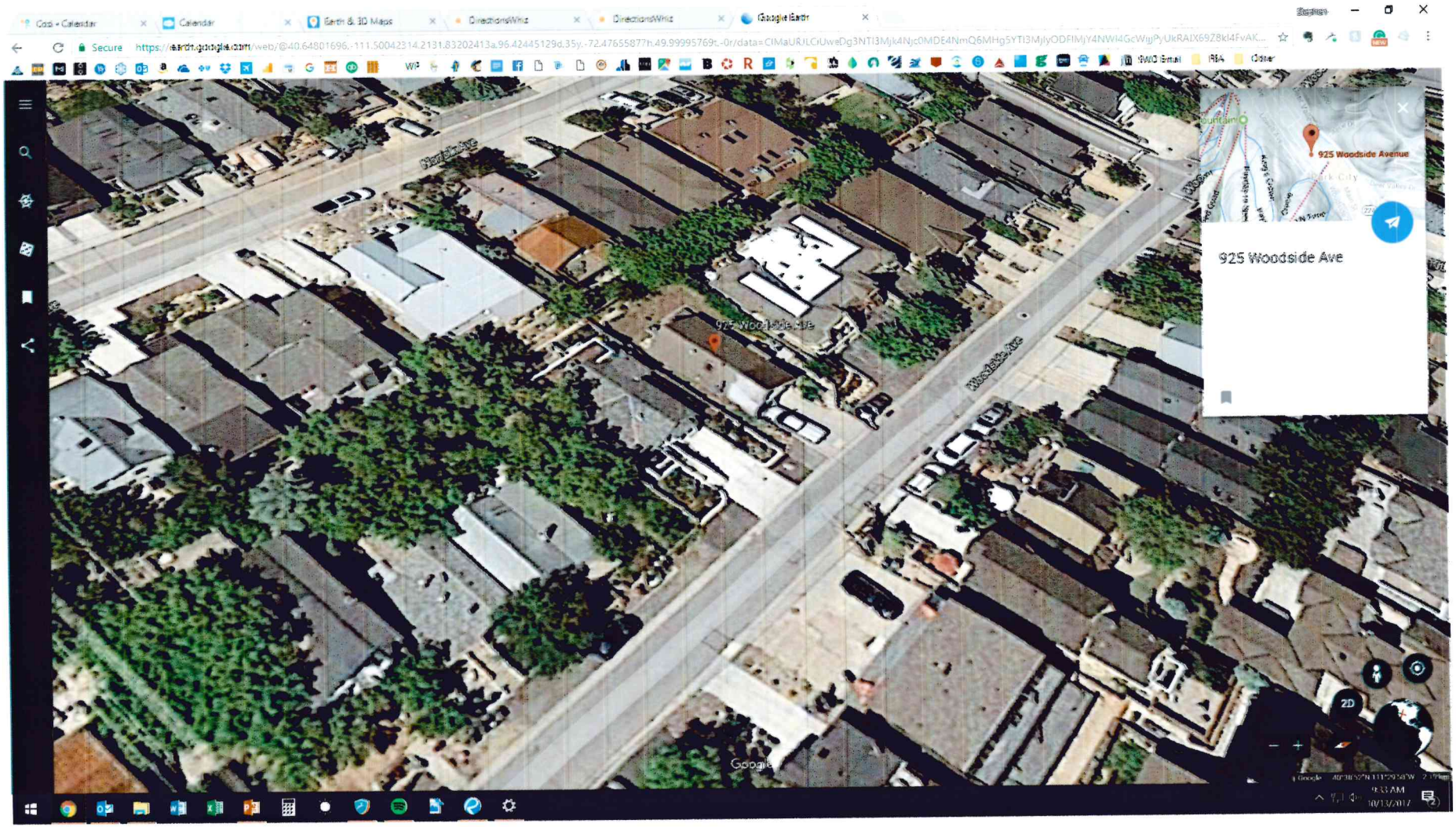
Exhibit F - Aerial Photogtaphs



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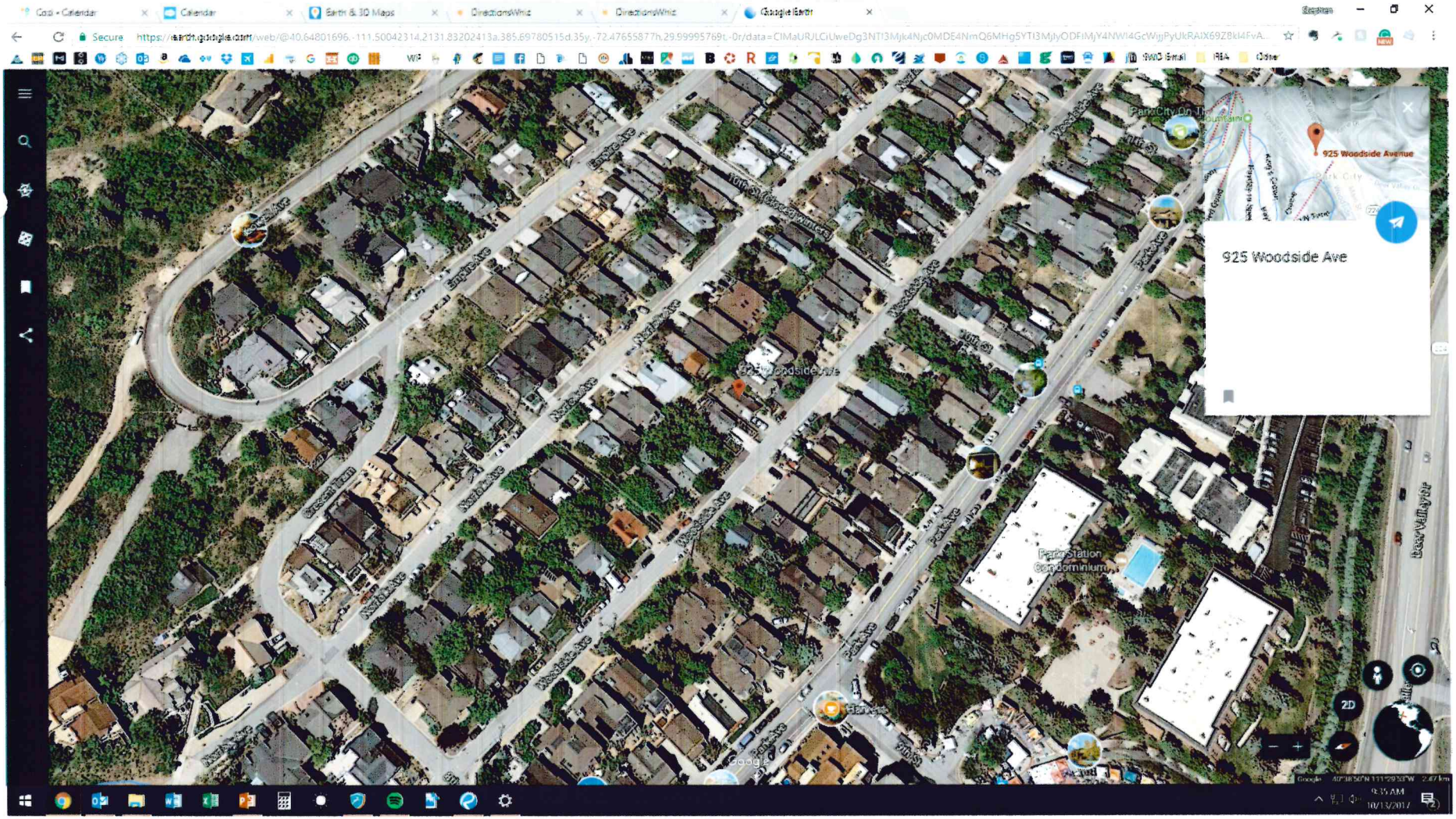
NOV 29 2017
PLANNING



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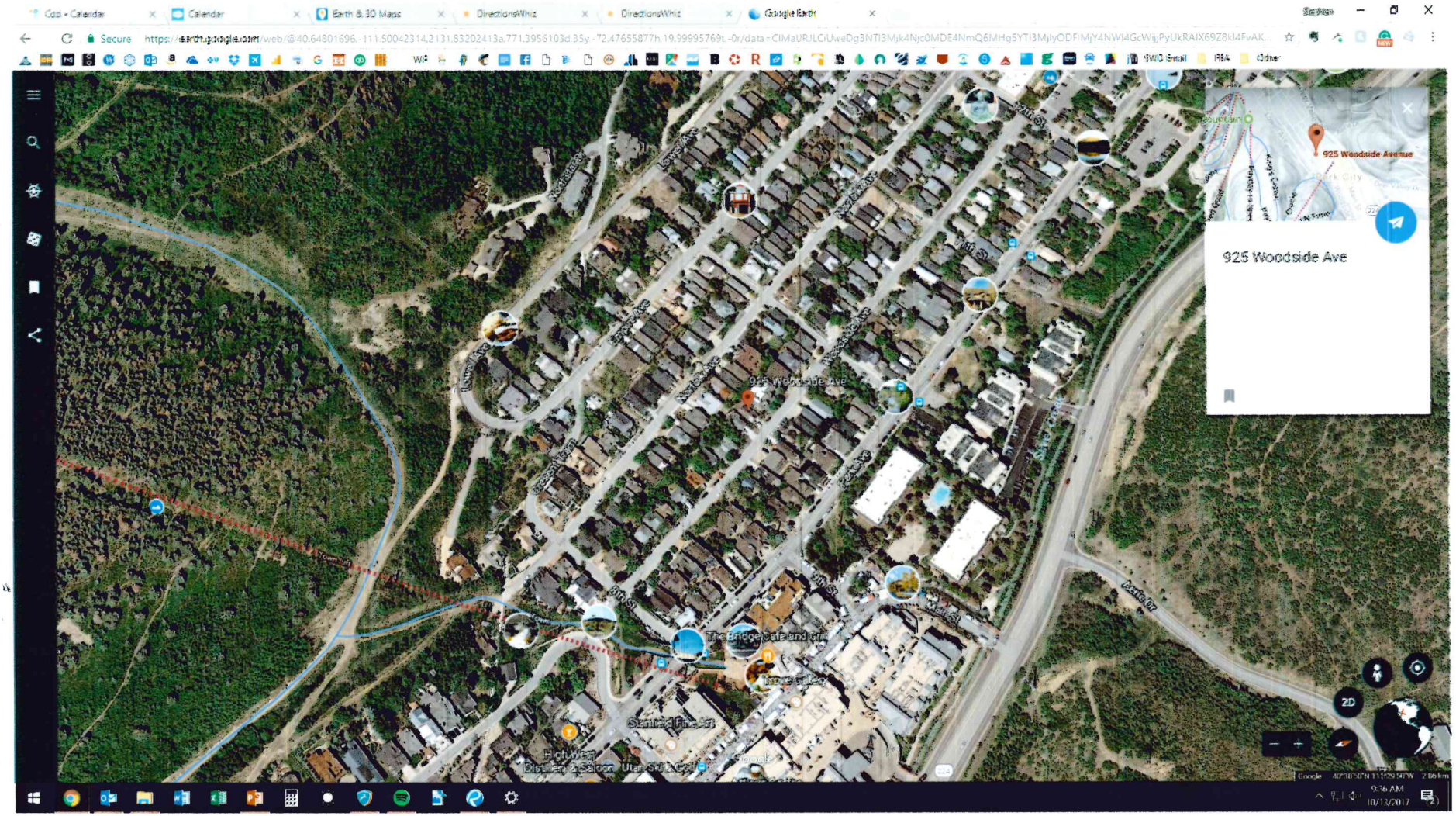
PARK CITY
PLANNING DEPT.



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NOV 29 2017

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **Queen Esther Village No. 1 Unit 6 Amended**
Author: **Tippe Morlan, Planner II**
Date: **February 14, 2018**
Type of Item: **Legislative – Plat Amendment**

Project Number:	PL-17-03712
Applicant:	Jami and Stephen Guttenberg
Location:	2346 Good Trump Court
Zoning:	Residential Development (RD)
Adjacent Land Uses:	Residential Condominiums
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval.

Proposal
The proposed Queen Esther Village No. 1 Unit 6 Amended Plat proposes to transfer 108 square feet of Common Space to Private Space allowing the property owner of Unit 6 to convert their patio area beneath an upper deck into private living space. The existing condominium unit at this address was constructed in 1981 as a two story unit with a covered deck on the first floor. The proposed amendment will create a unit of approximately 2102.92 square feet in size.

Summary Recommendations
Staff recommends the Planning Commission hold a public hearing for the Queen Esther Village No. 1 Unit 6 Amended Plat located at 2346 Good Trump Court and consider forwarding a **positive** recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Background
1981 – The existing condominium building was constructed on this site according to Summit County records.

November 14, 2017 – The City received a Plat Amendment application for the Queen Esther Village No. 1 Unit 6 Amended Plat. The application was deemed complete on December 5, 2017.

Purpose
The purpose of the Residential Development RD District is to:

A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
D. minimize impacts of the automobile on architectural design,
E. promote pedestrian connections within Developments and between adjacent Areas; and
F. provide opportunities for variation in architectural design and housing types.

Analysis

The purpose of this plat amendment is to convert approximately 108 square feet of Common Space into Private Space for Unit 6 of the Queen Esther Village No. 1 Condominiums. This Common Space currently exists as a covered patio/deck area for Unit 6. The applicants would like to enclose this space and expand their living area. There are no further exterior changes currently proposed. A building permit will be required for any changes to the exterior of the home.

The existing deck area sits beneath the second floor balcony. Unit 6 is currently 1994.92 square feet in area and is proposed to be 2102.92 square feet. The Queen Esther Village Project I Homeowner's Association held a vote in October of 2017, and 81 percent of homeowners approved this proposal with 21 out of 26 owners voting in its favor (See Exhibit D).

The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged, the changes to the deck and floor area are proposed within the existing structure minimizing site disturbance, preserving the existing natural open space, and minimizing impacts of development. The additional private area will exist as a part of Unit 6, and any exterior changes will match the existing building.

RD Zone Requirements

The Queen Esther Village No. 1 subdivision is comprised of 26 units within 7 structures constructed in 1981. The development is a part of the Deer Valley Master Planned Development as a part of the Solamere Subdivision, which measures density by unit and not by unit equivalents or square footage. This application is not proposing to change the allowed density as it is not proposing to increase the number of existing units. As a part of the RD zone, this property is subject to the following criteria:

	Permitted	Proposed
Height	28' from existing grade.	No additional building height is proposed. All proposed construction is within the existing building envelope and roof. Building complies with the 28' height allowance.

Front setback	Twenty feet (20')	No construction is proposed into the existing 20' front setbacks.
Rear setback	Fifteen feet (15')	No construction is proposed into the existing 15' rear setbacks.
Side setbacks	Twelve (12')	No construction is proposed into the existing 12' side setbacks.
Commercial and Office uses Support uses	No commercial or office uses exist	No commercial or office uses are proposed.
Parking	1.5 off-street spaces per unit 1,000-2,000 square feet in area; 2 off-street spaces per unit greater than 2,000 square feet in area	No additional parking is required for the proposed changes. Existing: 2 car garage for each unit

The building does not exceed the allowable 28' building height and there are no non-conforming setback issues. All construction is proposed within the existing building envelope. The common area has a blanket utility easement over it. Staff recommends a condition of approval that prior to plat recordation, letters from utility providers (Questar, Rocky Mountain Power, and communications entities) shall be submitted to Planning, that indicate there are no public utilities located under the deck, in the area proposed to be converted from common to private, or approval is granted to relocate such public utilities at the Unit owner's expense.

Good Cause

Staff finds good cause for this plat amendment to allow the property owner to utilize the existing common patio area below an upper deck adjacent to Unit 6 as private area without requiring additional parking. Staff finds that the plat will not cause undue harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

This project has gone through an interdepartmental review. No issues were brought up at that time.

Notice

On January 31, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on January 27, 2017, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Queen Esther Village No. 1 Unit 6 Amended Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Queen Esther Village No. 1 Unit 6 Amended Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Queen Esther Village No. 1 Unit 6 Amended Plat.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking recommended action

The subject property would remain as is and the existing deck would remain as Common Area.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Queen Esther Village No. 1 Unit 6 Amended Plat and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)
Exhibit B – Existing Plat
Exhibit C – Applicant's Project Description
Exhibit D – HOA Letter
Exhibit E – Site Photographs
Exhibit F – Aerial Photographs

Exhibit A – Draft Ordinance

Ordinance No. 2018-XX

AN ORDINANCE APPROVING THE QUEEN ESTHER VILLAGE NO. 1 UNIT 6 AMENDED PLAT LOCATED AT 2346 GOOD TRUMP COURT, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 2346 Good Trump Court has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on January 31, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on January 27, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on February 14, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 14, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on March 15, 2018, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Queen Esther Village No. 1 Unit 6 Amended Plat located at 2346 Good Trump Court.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Queen Esther Village No. 1 Unit 6 Amended Plat, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2346 Good Trump Court.
2. The property consists of Unit 6 of the Queen Esther Village No. 1 Condominiums.
3. The property is in the Residential Development (RD) Zone District and part of the Deer Valley Master Planned Development.
4. There is an existing multi-unit structure at this address.
5. The existing structure was constructed in 1981.
6. The proposed plat converts the deck area – 108 square feet of Common Space – into Private Space

7. The existing deck area sits beneath the second floor balcony.
8. Unit 6 is currently 1994.92 square feet in area and is proposed to be 2102.92 square feet.
9. The Queen Esther Village Project I Homeowner's Association held a vote in October of 2017, and 81 percent of homeowners approved this proposal with 21 out of 26 owners voting in its favor.
10. The use as residential condominiums is unchanged.
11. The Queen Esther Village No. 1 subdivision is comprised of 26 units within 7 structures.
12. The Deer Valley MPD allows 26 individual units as part of the Solamere development. No increase in number of units is proposed.
13. Density within the Solamere development is determined by unit and not by unit equivalents/square footage.
14. The maximum height allowed is 28 feet from existing grade. No additional building height is proposed. All proposed construction is within the existing building envelope and roof. Building complies with the 28' height allowance.
15. The required front setback is a minimum of 20 feet. No construction is proposed into the existing front setback area.
16. The required rear setback is a minimum of 15 feet. No construction is proposed into the existing rear setback area.
17. The required side setbacks are a minimum of 12 feet. No construction is proposed into the existing front setback areas.
18. The current LMC requires 2 parking spaces for a multi-family unit with a floor area of over 2,000 square feet. The unit currently has 2 off-street parking spaces in its garage and no additional parking is required.
19. The building does not exceed the allowable 28' building height and there are no non-conforming setback issues.
20. All construction is proposed within the existing building envelope.
21. The common area is designated as a blanket utility easement.

Conclusions of Law:
1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding 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:
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 date and an extension is granted by the City Council.

3. An appropriate NFPA Fire Suppression System is needed as required by the Building and Fire Departments.
4. All conditions of approval of the Queen Esther Village No. 1 plat shall continue to apply.
5. The applicant may submit an application for a building permit according to City procedures after this plat amendment has been recorded.
6. Prior to plat recordation, letters from utility providers (Questar, Rocky Mountain Power, and communications entities) shall be submitted to Planning, that indicate there are no public utilities located under the deck, in the area proposed to be converted from common to private, or approval is granted to relocate such public utilities at the Unit owner's expense.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 15th day of March, 2018.

PARK CITY MUNICIPAL CORPORATION

_____
MAYOR

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

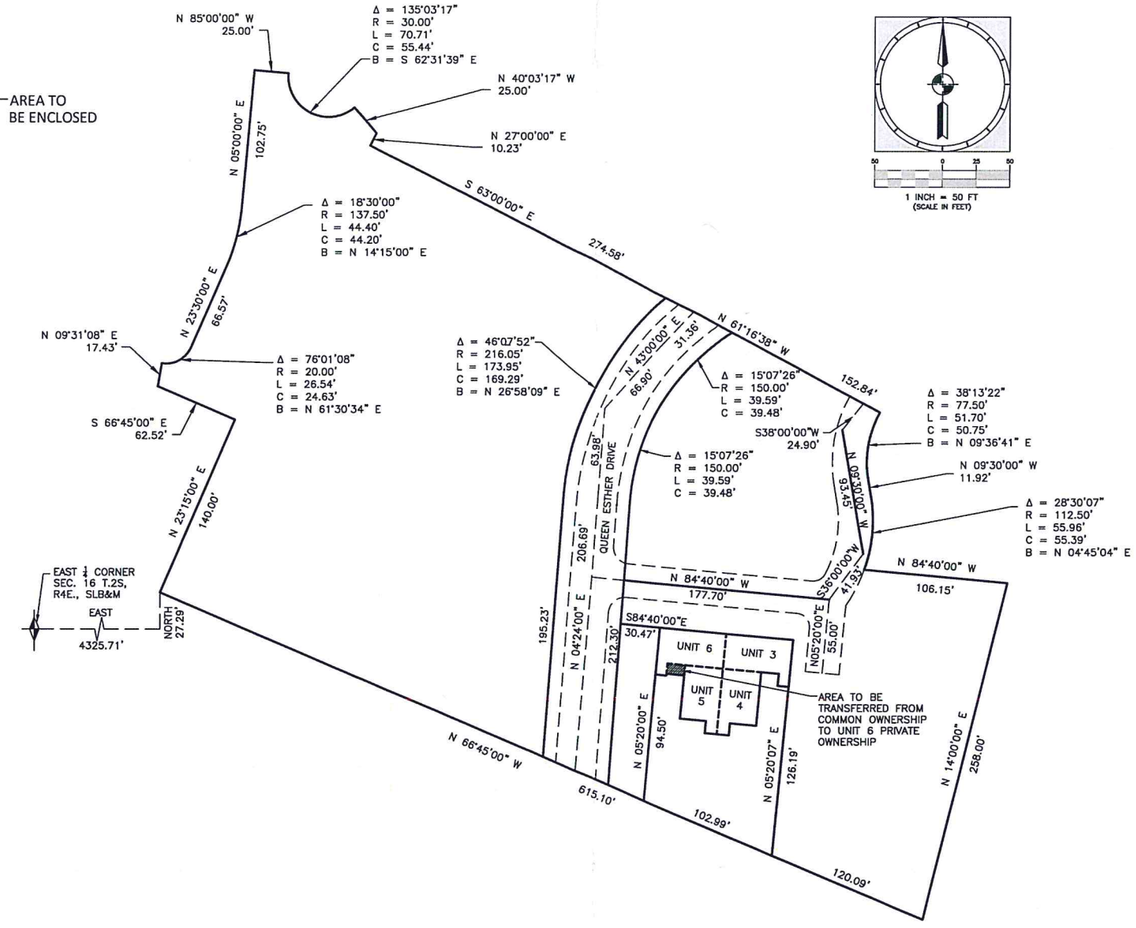
_____
City Attorney

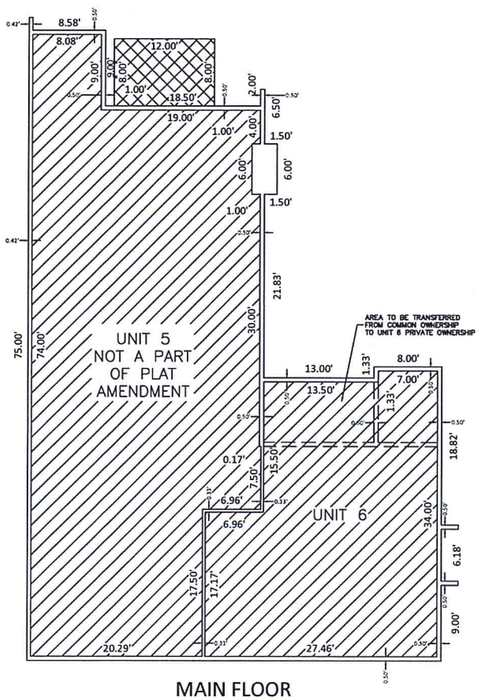
Attachment 1 – Proposed Plat

QUEEN ESTHER VILLAGE NO.1 UNIT 6 AMENDED

LOCATED IN THE NORTHEAST QUARTER OF SECTION 15. TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

NARRATIVE: THE PURPOSE OF THIS PLAT AMENDMENT IS TO ENCLOSE THE EXISTING PATIO TO CREATE ADDITIONAL LIVING SPACE FOR UNIT 6.





MAIN FLOOR
UNITS 5 & 6

OWNERSHIP LEGEND

- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP
- COMMON OWNERSHIP

QUEEN ESTHER VILLAGE UNIT 6 SITE MAP

PLAT NOTES

1. THIS PLAT REPRESENTS AN AMENDMENT TO THE QUEEN ESTHER VILLAGE NO. 1 LOT 6 ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (RECORDATION NUMBER 182974). THIS AMENDMENT EXPANDS THE PRIVATE SPACE ON THE FIRST LEVEL OF UNIT 6.
2. ADDITIONAL UNITS ARE NOT SHOWN HEREON AND ARE NOT CHANGED WITH THIS DOCUMENT. FOR INFORMATION ON ANY UNIT OTHER THAN 6, REFER TO "QUEEN ESTHER VILLAGE NO. 1" WITH RECORDATION NO. 182974 ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.
3. COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ITEMS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH TO THIS AMENDMENT ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
4. FIRE SUPPRESSION MUST EXTEND INTO THE ADDITION.

RECEIVED
NOV 16 2017
PARK CITY PLANNING DEPT.

RECORDING INFORMATION

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 66°45'00"EAST 184.00 FEET FROM CORNER NUMBER 2 OF THE QUEEN ESTHER NUMBER 10 MINING SURVEY 6979, SAID CORNER ALSO BEING THE MOST SOUTHEASTERLY CORNER OF LOT 9, SOLAMERE SUBDIVISION NUMBER 1, AND MORE SPECIFICALLY DESCRIBED AS BEING NORTH 27.29 FEET AND EAST 4325.71 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 23°15'00"EAST 140.00 FEET; THENCE NORTH 66°45'00" WEST 62.52 FEET; THENCE NORTH 9°31'08"EAST 17.43 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 9°31'08" EAST 20.00 FEET OF WHICH THE CENTRAL ANGLE IS 76°01'08"); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 26.54 FEET TO A POINT OF TANGENCY; THENCE NORTH 23°30'00"EAST 66.57 FEET TO A POINT ON A 137.50 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 66°30'00" WEST 137.50 FEET OF WHICH THE CENTRAL ANGLE IS 18°30'00"); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 44.40 FEET TO A POINT OF TANGENCY; THENCE NORTH 5°00'00"EAST 102.75 FEET; THENCE SOUTH 85°00'00" EAST 25.00 FEET TO A POINT ON A 30.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 85°00'00"EAST 30.00 FEET OF WHICH THE CENTRAL ANGLE IS 135°03'17"); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 70.71 FEET THENCE SOUTH 40°03'17"EAST 25.00 FEET; THENCE SOUTH 27°00'00"WEST 10.23 FEET; THENCE SOUTH 63°00'00" EAST 274.58 FEET; THENCE SOUTH 61°16'38"EAST 152.845 FEET TO A POINT ON A 77.50 FOOT RADIUS CURVE TO THE LEFT, (CENTER BEARS SOUTH 61°16'38" EAST 77.50 FEET OF WHICH THE CENTRAL ANGLE IS 38°13'22"); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 51.70 FEET TO A POINT OF TANGENCY; THENCE SOUTH 9°30'00" EAST 11.92 FEET TO A POINT ON A 112.50 FOOT RADIUS CURVE TO THE RIGHT, (CENTER BEARS SOUTH 80°30'00" WEST 112.50 FEET OF WHICH THE CENTRAL ANGLE IS 28°30'07"); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 55.96 FEET TO A POINT OF TANGENCY; THENCE SOUTH 84°40'00"EAST 106.15 FEET; THENCE SOUTH 14°00'00"WEST 258.00 FEET TO THE SOUTHERLY LINE OF THE QUEEN ESTHER NO. 10 MINING SURVEY NO. 6979; THENCE NORTH 66°45'00"WEST ALONG SAID SOUTHERLY LINE 615.105 FEET TO THE POINT OF BEGINNING.
LESS AND EXCEPTING UNITS 1–5, AND 7–26 OF QUEEN ESTHER VILLAGE NO. 1 AS SHOWN ON THE OFFICIAL PLAT.

SURVEYOR'S CERTIFICATE

I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED ABOVE, AND HAVE AMENDED SAID CONDO UNITS AS SHOWN HEREON. I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT AMENDMENT IS A CORRECT REPRESENTATION OF THE PROPERTY SURVEYED, AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8 OF THE CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57.

SURVEYOR'S SEAL

BING CHRISTENSEN PROFESSIONAL LAND SURVEYOR

DATE

OWNER'S CONSENT TO RECORD - H.O.A.

KNOW ALL MEN BY THESE PRESENT THAT QUEEN ESTHER VILLAGE OWNERS ASSOCIATION (THE ASSOCIATION), THE AUTHORIZED REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING AT LEAST A TWO-THIRDS OWNERSHIP INTEREST IN THE COMMON AREA AND FACILITIES OF THE PROJECT PURSUANT TO THE PROVISIONS OF SECTION XX OF THE DECLARATION OF CONDOMINIUM OF THE QUEEN ESTHER CONDOMINIUMS, CERTIFIES THAT IT HAS APPROVED THIS PLAT AMENDMENT TO BE PREPARED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DOES HEREBY CONSENT TO THE RECORDATION OF THE PLAT.

QUEEN ESTHER VILLAGE OWNERS ASSOCIATION
A UTAH NON-PROFIT CORPORATION

BY: _____
ANDREW COHEN, PRESIDENT

ACKNOWLEDGEMENT

STATE OF UTAH

COUNTY OF SUMMIT

ON THIS _____ DAY OF _____, 2018, PERSONALLY APPEARED BEFORE ME ANDREW COHEN, WHO BEING DULY SWORN, DID SAY THAT HE IS PRESIDENT OF QUEEN ESTHER VILLAGE CONDOMINIUM OWNERS ASSOCIATION, A UTAH NON-PROFIT CORPORATION, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF THE CORPORATION, AND FURTHER ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC

OWNER'S CONSENT TO RECORD - UNIT 6

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED OWNERS OF UNIT 6 AT QUEEN ESTHER VILLAGE NO. 1, A CONDOMINIUM PROJECT, CERTIFY THAT WE CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

BY: _____, BY: _____,
STEPHEN GUTTENBERG JAMI GUTTENBERG

ACKNOWLEDGEMENT

STATE OF

COUNTY OF

ON THIS _____ DAY OF _____, 2018, PERSONALLY APPEARED BEFORE ME STEPHEN GUTTENBERG & JAMI GUTTENBERG, WHO BEING DULY SWORN, DID SAY THAT THEY ARE THE OWNERS OF UNIT 6 AT QUEEN ESTHER VILLAGE NO. 1, A CONDOMINIUM PROJECT, AND DULY ACKNOWLEDGED TO ME THAT THEY EACH SIGNED THE FOREGOING INSTRUMENT.

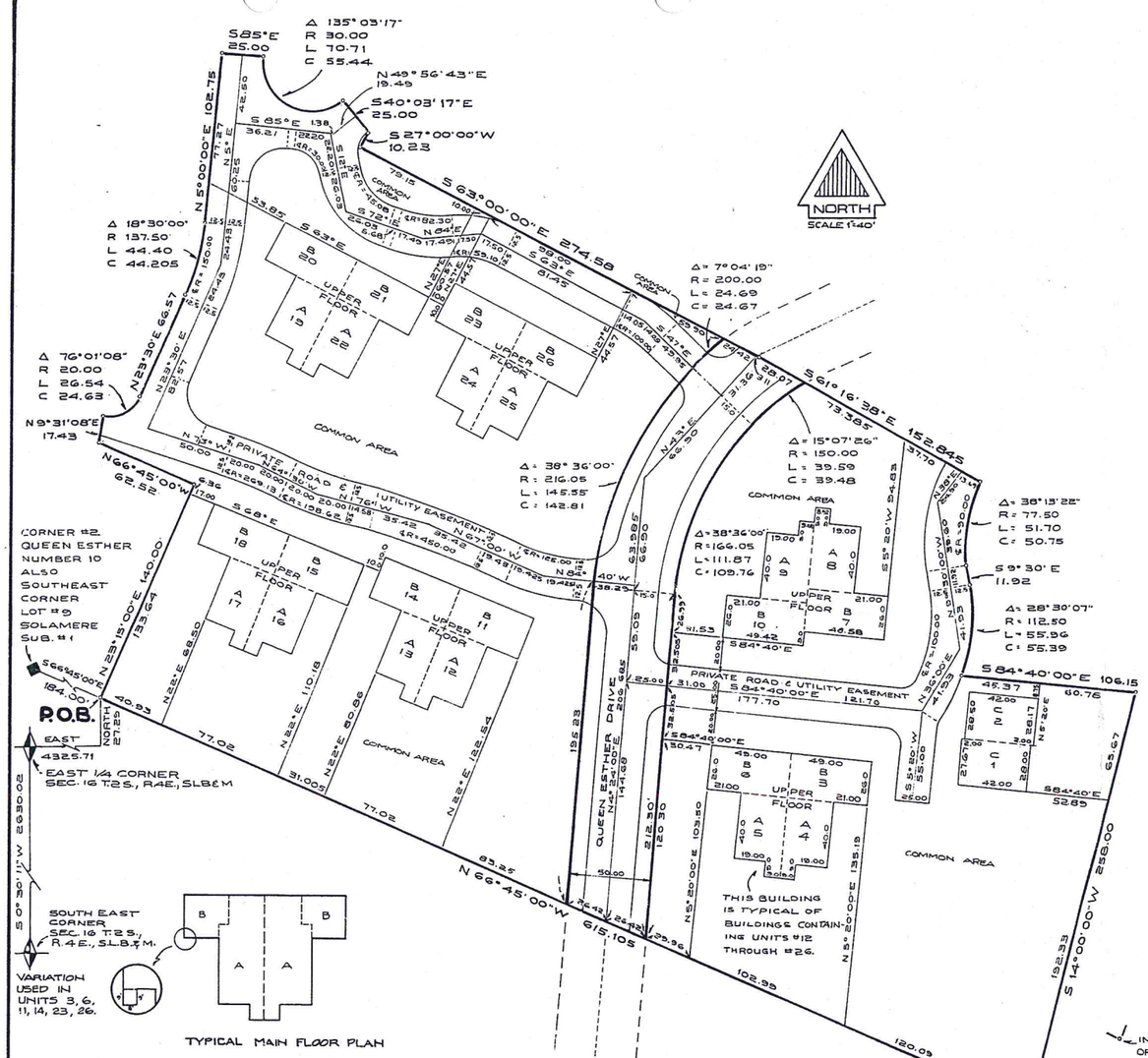
NOTARY PUBLIC

Summit Engineering Group Inc.
55 WEST CENTER • P.O. BOX 176
HEBER CITY, UTAH 84032
P: 435-654-9229 • F: 435-654-9231

PROJECT NO.: S17-001
DRAWN BY: JDE
REVIEWED BY: BC
APPROVED BY: BC
DATE: NOVEMBER 10, 2017

PARK CITY PLANNING COMMISSION	PARK CITY ENGINEER	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PARK CITY ATTORNEY	CITY COUNCIL APPROVAL	CERTIFICATE OF ATTEST	RECORDER
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018.	THIS PLAT IS IN CONFORMANCE WITH THE INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPT. ON THIS _____ DAY OF _____, 2018.	REVIEWED FOR CONFORMANCE TO THE SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018.	APPROVED AS TO FORM ON THIS _____ DAY OF _____, 2018.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS _____ DAY OF _____, 2018.	I CERTIFY THAT THIS PLAT AMENDMENT WAS APPROVED BY THE PARK CITY COUNCIL ON THE _____ DAY OF _____, 2018.	ENTRY NO. _____ BOOK _____ PAGE _____ STATE OF UTAH, COUNTY OF SUMMIT DATE _____ RECORDED AT THE REQUEST OF _____
CHAIR	CITY ENGINEER	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	CITY ATTORNEY	MAYOR	CITY RECORDER	SUMMIT COUNTY RECORDER

Exhibit B - Existing Plat



TYPICAL MAIN FLOOR PLAN

ACKNOWLEDGEMENT

STATE OF UTAH }SS
COUNTY OF SALT LAKE }

ON THIS 11th DAY OF AUG A.D. 1981 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC ALFRED J. NEWMAN WHO AFTER BEING DULY SWORN ACKNOWLEDGED TO ME THAT HE IS THE VICE PRESIDENT OF UTAH TITLE & ABSTRACT CO., A UTAH CORPORATION, THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES MENTIONED AND SAID CORPORATION EXECUTED THE SAME.

MY COMMISSION EXPIRES 6/5/82

RESIDING IN SALT LAKE COUNTY, UTAH

Leah Schar
NOTARY PUBLIC

COMMON AREAS RESERVED FOR P.U.D.

NOTES
1. ALL DIMENSIONS FROM BUILDINGS TO PROPERTY LINES ARE PERPENDICULAR TO PROPERTY LINES, IF NOT OTHERWISE QUALIFIED.
2. SHEET 2 SHOWS THE OUTSIDE WALLS OF THE UNITS
3. BUILDING LOCATIONS ARE FROM PROPERTY LINES TO OUTSIDE WALLS.
4. ———— DENOTES BOUNDARY OF PROJECT No. 1
5. ———— DENOTES UNIT BOUNDARIES.
6. DIMENSIONS TAKE PREFERENCE OVER SCALE
7. NUMBERS 1 THROUGH 26 ARE UNIT NUMBERS
8. PARTY WALL DIMENSIONS ARE TO THE MIDDLE OF THE WALL.
9. THE ABOVE NOTES APPLY TO ALL SHEETS.

ALL COMMON AREAS ARE HEREBY DEDICATED AS PUBLIC UTILITY EASEMENTS

SURVEYOR'S CERTIFICATE

I, JAMES G. WEST, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE No. 3082 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND SUBDIVIDED SAID TRACT OF LAND INTO BUILDINGS AND STREETS, HEREAFTER TO BE KNOWN AS QUEEN ESTHER VILLAGE No. 1, AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

August 14, 1981
DATE

James G. West
JAMES G. WEST
REGISTERED LAND SURVEYOR
No. 3082, UTAH

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 66° 45' 00" EAST 184.00 FEET FROM CORNER NUMBER 2 OF THE QUEEN ESTHER NUMBER 10 MINING SURVEY 6979, SAID CORNER ALSO BEING THE MOST SOUTHEASTERLY CORNER OF LOT 9, SOLAMERE SUBDIVISION NUMBER 1, AND MORE SPECIFICALLY DESCRIBED AS BEING NORTH 27.29 FEET AND EAST 4325.71 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 23° 15' 00" EAST 140.00 FEET; THENCE NORTH 66° 45' 00" WEST 62.52 FEET; THENCE NORTH 9° 31' 08" EAST 17.43 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 9° 31' 08" EAST 20.00 FEET OF WHICH THE CENTRAL ANGLE IS 76° 01' 08"); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 26.54 FEET TO A POINT OF TANGENCY; THENCE NORTH 23° 30' 00" EAST 66.57 FEET TO A POINT ON A 137.50 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 66° 30' 00" WEST 137.50 FEET OF WHICH THE CENTRAL ANGLE IS 18° 30' 00"); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 44.40 FEET TO A POINT OF TANGENCY; THENCE NORTH 5° 00' 00" EAST 102.75 FEET; THENCE SOUTH 85° 00' 00" EAST 25.00 FEET TO A POINT ON A 30.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 85° 00' 00" EAST 30.00 FEET OF WHICH THE CENTRAL ANGLE IS 135° 03' 17"); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 70.71 FEET THENCE SOUTH 40° 03' 17" EAST 25.00 FEET; THENCE SOUTH 27° 00' 00" WEST 10.23 FEET; THENCE SOUTH 63° 00' 00" EAST 274.58 FEET; THENCE SOUTH 61° 16' 38" EAST 152.845 FEET TO A POINT ON A 77.50 FOOT RADIUS CURVE TO THE LEFT, (CENTER BEARS SOUTH 61° 16' 38" EAST 77.50 FEET OF WHICH THE CENTRAL ANGLE IS 38° 13' 22"); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 51.70 FEET TO A POINT OF TANGENCY; THENCE SOUTH 9° 30' 00" EAST 11.92 FEET TO A POINT ON A 112.50 FOOT RADIUS CURVE TO THE RIGHT, (CENTER BEARS SOUTH 80° 30' 00" WEST 112.50 FEET OF WHICH THE CENTRAL ANGLE IS 28° 30' 07"); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 55.96 FEET TO A POINT OF TANGENCY; THENCE SOUTH 84° 40' 00" EAST 106.15 FEET; THENCE SOUTH 14° 00' 00" WEST 258.00 FEET TO THE SOUTHERLY LINE OF THE QUEEN ESTHER NO. 10 MINING SURVEY NO. 6979; THENCE NORTH 66° 45' 00" WEST ALONG SAID SOUTHERLY LINE 615.105 FEET TO THE POINT OF BEGINNING.

CONTAINS 4.7714 ACRES.

OWNER'S CERTIFICATE AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENT THAT UTAH TITLE & ABSTRACT CO., A UTAH CORPORATION, BY AND THROUGH ITS VICE PRESIDENT, ALFRED J. NEWMAN; THE OWNER OF THE TRACT OF LAND DESCRIBED HEREIN AS QUEEN ESTHER VILLAGE No. 1, A UTAH CONDOMINIUM PROJECT LOCATED ON THE ABOVE DESCRIBED LAND, DOES HEREBY MAKE THIS CERTIFICATE THAT THE OWNER HAS CAUSED A SURVEY TO BE MADE AND THIS RECORD OF SURVEY MAP CONSISTING OF 3 SHEETS TO BE PREPARED. THE OWNER HEREBY CONSENTS TO THE RECORDATION OF THIS RECORD OF SURVEY MAP IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT AND SUBMITS THE DESCRIBED PROPERTY TO THE UTAH CONDOMINIUM OWNERSHIP ACT. THE OWNER ALSO DEDICATES TO THE PUBLIC FOR THEIR USE, QUEEN ESTHER DRIVE AND THE PUBLIC UTILITY EASEMENTS AS SHOWN.

IN WITNESS WHEREOF, HE HAS SET HIS HAND THIS 11 DAY OF Aug. 1981.

BY Alfred J. Newman
ALFRED J. NEWMAN, VICE PRESIDENT
UTAH TITLE & ABSTRACT CO.

QUEEN ESTHER VILLAGE

NO. 1

LOCATED IN THE N.E. 1/4 OF SEC. 15, T.2S., R.4E., S.L.B.&M.

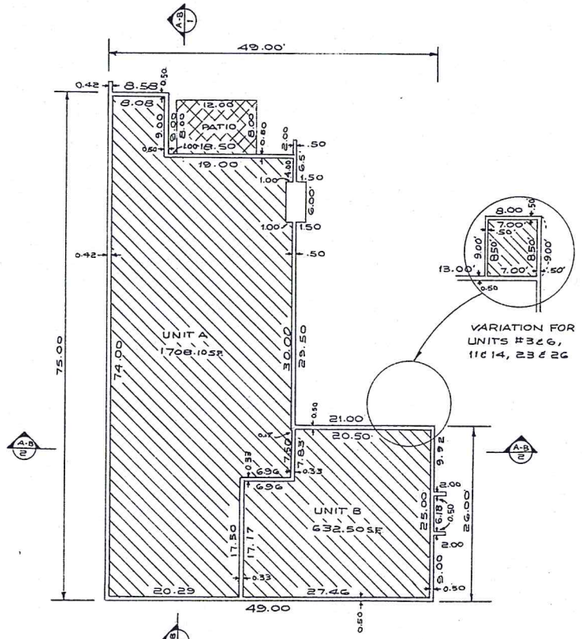
A UTAH CONDOMINIUM PROJECT

RECEIVED NOV 16 2017 PARK CITY PLANNING DEPT.

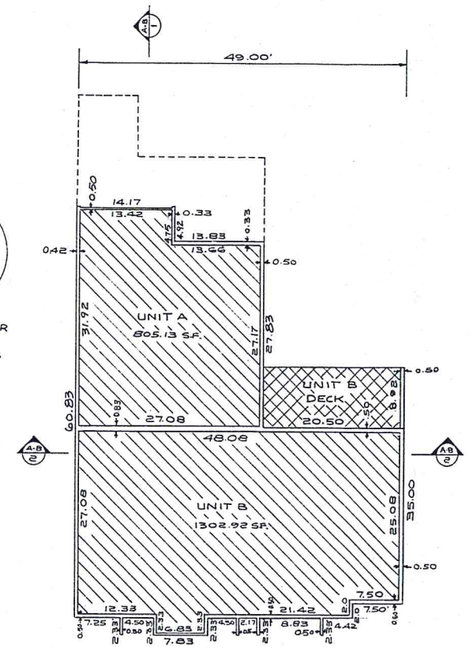
SHEET 1 OF 3

CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE BOARD OF _____ CITY COUNCIL THIS 13th DAY OF August A.D. 1981 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED	APPROVED AND ACCEPTED BY THE PARK CITY CITY ENGINEERING DEPARTMENT ON THIS 12 DAY OF August A.D. 1981.	APPROVED AND ACCEPTED BY THE Park City CITY PLANNINING COMMISSION ON THIS 12th DAY OF August A.D. 1981	APPROVED AS TO FORM ON THIS 13 DAY OF AUGUST A.D. 1981.	№ 182874 date: 8-26-81 at: 1:30 STATE OF Utah. COUNTY OF Summit. RECORDED AND FILED AT THE REQUEST OF: Park City Municipal Corporation
CITY CLERK John C. Lowell MAYOR	CITY ENGINEER	CHAIRMAN	CITY ATTORNEY	$43.00 FEES — Wanda Y. Springer COUNTY RECORDER

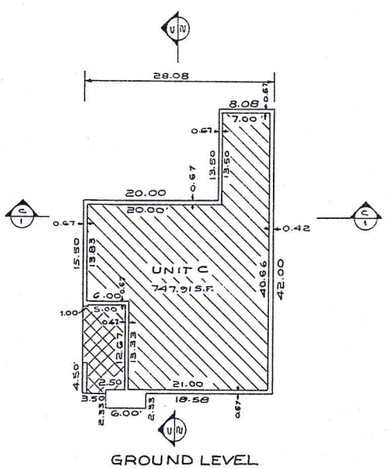
J.J.Johnson & Associates
Park Meadows Plaza,
Highway 248
Park City, Utah 84060
(801) 649-9811



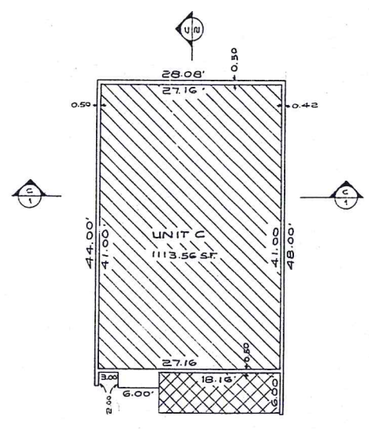
MAIN FLOOR
UNIT A & B



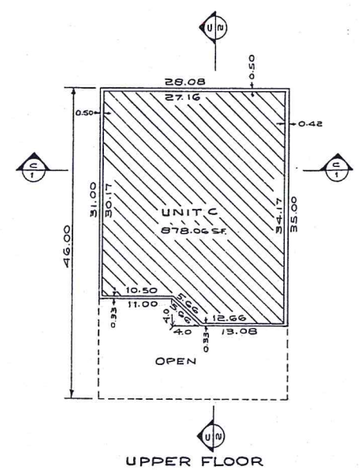
UPPER FLOOR
UNIT B



GROUND LEVEL
UNIT C
747.91 S.F.



MAIN FLOOR
UNIT C
1113.56 S.F



UPPER FLOOR
UNIT C
878.06 S.F

I JAMES G. WEST, DO HEREBY CERTIFY THAT THE BUILDING SPECIFICATIONS OF QUEEN ESTHER VILLAGE No. 1, A UTAH CONDOMINIUM PROJECT ARE AND WILL BE AS SHOWN ON THIS PLAT.

August 10, 1981
DATE

James G. West
JAMES G. WEST
REGISTERED UTAH LAND SURVEYOR
LICENCE No. 3082

PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP
COMMON OWNERSHIP

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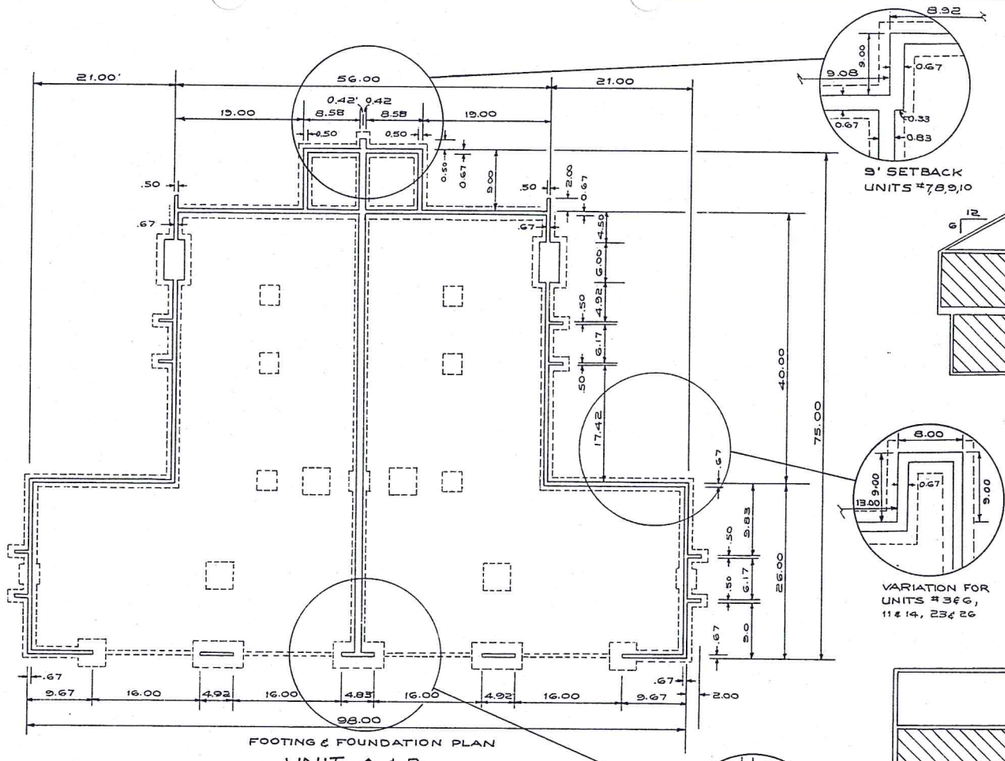
PLANNING DEPT.

SHEET 2 OF 3

CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	RECORDED	J.J.Johnson & Associates
PRESENTED TO THE BOARD OF _____ CITY COUNCIL THIS 13th DAY OF August A.D. 1981, AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED CITY CLERK MAYOR	APPROVED AND ACCEPTED BY THE PARK CITY CITY ENGINEERING DEPARTMENT ON THIS 12 DAY OF August A.D. 1981. CITY ENGINEER	APPROVED AND ACCEPTED BY THE Park CITY PLANNINING COMMISSION ON THIS 12th DAY OF August A.D. 1981 CHAIRMAN	APPROVED AS TO FORM ON THIS 13 DAY OF AUGUST A.D. 1981. CITY ATTORNEY	№ 182074 date: 8-26-81 at: 1:30 STATE OF Utah COUNTY OF Summit RECORDED AND FILED AT THE REQUEST OF: Park City Municipal Corporation $ 43.00 FEES COUNTY RECORDER	Park Meadows Plaza, Highway 248 Park City, Utah 84060 (801) 649-9811

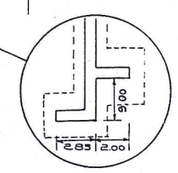


FOOTING & FOUNDATION PLAN

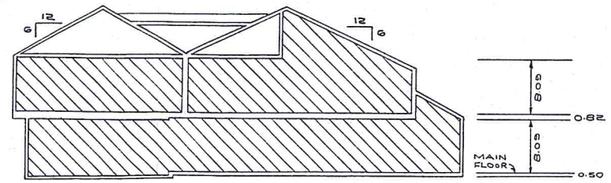
UNIT A & B

9' SETBACK
UNITS #7,8,9,10

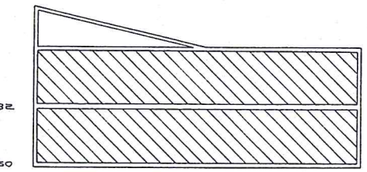
VARIATION FOR
UNITS #3 & 6,
11 & 14, 23 & 26



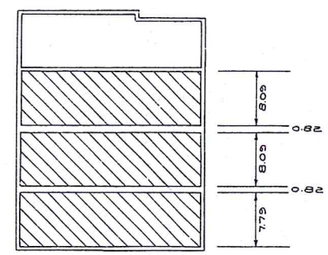
9' SETBACK
UNITS #7,8,9,10



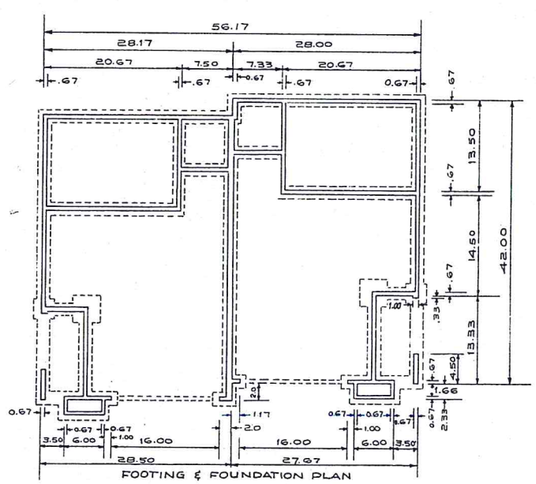
UNIT A&B SECTION 1



UNIT A&B SECTION 2

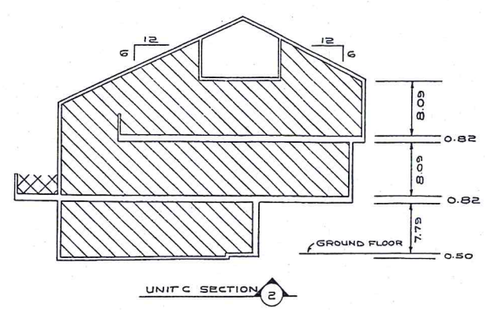


UNIT C SECTION 1



FOOTING & FOUNDATION PLAN

UNIT C



UNIT C SECTION 2

I, JAMES G. WEST, DO HEREBY CERTIFY THAT THE BUILDING SPECIFICATIONS OF QUEEN ESTHER VILLAGE NO. 1, A UTAH CONDOMINIUM PROJECT ARE AND WILL BE AS SHOWN ON THIS PLAT.

Aug 12, 1981
DATE

James G. West
JAMES G. WEST
REGISTERED UTAH LAND SURVEYOR
LICENCE NO. 3082

CONDOMINIUM UNIT NUMBER	UNIT TYPE	FINISHED ELEVATION			
		GARAGE	1ST. FLOOR	2ND. FLOOR	3RD. FLOOR
1	C	7129.70	7130.20	7138.81	7148.02
2	C	7129.70	7130.20	7138.81	7148.02
3	B	7125.50	7126.00	7134.91	N/A
4	A	7125.50	7126.00	7134.91	"
5	A	7122.90	7123.00	7131.91	"
6	B	7122.90	7123.00	7131.91	"
7	B	7126.50	7127.00	7135.91	"
8	A	7126.50	7127.00	7135.91	"
9	A	7123.10	7123.60	7132.51	"
10	B	7123.10	7123.60	7132.51	"
11	B	7119.90	7120.40	7129.31	"
12	A	7119.90	7120.40	7129.31	"
13	A	7119.90	7120.40	7129.31	"
14	B	7119.90	7120.40	7129.31	"
15	B	7119.30	7119.80	7128.71	"
16	A	7119.30	7119.80	7128.71	"
17	A	7119.30	7119.80	7128.71	"
18	B	7119.30	7119.80	7128.71	"
19	A	7120.00	7120.50	7129.41	"
20	B	7120.00	7120.50	7129.41	"
21	B	7120.00	7120.50	7129.41	"
22	A	7120.00	7120.50	7129.41	"
23	B	7120.70	7121.20	7130.11	"
24	A	7120.70	7121.20	7130.11	"
25	A	7120.70	7121.20	7130.11	"
26	B	7120.70	7121.20	7130.11	"

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

COMMON OWNERSHIP

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PLANNING DEPT.

SHEET 3 OF 3

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF _____ CITY COUNCIL THIS 17th DAY OF August A.D. 19 81 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED

M R Olsen
CITY CLERK

John C. Green
MAYOR

CITY ENGINEER

APPROVED AND ACCEPTED BY THE Park City CITY ENGINEERING DEPARTMENT ON THIS 12 DAY OF August A.D. 19 81.

Max E. Williams
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE Park City PLANNINING COMMISSION ON THIS 17th DAY OF August A.D. 1981

H. Gregory Lawson
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 13 DAY OF AUG A.D. 1981.

Michael A. McKay
CITY ATTORNEY

RECORDED

№ 182974 date: 8-26-81 at: 1:30
STATE OF Utah.
COUNTY OF Summit.
RECORDED AND FILED AT THE REQUEST OF:
Park City Municipal Corporation
$ 43.00
FEES

Wanda D. Springer
COUNTY RECORDER

J.J.Johnson & Associates
Park Meadows Plaza,
Highway 248
Park City, Utah 84060
(801) 649-9811

Exhibit C - Applicant's Project Description

November 10, 2017

To Park City Planning Staff

We are the owners of Unit 6 on Good Trump Ct. in Queen Esther Village No. 1 at Deer Valley. Our names are Jami and Stephen Guttenberg. Below are two photos of our unit as viewed from the south side:

View of Unit 6 from the Queen Esther Dr.

Existing Common Space below our Deck

We desire to remove the existing concrete slab under our deck, and construct new living space within this small 8' x 13.5' area. We propose to enclose the area with a new exterior wall as shown below. All windows, exterior siding, and finishes will match the existing materials and colors of the existing condo. Along with the new construction, we also plan on renovating the hot tub area and the deck above. All work will be done with a building permit from Park City, and using a licensed local builder, and with approval of the HOA Board.

The area under the decks are not actually part of the units, but are shown as Common Space on the subdivision plat for Queen Esther Village No.1. We made a presentation to the HOA Board and the property owners at the Annual Meeting held on March 31, asking for their consideration and approval to allow us to purchase the Common Area that is directly below our deck. The response was very positive, and we were encouraged to move forward. We have spent the past six months working with the HOA Board, and then getting a vote from all 26 condo unit owners to allow the Common Space under our deck to be sold to us and converted to Private Space that we can add to our Unit.

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Proposed Exterior of the Area Below Our Deck

We have worked with the property manager, PMA, and determined that an affirmative vote from 67% of the condo unit owners in QEV No. 1 is needed (per Utah State Code 10-9a-606) to allow the HOA to sell to us the common space ground under our deck. The vote of all members was obtained and tallied at the end of October. The vote of the members to approve the property transfer was 83% in the affirmative, which exceeds the threshold mandated by the state. We are therefore moving forward to submit an application for a plat amendment to change the Common Space under our deck to be Private Space.

Thank you for your assistance and time. Please call me (561-789-5861) or Jami if you have any questions for us. Or you may call our engineering consultant, Mike Johnston at Summit Engineering Group (435-654-9229) who is handling this project for us.

Sincerely,

Stephen and Jami Guttenberg

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November 3, 2017

Dear Park City Planning Dept.:

Stephen & Jami Guttenberg, owners at 2346 Good Trump Court, requested this letter be drafted. October 27, 2017 the Queen Esther Village Project 1 Homeowners Association held a special meeting. The purpose of the meeting was to vote on transferring 108 square feet of common space, located below their deck, from the Homeowners Association to the Guttenbergs. The purpose of the transfer is to facilitate the Guttenberg's to enclose that area and make it part of their living space. The Guttenberg's will pay the Association $8,100.00 for this area upon approval from the City.

The HOA voted on the transfer of common property and to amend the existing plat. Of the 26 HOA homeowners, 21 voted in favor of the sale of this piece of common property to the Guttnbers. Thus with an 81% approval vote, the property transfer proposal was passed and the HOA agreed to sell 108 square feet of common space and make it part of Unit 6 in queen Esther Village.

The HOA's understanding is that to make this official, the City Council of Park City will now approve this request to amend the plat, and any costs related to the approval process is the sole responsibility of the Home Owner.

Should you have questions please feel free to contact us or our property manager Juan Flores with PMA (435-731-1503,) or to the project engineer, Mike Johnston at Summit Engineering Group (435-654-9229.)

Sincerely,

Andrew Cohen

Pres. of Good Trump Ct Board of Trustees

James Turner

Pres. of Gilt Edge Board of Trustees

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QUEEN ESTHER

QUEEN ESTHER

QUEEN ESTHER

Exhibit F - Aerial Photographs

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