



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
December 8, 2021**

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

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Makena Hawley, Planner II; Mark Harrington, City Attorney

1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m. Chair Phillips confirmed that all Commissioners were present.

The following written determination was read:

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

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

2. MINUTES APPROVAL

- A. Consideration to Approve the Planning Commission Meeting Minutes from October 27, 2021.**
Consideration to Approve the Planning Commission Meeting Minutes from November 10, 2021.
Consideration to Approve the Planning Commission Meeting Minutes from November 17, 2021.

MOTION: Commissioner Suesser moved to APPROVE the Planning Commission Meeting Minutes from October 27, 2021. Commissioner Johnson seconded the motion.

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

MOTION: Commissioner Suesser moved to APPROVE the Planning Commission Meeting Minutes from November 10, 2021. Commissioner Van Dine seconded the motion.

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

MOTION: Commissioner Suesser moved to APPROVE the Planning Commission Meeting Minutes from November 17, 2021. Commissioner Van Dine seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Chair Phillips reported on the Commission's site visit on the proposed Snow Park Master Plan Development. He noted that there was decent attendance, and they were able to stop at the various on-site markers. The site visit was mostly informative, with a few questions asked regarding the site. He noted that no substantial discussions were held during the visit to ensure that they would be on the record during this meeting.

Chair Phillips inquired as to whether the January and February meetings would be held per the regular schedule or if any special meetings were anticipated. Planning Director, Gretchen Milliken stated that they added an additional meeting each month for the next six months going forward but noted that additional meetings might not be needed. For planning purposes, the Commission should plan on meetings on the second, third, and fourth Wednesdays of each month.

Chair Phillips reported that he had discussed the possibility of returning to in-person or hybrid meetings beginning in 2022. He invited the Commissioners to contact him with any comments or questions. He noted that the situation was evolving, and he would like to receive input prior to the next meeting so that they could make a decision. He added that every other City Board has returned to conducting in-person meetings. He felt that the Commission did the right thing by proceeding cautiously, but it was something that was worth discussing.

5. CONTINUATIONS

- A. 3805 Fox Tail Trail - Rezone - The Applicant Proposes Reallocating the Estate and Recreation Open Space Zoning for Parcel PCA-S-98-SEC-11 to Create an 8.84-Acre Area in the Estate Zoning District for the Construction of a Single-Family Dwelling Outside of the Ridge Line Area and a 23.89-Acre Area in the Recreation Open Space Area to be Dedicated to Park City Pursuant to a Conservation Easement. PL-21-04865.**

Chair Phillips noted that Agenda Items 5.A and 5.B were to be continued. He opened up public hearing on both.

Belinda Loveless had no comment on this particular item but addressed virtual access and the limitations on participation to within the United States. She noted that there are participants from around the world who are not able to access these meetings. She requested that the meetings be unrestricted to allow participation from those outside the United States.

Director Milliken commented that if the meetings become in-person, they would still have virtual access for the public. Ms. Loveless reiterated that persons outside the United States were unable to connect virtually and wanted to raise awareness of these restrictions.

MOTION: Commissioner Van Dine moved to continue the 3805 Fox Tail Trail Re-Zone to a date uncertain. Commissioner Johnson seconded the motion.

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

B. 3805 Fox Tail Trail - Subdivision - The Applicant Proposes Creating One Lot from Parcel PCA-S-98-SEC-11 for a Single-Family Dwelling in the Estate Zoning District and One Parcel in the Recreation Open Space Zoning District. PL-21-04826

MOTION: Commissioner Johnson moved to continue the 3805 Fox Tail Trail Subdivision to a date uncertain. Commissioner Van Dine seconded the motion.

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

6. CONSENT AGENDA

7. WORK SESSION

A. Deer Valley Snow Park Proposal - Work Session With A Focus On the Applicant's Transportation Analysis and an Update on Progress Made Since the October Work Session. PL-21-04811

Senior City Planner, Alexandra Ananth, reported that staff would be providing an update on the Transportation Analysis. She reminded the Commission that this was an application to amend the existing Master Planned Development ("MPD") for the Snow Park/Deer Valley area, as well as a Conditional Use Permit ("CUP") for Phase 1 of the project, which includes the parking structure, the Transit and Mobility Hub, and the overall site plan. She noted that the Phase 1 CUP did not include the vertical development on top of the parking structure.

She introduced Transportation Senior Planner, Julia Collins, and City Engineer, John Robertson. She also introduced the City's third-party Transportation Engineer, Project Manager Gary Horton, and Jeremy Searle from Wall Consulting Group ("WCG"). The applicant was also present.

Planner Ananth anticipated that the next meeting on this project would occur on January 26, 2022 but noted that the agenda was still up in the air based on continuation of the Transportation Analysis and potential public hearing on the applicant's petition.

She reported that since the last meeting, the applicant submitted a revised Trip Generation Memorandum and a newly proposed Transit Loop. Planner Ananth explained that the applicant's revised Trip Generation Analysis showed an increase in the estimated number of daily vehicle

trips to the project. She noted that this revised analysis was prepared in response to questions raised by the City's third-party Transportation Engineer and would result in a revised Transportation Analysis for the project.

Overall, the City was comfortable with the applicant's revised methodology; however, the revised Transportation Analysis was also contingent on the proposed Circulation Plan that they wanted to address before the public hearing in 2022.

Planner Ananth explained that the applicant proposed a new Transit Loop that would provide a dedicated, one-way bus-only lane that would move in a counter-clockwise loop from the Y Intersection at Deer Valley Drive West to Doe Pass Road. This Loop would also access the Mobility Hub and Bus Station. From this location, the bus operators would have the option of traveling north onto Doe Pass Road to exit the site or to continue in the bus-only lane and circulate around Deer Valley East. The alternative also included a 12-foot-wide separated multi-use path for pedestrians and cyclists along Deer Valley Drive.

Planner Ananth reported that the City was still evaluating the proposed Transit Loop, but they liked that the proposal prioritized transit by dedicating a bus-only lane without having to significantly widen the roadway. It would also provide additional flexibility for transit as buses would not be limited to the one-way circulation loop and could join the general vehicle traffic lanes as well. She noted that the bus-only lane also provided another option for emergency response vehicles, which had been an initial concern with the longer dead-end road that this project could create in the drop-off area.

The City and its' consultant have asked the applicant for a few more details on the intersections, driveways, turning lanes and conflict points to fully evaluate how the proposed Transit Loop would function. Planner Ananth reported that the City had two recommendations at this point. One was to provide two bus-only lanes on Doe Pass Road to give buses flexibility to proceed north or south. The second recommendation was that the applicant provides a queue jump so that buses might enter the general-purpose travel lane ahead of any vehicle traffic on Doe Pass Road. This would prioritize transit's efficiency on Deer Valley Drive West.

Chair Phillips asked if the City would still run regular transit service along Deer Valley Drive East in the general traffic lanes. Planner Ananth responded that buses could circulate into the general traffic lanes. She added that the proposal prioritizes getting passengers in and out of Deer Valley via the bus-only lane. Buses would still have the flexibility to circulate around Deer Valley Drive East, which would be an option that the City would look at implementing during certain times of the day. Planner Ananth stressed that the primary number of visitors accessing the site via bus would be arriving from Old Town and getting them into the resort as efficiently as possible was the City's priority.

Planner Ananth reported that the applicant did not reduce the number of curb cuts into the garage on Doe Pass Road or Deer Valley Drive, which creates multiple conflicts with transit, pedestrians and cyclists. In addition, she noted that it remained unclear whether the proposed 12-foot multi-use path would extend around the entire Deer Valley Loop or just around Deer Valley Drive West. She noted that mitigation for Deer Valley Drive East was still being considered.

Planner Ananth stated that the applicant's Circulation Plan was contingent on the review and approval of the applicant's Right of Way ("ROW") vacation and dedication application by the

Planning Commission and City Council. Staff and the applicant were seeking feedback from the Commission on the Circulation Plan and the best time to proceed with the ROW application.

Peter Pillman from IBI Group, provided an overview of the history of this application. They submitted the original application on April 13, 2021, and thereafter spent quite a bit of time during a Planning Commission Work Session discussing the alignment of the project goals and objectives with the City's goals and objectives. He felt that from the very first meetings with Staff, they received direction and input from the City on its' priorities for this project.

The City's goals that have served as the pillars for this project were environmental leadership, transportation innovation, sustainable tourism, arts, culture and local economy, and affordability and equity. One of the guiding principles in their proposal is creating a destination like no other. They felt that this principle is important for the resort, the citizens of Park City, and visitors to the State of Utah. First and lasting impressions were also important, as was the guest experience and being "good neighbors." He noted that they have had many discussions during outreach efforts on these topics.

He stressed that they have taken each of these pillars and used them as a guiding principle to ensure that they were aligned with the City's goals and objectives.

Mr. Pillman introduced Jon Nepstad, Fehr & Peers, to address the Transportation Plan. Mr. Nepstad echoed that the applicant's transportation goals align well with those of the City. He highlighted the City's goal of the modal hierarchy of "pedestrian first" and the importance of transit. He felt that they were very much aligned with moving away from the longstanding philosophy of not mitigating traffic and aligned with flexibility of transit options.

He appreciated the comments of the Commission and Staff regarding intersection operations, and he expressed confidence that they would work out those issues. He referenced the site visit that showed the location of the Mobility Hub and arrival experience. Mr. Nepstad emphasized that "less is more," and offered that visual clutter at the resort was unnecessary for a variety of reasons; he offered that addressing visual clutter was important not just for visitors, but for residents.

He lauded the meetings with Staff and their consultants as being highly productive. He highlighted the Trip Generation element and stated that it was a very important technical element to any Transportation Analysis. They revisited the Trip Generation analysis and obtained some additional background data that has slowed down their detailed analysis, but they continue to finalize it. He noted that there was also a request to look at additional intersections beyond those they had scoped, which is also a work in progress. They were coordinating with Utah Department of Transportation ("UDOT") with respect to the 248/224 interchange.

Mr. Nepstad reported that they felt good about parking supply and stressed their commitment to design an extremely high-end parking experience. They have updated their Traffic Demand Management Plan and he stated that they felt good about the direction this plan was going. He addressed the active transportation infrastructure and the applicant's accommodation of a multi-use path along Deer Valley Drive West that would provide a world-class experience getting to and using the multi-use path.

Mr. Nepstad reiterated that the in-person collaboration with Staff and the City's third-party consultant contributed to the alignment of their analysis and their proposal with the City's goals.

Their proposal is also flexible for transit, and they have engaged emergency services personnel who are generally positive about where the proposal is headed. He stressed the simplified intersections and highlighted that they have proposed the first City-operated traffic signal at the intersection near the Deer Valley corporate offices. They want to keep those intersections at a minimum in order to minimize visual clutter.

Mr. Nepstad explained that they have proposed a large scale, counterclockwise transit lane that would accommodate transit in both directions. The City recently began its new Express Service, and the applicant's proposal would accommodate current and future transit ideas, as would the Mobility Hub. He stated that this proposal would offer the best for everyone and for all modes. The counterclockwise loop inbounds for transit at Deer Valley Drive West. He noted that they also want to ensure that transit or micro-transit could be accommodated on Royal Street, and that buses have right turn access to the Mobility Hub. He explained that when passenger vehicles approach the newly configured Y-intersection, the messaging and design would direct that passenger vehicle to stay on Deer Valley Drive East and make the loop around. He noted that this route only adds one minute to the travel time for general traffic and buses would be prioritized on Deer Valley Drive West. Mr. Nepstad assured that flexibility for transit was provided in this proposal. He highlighted the bridge just south of the Y-intersection and explained that it would be a constrained right-of-way that they have accounted for in their proposal.

Commissioner Suesser referenced the comments that there would be no widening of Deer Valley Drive East. She understood that the proposed configuration would include one general vehicle travel lane, one dedicated transit lane and a 12-foot multi-use path and asked if they had those three lanes currently. Mr. Nepstad explained that currently there is a shoulder and pavement that could accommodate all three lanes without reducing the sidewalks on either side. Mr. Pillman added that the general vehicle lane highlighted in blue represented two-way vehicle traffic. The dedicated bus lane would be a one-way lane. The proposal would add a bus lane in addition to the existing two lanes of traffic without widening Deer Valley Drive East or reducing the size of the multi-use path on the west side or the sidewalk on the east side. Mr. Nepstad added that there was quite a bit of shoulder on either side of the Deer Valley Drive East that would be repurposed to accommodate these lanes.

Planner Ananth commented that there was often overflow parking on one side of Deer Valley Drive that takes up an entire lane but does not reduce the existing right-of-way for vehicles traveling in either direction; she explained that this space was being utilized in this proposal. Mr. Nepstad confirmed that the applicant would not be requesting overflow parking.

In response to an inquiry, Planner Ananth confirmed that the overflow parking currently exists within the City's roadway and does not extend into the multi-use path.

In response to a question from Commissioner Thimm, the cross-sections of the proposed roadway configuration were discussed, and it was explained that the minimal dimension from gutter to gutter was 31 feet. There would be areas where the dimension is larger, including Deer Valley Drive West where the dimension would be 33 feet. Doe Pass Road would be re-built, so they would be constructing the needed widths.

Mr. Nepstad added that they also gained some space by configuring the lanes slightly narrower than they exist today and commented that narrower lanes help to control speeds.

Commissioner Suesser referenced prior concerns about overburdening Deer Valley Drive East and noted that this proposal would keep the general public traffic routed onto Deer Valley Drive East and add a dedicated bus lane. She also referenced prior comments about Deer Valley Drive West being under-utilized. Commissioner Suesser felt that it might be preferable for buses to proceed west on Doe Pass Road onto Deer Valley Drive West; she acknowledged that a collector bus to take people to town might be necessary, but on a limited schedule.

Commissioner Suesser expressed surprise at this proposal because it would add to the traffic on Deer Valley Drive East but stated she would be open to a better understanding of the proposed plan.

Mr. Nepstad stated that there is a lot of transit ridership on the loop, and they want to continue that transit service. They want to prioritize buses getting out on Deer Valley Drive West, which will not be an empty street. He explained that the idea all along has been to make the arrival from Deer Valley Drive East. He acknowledged that there would be more traffic on Deer Valley Drive East, as they want less congestion for the buses coming in on Deer Valley Drive West.

Commissioner Suesser asked if rideshare and shuttles would be directed to Deer Valley Drive West as a good solution to reducing some of the traffic on Deer Valley Drive East. Mr. Nepstad agreed and stated that they would like to see that as well. He added that when rideshares and shuttles leave, they would not be equipped with the device that would allow the signal to turn green for public buses, but they would still have a travel time advantage.

Planner Ananth reiterated that from the City's perspective, prioritizing and incentivizing transit was the most important thing and was driving the applicant's site plan. Getting buses in and out on Deer Valley Drive West is a priority for the City. She acknowledged that while it would push some additional traffic onto Deer Valley Drive East, there would still be travel lanes in both directions for anyone coming out of residences along Deer Valley Drive East.

Commissioner Van Dine understood that there would be no restriction on vehicles traveling in both directions and noted that the proposal seeks to incentivize people to take Deer Valley Drive East. She felt that the plan appeared to create a better flow of traffic by spreading vehicles out along the entire route. Mr. Nepstad agreed that over-reliance on one transportation route is not a good thing, and this plan seeks to disperse traffic.

Commissioner Suesser sought clarification of the plan with regards to general vehicle traffic. She understood that general traffic would not be allowed to use Deer Valley Drive West and would be directed to Deer Valley Drive East. Mr. Nepstad clarified that general traffic could use Deer Valley Drive West, however the plan seeks to discourage that. He referenced the messaging that would be in place on Deer Valley Drive from the roundabout to the new intersection and explained that the new intersection would be realigned such that a vehicle would have to turn onto Deer Valley Drive West, rather than just continuing on straight.

Mr. Nepstad stated further that they would be able to control certain things on site to encourage day skiers and visitors to remain on Deer Valley Drive East; he specifically referenced closing garage entrance doors at certain times of the day.

Chair Phillips echoed the comments made by Commissioner Van Dine and felt that the plan seemed to spread the traffic out, which is a step in the right direction.

Commissioner Kenworthy expressed that he felt the updated plan created a more equitable traffic burden on both Deer Valley Drive East and Deer Valley Drive West. He also found that the flexibility was a big improvement in the plan. He applauded the work that Staff and the applicant had done on these improvements. He mentioned that he has always focused on the elevations on the plaza and the window for the view corridors, and felt that based on the walk-through, the applicant had achieved and maintained those view corridors as he had imagined. Mr. Nepstad emphasized that the plan was a collaborative effort between the applicant and the City.

Commissioner Thimm commented that his concerns centered on Doe Pass Road, but felt it appeared to be headed in a good direction.

Chair Phillips requested more information from the applicant on curb cuts and driveway conflicts. Mr. Nepstad stated that some of these would be “game time decisions” and would become clearer once it became fully operable. At this point, they could manage ingress and egress to the parking garages on Doe Pass Road through gates and messaging. He added that they have people in the field that could manage circulation and parking and have proposed three locations for guest services staff to monitor operations on key days. He added that the technology associated with parking and communication would be applied as well. They are working with a firm to integrate those ideas into the plan.

He addressed how the plan mitigated pedestrian conflicts and explained that they want to reduce pedestrian crossings over driveways as much as possible by having the loop on the north side where there are no curb cuts. In response to an inquiry from Commissioner Suesser regarding entrances to the parcel north of Doe Pass Road contemplated in the next phase, Mr. Nepstad confirmed that this parcel would be accessed from Deer Valley Drive East.

Chair Phillips asked about access from the north parking lot in Phase 1C to the lifts and/or the Resort Center. Mr. Nepstad identified the sidewalk that currently exists in that location in which pedestrians would cross the street. Chair Phillips wanted to make sure that this plan would account for future growth and the impacts that would occur when that lot is developed. He added that they might need to condition approval on the number of curb cuts allowed into the north lot so that it is known before that lot is developed. It was noted that conceptually, the applicant would be proposing two driveway entrances for the north lot off of Deer Valley Drive East. Chair Phillips stated that they might look to condition that before the applicant begins the design process for that lot.

Commissioner Thimm clarified that they were discussing that there would be zero curb cuts on the north side on Doe Pass Road. Chair Phillips added that the Commission might consider conditioning the Deer Valley Drive East side to allow two curb cuts. He asked Staff to provide their thoughts. Commissioner Thimm added that they might condition that the curb cuts on the east side be a certain distance from the intersection as well.

Commissioner Thimm asked how pedestrians on the path highlighted in green would access the bus stop. It was confirmed that pedestrians would use the Mobility Hub and it was explained that the sidewalk was located on the north side of Doe Pass Road to limit the interactions with parking garage entrances. Mr. Nepstad explained further that the conflicts would be further reduced along Doe Pass Road because the ingress/egress for the main parking garage would be off of Deer Valley Drive East.

By putting the sidewalk on the north side, anyone walking around the loop would not interact with any of the vehicles or the parking garage entrances. There would still be a sidewalk on the south side to provide access to the Mobility Hub and the diagonal shuttle parking. It was clarified that the diagonal shuttle parking would be separate from the Mobility Hub, which would be strictly used by Park City Transit and Hi Valley Transit.

In response to further inquiry from Commissioner Thimm, it was confirmed that the current plan did not include sidewalks on the south side of Doe Pass Road from Deer Valley Drive West to the Mobility Hub. It was explained that it was removed to minimize the pedestrian and parking garage conflicts. The pedestrian walkway would continue, however, along Deer Valley Drive West to the south to allow access to the main plaza area.

Commissioner Thimm felt that pedestrian circulation was enhanced by not having a sidewalk on the south side of Doe Pass Road between Deer Valley Drive West and the crossing at the Mobility Hub. Mr. Nepstad highlighted that the sidewalk to the west of Deer Valley Drive West continued to access the main development of Snow Park.

Mr. Nepstad re-visited the issue of the bridge and explained that it created a constriction on the site. Currently, the bridge includes a four-foot sidewalk, as well as an 8-foot sidewalk on both sides of the road. The applicant proposed to remove the 4-foot sidewalk on the east side to gain the width necessary to continue the lane widths proposed for the entire west side without having to address the bridge itself.

Michael Demkowicz, Alliance Engineering, explained that previously they kept the walkway at the 8-foot width; however, as it continues up the west side, they proposed widening it to the 12-foot multi-use path. The only area where they could not achieve the 12-foot width would be at the bridge, so the path is remaining at 8-feet on the bridge along the west side.

In response to an inquiry from Commissioner Johnson, Mr. Demkowicz explained that when the sidewalk along the bridge reaches the intersection with Doe Pass Road, the sidewalk continues on the west side of Deer Valley Drive West. At Royal Street, they put sidewalks on both sides of Deer Valley Drive West, anticipating that pedestrians would be access the plaza at that point.

Planner Ananth pointed out that the Doe Pass Road cross-sections showed that the applicant would not be able to accommodate the two transit lanes that the City requested. Mr. Nepstad acknowledged that was the case, but noted that in this location, Doe Pass Road is 700 feet long from Deer Valley Drive West to Deer Valley Drive East. He stated that there were many things going on in this location, including the Mobility Hub, and they felt that adding more pavement would not be necessary. He added that given the transit patterns, they felt comfortable not adding a transit lane. He noted that an additional transit lane would increase exposure of the pedestrian to more vehicular traffic.

In response to further inquiry, Mr. Nepstad stated that one of the general-purpose lanes could also be used for buses in the westbound direction. Julia Collins, Transportation Planner, echoed the statements of Mr. Nepstad and noted that they were looking at having a dialogue with the applicant regarding the opportunity of a dual bus lane so that buses could directly enter and leave the Mobility Hub. The addition of a bi-directional bus-only lane achieved that, and with a queue jump any traffic congestion could be easily bypassed.

Mr. Nepstad offered to continue to discuss these issues and noted that enforcement of the transit-only lane would be another issue to consider.

John Robertson, City Engineer, requested clarification on the traffic controls the applicant was proposing at Doe Pass Road and Deer Valley West. Mr. Nepstad confirmed that the plan proposed stop signs on northbound Deer Valley Drive West; they could also install stop signs on Doe Pass Road for those vehicles entering Deer Valley Drive West, which would also allow Royal Street traffic the ability to get out. It was noted that they do not anticipate much traffic on Doe Pass Road. Mr. Demkowicz agreed that a stop sign would be justified at Doe Pass Road to allow vehicles entering from Royal Street.

It was noted by City Engineer Robertson that they would continue to work with the updated traffic numbers, a statement echoed by Planner Ananth.

Commissioner Kenworthy expressed that he would like some time to delve into the traffic generation numbers. He commented that for the hotels that have a total of 192 rooms, he questioned whether the daily trip generation number of 1,204 was accurate. He also noted that the trip generation number was utilized from a Canyons analysis. Commissioner Kenworthy questioned whether the assumption of a paid parking reduction should apply for hotel guests. He also felt that the umbrella reduction for day skiers should not apply to the hotel guests. Commissioner Thimm echoed this comment.

It was explained by Fehr & Peers that they revisited their trip generation numbers and generally increased them across the board for all uses. This was done to achieve a more conservative analysis and to ensure that they were sizing their infrastructure correctly. He added that the original numbers also felt ambitiously low, and the revised numbers provide a more realistic picture.

He explained that one of the callouts from WCG's review was that they were using an industry standard trip generation rate for hotels; WCG shared that from the work at The Canyons, a local precedent for which a trip generation study had been conducted was generating trips at a higher rate than was typical. While they applied a higher trip generation rate, they were not necessarily reducing as many trips for the paid parking scenario.

He also mentioned that based on discussions with Deer Valley staff, approximately 2/3 of the guests who use lodging at their facilities arrive via some sort of car service as opposed to arriving via their own vehicle or a rented vehicle. Therefore, while they are not parking at the site, when these guests leave the site they would likely do so via a shared vehicle, which results in slightly more trips.

Chair Phillips suggested further conversation on the questions raised by Planner Ananth and requested the topics scheduled for the next meeting on this project. Planner Ananth expressed her feeling that they were moving in the right direction, and understood the Commission felt generally that the circulation plan made sense. They would continue to assume that this process would move forward.

She stated that at either the January or February meeting, she would like to see the Right of Way plat in preparation for a public hearing so the applicant could finalize the Circulation Plan and the Transportation Analysis.

Commissioner Suesser stated she was agreeable with Deer Valley moving forward with the Right of Way vacation and dedication of the plat but felt that some of the details of the Circulation Plan needed to be clarified. She highlighted the bus circulation back onto Deer Valley Drive West to head north without having a dedicated bus lane. She felt that they should not drive all of the bus traffic onto Deer Valley Drive East and did not see the capacity of Doe Pass Road accommodating two lanes of bus traffic.

Commissioner Suesser referenced the comments that shuttles and rideshares would use Deer Valley Drive West but did not see where the drop off for those vehicles would be located. She also noted that any general public traffic that comes down through Doe Pass Road could not make a right to drop off people and should be clarified.

Chair Phillips applauded the efforts of the applicant and Staff and was happy to see the continued progress of the plan and the efforts to make the Commission meetings more efficient.

Chair Phillips noted the time constraints for this meeting and assured any members of the public who wished to speak that additional meetings would provide an opportunity for comment. He reminded that public comments could also be submitted in writing.

8. REGULAR AGENDA

A. 9300 Marsac Ave (Sommet Blanc/B2East Parcel) - Applicant is Requesting Amendments to the Approved Master Planned Development and Flagstaff Development Agreement as well as a Conditional Use Permit for Proposed Development of 43 Residential Units Above Underground Parking, 4 Townhome Villas within 2 Duplexes on the North-Eastern Portion of the Site, a 3,600-Square-Foot Public Restaurant, and a Detached Ancillary Ski Locker Building. PL-21-04771 & PL-20-04702

City Planner, Makena Hawley explained that this application involves three condominium buildings comprised of 43 residential units above underground parking. It also includes a 3,600 square foot public restaurant, four townhome villas and a separate ski ancillary locker building. She explained further that there are several governing documents that guide the development on this lot, and three of them require amendment.

She referenced the Flagstaff Development Agreement, which required amendments to the Design Guidelines and the number of Planned United Development ("PUD") units. In addition, the Master Planned Development ("MPD") required modifications to Conditions of Approval ("COA") numbers 1 and 2. She noted that in the Residential Development Zone, a multi-unit dwelling is a Conditional Use.

Planner Hawley stated that the Flagstaff Development Agreement required an amendment to allow four additional PUD units. This amendment would not increase the saleable square footage. In addition, the applicant requested an additional Book of Design Guidelines that would include a more modern design aesthetic. In terms of the changes to the MPD, Planner Hawley stated that the applicant requested amendments to the building plans and volumetrics, as well the allowance of a height exception for Building C to 94 feet above benchmark grade.

Planner Hawley addressed the existing disturbance on the lot, and noted that approximately one year ago, two CUPs were approved for this lot. The applicant proposed retaining walls of greater

than six feet and a temporary sales trailer, which were both administrative conditional uses that required mitigation through an administrative application process. She explained that they were permitted because property owners are able to make changes to their property in accordance with the Land Management Code ("LMC").

Planner Hawley next addressed the changes to the Mid-Mountain Parking Lot following the feedback received during the last meeting and the recent site visit. The applicant retained Alliance Engineering to create a model showing the turn radius and angles for trailered vehicles. Some of the changes include rolled gutters and eliminating certain raised curbs around the perimeter. She reported that she was able to review the plans with Troy Dayley, Streets Department Director, who expressed no concerns with the design or layout in terms of snow removal. Planner Hawley noted that while the City does not plow that area, she sought his opinion on snow removal. She noted that if this item involved additional research, she would suggest that the applicant work directly with the Trails and Open Space Manager to move forward with direction or action on the proposed applications.

Planner Hawley highlighted the issues surrounding site disturbance and building heights. She noted that at times they were not able to discern differences in site disturbance because the Hill Glazier Plan did not contain an engineered drawing depicting site disturbance. The applicant retained Alliance Engineering to prepare a potential site plan that brings the Hill Glazier Plan to life. The details show additional information that needs to be added to the site to make that plan workable and deferred to the applicant to explain this more in depth.

With respect to building heights, Planner Hawley stated that the applicant provided additional exhibits for review, including PUD sections. She noted that the MPD contained a Condition of Approval that allows a height exception of 82 feet above benchmark grades. When the MPD was approved, development was not proposed for the north side of the lot, so there was not a review of this location. The RD Zone height limitation is 28 feet from existing grade.

Planner Hawley reported that the applicant has proposed a height of 94 feet from benchmark grade for Building C. She noted that this proposal was developed after the original feedback calling for cohesion with the Empire Day Lodge. The applicant has proposed a maximum height for the PUDs of 40 feet.

Planner Hawley reminded that if the Commission felt that this matter was ready for action, there are two separate applications for consideration, which must be voted on separately. Public comment could, however, be held concurrently on both items. She explained that for COA #22 she added that one AUE is equivalent to 900 square feet according to Resolution 05-2021 Affordable Housing Guidelines.

Planner Hawley noted that COA #25, as drafted, referenced the wrong subdivision plat, which she has corrected. With respect to the approval of the Development Agreement and MPD amendments, she highlighted that the amendments shall be put in the form of an amended Development Agreement and submitted to the Planning Department for ratification by the Planning Commission within six months of approval.

Commissioner Kenworthy asked about a Traffic Study. Planner Hawley reported that there was a prior Traffic Study included in the October 27, 2021, Staff Report. She explained that there was much less traffic expected as compared with the Hill Glazier Plan by virtue of the reduction in unit count by almost half. Commissioner Kenworthy stated that he has never seen a Traffic Study

that compared the issues with what is occurring at Bonanza Flats and the additional traffic. He referenced the accidents at the top and at the roundabout and understood that there was going to be a Traffic Study prepared, not just a comparison with the prior study.

Chair Phillips also inquired about the number of trips that this project would generate going up the hill to Bonanza Flats. He noted that the road was beyond capacity and with the hazards of that road public safety should be paramount.

Commissioner Kenworthy also mentioned the two restaurants being added. Planner Hawley believed that the Hot Creek Restaurant was a ski in/ski out restaurant. Planning Director Milliken confirmed that there would be no parking associated with that restaurant and it would only be open during Resort hours.

In response to an inquiry regarding service vehicles accessing that restaurant, Planning Director Milliken expressed her belief that there would be a drop-off area, as well as Snow Cats available for use.

Chair Phillips offered that there was still some information that the Commission would need to assess with regards to traffic circulation. Commissioner Suesser expressed ongoing concerns about the roadway and felt that any approvals with respect to this project should take those hazardous conditions into consideration. She felt that these issues must be addressed through a Traffic Study. Chair Phillips agreed with the comments of Commissioner Suesser.

Commissioner Suesser also raised an issue with regards to one-way traffic from the Guardsman Gate down Twisted Branch Road during the summer months, as well as access up Twisted Branch Road during the winter for a City Transit-to-Trails shuttle. She felt that any plan should reduce the mixing of pedestrians and recreational traffic above Guardsman Gate when it is closed during the winter and eliminate some of the conflicts during the summer. She also noted that she did not see anything in the applicant's plans that would provide a shuttle for its' residents and guests into town and felt something like that should be incorporated. Planner Hawley reported that the residents would be part of the Empire Pass Homeowners Association, which has a shuttle.

Commissioner Suesser expressed that another significant concern with this project was the addition of the townhomes and whether they comply with the orientation of the buildings for the CUP. The townhomes and the accessory building represent a significant departure from the orientation of the site that was originally proposed. She also felt that the open space percentages must have been significantly decreased, and wondered how the addition of the townhomes, the accessory building and the road would not have an impact on the amount of open space. She added that the original plan, which called for the orientation of the buildings up the hillside, could not be built for reasons of emergency access; however, the idea of adding those townhomes seemed excessive for this site plan.

There was discussion regarding Alliance Engineering's drawing that reviewed the Hill Glazier Plan. Planner Hawley explained that the drawing was Alliance Engineering's design to make the Hill Glazier Plan realistic in terms of access. She added that the approved MPD drawings only include seven sheets of pictures rather than engineered drawings.

Commissioner Suesser commented that the Hill Glazier Plans they have seen in the past did not include the access road. Planner Hawley clarified that this was Alliance Engineering's view of what would need to be added to make the Hill Glazier Plan work.

Hannah Tyler, Sommet Blanc Residences I, LLC, explained that there is a road in the approved MPD Hill Glazier Plan that would come off of Marsac Avenue before the hairpin turn and would cut through the area where the Villas are located. She explained that it was moved because it realistically could not cut through that location due to the grade. Alliance Engineering placed the road in a location that would be feasible if they were going to develop the Hill Glazier Plan.

Ms. Tyler explained that Doug Ogilvy, Sommet Blanc Residences I LLC, was trying to comment but was having difficulty connecting due to his location in Canada.

Commissioner Suesser recalled that the reconfiguration of the site was due to the fact that the Fire Department claimed that access to the Villas would not be possible. She questioned the history of the site plan being presented. Ms. Tyler stated that there was an issue with fire access, which is why Alliance Engineering drew the fire access off of Twisted Branch Road.

Chair Phillips wondered if the applicant would have difficulty making their presentation if Mr. Ogilvy was not able to connect to the meeting. Ms. Tyler confirmed that they could still make their presentation.

Michael Demkowicz from Alliance Engineering explained that the Hill Glazier Plan was the most current plan for this site. Alliance Engineering did all of the work for Empire Pass, including the design of Twisted Branch Road. He commented that there were times during the design process when Twisted Branch Road was designed to come off of Marsac Avenue closer to the roundabout. He further added that when they built Twisted Branch Road, they created a break in the mechanical stabilized earth ("MSE") wall, with the anticipation that there would be access to this site from Twisted Branch Road.

Mr. Ogilvy stated that they empathize with the safety concerns and noted that the owner of Twisted Branch Road met with Park City within the last 30 days to discuss the roadway. Park City does not yet know what it wants to do with the roadway and addressing this issue would involve numerous stakeholders and take some time to work out. He reiterated that Sommet Blanc has no control over Twisted Branch Road, and no ability to impact what happens with that road. Additionally, there is no nexus between the proposed project and Twisted Branch Road. Mr. Ogilvy stated that there is an existing approval to build 81 dwelling units and the applicant has decreased that to 47 dwelling units, which would reduce the traffic contemplated under the approved drawings by approximately 15- 25%. He added that in the winter months, Guardsman Pass Road is closed except to homeowners, so there would be virtually no traffic past the parking lot. He acknowledged that in the summer months there is a fair amount of traffic comprised of people using that road to access Bonanza Flats. However, adding 47 keys to the project would not significantly add to that traffic.

Mr. Ogilvy stressed that the applicant should not have this project conditioned on something involving property owned by another entity over which they have no control and with which there is no nexus with this project. He continued by addressing the Villas Site Comparison slide. He noted that there was always an upper driveway shown, but the graphics presented in 2007 showed it as a trail through the woods rather than a 24-foot-wide road. He stressed that development always contemplated an upper driveway to service the two villa buildings.

Mr. Ogilvy noted that the two villa buildings were originally located on a steep portion of the site, along with a possible skier bridge over Twisted Branch Road, should that roadway become public.

He reiterated that their plan moves the three villa buildings from the right-hand side of the site to the left-hand side of the site. The topography on the left side of the site is not as steep, and they propose to build the access roadway over an existing 30-foot easement and existing road to minimize disturbance. In doing that, they are saving all of the trees on Parcel A, as well as trees between the Villas and the Lodge buildings below.

Mr. Ogilvy stated that the plan presented to the Planning Commission in 2007 was incomplete as it pertained to B2 East. He felt that this application provided a site plan that is significantly superior to the Hill Glazier Plan. He noted that Alliance Engineering overlaid what would be necessary to make the Hill Glazier Plan work, including a significant amount of retaining walls. While the Hill Glazier Plan allowed for some tree retention, the rest of the site would be “nuked” by retaining walls.

Additionally, he stated that the Hill Glazier Plan would essentially eliminate the Mid-Mountain Trail through the site, whereas the applicants re-route of the Mid-Mountain Trail would be much more user friendly. Mr. Ogilvy noted that the section below Twisted Branch Road has already been built, and the City is happy with the trail as built. In addition, this plan saves more trees than the Hill Glazier Plan.

Mr. Ogilvy pointed out that the graphics associated with the 2007 drawings created a fallacy that the Hill Glazier Plan retained a pristine forest. He referenced the premise of the 1999 Flagstaff Development Agreement and pointed out that they annexed 1,600 acres into the City and designated 87 acres of land for high-density development. Saving one acre of trees on this site was not the intent of the Flagstaff Development Agreement; the intent was to concentrate development in high-density nodes where it could be served with transit and preserve the mountain for an experience where skiers are skiing through trees rather than houses.

Mr. Ogilvy added that in 1999, Park City had the foresight to know that they did not want Deer Crest or The Colony in this location; they wanted Deer Valley. With this application, they have created a great ski experience with high-density development at the bottom. The Empire Master Association runs what amounts to a private Uber service throughout the neighborhood. He reported that 95% of the rides are within 20 minutes, with an average ride time of 8 minutes. The users have given this service a rating of 4.95 stars. He reiterated that this site was always intended to be a high-density site, and they have merely moved the Villas to allow for the opportunity of a future ski trail should Twisted Branch Road become a public road. The change in orientation also allows them to easily re-route the Mid-Mountain Trail, rather than impede it.

Mr. Ogilvy stressed that this is a much better plan. He noted that during prior Planning Commission meetings, they spent a lot of time discussing The Lodges and felt that they worked through those issues. With respect to building heights, Mr. Ogilvy stated that they requested a 40-foot height limit to provide more architectural interest. He explained that only the chimneystacks touch the 40-foot limit; three of the bedrooms touch the 33-foot limit, while more of the building touches the 28-foot limit. He noted that if the pop-out on the third floor was removed, it would have to be added to the ends of the buildings resulting in a long, flat building, which would be less interesting as viewed from The Montage and would result less tree retention due to the expanded footprint. Mr. Ogilvy added that no one lives above the Villas, The Montage is 500 feet away, and the articulation of this roof would be far more interesting than a flat building.

Mr. Ogilvy added that the rooftops would essentially not be visible from Twisted Branch Road, and the view from Guardsman Pass is minimal. Chair Phillips asked for a view from the

roundabout; Mr. Ogilvy indicated that was not previously requested, however referenced the Villa Trees Retention slide. He explained that their plan would save all of the trees below the Villas. In addition, they have pushed the driveway closer to Guardsman Pass Road to enable them to push the Villas further from Marsac Avenue. They also configured the Villas in order to allow them to retain more trees below Townhome A. He felt that looking up from the roundabout, one would see trees, not the Villas.

Commissioner Suesser referenced the Hill Glazier Site Plan comparison and felt that it showed a significant increase in site disturbance as compared with the prior plan. She understood that the prior plan provided access to the Villas off of Twisted Branch Road and not from Highway 224 and felt that the cut from Highway 224 was a big change from the prior plan and would create a more significant site disturbance.

Mr. Ogilvy agreed that the Villas were originally contemplated to be accessed off Twisted Branch Road. He stressed that the Villas are comprised of four units and the traffic generated by them would be negligible. The proposed curb cut has been approved by UDOT and would align with the proposed curb cut from the anticipated parking lot improvements. He expressed that UDOT felt that their proposal was a significant improvement in safety over the current condition. Commissioner Suesser reiterated that her comments referenced the site disturbance as compared to the prior plan.

Mr. Ogilvy referenced the slide entitled "Hill Glazier with Retaining Walls," and explained that this would be the result if they built the Hill Glazier Plan. There would be a battery of retaining walls going from the Lodge buildings to the upper driveway, which would result in the removal of every tree in that area.

Commissioner Suesser pointed out that the road coming off of Highway 224, as depicted in this slide, was inaccurate. Mr. Ogilvy stated that even if the roadway was not built, there was still a 30-foot water line easement. The trees in the location of Villas A and B would be saved, but at the proposed location of Villas C and D there would be major site disturbance in order to construct the retaining walls.

Mr. Ogilvy stressed that the proposed upper driveway would run along an existing waterline easement and existing road, and the Villas were proposed to come off the new driveway. They designed the buildings in order to save as many trees below them as possible, and in doing that, they would also be saving the trees on Parcel A. He noted that the arborist identified 250 Aspen trees in the area of the Villas that would need to be removed because they are dead or diseased.

In response to an inquiry from Chair Phillips regarding re-planting of Aspens, Mr. Ogilvy referenced the report that found healthy undergrowth of 3" Aspens. Chair Phillips noted that removing over 200 Aspens might impact the screening of the Villas from the roadway. Mr. Ogilvy commented that approximately half of the Aspens below the Villas would be retained.

Mr. Ogilvy reminded that this seven-acre site was intended for high-density development back in 1999. It was never intended as an open space site. The footprint of the Villas is essentially the same as the footprint in the Hill Glazier Plan. The footprint of the upper driveway is similar to the footprint in the Hill Glazier Plan, except the proposed upper driveway would use the existing 30-foot waterline easement.

Mr. Demkowicz stated that it was important to remember that the original intentions of Flagstaff/Empire Pass Development was to incorporate all of the land that United Park City mined to come up with an entitlement for density and to cluster that development in the best locations. Had this not been the intent, there would likely be a series of roads, ski bridges and retaining walls that would impact the aesthetics and the skier experience. He offered that the Hill Glazier Plan and the applicant's proposal were not drastically different. The idea of the Hill Glazier Villas only being accessible from the roundabout and lower building makes sense from a hotel guest perspective; however, the Fire Department requires access to those Villas, and they would not go through the hotel to access them. He explained that Twisted Branch Road was built with a break in the retaining walls to allow access to this site. He added that when they did the B2 East Subdivision Plat, they created Lot 1 (the development site) and Parcel A. The idea behind Parcel A was to maintain the ability for Deer Valley to expand their ski area and create a ski bridge in the future.

Mr. Ogilvy reiterated that they were proposing a 40-foot height because they feel it is architecturally superior to stretching out the building at 28 feet. He noted that the Hill Glazier Villas were three-level Villas; the proposed Villas are primarily two-level, with the one-bedroom pop out. He referenced the cross-sections and noted that the buildings were still below the sightlines from the Guard Road. With regard to the discussions regarding excessive glass and excessive floor plates, Mr. Ogilvy stated that the floor plate on the main floor is 11'4", while the floor plate on the upper floor is approximately 8 feet past sill at the end, so they would not be looking at excessive glass.

He highlighted the articulation of the Villa rooflines, and restated that if they remove that element, they will get a wider, flatter building. He felt the articulated roofline was architecturally superior and would not block anyone's view. The one-bedroom pop out, as viewed from the street level would not be material, nor would it be viewed from The Montage as material.

Mr. Ogilvy stated that they took the feedback regarding the Mid-Mountain Trail Parking Lot into consideration and would use paint to define the ends of the parallel parking to allow for ease of maneuverability as well as making it easier to plow. In addition, they straightened out the retaining wall at the top left corner to create a snow storage area and make it easier to plow. Instead of concrete curbs, they have revised it to show rolled gutters. He stated that the berm was currently shown as 12 inches, however UDOT might allow them to build it slightly higher to identify the space. Mr. Ogilvy offered that the Trails and Open Space Manager, UDOT and the design team agree that the proposal would create a much safer condition than currently exists. He expressed that if the Planning Commission wanted to reconsider this, they could include it in a Condition of Approval that they would spend \$150,000 on trailhead improvements if it is determined that trailhead improvements were desirable. Mr. Ogilvy offered that if the Commission liked the design of this parking lot, the applicant would build this parking lot. He added that the parking lot would also include pit toilets, a kiosk and a re-route of the trail around it.

Mr. Ogilvy referenced the illustration showing the vehicular movement of a trailered vehicle moving into and out of the parking lot. He felt that this lot would be easy to parallel park, and they have made this parking lot more snowmobile and mountain bike friendly than what exists today. With respect to a Traffic Study, Mr. Ogilvy stated that during the winter, the Guardsman Pass Road is closed to general traffic and only used by Brighton Estates homeowners. There would be no traffic past B2 East during the winter. He stressed that adding 43 [sic] keys would not change the winter traffic.

He noted that traffic has been building considerably since Wasatch County paved the road on the Wasatch County side. In addition, Bonanza Flats has contributed to the increased traffic from both Salt Lake City and the Park City side. This traffic is separate and independent of this project and the 47 units would not impact the amount of traffic on this road. He stated that the owner of the road would be happy to sit down with the UDOT and the City if and when they are ready to discuss it. He stressed that this applicant does not control that road.

Mr. Ogilvy reminded that their first submittal on this project was in November 2020, and the Villas have been included in their proposed location since that time. He felt that there was good reason for the proposed location, and that it would be better to amend the DA to allow the applicant to create four more PUD units due to preferable architecture. He recalled that they seemed to have a consensus from the Planning Commission that the amendment was a good idea. He also felt that there was a consensus from the Planning Commission that the architecture was interesting, which would justify ratifying an additional Book in the Design Guidelines.

Mr. Ogilvy noted that Planner Hawley created an exhaustive list of Conditions of Approval for them to move forward. He expressed disbelief that traffic from 47 units would change anything materially on this road; in the summer, 95% of the vehicles leaving this project would turn left out of the project and in the winter, vehicles could not turn right because the road is closed. Mr. Ogilvy respectfully offered that there was no rationale for further delaying and conditioning this project on anything having to do with Twisted Branch Road. They are aware of the issues with the road, but do not have the ability to do anything about them since it is privately owned.

Commissioner Suesser asked Mr. Ogilvy if he was saying that none of the owners or guests at Sommet Blanc would have access to Bonanza Flats from Twisted Branch Road. Mr. Ogilvy stated that there was no access to Bonanza Flats from Twisted Branch Road because it stops 114 feet short of the County line. He agreed that vehicles could travel up Twisted Branch Road as far as the Red Cloud Yurt; at that point, during the summer, the road ties back into Guardsman Pass Road. In the winter, that road is closed.

Mr. Ogilvy further stated that residents or guests of Sommet Blanc would have no reason to drive through the gate at Twisted Branch Road unless they were members of the Talisker Club or visiting friends in Red Cloud. Although the residents of Sommet Blanc would be members of the Master Association, he questioned why any residents would drive through the gate at Twisted Branch Road.

Mr. Demkowicz questioned whether other Empire Pass residents even know the code to get through the gate on Twisted Branch Road. Mr. Ogilvy added further that if residents took the Talisker Club snowmobile into Talisker's outpost, they could drive to the yurt where there are six parking spots, and then take a snowmobile to the outpost. If residents have friends who live in Red Cloud, they could use Twisted Branch Road to visit their friends.

Chair Phillips asked if ownership at Mont Blanc would not give residents access to Twisted Branch Road. Mr. Ogilvy reiterated his prior statements. City Attorney, Mike Harrington stated that under the old plan, there was direct access to Twisted Branch Road on the other side of the gate. Mr. Ogilvy confirmed that that direct access was being eliminated.

Mr. Harrington clarified the Commission's questions and asked if what little access were contemplated in the original plan would be maintained so that they would not be putting even that incremental amount back onto the substandard upper portion of the Guard Road. Mr. Ogilvy

stated that residents of Sommet Blanc would be members of the Master Owner's Association, which has an easement on Twisted Branch Road that stops 114 feet short of the County line. He therefore assumed that an owner in Sommet Blanc could use Twisted Branch Road and stop 114 feet short of the County line.

Commissioner Kenworthy referenced the recent lift incident at The Canyons where a number of skiers were stranded. He noted the intent of the Development Agreement to add a secondary lift to transport skiers when there are winds or breakdowns. He stated he was looking at this plan from a safety standpoint and noted that the standards for Highway 224 were no longer safe. He further noted that the applicant did have access to the prior project that was approved with Twisted Branch Road.

Commissioner Kenworthy further stated that the applicant had addressed the access issue by moving it from inside the gated portion. He stated that he was struggling with the safety issues on two levels. He felt that the prior project was built with the clear intent to surplus Highway 224 and use Twisted Branch Road but could not imagine anyone could have predicted the traffic issues that currently exist. Commissioner Kenworthy also stated that the roundabout was a problem and felt that this project would result in a substantial increase in traffic. He asked Mr. Ogilvy to address the intent with regard to the safety issues.

Mr. Ogilvy stated that one of the reasons they moved the Villas was to create the opportunity for better ski connectivity. The technical reports that were part of the 2004 Village MPD state that what became Twisted Branch Road was required to be a gated, private road, and Twisted Branch Road was built as a gated, private road. If the City wants it to be something else, then the City needs to speak with the owner of the road, not this applicant.

He acknowledged that Deer Valley would like to see Twisted Branch Road become a public road. The applicant therefore proposed to move the Villas to allow for the possibility that Deer Valley could build a ski bridge over Twisted Branch Road if the current Highway 224 was vacated and became a ski trail. Mr. Ogilvy stated that the applicant amended the Hill Glazier drawings to create an opportunity for a better ski experience if the City and UDOT decide what they want to do with Twisted Branch Road. The applicant does not own Twisted Branch Road and does not have a seat at the table with the City and UDOT to decide what to do with the road.

Commissioner Kenworthy pointed out that the applicant has the right to access the gated Twisted Branch Road based on the 1997 approval, which Mr. Ogilvy confirmed. Commissioner Kenworthy concluded that the applicant did have a relationship with Twisted Branch Road because it could build the existing MPD into the middle of Twisted Branch Road.

Mr. Ogilvy queried whether moving four residential units off of Highway 224 would really impact the safety of Guardsman Pass Road. Commissioner Kenworthy felt the applicant has a relationship with the owner of Twisted Branch Road and would have the possibility of accessing it. Mr. Ogilvy stated that they have easement rights that do not grant them ownership or control over the access to the road. The easement rights run in favor of the Empire Pass Master Owners' Association.

Commissioner Suesser expressed that the Commission had concerns regarding safety that needed to be addressed. Mr. Ogilvy responded that the applicant could not address the safety concerns; they are not causing the safety issue, nor are they changing the safety issue. They have an existing entitlement to build 81 dwelling units. The proposal seeks to reduce the number

of units to 47, which would result in a reduction in traffic. Commissioner Suesser noted that the proposal seeks to build a condo/hotel, which carries with it more accessory space and staff to maintain and provide services. She did not feel that this was a significant reduction in the amount of people that would be on site and felt it would likely result in an increase.

Mr. Ogilvy pointed out that the people who are staffing the buildings would not be coming from Wasatch County; they would arrive from Summit County. Chair Phillips commented that during the summer months, there would likely be quite a few people coming over from Wasatch County.

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

Chair Phillips was not convinced that a 40-foot height for the Villas was warranted based on architectural interest. He commented that he could not think of anywhere in the greater Park City area that had 40-foot heights. He further noted that the applicant proposed moving the Villas from behind a building that would screen them to a very prominent place where they would not be screened by Aspen trees, and the Commission was being asked to approve an additional height of 12 feet. In addition, the extra height would essentially be all glass and very visible.

Chair Phillips stated that there are other townhomes nearby at Empire Pass that were built at the 28-foot height limit. He acknowledged that it was not easy, but it has been done all over Empire Pass. If there was a precedent for this type of height exception, that would be one thing; however, there is not, and this would be a one-of-a-kind exception. He did not see good cause for the exception.

Chair Phillips also referenced the Hyatt, and the issues with the amount of glass and the ambient light. He would like to know how they would control the light pollution, and he felt it would be helpful for him to see elevations of the buildings highlighted in yellow near the circulation corridors so that he could better understand the amount of light that would always be emitted, and how much light pollution would be created by the occupied residences.

Commissioner Hall agreed with Chair Phillips' comments regarding the requested height exception. She was likewise not convinced that it was warranted for this project.

Chair Phillips clarified that he was generally okay with the height exception on the other buildings, but not the Villas. He offered that he would rather see the Villas incorporated into the other buildings with the increased height.

Commissioner Johnson agreed with the comments regarding the height and stated that he was struggling with the proposed heights on both the Villas and the Parcel C building. He referenced the site visit and stated that he was okay with stepping down Building A so that it blended in with Empire Lodge, but was still struggling with the requested 94-foot height on Building C. He felt that 28 feet was sufficient for the Villas.

Commissioner Thimm stated that he was not convinced that there would be any more area of disturbance with this plan as compared with the original approval. The stated justification for the extra height for the Villas to achieve architectural interest was not anything that the LMC would recognize, so he did not know that the Commission could go there. He noted the applicant's statements that this development was intended to be high-density clustered development and wondered whether they could leave that as open space and bring that density into the clustered

development that already exists. He offered that he did not know whether the Commission was satisfied that the roadways and circulation were satisfactorily addressed.

Commissioner Van Dine asked the applicant to address the re-vegetation of the 260 Aspens, which she felt seemed like a lot of removal. Mr. Ogilvy stated that significant vegetation would be deemed to be any healthy specimen trees of 3+ inches; anything removed would have to be replaced inch-for-inch.

Commissioner Suesser noted that while the applicant was trying to separate itself from Twisted Branch Road, she wanted to make progress on the use of that road which would help her get closer to an approval of the proposed plan.

Commissioner Hall noted her support for the trailhead and stated that she would like to see that accomplished. Commissioners Thimm and Van Dine agreed. Commissioner Suesser felt that they should put a pin in the issue of the trailhead. She liked the idea of making it safer for mountain bikers, but she wanted to ensure that they were addressing and accommodating all of the users of that trailhead for every season. She corrected the applicant's statement that only Brighton Estates owners use the Guardsman Road during the winter; Park City owns Bonanza Flats and there is more recreational use of that area and more desired access. There are a number of significant safety issues on those roads that involve a number of different users, not just Brighton Estates homeowners.

Commissioner Kenworthy requested a Traffic Study based on the massive, unimaginable increase in traffic, as well as significant safety issues.

Mr. Ogilvy responded to the concerns expressed about lighting and stated that the Lodge buildings were designed with direct elevator access, with no external windows on the stair towers. There would be no circulation lighting above Level One, and the only windows above Level One would be within individual residences.

With respect to the relocation of the Villas, he felt that the location they selected was more appropriate than the original plan. In response to questions of whether they could further cluster the density, Mr. Ogilvy referenced a study that addressed transferring the Villas density into the Lodge building. The Villas, as drawn, contain approximately 21,500 feet of density, which is almost equal to the square footage of one floor on Building B and one floor on Building C. If they transferred the density to the middle of Building B, the design would look like a "muffin top" which they rejected. They found, however, that if they added one floor to Building B and one floor to Building C, they could still maintain the progression that followed the contours. He presented slides depicting a winter view from the Ruby Chair.

Mr. Ogilvy asked the Commission if this would be the direction that the Planning Commission would like the applicant to explore. Commissioner Suesser answered in the affirmative. Commissioner Thimm stated he would be interested in this direction and asked about the maximum heights. Mr. Ogilvy stated that Building A is 70 feet in the front and 82 feet at the back, Building B goes to 94 feet, and Building C goes to 106 feet, all relative to benchmark. He noted that The Montage was 114 feet above the lobby, and 200 feet above the Events Lawn.

Chair Phillips expressed his interest in having further conversations regarding the transfer of density. He added that if the applicant could look at different footprint options to balance it more, that would be helpful. Commissioner Suesser would like to see the contrast between the current

proposal versus one where the Villas are moved into the Lodge buildings. Mr. Ogilvy referenced Slides 6 and 7, which show those differences.

Chair Phillips asked the applicant to bring this information back at the next meeting. Commissioner Suesser added that she liked this configuration better than the Villa plan. Commissioner Johnson stated that he would consider the increased height if the Villas buildings were eliminated.

Commissioner Thimm stated that in terms of the surrounding massing, the progression in massing did not bother him and maintaining open space where the Villas were proposed would be a major improvement in the plan overall. If they were to consider the revised proposal, he would like a consideration of making that area perpetual open space.

Commissioner Kenworthy agreed with these comments and felt that this design would provide more continuity within the Empire Pass area. Commissioner Hall agreed. The discussion turned to a continuance of this item. Mr. Ogilvy felt that the earliest the applicant could get this additional information to the Commission would be February 2022. Planner Hawley suggested a continuance to February 9, 2022.

MOTION: Commissioner Thimm moved to CONTINUE the Sommet Blanc Petition to February 9, 2022. Commissioner Johnson seconded the motion.

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

B. Founders Place (formerly Deer Hollow) Parcel 00-0021-01977 - Substantive Master Planned Development Modification and Multi-Unit Dwelling Conditional Use Permit - The Applicant Proposes Constructing 78 Residential Units in Four Buildings for a Ski-In Ski-Out Village Developed in Three Phases in the Recreation Commercial Zoning District in the Deer Crest Area.

Assistant Planning Director, Rebecca Ward stated that they were joined by Bill Fiveash and Carter Lamb with East West Partners, Seth Striple, Project Architect and Tom Bennett, Project Attorney. She explained that the first two items scheduled for the Commission's consideration include the modifications to the MPD and the Conditional Use Permit for the multi-unit dwellings. She presented the applicant's Site Vicinity Map and explained that this 30-acre parcel is accessed through the Queen Ester Gatehouse or the Jordanelle Gatehouse along Deer Hollow Road, which is a private road.

Assistant Planning Director Ward reported that this project dates back to the 1980s, where the property owner applied for a Density Determination with Wasatch County. In 1991, the County Commissioners approved a Density Determination for the then-named Telemark Park Resort. In 1995, as a result of the property location within several different jurisdictions, there was a Settlement Agreement between the property owners and Park City that outlined annexation and future development. She reported that the Settlement Agreement required that the Density Determination be amended. There was also a 1998 Deer Crest Interlocal Agreement that outlined fees and services for this area.

Assistant Planning Director Ward explained that there were no more than 83 multi-units dwelling allowed at 2,400 square feet, totaling 199,200 square feet. In addition, 60% of the dwellings are

required to be in a primary village structure and up to 5% support commercial is allowed, as are appropriate amenities. Originally, the development was supposed to connect Deer Hollow Road, formerly Keetley Road. In 2017, an amendment to the Settlement Agreement removed that requirement that Deer Hollow Road be disconnected. That Agreement allows for official emergency vehicles to provide emergency services within the project, private road use by Deer Crest owners, guests and invitees, and public use for evacuations. The Deer Crest Master Association maintains and operates the Queen Ester and Jordanelle Gates.

Assistant Planning Director Ward reported that the applicant is proposing to construct 199,200 square feet for 78 residential units in four buildings. The proposal includes 5,400 square feet of Affordable Employee Housing units on site, 3,229 square feet for support commercial and over 100,000 square feet for residential accessory uses. She added that the proposal includes 128 parking spaces, which is a reduction in what is required. The project would be phased, starting in the spring of 2022, and run through the spring of 2024. She reported that to date, this project has undergone review through the Park City Development Review Committee. Wasatch County's Development Review Committee also reviewed the project. They also conducted a site visit. On November 10, 2021, the applicant agreed that the proposal was a Substantive Modification to the Deer Crest MPD.

Assistant Planning Director Ward stated that the proposed density for the project was established in the Settlement Agreement and Density Determination. The applicant is proposing 78 residential units, which is within the square footage allowed for the site. The applicant is also proposing six affordable employee-housing units, which under the LMC are exempt from the density calculation.

Commissioner Suesser asked for clarification of what the density was, and what it was amended to be. Assistant Planning Director Ward explained that the density has always been 199,200 square feet. The first amended Density Determination did not change the residential unit equivalents for the site, but there were other modifications. She noted that there was a 20,000 square foot ski amenity building that was transferred to another site. Originally, four single-family dwellings were approved, which was eventually increased to five because of reductions to another site.

Assistant Planning Director Ward stated that the MPD contains the 25-foot perimeter setback. The internal setbacks were set in the first amended Density Determination, with a 40-foot setback from the Deer Hollow Road centerline, 25-foot rear setbacks and a 10-foot side setback. She stated that the applicant has proposed three lots, with a common wall between Lots 1 and 2. There would be no setbacks for those two lots, which are allowed in the Recreation Commercial Zoning District if there is a party-wall agreement. She noted that they have included this in the Condition of Approval in the draft Ordinance for the plat.

She corrected the information in the Staff Report regarding Open Space by stating that this project would provide 72% open space. In addition to the 60% open space requirement, the applicant has proposed to reduce some of the site disturbance. She referenced the 1995 Slalom Village Site Plan and reported that the applicant used this to calculate the limits of disturbance and compared that with the 2021 proposal. The limits of disturbance were reduced for this project, thereby increasing the overall open space for the Deer Crest project.

With respect to parking, Assistant Planning Director Ward reported that the applicant proposed 128 parking spaces, 123 of which would be underground and the remaining five uncovered. The

first amended Density Determination set the parking requirement at 166 parking spaces; therefore, the applicant has proposed a 23% reduction from that. She explained that if the project were developed under the LMC, 159 parking spaces would be required. The applicant's proposal represents a 20% reduction in what is required under the LMC.

She reported that in support of their request for reduction, the applicant submitted a Transportation Demand Management Plan ("TDM"), a Parking Supply Study and a Trip Generation Study. There are six criteria that the Commission may consider to support the reduced parking requirements:

- The proposed number of vehicles required by the occupants based on the use. The applicant's Parking Study concluded that Founder's Place would create a parking demand for 104 parking spaces.
- A parking comparison of project of similar size with similar occupancy. The applicant submitted a comparison with projects in the Flagstaff area that concluded that similar projects had a demand of 1.5 parking stalls per unit. Staff noted that in the Flagstaff Development Agreement there were requirements for shuttle services for residents and guests, therefore, Staff was recommending similar Conditions of Approval for this project.
- Parking needs for non-dwelling uses. Due to the unique location, this project would not be accessible to public vehicles and the support commercial is limited to the restaurant that would serve residents on-site. The applicant's Trip Generation Study concluded that residents, employees and guests were expected to generate trips ranging from 30 – 38 at different times of the day.
- A plan to discourage the use of motorized vehicles and encourage other forms of transportation. She reported that the applicant's TDM proposes a ski-in/ski-out access to Deer Valley Resort, public trail connection to the Village and Pipeline Trails, reduced parking to 1.5 spaces for residents, a shared ride service operated by Founders Place Homeowners Association, grocery delivery services, an onsite ski valet and on-site activities for the residents.
- Provisions for overflow parking during peak periods. The applicant has not proposed overflow parking. She reported that Wasatch County has a Condition of Approval that parking be satisfied onsite and overflow parking in unincorporated Wasatch County be prohibited.
- Evaluating possible adverse impacts on the surrounding neighborhood. Because of its unique location, Founders Place is quite a significant distance from other developments.

Commissioner Suesser asked if there was an analysis of trip generations from the Park City side versus from Highway 40. Assistant Planning Director Ward stated that there was not a breakdown of those numbers.

Assistant Planning Director Ward addressed some of the Conditions of Approval. She reported that the Development Agreement would require that Founders Place HOA finance and operate the ongoing ride-share service, installation of bike racks, parking prohibitions on Deer Hollow Road and unincorporated Wasatch County, and compliance with the Electric Vehicle Charging Station Infrastructure, including the installation of the charging stations before the City issues a Certificate of Occupancy. She reported that the applicant has requested to amend COA #9, which outlines that the ride-share service provide pickup within 15 minutes of request for owners, employees and guests, and that the ride-share service provide service within the Park City

boundary. The Flagstaff Agreement required that the service provide a connection to the Salt Lake International Airport, and the applicant has requested to remove that requirement.

In response to a request for clarification from Chair Phillips, Assistant Planning Director Ward confirmed that the ride share service would also include employees within the Founders Place development. She also confirmed that there was nothing in either the Settlement Agreement or Density Determination that outlined specifics for ride share services. This Condition of Approval is based on the TDM submitted by the applicant, and the addition of connection to the Salt Lake International Airport was added because it was included in the Flagstaff Agreement.

Commissioner Thimm asked whether there would be any reason why Staff would recommend not maintaining continuity with the Flagstaff precedent. Assistant Planning Director Ward replied that Staff's recommendation was to align with the Flagstaff Agreement. The applicant would provide additional information on their parking request.

Assistant Planning Director Ward reported that the 1995 Settlement Agreement referred to what was then named the Slalom Village Area Site Plan. The applicant submitted that plan and superimposed their proposal on that plan to highlight their proposed changes. She noted that the original Settlement Agreement required that a portion of the structure disconnect Deer Hollow Road; based on the 2017 Amendment to that Settlement Agreement, the applicant proposed to maintain Deer Hollow Road in its current location, shifting the building north of Deer Hollow Road, and consolidating the density to the south of Deer Hollow Road. The Ski Academy was transferred to another lot and the five single family lots were platted separately to the west of the development.

In response to an inquiry, Assistant Planning Director Ward stated that the Ski Academy was moved to the Telemark Park Resort/Jordanelle Resort in unincorporated Wasatch County. The move was done in 1997 and was included in an amendment to the Settlement Agreement. It was noted by Mr. Fiveash that the Ski Academy was originally conceived to be a winter sports school as opposed to a public facility that simply did not materialize in Deer Valley.

Assistant Planning Director Ward showed the Commission some of the challenges the applicant was addressing with respect to Steep Slopes. Some of the Conditions of Approval for this site require an arborist report, dedication of the public trails, a snow storage plan, centralized trash and recycling facilities within the enclosed parking garages, delivery and service vehicle access restrictions and screening of loading/unloading zones. In addition, the Engineering Department requested several Conditions of Approval regarding cuts and fills, grading, topsoil, slope stability analysis and the details required for submittal prior the issuance of a Building Permit for development on this site.

In terms of Affordable Housing, Assistant Planning Director Ward explained that the 1995 Settlement Agreement required 4% of the units to be affordable employee units. The applicant and Housing Departments met and agreed to a draft Affordable Housing Mitigation Plan. The Staff Report referenced a December 9th City Council Review; however, due to the full agenda, that review was continued into January. The Plan proposes six onsite units for managers, full-time and seasonal employees and a .5% net purchase price fee for each market rate unit sale that will be transferred to the City's Affordable Housing Budget. She reported that this fee was estimated to be \$1.5 million upon initial sales, and with each subsequent sale through 2035, it is estimated to be \$3,700 per year. She reported that four of the six onsite Affordable Housing Units

were to be provided in Phase 1, and one additional unit included with each of the subsequent Phases 2 and 3.

Some of the recommended Conditions of Approval include draft deed restrictions, the inclusion of Affordable Housing obligations in the Founders Place Declaration and CC&R's, and that no Certificate of Occupancy for any market rate unit be issued until the affordable employee units are completed and deed restrictions protecting the affordability are recorded.

In terms of Sustainability, Assistant Planning Director Ward explained that the applicant was proposing LEED Residential BD+C Multi-family Certification, which includes certain landscape requirements, light pollution reduction, low flow plumbing fixtures in public areas, energy efficient mechanical systems, Energy Star rated appliances and indoor air-quality improvements. The Sustainability Department reviewed the applicant's proposal and requested that the low flow plumbing fixtures be required throughout the building, and not just in the public areas. She recommended adding COA #41 that the applicant's proposal would be standards required for project approval.

Assistant Planning Director Ward stated that in terms of the Conditional Use Permit criteria, most of the analysis was addressed in the MPD analysis. One of the Conditions of Approval originally required the applicant review the Emergency Vehicle access prior to submitting a Building Permit. The Wasatch County Fire District requested that they move the timeframe up to the January 27, 2022, City Council Meeting where they are scheduled to review the Subdivision and Founders Place Condominium Plat.

She added that COA #39 requires the applicant to ensure compliance with the Deer Crest Interlocal Agreement, which requires coordinating with Wasatch County entities.

Assistant Planning Director Ward stated that the First Amended Density Determination outlined the height requirements and provided that the top level could not cover more than 50% of the building footprint. There is a 75-foot cap in building height from final grade, and no more than five levels are allowed. In addition, a gable or hip roof was required, and the building must step from the top level on both the ski hill and roadside to avoid a vertical wall more than three levels in height. She explained that the applicant was proposing vertical walls that are four levels in height. They submitted an exhibit showing that the top level meets the requirement of less than 50% of the building footprint.

She reported that the Planning Commission is to consider six criteria regarding height:

- The increase in height does not increase square footage or building volume and results in architectural variation
- The buildings are positioned to minimize visual impacts on adjacent structures
- There is adequate landscaping and buffering from adjacent properties and uses
- There are increased setbacks and separations for adjacent properties
- Increased height would result in more than the minimum Open Space and is publicly accessible
- Increased height was designed in a manner that provides a transition in roof elements in compliance with Architectural Review requirements in the Code.

She noted that the applicant prepared an exhibit outlining how they believe they comply with these six criteria, which will be part of their presentation. The applicant also created graphics comparing the 1995 site plan with their proposal.

One of the Planning Commission's recommendations from the October Work Session was to look at some possible changes to Roof Form to mitigate the height. The applicant prepared some options for the Planning Commission's consideration, including gabled ends, gabled across, a setback gable end, and rotated gable ends. Because of these options, one of the Conditions of Approval has been left open on whether there is a preferred roof type for this project. She addressed the retaining walls and reported that the applicant has requested to remove COA #17 that would restrict retaining walls to 8 feet in height. As mentioned, the proposal reduces the site disturbance overall; however, because of the challenges created by the topography and slopes on the site, there is substantial retaining wall height north of Deer Hollow Road. The applicant would present information on their proposed heights.

Assistant Planning Director Ward reported that they received public input that is included in the Staff Report. She also reported that just prior to this meeting, they received an email from SITLA, the property owner to the south of this project. She noted that the 1995 Site Plan showed the area built out to the south of the property line, and SITLA was concerned that the proposal would encroach on their property. Staff reviewed the proposal and the exhibits, and SITLA is now in agreement that it complies; their input states that the Deer Crest Master Association has been working with them and the developer to ensure that the project meets with the Deer Crest Design Guidelines and the project is fully within the property lines.

Assistant Planning Director Ward represented that the applicant's proposal is within the property boundary and accomplishes the 25-foot perimeter setback.

She recommended that the Planning Commission conduct a public hearing and consider approving the substantive modifications to the MPD as well as the CUP for the multi-unit dwellings with the following amendments:

- That Findings of Fact #27 and #28 be clarified that the Open Space is 72%.
- Based on Commission input, the possibility of removing the requirement that the ride-share service provide service to the Salt Lake International Airport
- Pending Commission input, COA #17 regarding retaining wall height
- Incorporating the applicant's proposed Sustainability Standards required for the project
- Amend COA #32 based on Wasatch County Fire District's request

Mr. Fiveash expressed appreciation to Assistant Planning Director Ward for her presentation and work on this item. He stated that he would address Transportation, Roof Form, Retaining Walls and Heights, Sustainability and Conditions of Approval.

He reminded that the applicant's TDM was based on the Empire Pass system. He offered that the Empire Pass shuttle does not go to the airport because it is not economically feasible to run shuttles that are needed to be on-demand for transportation around the market, while also making them available to go to Salt Lake. He explained that at Empire Pass, they have been encouraging the use of shared ride services to and from the airport. He proposed an addition to the Condition of Approval to mitigate removing that airport shuttle.

Mr. Fiveash addressed Roof Form and recalled some concern during the Work Session about the end form of the roof. They have therefore re-worked their roof forms and explained that the design of their original roofs was done to avoid snow dropping to the front and the back of the building. Following the Work Session, they designed a gabled roof that drops the snow into a connective form that makes the building appear to be broken up nicely. More importantly, the roof design sheds the snow onto a flat surface where it is melted and removed from the roof form via drainage piping.

Mr. Fiveash stated that the applicant likes the roof form on the ends and showed the Commission the various options prepared for the Commission's consideration. The first option gabled the roof all the way over; however, they did not like this option because the entire end roof would be shedding onto the drive aisle. They also sought to replicate the same angle without shedding into the drive aisle. He reported that this option worked better, however it would still drop into some of the important areas of the project versus retaining it all on the top. He reported that some of the other options would shed snow onto private decks and down the face of the building.

Mr. Fiveash presented the four alternatives and stated that the applicant was very open to working through the different options. He noted that they still believe, however, that the original design was the one that they would like to utilize. With respect to height and retaining walls, he confirmed that they have asked for a height variance and to eliminate the Condition of Approval limiting retaining wall height to 8 feet. He reported that based on their study of the original site plan, they would need 20- and 25-foot retaining walls, as well as over 3,000 lineal feet of retaining wall. He felt that reducing the overall footprint of the project and pushing it away from some of the steep slopes so that they do not need some of the larger retaining walls have made significant improvements.

Mr. Fiveash offered that if they were limited to 8-foot retaining walls, with a 4-foot space in between the walls, they could not make up the grade they need. They asked their design team to design a plan that would minimize retaining walls and incorporate them into the hardscape and landscape as much as possible. He provided a typical section from Building 3, Phase 2 that showed what the retaining walls might look like. The retaining walls were set back from the building to allow for landscaped areas to minimize them as much as possible.

Mr. Fiveash highlighted Building 4 in Phase 3 as the hardest location to address because it has the steepest slope. The design team set the wall back to allow landscaping between the wall and the building. He offered that they conducted two View Studies to determine how this would look to non-occupants. He presented a view from Deer Hollow Road from both the west and east ends of the building. They stepped the wall from the ends so that they would be less than 8 feet at the ends, with the other walls associated with the building being visible only by the occupants. It was important to minimize that impact as well by lowering the wall and including landscaping.

Mr. Fiveash stated that their requested height variance did not address actual height; rather, it addressed the language within the height requirement. They are allowed to build up to 75 feet, and their plan does not exceed that height. He pointed to language in the 1995 Density Determination that says that there cannot be any more than three floors in a vertical plane. He referenced several locations where the topography would allow them to dig the buildings deeper. He also referenced a location where they have a garage level plus three levels above that would technically require the variance. He stated that they were open to adding landscaping features to mitigate this issue where they can.

He touched on the issue of sustainability and stated that east west partners have been doing LEED certification for many years at all of their resort communities and urban environments. They have both passive and active sustainability initiatives for this project. He explained that passive initiatives included the retention of Sparano & Mooney as their architect because they are leaders in this field. He shared that they are trying to move this building as much as possible to being independent of fossil fuels. The only place where fossil fuels remain in residential units is the gas fireplaces and cooking, and they would not be including gas fireplaces and cooking in these residential units.

With respect to the Conditions of Approval, Mr. Fiveash addressed the requested removal of the airport shuttle. He stated that they would be agreeable to language that they would be required to encourage the use of shared ride services from the airport through pre-arrival assistance and booking services and notifying owners and guests of availability of onsite alternatives. He stressed that they are all for anything they can do to decrease traffic flow within their community and increase the use of their shared ride services.

He stated that with regards to COA #15, he was hopeful that the Commission would find that the roof forms they proposed were acceptable. With respect to COA #17 on the retaining walls, he understood that they want to minimize those retaining walls. The package they presented includes the engineering and he proposed that the applicant be limited to the heights as reviewed by the Commission at this meeting. Mr. Fiveash noted that the retaining wall depicted in Assistant Planning Director Ward's presentation was a rendering error.

Commissioner Suesser suggested putting a cap on the retaining wall height, which she understood might be difficult at this stage. Mr. Fiveash explained the reasoning behind their proposed wording that would be tied to the plan presented to the Commission. Chair Phillips agreed in principle with the proposed language because it would best ensure that they know what they are approving. He offered that he is inclined to agree with the request as being thoughtfully addressed and allowing additional height on these retaining walls is what was allowing them to limit the site disturbance. Chair Phillips also felt that the buildings screened most of the walls.

Commissioner Suesser suggested removing the language "whenever possible" from the proposed COA #17. Commissioner Thimm suggested changing "whenever possible" to "as determined by Planning Staff." He felt that someone should be the arbiter in that determination. Commissioner Suesser agreed with Commissioner Thimm's suggested language.

Commissioner Thimm also agreed with the modification to COA #9.

With respect to the Roof Form, although Commissioner Thimm agreed with Staff that the setback gable end is probably the most appropriate solution in keeping with the original Conditions of Approval, since they are at the point where they determined that this is a substantive change he wondered if the original approval could be modified. He appreciated the applicant's idea of avoiding snowdrop and addressing public safety. Architecturally, he felt that it was a good solution and felt that the language should be modified to allow for accent roofs for some portion of the buildings as depicted by the submission.

Commissioner Thimm felt that because it would be a substantive change, they could look at amending some of the original Conditions of Approval. Chair Phillips and Commissioner Suesser expressed agreement with Commissioner Thimm's comments.

Commissioner Suesser added that she liked a lot of things about this project. Her biggest issue with this development was what was put in motion prior with respect to Deer Valley Road. Given the impact that this development would have on the already overcrowded streets and congestion in Park City, she wanted to see the City Council preserve their ability to reconsider the emergency use of this road versus public access, employee access or peak time access. She felt that the City Council should reconsider the terms of that Settlement Agreement. Commissioner Suesser expressed her belief that the Commission could not condition this project on the issues with respect to Deer Valley Road, but if they forward a positive recommendation they could ask the City Council to revisit that and preserve the options of some public use of this road.

Commissioner Thimm would be supportive of the recommendation proposed by Commissioner Suesser.

Chair Phillips noted that much of the current Commission was present in 2017, and respectfully disagreed based on the conditions and what was presented to the Commission at that time. Commissioner Suesser noted that much had changed since 2017 and it should be revisited. She recounted that she was strongly opposed to restricting the access to the road at the time given the request to amend the MPD.

Chair Phillips expressed that if they were to consider attaching a statement as proposed by Commissioner Suesser, he would like to see it in its totality. He questioned whether they could even attach that to this property.

Chair Phillips asked Staff to outline the process if and when the CUP is approved. Assistant Planning Director Ward explained that what is before the Commission is the Substantive Modifications to the MPD and the CUP. There would either be final action on this item, or it could be continued to a future date. The next item on the agenda is the Subdivision Plat and the Condominium Plat for Phase 1. The applicant is requesting a recommendation for City Council's consideration on January 27, 2022. That would be the final review before the Planning Commission until the applicant was ready to submit the Condominium Plat for Phase 2. She continued by stating that the Condominium Plat would come up for review for compliance with the MPD and CUP approvals, and then again for Phase 3.

Chair Phillips clarified that once the CUP was approved, the applicant would have permission to build. He asked to what degree the Commission wanted to see landscape plans, further details or other information regarding these buildings. Chair Phillips stated that he did not have a good visual on the Bridge, so he would want more information on that.

Commissioner Thimm asked what the future action would entail on Phase 2. Assistant Planning Director Ward explained that according to the Phasing Plan, Phase 1 (Buildings 1 and 2, pool and ski deck) is proposed for construction in Spring 2022. Phase 2 is proposed for the spring of 2023, and Phase 3 is proposed for spring of 2024. She noted that the official Phasing Plan was part of the Development Agreement that the applicant would be required to submit within six months of Planning Commission approval. The Phasing Plan would be in the Development Agreement and would come before the Planning Commission for a public hearing and ratification. Commissioner Thimm inquired whether they could make the Bridge part of Phase 2 and ask for further development of it at that time.

Mr. Fiveash stated that there is a Design Review Committee for the Deer Crest Master Association that has design review authority over this site. They have reviewed the project and issued a letter

stating that subject to an actual materials review, they approved the design. The applicant prepared an onsite mock-up that included a landscaping plan.

Chair Phillips stated that the fact that the Design Review Committee reviewed the project gave him more comfort. Commissioner Van Dine offered that she felt the Commission's focus should remain on the heights and other issues, to which Commissioners Thimm and Johnson agreed.

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

Chair Phillips asked the Commission if they felt that they were ready to vote on these items. Commissioner Thimm could not think of any additional information that he would ask of the applicant. He suggested that the solution offered for the foundation wall at the east end was superior to having a stark vertical wall. Chair Phillips agreed.

Commissioner Suesser did not have any additional requests from the applicant. She inquired whether City Attorney Harrington could weigh in on her suggested recommendation to the City Council. She felt if there was support from the Commission for that recommendation to revisit the Settlement Agreement they might want to reopen those discussions before approval of this item. Commissioner Hall felt that she did not need more information, but that they still needed to spend more time on the details of the Conditions of Approval, especially given the proposed modifications.

Commissioner Kenworthy stated that he was ready to vote. Commissioner Johnson felt that he had sufficient information to vote. With respect to Commissioner Suesser's suggestion, he did not know how he felt about re-opening those discussions.

Commissioner Van Dine agreed that she would need more information to consider the recommendation suggested by Commissioner Suesser. She stated she was ready to proceed with a vote but was limited by time. There was discussion about how to proceed. Commissioner Suesser suggested continuing this matter and move to the Subdivision and the Plat. Commissioner Thimm agreed with Commissioner Suesser's suggestion of recommending that the City Council reconsider the access issue. Commissioner Kenworthy echoed these comments.

City Attorney Harrington suggested that the proposed recommendation to the City Council would be more appropriate with the Plat and would not be relevant to the Commission's action on the MPD. In response to an inquiry from Commissioner Suesser, City Attorney Harrington explained that the MPD and CUP were final action items that would not go the City Council. The plat, which typically addresses the road plat as well, is more relevant to the issue. He added that because a third a third-party Settlement Agreement and not this applicant define the access, it would be more of a request to preserve the issue rather than an issue related to this site plan.

Chair Phillips asked if there was agreement with the amendments to the Conditions of Approval, as discussed. Commissioner Suesser agreed with Commissioner Hall and would be more comfortable continuing this item to allow them to look at those amendments more closely and not rush through the vote. Chair Phillips agreed with not rushing the vote.

There was discussion about the impact of a continuance on the applicant. Mr. Fiveash acknowledged the hard work of the Commission. He stated a continuance would create a bit of a hardship because of the market but would deal with whatever the Commission decided.

MOTION: Commissioner Suesser moved to CONTINUE the Founders Place Substantive Master Plan Development Modification to January 12, 2022. Commissioner Thimm seconded the motion.

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

There was further discussion regarding whether to proceed with the next item or continue them to the January 12, 2022, meeting. Commissioner Suesser suggested that they get the language for the recommendation to City Council, as discussed, before proceeding on this item. Chair Phillips asked Assistant Planning Director Ward to pull the minutes from the prior meetings for a review of the discussions.

- C. Founders Place (formerly Deer Hollow) Parcel 00-0021-01977 - Subdivision - The Applicant Proposes the Founders Place Subdivision to Create a 6.93-acre Lot 1, a 2.50-acre Lot 2, a 2.93-acre Lot 3, and an 18.88-acre Open Space Parcel for the Founders Place Development, a Ski-In Ski-Out Village in the Deer Crest Master Planned Development. PL-21-04914**

Founders Place (formerly Deer Hollow) Parcel 00-0021-01977 - Condominium Plat - The Applicant Proposes the Founders Place Phase I Condominium Plat for 32 Residential Units, Four Affordable Employee Units, Amenity Space, and a Pool/Ski Deck. PL-21-05074

Chair Phillips opened the public hearing.

Tom Bennett wanted to ensure that there was clarity on the approach with respect to readdressing the road issue. He felt that the Planning Commission could certainly ask the City Council to consider it at some point but did not feel it was connected to this approval. He understood that some members of the Planning Commission would like to see community uses of Deer Hollow Road and expand it beyond what was agreed to in 2017; however, that is a separate issue from the impacts that this project would have on that road. He felt it would be unfair to hold this application up to get bogged down in that discussion.

Commissioner Suesser pointed out that this project was positioned directly on this road at one point when it was contemplated to be disconnected, so she felt it was integrated into the road discussions. Mr. Bennett agreed that at one point the road was contemplated to be divided, but he felt that issue has long since been resolved. The Planning Commission, City Council and the public already weighed in on this issue and the decision was made to remove the disconnect requirement. He felt it improper to reconsider it now. There is nothing with this application that increases the impacts over and above the 1995 approval.

Commissioner Suesser felt the Ski Academy was a significant public benefit and felt as though they were approving a project and not getting much in return. She added that this presented a good opportunity to revisit this, especially with the increased traffic and congestion on the roads.

Commissioner Johnson asked if the use was changed when the Ski Academy was removed. It was explained that it was moved because Deer Crest was intended to be a gated community and the traffic impacts of having the Ski Academy in the community would have had cars going up into that community.

Chair Phillips stated his belief that this applicant did not bear the responsibility of being a part of the conversations regarding the roadway, as they have already met their burden.

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE the Founders Place Subdivision and Phase 1 Condominium Plat to January 12, 2022. Commissioner Kenworthy seconded the motion.

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

9. ADJOURN

MOTION: Commissioner Suesser moved to adjourn.

The meeting adjourned at approximately 10:30 p.m.

APPROVED 01.12.2022