**PARK CITY MUNICIPAL CORPORATION**
**PLANNING COMMISSION MEETING MINUTES**
**COUNCIL CHAMBERS**
**MARSAC MUNICIPAL BUILDING**
**JANUARY 24, 2024**

**COMMISSIONERS IN ATTENDANCE:** Chair Sarah Hall, Vice Chair Christin Van Dine, Laura Suesser, Bill Johnson, John Frontero, Henry Sigg, Rick Shand

**EX OFFICIO:** Rebecca Ward, Planning Director; Alexandra Ananth, Senior City Planner; Caitlyn Tubbs, Senior Historic Planner; Spencer Cawley, City Planner; Virgil Lund, City Planner; Jaron Ehlers, Planning Technician; Mark Harrington, City Attorney

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## 1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She confirmed the attendance of all Commissioners either in chambers or on Zoom. She reminded the members of the public in attendance to remain quiet when speakers were at the podium.

## 2. PUBLIC COMMUNICATIONS

There were no public communications.

## 3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, announced that a community open house on the Land Management Code Amendments was scheduled for February 27, 2024. Lisa Wise Consulting and Cascadia Partners were working on these amendments, which would address incentivizing affordable and missing middle development.

On February 28, 2024, the Planning Commission will hold a Work Session to discuss the Transportation Demand Management criteria for projects. She noted that the two items on this meeting's agenda scheduled as Work Session items were not public hearings; therefore, there would be no public input. She explained that for any project before the Planning Commission, public input could be submitted to planning@parkcity.org. She indicated that any public input received would be included in the next Planning Commission Packet.

Commissioner Johnson provided a disclosure for Agenda Item 4.A. and stated that he works for SWCA Environmental Consultants, which provided a Technical Memorandum for the Historic District review. He advised he was not involved in the preparation of that document and works in a separate department.

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## 4. WORK SESSION

**A. 220 King Road – Plat Amendment, Conditional Use Permit, Steep Slope Conditional Use Permit** – The Applicant Proposes Demolishing Two Existing Dwellings and Amending the Treasure Hill Phase 1 Lot 2 Plat Notes to Construct a New Single-Family Dwelling within the Sweeney Master Planned Development, Historic Residential – 1 Zoning District, and Partially within the Sensitive Land Overlay. PL-22-05318, PL-22-05319, PL-23-05571.

Senior City Planner, Alexandra Ananth reported that she and Senior Historic Planner, Caitlyn Tubbs would present this item to the Planning Commission. She explained that this application involved a Plat Amendment, a Conditional Use Permit ("CUP"), and a Steep Slope Conditional Use Permit.

Planner Ananth explained that Staff would provide some background for the project, and then the applicant would present. They expected some discussion with the Planning Commission, and she reported that the applicant requested a public hearing and Final Action in February 2024. She noted that would likely be scheduled for February 14, 2024. The applicant originally submitted this proposal in July 2022. The application was scheduled for a Work Session in October 2022; however, the applicant requested a continuance. Since that time, the applicant has worked with Staff, particularly on the Historic District Design Review ("HDDR") for the project and submitted revised plans. In October 2023, the Planning Commission held a Work Session on this application.

Planner Ananth presented a view of the project site to the Commission. The project, located at 220 King Road, was circled in green on the graphic. The site is a 53,694 square-foot Lot, which was just over an acre, and located in the Historic Residential – 1 ("HR-1") Zoning District. The site consists of a Single-Family Dwelling as well as a guesthouse. The property is subject to the Sweeney Properties Large Scale Master Planned Development ("MPD"), which has been amended. The site is Lot 2 of the Treasure Hill Subdivision Phase I Plat.

Planner Ananth presented a graphic that illustrated the location of the house on the Lot. She noted that the Lot abutted some Open Space on Park City Mountain. She explained that the Sweeney MPD was originally approved in 1985 and was then amended in 1987. The MPD created eight Lots, six of which are located within the Historic District and consist of single-family homes. One of the Lots, 445 King Road, is located in the Estate Zoning District and located further up the hill. Additionally, one larger Lot of Open Space was dedicated to the City as part of the MPD.

Planner Ananth presented the original plat, with 220 King Road outlined in green. She advised that 200 King Road was Lot 1, and also pointed out Lots 3 and 4 on this plat. She reported that the Sweeney MPD had a number of conditions, many of which were stricter than the current land use codes. She highlighted Condition of Approval 1 that provided: "At the time of conditional use or subdivision review, the Staff and Planning Commission shall review projects for compliance with the adopted codes and ordinances in effect at the time, in addition to ensuring conformance with the approved Master Plan." Planner Ananth also highlighted the following additional Conditions of Approval as follows:

- Condition of Approval 5.a.: "Maximum Building Heights of the single-family Lots shall be limited to 25 feet in order to reduce potential visibility."
- Condition of Approval 6: "At the time of project review and approval, all buildings shall be reviewed for conformance with the Historic District Design Guidelines and related architectural requirements."

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- Condition of Approval 9: "At the time of conditional use review, individual projects or phases shall provide detailed landscaping, vegetation protection, and construction staging plans."
- Condition of Approval 3 of the amended MPD: "The Planning Commission and Staff shall review these proposals as conditional uses. This shall include a review of the design of the structure to ensure that they are designed to minimize the visual impact. The design shall be consistent with Historic District Guidelines."

There were also nine Plat Notes, many of which were stricter than the current Land Management Code ("LMC"). She noted there were restrictions on the Footprint and what would count toward the Footprint.

Additionally, with regard to the Building Area Limits shown on the Plat, all improvements were required to be within the Building Area Limits. She referenced the restriction on height and explained that it was 25 feet for flat roofs and 30 feet for pitched roofs. Further, the easterly facing façade, which was the façade seen from town, was restricted by the Plat Notes to 25 feet. Finally, she stated the Plat Notes included some massing restrictions wherein the building mass must be modulated and broken up so that no one mass would have a footprint exceeding 1,500 square feet. She added that there was an overall Footprint limit of 3,500 square feet on the Lot, which was more restrictive than the current Code.

Planner Ananth reported that the applicant proposed to amend Plat Note 1 to exclude portions of any garage, carport, mechanical, or living space located below the existing grade that has landscaping or decking above it. The applicant also proposed to shift the platted Building Area Limits by moving it slightly uphill and into the Sensitive Land Overlay ("SLO"). She presented a slide of the proposed Footprint within the Building Area Limits. Planner Ananth explained that the red-dashed line was the SLO boundary that demonstrated that the shift would bring portions of the structure into the SLO. Planner Ananth commented that portions of the structure are below grade and outside the Building Area Limit. Staff had questions for the Commission after the applicant's presentation.

On behalf of the applicant, Attorney Wade Budge thanked the Commission for their time and input received in October 2023. He introduced the applicant and landowner, Matthew Prince, his wife Tatiana, and their daughter Tatia. Applicant Representative Budge also introduced attorney Bruce Baird and Jason Boal, the applicant's planner. Applicant Representative Budge requested that Applicant Prince be allowed to make some introductory remarks and explain his interest in the property. The applicant's team also had some additional details to present in response to some of the comments offered during the October 2023 Work Session.

Applicant Prince thanked the Commission for their time and attention on this application. He stated that he grew up in Park City, and his father helped to install the Alpine Slide and also helped to operate it for quite some time. His father also built Parley's Summit, and his uncle helped build Stein Eriksen Lodge and The Yarrow Hotel.

Applicant Prince emphasized his long history with Park City, and when he moved back, he wanted to honor that history and raise his family here. He mentioned the existing buildings on this site were literally marketed as "party houses." They are used as Nightly Rentals, have over 10 bedrooms, and at times have housed over 40 people. He added that based on his discussions with Police Chief Wade Carpenter, there were more police complaints to these two homes than almost any other Nightly Rentals in Park City. He stated that he lived in close proximity and often heard parties going on in the middle of the night.

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Applicant Prince stated that he wants to turn this property into something they could be proud of and call home. He reiterated his family's intent to live on this site. He and his family have made substantial investments into this community and intend to continue doing so. He noted that his daughter was present at this meeting, and it was her second birthday. He added that his wife was pregnant with their second child, and his children would be residents of Park City and grow up here as he did. He stressed that they want to build a home that will be their family home.

Applicant Prince stated that the two homes on the site were built in 2000 and used as party houses. He stated there was no historical precedent as there had never been any other homes on this site. The only thing that ever existed on this site was a half-finished mine dating back to the turn of the last century. When he acquired the property, they wanted to build something they could be proud of so they looked for an architect who would understand the historic mining structures. They met with Tom Kundig, who is one of the leading architects in the world. Applicant Prince represented that Architect Kundig got his original inspiration outside of Spokane, Washington, and admired the historic industrial buildings. Architect Kundig was also inspired by the architecture in Alaska.

Applicant Prince stated that they wanted to do something that honored that, and they also wanted to work with the community. He reached out to each of the neighbors and explained that they wanted to take two party houses and turn them into a three-bedroom single-family home. He expressed pride in the fact that many neighbors not only have not opposed this plan but also have actively written letters of support to the Planning Commission.

Applicant Prince added that he also worked with the Sweeney family and commented that no family had done more to protect the character and open space of Park City than the Sweeney family. He worked through the plans with Pat Sweeney to make sure that what they wanted to do was in line with being a good neighbor. He mentioned that Pat and his brother were present at this meeting. Looking back at the history behind the creation of these Lots, the Sweeneys negotiated with the City and acknowledged there would be large houses, but in exchange for that the City received an enormous amount of Open Space that would protect the rest of Treasure Hill.

Applicant Prince stated that this application sought the same treatment given to the other seven Lots, six of which have properties on them. He stated that for those other Lots, the City allowed the requirements to be adjusted. He declared every single Lot that had been developed is over the square footage limit outlined in the Plat. Additionally, he said every single Lot that had been developed had underground space that was not counted towards the square footage of the home. He asserted that every single Lot was over the height restrictions and had interior heights that were more than he was being asked to be held to.

Applicant Prince stated that all they want to do is be good neighbors, turn two-party houses into single-family homes they could be proud of, and work with the community to create something beautiful. He was proud of the fact that the Park City Museum and Friends of Ski Mountain Mining History all stated that this would be a project they could point out on the hill and say that it was inspired by the mines of Park City.

Applicant Prince stated there is nothing of historical value on the site currently. He stressed they want to make this something to be proud of. He added they also want to be good neighbors, so they have lowered the height from the existing structure. Applicant Prince expressed appreciation for Staff's time as well as the time of all of the Planning Commissioners. He invited questions from the Commission.

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Applicant Representative Budge stated that the project architect was online to answer any questions. He presented a series of slides and stated these slides would be provided and available for review. He noted that Staff already indicated the location of the property vis-à-vis the HR-1 zone, and this was depicted on slide 3. He liked the next slide because it showed the Sweeney MPD area. Each of the stars identified the Lots that had a residence. He felt this showed the relationship to the large Open Space Lot mentioned by Planner Ananth.

Applicant Representative Budge next presented a slide that helped orient the site relative to the addresses. He mentioned that sometimes the homes were known by their addresses, and sometimes they were known by their Lot number. He opted to reference them by Lot number. He highlighted slide 6 and stated that a version of slide 6 was included in the Staff Report. He explained that the version now before the Commission was more helpful because they added the applicant's proposal, which was highlighted in green. The information highlighted in blue represented existing conditions. He liked that this slide compared the Applicant's site with the other peer sites in the MPD. While the peer sites were on different and unique parcels, Applicant Representative Budge explained that six of the seven were in the HR-1 zone, and within the Sweeney MPD.

In terms of the Building Footprint, they wanted to make sure they would comply with the 3,500 square-foot requirement on the plat. He stated the aggregate square footage of the two structures currently on the property exceeded that maximum. He confirmed that they wanted to ensure that the home complied with the plat requirements. He explained they also wanted to compare apples to apples; therefore, they included the finished square footage and unfinished square footage. They obtained data from tax records, MLS, aerial photographs, and Google Earth to determine the square footage of the other homes.

Applicant Representative Budge pointed to an error in his letter regarding the Building Footprint for Mr. Sweeney's Lot, Lot 8. The Building Footprint is actually 3,500 square feet, and he explained there were additional exclusions they included in their calculation. In the presentation, they did a strikethrough to reflect that update to Lot 8. He next presented an aerial view taken last week of each of the six homes. He mentioned that it was taken from the same direction, so it could provide a good comparison. He pointed out the two homes on Lot 2 that Applicant proposed to replace.

The next slide, identified as slide 8, showed Lot 3. He pointed out a large parking area on Lot 3 that was not counted as a garage. He also noted the square footage and its height. If one were to try and imply some sort of interior height restriction, this property would fail miserably as it was over 50 feet. He stated, however, this is a beautiful home and consistent with what was contemplated in terms of having six very unique homes in this MPD.

Slide 9 depicted Lot 4, which also showed a parking feature that was excluded from the buildable area. He advised that this home exceeded 10,000 square feet, but it was allowed under the approved MPD, and as a result, this would be considered a peer home. He reiterated that the proposed square footage was much less than the home on Lot 4. Applicant Prince added that the home depicted on Lot 4 was similar in width to the one being proposed for his property.

Applicant Representative Budge next presented an image of Lot 6, which is nearly 10,000 square feet. They approximated the Building Footprint based on the data mentioned previously. This home was located in the HR-1 zone, and because of the MPD and the various rights and obligations that arise out of that MPD, it was approved and was considered a peer. He next presented an image of Lot 7 and noted it was over 9,000 square feet. Lot 7 is one acre, therefore slightly smaller than

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Applicant's property. This home was consistent with the MPD and what was allowed for this unique neighborhood.

Applicant Representative Budge stated that they had heard questions or concerns about how after-adopted rules should be applied to this property but stressed that the fact of the matter was that if it conflicts with the MPD, it cannot be applied. He explained that the MPD granted certain rights, and if something is later adopted and does not implicate or touch on approval or a right in the MPD, then it has to be applied because that was the intent of that provision in the MPD. He stressed the importance of keeping this in mind. He recalled a statement included in his letter that the Planning Commission was uniquely situated to make this home fit this site because it can approve a CUP and the ability to approve a Plat Amendment. In those two items, any tailoring, mitigation, or anything else could be done to ensure that the purposes and the regulations would be met. He stressed they focused on these details so the Commission could have an accurate way to compare these properties.

Finally, Applicant Representative Budge presented Lot 8 and noted that it was located in a different zone, but it was a peer in the sense that it was part of the same MPD. He presented additional slides that showed an overview of the home and how it relates to the neighbors, as well as the cross-valley view that would be greatly improved with the proposed home. Not only were the existing homes taller than the 30-foot limit called out in the Plat Notes, but they also had a design that he felt anyone would consider historic or even complementary to the landscape or values of Park City.

Applicant Representative Budge expressed that with the Commission's help and input, he felt they would be able to get this application approved. He echoed the comments of Planner Ananth that the Plat Notes were of critical importance, and the applicant was looking to have them applied to this property. The Plat Notes set forth how to measure the Footprint and how to handle the height. He stated that the Plat Notes also include the tailoring and making sure the homes fit on the site. While the contemplation of a small-scale MPD had been done away with, the same result could be achieved with the proposed Conditional Use Permit. He stated that the Plat Notes would govern this house, which would be a resource for the Commission's consideration as they weigh this application.

Applicant Representative Budge advised they made a number of changes since the original submittal and referenced slide 17 which reflected those changes. These changes were made in reaction to comments from the HDDR process and Staff. He explained they reduced the elevation; adjusted parking; adjusted the roof mass to have a primary and secondary element, including breaking up the massing into five distinct areas; reduced glazing; and adjusted the Footprint. He stated that in response to input and in preparation for the October meeting, the architect made sure that Level 3 (the ground level floor) and Level 4 were each 3,500 square feet so they would not have a situation with cantilevers. He mentioned that Staff advised of a new rule that was adopted for projects in other areas in which the cantilevered piece would project down to project the Footprint. He clarified that to give attention to and follow the Plat Note that specifically described how to measure the Footprint from the outer walls, this application followed the "outer wall" rule.

Applicant Representative Budge explained that slide 18 demonstrated how they proposed to reduce the Building Area reflected on the Plat and stated that this formed the basis for the Plat application before the Commission. They would reduce the Building Area by 490 square feet, and he acknowledged they were seeking an adjustment uphill to accommodate having the home more appropriately sited to make it more complementary to the property. The shift would also accommodate the entrance to the accessory building in that area.

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Slide 19 included the analysis of the Footprint and the mass. He explained how this slide illustrated the four massing areas and explained that they were honoring the massing requirement by making sure they had distinct blocks that would not exceed 1,500 square feet as noted in the Plat Note. He next presented slide 20 which depicted Level 3, which he referred to as the main level. In order to meet the massing requirement, this level was broken up into five mass sizes, which in the aggregate were below 3,500 square feet.

Applicant Representative Budge noted his inclusion of the later-adopted standard, which was something they would continue to discuss with Staff and legal. On behalf of the Applicant team, he expressed confidence that their interpretation was the one that gave meaning to the MPD and the Plat Note. By designing 3,500 square feet on every level, they were ensuring they would remain within what was intended when the MPD was approved. He stated that an issue was raised regarding interior height, but they felt it should not apply because the height was expressly described in the Plat Note. He stated the one place to measure from is the existing grade. He recalled that the Code was changed in approximately 2013, which was after most of these homes were built. He observed that the policy behind the new height requirement was a good one and should be applied everywhere in the HR-1 zone, but it did not make sense to apply it here because it was in conflict with the Plat Note.

Nevertheless, even if it would apply, he asserts the proposal still met the requirement because Level 1 would be unfinished space and the Code states that for purposes of measuring interior height, the starting point is the finished floor. Additionally, the defined term for First Story further bolsters their position. He argued that this would be a conforming structure, even by the Code standard because the lower level would remain unfinished. Applicant Representative Budge referenced slide 22 to illustrate his explanation. At some level people might state they were being too adherent to a later-adopted rule by even considering leaving the lower level unfinished; however, the goal was to move forward with the project and to do so in an expedited fashion because the family needs a home. Applicant Representative Budge stated that the architect would present a model so the Commission could get a sense of how the Footprint relates from floor-to-floor.

Attorney Bruce Baird stated there seemed to be some confusion at the last meeting in trying to visualize a three-dimensional space in two-dimensional drawings. He explained they had a 3-D map that they could manipulate to show the various dimensions and massing. He presented a cross-valley view of the building mass, which could be manipulated to any desired level of detail. He noted that they included the roof they felt would make sense, as opposed to a 7:12 pitched roof as required by Code. He asked the architect to run a 360-degree view of the model for the Commission. Attorney Baird related that the Applicant's team felt this complied in all respects with the intent of the MPD. He pointed out that the second mass from the left was not necessarily a living space, but the stairway section of the house. The revised design broke up the massing, has the correct heights, and has the correct façade widths. He stated they were happy to provide a view from any particular location.

Attorney Baird added that it was important to know if the Commission could approve the plat changes, and the real question before the Commission was whether they liked the house, and if they did not, he requested the Commission identify the specifics. They could play with the details of the design to try and make the house fit. He stressed this was a unique property with a unique history. There would be no precedent set for whatever the Commission would approve. He noted that as part of the Plat Amendment and CUP process, the Commission could approve this proposal and modify any of the existing standards as long as they go through the appropriate process. He felt they were at the point where it was more than close enough and complied; however, Applicant would be willing to consider a tweak here or there if requested by the Commission.

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Commissioner Rick Shand stated he would like to see where the underground garage would be located and how it related to the main part of the house. Attorney Baird asked the architect to provide the cutaway as requested by Commissioner Shand.

In response to a further inquiry from Commissioner Shand, Attorney Baird clarified that they were not calling the area a garage; rather, they were calling it a parking area. He felt the nomenclature made a difference.

Applicant Prince added that one of the challenges with the site was that the site currently did not have a fire turnaround. Because he wants to ensure the safety of his family, he would like a fire turnaround on site and noted it was also a requirement. Previously, fire trucks could park on the switchback on King Road and water down the house from that location, however, that was not ideal. He explained that they tried to solve that by putting the parking area buried below ground. He stated every single one of the existing Lots developed in the MPD had an underground parking area. This plan follows that as well. He mentioned that on Lot 3, the underground parking area was almost twice as big as this proposal.

Commissioner Johnson asked if the accessory building was included in the model. Applicant Prince explained it was shown in the space above the underground. He explained it would be underneath both the existing grade and finished grade. Attorney Baird pointed to the area on the model. Applicant Prince stated that he works from home, and he would use this accessory building as his office. He also pointed out that what they tried to do to the fullest extent possible was to replicate the Footprint of the existing two homes on site. He noted that one of those homes cantilevered out over the hill, while the other forms the long end of the L. The proposed design narrowed the long end of the L and would add a connector between where the stairwell would be located. The overlay would almost exactly follow the L of the two existing party houses and would lower the height. They sank one side of the house significantly lower than what currently exists to help the neighbors recover some of their view.

To illustrate this description, Attorney Baird referenced slide 23. He offered that this slide demonstrated that the design not only complied with the standards but would also be an improvement on what exists. This design would provide a less intrusive house than any of the other houses in the MPD, and the 3-D model clearly showed why it was better and within the letter and spirit of the MPD. Applicant Prince clarified that the light blue highlights reflected the existing homes and the gray shaded area reflected the proposal.

Commissioner Frontero felt that the modules broke up the mass quite nicely and was encouraged to see that. However, he felt the roofline took away from what the modules were trying to accomplish. He asked if it was possible to modulate or adjust the roofline because as presented it looked like a straight mass. Attorney Baird stated that was precisely the type of input they were looking for in this meeting, and stated they would look at that issue. He stated there might be a way to fix that with some architectural features or roof surface, but he stated if that was an issue with the proposed roof, then the current roof was insanity. Applicant Prince confirmed that he was open to input and stated they had been working with Staff and had already taken two-thirds of the roof away in order to lower it. He reiterated that they want to be good neighbors.

Secondly, he stated that it was somewhat difficult to appreciate that no one would see the view presented on the slide because of the location of the home on the hill and every other home would look at it from below. Therefore, the roofline from a bird's perspective looks like one big roof;

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however, even from across the valley, the roofline would not be visible as a single mass. It would appear, consistent with the intent, as a two-story home. He noted that his very first e-mail with Architect Kundig was to build a beautiful home, but they did not want a "giant home on the side of the hill." Rather, they want the home to disappear as much as possible.

Applicant Prince also stated that as they worked with the Park City Museum, the suggestion of trying to reflect some of the industrial uses of what was present made sense. This home design was very much inspired by the Silver King Mine, located about a half mile up the road, and this design followed the roof lines on those buildings. He reiterated that they were very willing to compromise, yet they had tried to follow historic buildings that would have been on this property and reflect what an actual mine would look like. From an actual visual perspective, someone looking at the home from across the valley or down the hill would never see the view of one mono-mass roof.

Attorney Baird asked the architect to drop the viewpoint by 150 feet, which was then shown to the Commission. He echoed that they would look at the design as requested by Commissioner Frontero. He stated if there were reasonable tweaks they could make that would allow the Commission to approve this application, they were willing to consider them.

In response to Commissioner Christin Van Dine's question, Attorney Baird was unaware of the length of the roofline. It was represented that the maximum width of the one building's frontage or façade was 25 feet. She requested information on the building length and roof length. Attorney Baird agreed to provide that information. He reiterated the offer for the Commission to provide input on the presented design and stated they would work on it, if possible while maintaining the architectural integrity, functionality, and livability of the building.

Commissioner Henry Sigg appreciated the fact that they lowered the roof pitch but submitted that the eave was part of the roof. Therefore, in addition to the prior comments of his fellow Commissioners, he felt the eave became part of the element and created a lineal monolithic mass.

Attorney Baird felt that was similar to the issue raised by Commissioner Frontero, whereas Commissioner Sigg felt his concern addressed the façade. Attorney Baird stated they would look at those concerns, and although he did not know whether they could do anything about it, they could possibly demonstrate it better for the Commission. Commissioner Sigg suggested an offset.

Commissioner Sigg added that while he appreciated the historic context of Park City's industrial buildings, they were looking at a residential building. He stated this was a house, not a mine or industrial building.

Attorney Baird made the point that seven Commissioners might come up with nine different design ideas and noted that Commissioner Sigg's observation was perfectly valid, yet some of the Commission might agree or disagree with him.

In response to an inquiry, Planner Ananth recalled that they mentioned the length of the façade in the Staff Report. Senior Historic Planner Caitlyn Tubbs advised that the approximate measurement of the overall length of the pitched roof form was 117 feet.

Commissioner Shand commented that the 3,500 square foot Footprint as described seemed to contradict the Municipal Code about the projection downward. He stated there were a number of items to be considered in this plan, and he asked about the cantilevering, and why they felt compelled to make the base of the building 3,500 square feet when the Footprint was considered the projection.

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Applicant Prince stated they had worked with former Planning Director Gretchen Milliken to try to figure out how they could make this look like a two-story home. He stated that from any level that they measure, even if they project down, they get 3,500 square feet. He stated even with projecting down from the cantilevers they would still get 3,500 square feet. At any different level in the entire house, they stayed within both the original description in the Plat Note and the new Code, with the exception of the underground parking structure. He acknowledged differing opinions between Staff's interpretation and the Applicant's interpretation but noted that for every other MPD Lot, the interpretation was that the underground parking structure did not count towards the overall Footprint.

For the livable space, Applicant Prince stated that if they project down from any livable space in the entire home, they get 3,500 square feet. The intention of the cantilever was to make the home feel smaller. He stated they tried a version of the design with stepbacks on top that was run by former Director Milliken and the home looked significantly more massive. They tried to make the house look smaller by stepping it back below and having the lower levels more buried in the land.

Applicant Prince added that as they worked with the engineers, one of the problems with the existing homes was the builder did not properly set the foundation and the houses were almost tipping over. One of the reasons they have to go down as far as they do is the soil samples show where they could get to a grounded location. The unfinished lower levels were required to get them into a solid foundation so the house would stay on the hill. Because they are building a family home as opposed to party houses, he wants to ensure that the home would be stable if and when an earthquake or other event occurs. Attorney Baird opined that by setting it back, it would make the home look smaller, so they were actually meeting the intent of the Code and the MPD.

Commissioner Sigg asked if the parking area had a door. Applicant Prince stated there was no door and it would be open in three different areas. He added that Lots 3, 6, and 7 had the same parking design. Commissioner Sigg next asked if there was an exhibit that showed an overlay of the house and the accessory building on the topography that would address the Steep Slope criteria. In response, it was noted slide 33 addressed Steep Slopes.

Commissioner Suesser referenced Figure 11 on page 25 of the Staff Report which showed the east façade. She sought an understanding of the excavated areas. Applicant Prince clarified that they were following the existing Footprint, and that the area had been excavated to almost that level. The area shown in green would be planted with trees and natural vegetation.

They looked at slide 32, and Commissioner Suesser stated that Figure 11 on page 25 of the Staff Report showed more of the lower level than this represented. Applicant Prince stated they had worked out, in principle, an agreement with Park City Mountain Resort and Deer Valley to be able to take a majority, if not all of any excavated material, up King Road.

Applicant Representative Budge added that the bottom level was Level 1. Going up one level, Level 2 would be partially exposed, and would qualify as a basement under the Code. The next level was Level 3, and the final level was Level 4, which would be located right under the eave.

There was discussion regarding the 2-D and 3-D representations.

Applicant Representative Budge brought up slide 23 and explained that blue represented the proposed home and orange represented the party houses. He highlighted the relationship between

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the contour and the Footprint. He stated this slide also helped to confirm the location of the Footprint vis-à-vis the ground.

Slides 24 and 25 showed the existing houses in relation to the roof plane, as discussed. Applicant Representative Budge presented slide 32 which he felt was the most important view of the home. He also presented slide 31 which showed the most common view of this home, which came from Town Hall. He acknowledged that the architectural theme was different than an Old Town home; however, looking at the other five homes in the neighborhood, they were also very different in terms of architectural style. He stressed that the proposed house would definitely be an improvement and one worthy of acknowledgment for consistency with the theme of Park City. He mentioned that slide 32 referenced Commissioner Suesser's comments. He stated this illustrated a view that was not common but was presented to help the Commission understand the various points. With regard to Commissioner Sigg's question, slide 33 showed the Steep Slopes.

Applicant Representative Budge stated they provided reports prepared by Alliance Engineering on the excavation required, and their analysis was part of the record. These reports showed the amounts that could be excavated, removed, and addressed in a way that would be safe and consistent with other homes constructed in a Steep Slope scenario.

With regard to the mention of the SLO in the Staff Report, Applicant Representative Budge advised that it only implicated a small area where the accessory structure would be, and they felt the SLO did not apply to this land. He explained that they reviewed both the 1992 Ordinance and the first map depicting the SLO dated 1994. He referenced page 5 of his letter and stated that the earliest map showing the SLO showed it was outside of both Lot 1 and Lot 2. If the Commission wanted the Applicant to address the SLO, he stated they could go through that process because the SLO was not a bar; nevertheless, they did not think the SLO was implicated in this project. If it applied, they would have to ensure they were leaving the area in a manner consistent with the values trying to be protected by the SLO.

Applicant Representative Budge mentioned the comments and questions from the last meeting about how the overall Site Plan looked relative to the other improvements and stated that slide 34 addressed those comments. He noted the questions about other parking areas and slides 35 and 36 showed how those areas were created. He also mentioned that large Limits of Disturbance were required to create that construction. The proposed design was much more modest, and the impacts would be much more limited.

Applicant Representative Budge ended with slide 37 and stated that in response to questions regarding the downhill existing easements, this slide showed that the proposal would not come near the existing easements on the property. He mentioned that this application had received a letter of support from the Park City Museum, some neighbors, and Mr. Sweeney. He stated they were happy to entertain additional comments. Exhibit B of his letter included a matrix that demonstrated compliance with the CUP criteria. If there were any questions between now and the next meeting, he suggested they be forwarded to the Planning Department and the Applicant would be happy to respond.

Attorney Baird if the Commission could provide a sense of whether the Applicant was on the right track assuming they could address the issues raised by Commissioner Frontero and Commissioner Sigg.

Chair Hall asked if there were any further clarifying questions for Applicant or Staff.

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Commissioner Frontero referenced the slide illustrating how the square footage was broken up into 7,531 square feet finished and 5,901 square feet unfinished and asked for clarification as to the definition of “unfinished.” He also wondered if the unfinished square footage would be part of Summit County's record.

Applicant Representative Budge pulled up slide 22 and explained that it showed a good visual of the finished versus unfinished square footage. He pointed out the unfinished square footage on level 1 and a portion of level 2 and noted that level 2 qualified as a basement and would contain an unfinished element under the main body of the structure. Levels 3 and 4 would be finished. He added that “unfinished” would be something that one might see in a garage, with a concrete area. Applicant Prince added that the intent for the unfinished areas was that they would be utilized as storage and utility space. He stated he would be happy to pay taxes on all of the square footage. He also added that they would love to finish the area below, but there was a concern over interior heights, and they accommodated that by stating they would not finish the lower area in order to achieve the most conservative reading of the interior height limitation.

Commissioner Suesser sought clarification of the distinction between the unfinished areas shaded in white versus the unfinished area shaded in light red on slide 22. It was explained that the black line showed the grade, and the area labeled “unfinished” just above the words “proposed grade” depicted an unfinished area as well. Applicant Prince explained further that the area on the left of the slide would be the children’s bedrooms, and the area on the right would be the master bedroom. The living room and kitchen would be above the master bedroom. He reiterated that utilities and storage would go into the unfinished space.

In response to a further inquiry from Commissioner Sigg, Applicant Prince confirmed the unfinished areas would be sprinkled as required by the Plat Note. In the unfinished space below the primary mass, they would store skis or other things.

Commissioner Suesser asked the Applicant if he anticipated that the approval would include a Condition of Approval that this would remain unfinished space. Applicant Prince stated that if that Condition would be necessary to achieve approval, he would be happy to look into the legal aspect to make sure it would work. Commissioner Suesser expressed dissatisfaction with that response and pressed the Applicant to advise whether the unfinished space was intended to remain unfinished so the Commission could understand the square footage and massing of this house. Applicant Prince stated these areas would remain unfinished.

Commissioner Johnson understood that the accessory building as well as the parking area entry would be excavated, and wanted to know if there would be any breakup between these two areas. Applicant Prince advised they had to design the size of the driveway to accommodate a fire truck turnaround. He explained that access to the underground parking area would be accomplished by making a left U-turn to access a ramp that would lead to the underground parking structure. He added that the accessory building would be 20 – 30 feet to the right as one looks up the hill from the entrance to the garage. He noted the entrance to the garage was slightly more forward.

Applicant Prince expressed that in consultation with the Sweeney’s and others, their goal was to make this as unobtrusive as possible. The accessory structure would therefore be entirely below grade and would daylight out the front.

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Commissioner Johnson appreciated that explanation and focused on his understanding that there would be cuts into what might be contemplated as an SLO area. Applicant Prince relayed his understanding that under Staff's interpretation, the accessory building was the only part that would slightly infringe on the SLO. He mentioned that as a trade-off, Applicant lowered and pushed back the building to make it as low as possible for the neighbors.

Applicant Prince noted that originally, the building was further forward and slightly higher. In an attempt to be good neighbors, they shifted into that area. He advised that standing on the hill, the delineation between the SLO and non-SLO area would show no difference. He felt at some level it was an arbitrary line, and in the discussions with the Sweeneys, the idea of this was always that within these lands would be developable lands.

Commissioner Johnson asked if this area would be considered Very Steep Slopes and observed that the Code required an SLO Analysis for any development within 50 feet of a Very Steep Slope. Applicant Prince stated that the garage area of the existing development extended almost to the point of the proposal and stressed that this Lot had been fully developed and excavated. The amount of additional excavation would be relatively *de minimus.* He noted that he originally questioned whether they could characterize this project as a renovation or a remodel.

Commissioner Johnson observed that the accessory building area had already been disturbed on the downhill side of the development.

Commissioner Frontero noted Applicant Prince's comment that they could remove materials from the site uphill rather than downhill. He felt this was an interesting option and asked for further information. Applicant Prince stated that they discussed this with both Deer Valley and Park City Mountain Resort, and both expressed a need for the type of soil that would be removed. They had not yet formalized an agreement, but he stated he was very much open to such an agreement and other development on King Road had done the same. He stressed that they do not want trucks rolling up and down King Road and added that it was not safe at the bottom of King Road in terms of ice. They want to make it as safe for the neighbors and contractors as possible. He expressed confidence that they would be able to dispose of the vast majority of the material up the hill without disturbing the rest of town. Commissioner Frontero agreed that taking the material uphill would be better.

Planner Ananth explained that Staff's questions for the Commission were as follows:

1. Does the Commission need more information or have concerns with the preliminary analysis in the Staff Report regarding (a) the proposed height, visibility, or impacts to the environmentally sensitive site, and (b) the shift of the Building Area Limits into the SLO?

2. Does the Commission find a basis consistent with the Land Management Code, zoning, and prior approvals to consider some or all of the Applicant's changes regarding the Footprint, exclusions, garage below-grade structure, or shifting Building Area Limits? If so, does the Commission recommend a re-zone or an amendment to the MPD in addition to the Plat Amendment?

3. What, if any, additional information does the Planning Commission need to determine Good Cause regarding the Applicant's requested Plat Amendment?

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4. What, if any, additional information does the Planning Commission need to evaluate whether the Applicant has proposed reasonable Conditions to mitigate the reasonably anticipated detrimental effects of the proposed home and accessory buildings as outlined in the sixteen CUP criteria?

5. What, if any, additional information does the Planning Commission need to evaluate whether the Applicant has proposed reasonable Conditions to mitigate the reasonably anticipated detrimental effects of the proposed home and accessory buildings as outlined in the nine Steep Slopes CUP criteria?

Chair Hall asked for Commission input on these five questions in sequential order.

Before responding to questions, Commissioner Suesser asked Planner Ananth if Staff had received an excavation plan. Planner Ananth confirmed that an excavation plan had not been submitted.

Commissioner Suesser felt that was inconsistent with the previous representations by the Applicant. Applicant Prince advised that they submitted Alliance Engineering's report on the Grading Plan. On behalf of the Applicant, Jason Boal advised that they submitted Alliance Engineering's conceptual Grading Plan, which included the excavation and the needed retaining walls. Applicant Prince confirmed that was submitted last year.

Commissioner Sigg asked if that report was prepared in context with the SLO and Steep Slopes. Applicant's team responded in the negative, as those issues were only recently raised. Applicant Prince stated they would talk with Alliance Engineering regarding how the excavation should be updated relative to that one area of the SLO.

With regard to Staff question number 1, Commissioner Suesser felt there was some confusion regarding the adequacy of the excavation plan, so based on the information in the Staff Report, she would answer the first question "yes." She stated that because the development as proposed would require cuts and fills into Very Steep Slopes and the SLO, Applicant should clarify the amount of excavation necessary and the amount in the SLO in relation to the areas of the Lot that were already disturbed. She added that any required cuts, fills, and retaining walls must be shown on plans prior to the public hearing next month. Applicant should also submit a Vegetation Protection Plan for the SLO, and update the plans to demonstrate compliance with LMC Section 15-2.2-5.

Chair Hall asked Commissioners Sigg and Frontero if they wanted to address massing. Commissioner Frontero stated that he asked his question regarding massing and stated that the five modules were effective as presented. He was comfortable that it would improve the visibility and the impact of the home. He recalled that the Applicant would consider whether there was a way to break up the roof plane so that it was not just 117 feet of roofline.

Chair Hall noted that there was consensus on the massing request of Commissioners Frontero and Sigg. Commissioner Shand concurred with Commissioner Frontero and added that the massing and the stepping on the east façade was carried on through the entire façade of the building and he felt that was effective as well. Commissioner Johnson echoed Commissioner Suesser's request in response to the first question. He felt that some additional information for the SLO section and Very Steep Slopes would be helpful. Chair Hall summarized that the Commission requested an SLO and Grading Excavation Plan, including vegetation and the massing. With respect to question number 2, Commissioner Van Dine did not feel any additional information was needed but felt it was something for the Commission to continue to consider.

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Applicant Prince stated that the Footprint is an important point because he did not know how they could build a house in this location with a fire truck turnaround without burying this. At some level, if this were a no-go, it would be better to know now.

Commissioner Van Dine stated that the way the design reduced the east-facing appearance of a four-level home was consistent with trying to maintain the overall appearance against the cross-canyon view. She added it was helpful to see the view from street level/City Hall. She did not need any further information on the shifting of the Building Area Limits, given what was already built-out on the Lot.

Commissioner Suesser wanted further information on why the Commission should allow the shift into the SLO. She felt this was consistent with her prior comments. She then withdrew this comment and added that the interior height calculations were something she wanted to address. She noted that the interior building height limits were 35 feet in HR-1, and the interior height of this home would be 53.5 feet. She requested more reasoning as to why that should be allowed.

Applicant Prince stated it was not 53 feet, and explained if the Code wanted interior building height measured from the lowest structure in the building it could have so stated; instead, the Code states that it is measured from the finished floor. They engaged with Staff on this issue, and Staff talked in terms of basements and crawl spaces, but none of that applied here. He stressed that they were measuring from the finish floor; therefore, the plan complied with the Code.

Applicant Prince reiterated his statement that every single other Lot had over 50 feet of interior height. He stated he wanted to finish those spaces, but they would remain unfinished for the sake of the interior height. He added that he was willing to commit to not finishing those spaces, but they would rather the Commission find that it did not apply on these particular Lots. He noted this MPD had only eight Lots, and such a finding would not set a precedent for anywhere else in Park City.

Commissioner Sigg commented that this was becoming a matter of semantics, and he was encouraged by the notion of defining the difference between “finished” and “unfinished.” They could argue until they’re blue in the face as to what is “finished” and what is “unfinished.” It could take into account flooring, utility stub-outs, and rough-ins, but he wanted it confined to utilities and not include things like bathrooms, wine rooms, steam rooms, and such.

In terms of the question regarding a re-zone, Commissioner Johnson felt it was difficult to answer because they received a lot of information in this meeting. He appreciated the responses provided by the Applicant today but would need more research on the Plat Notes superseding the current Code before he could provide an answer. As far as a re-zone question, he was tentative with regards to amending the MPD again just because it seemed like a big project to open it up and most of it had been developed to this point. He was hesitant to do a re-zone or an amendment to the MPD. Commissioner Van Dine agreed, as did Commissioner Shand. Commissioner Suesser did not see any basis to recommend a re-zone or an amendment to the MPD.

Commissioner Sigg stated that they had discussed what already occurred on the other Lots, and queried whether the new Plat Notes would open up a Pandora’s box with redevelopment. He observed that many of these elements were specific to this home, but he would want to be careful that they do not become an “a-ha” moment for the other homes.

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Applicant Prince stated they would not affect any other home and would not seek a change to anything else and were sensitive to the same concern.

Chair Hall observed that doing a Plat Amendment for an update of the Plat Notes would only affect this property, wherein amending the MPD would affect all the properties.

She felt there was consensus on question number 2, and next invited comments on Good Cause.

Commissioner Johnson felt it was a tough question and stated that the Commission communicated clearly what additional information it would like to see and review, along with clarification from the Planning team on how to interpret some of the provisions. He felt there was no additional information required, other than what had already been requested.

Commissioner Shand proffered that a component of Good Cause was consideration of what is there, and what will be there. He recognized that it might not be Good Cause for everyone, but interpretation of what was currently there versus what will be there might have some merit for Good Cause for the City.

Commissioner Frontero concurred with Commissioner Shand and felt that the community would be well served by having a family home as opposed to two homes that were currently being rented out.

Commissioner Sigg noted that health, safety, and welfare were one of the elements of Good Cause.

Commissioner Suesser questioned whether the project would mitigate the negative impacts of the dilution of the historic character of Old Town. She did not see that and felt it was an element of Good Cause. She also expressed uncertainty that this project used the best planning and design practices, which was another element of Good Cause. On these two issues, she expressed that she was not yet comfortable with Good Cause for the project. She agreed with the other comments about what is there now versus what was proposed; however, she questioned the appropriateness of the inconsistency with the character of the neighborhood and the design into the SLO.

Commissioner Sigg felt that the cart was leading the horse in that they had not seen the HDDR opinion on this project. Applicant Prince stated they had asked Staff multiple times to provide the HDDR, but Staff stated they were unable to do so until the Planning Commission made a decision. That put the Applicant in a chicken-and-egg problem, and they would love it if the Commission insisted that Staff render a HDDR report before the next meeting. He agreed there was a cart-and-horse problem and they had been trying to resolve that by asking Staff specifically to make that determination.

Applicant Representative Budge added that they made changes based on Staff's comments. He stated that the earlier design had a larger roof structure, and the architect created a secondary roof structure to address that, along with reducing the glazing and other changes. The Applicant's team was under the impression that Staff's position was that until they knew that the project complied with the other elements of the Code, they were stuck.

Director Ward appreciated that the Applicant made some revisions through the HDDR process and advised that a memorandum from the Historic Preservation consultant was attached to the Staff Report. She explained that when Staff reviews the design elements, the first review is based on the underlying zoning regulations and the plat notes. Where the Planning Commission ends up in the interpretation of the Plat Notes and whether they would be amended for this application would then

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be the foundation under which they would review the design. Staff would be happy to do that before the public hearing. She noted that in the Sweeney MPD, some of the elements that the Planning Commission is charged to review has to do with the design, and it is the Planning Commission that has the final review of the design for the home.

Commissioner Frontero sought clarification as to whether the Commission would have anything definitive from HDDR before the next meeting. Director Ward responded that as outlined in the Staff Report, the current Design Guidelines and some of the elements worked through by the Applicant were outlined. As acknowledged by Commissioner Sigg, the Design Guidelines were geared toward the residential design and this proposal was more of a historic industrial design.

Director Ward stated that ultimately the Planning Commission would approve the design for this property. Commissioner Frontero took this as a "no," and reiterated his question. Director Ward stated that Staff would continue to provide the information provided in this Staff Report regarding the current Design Guidelines for this Zoning District.

Attorney Baird noted the frustrations inherent in this process. He said the applicant's team had been trying its best, and he thanked Commissioner Frontero for his help.

Chair Hall then requested input on the fourth question posed by Staff. She suggested addressing the CUP for the home and the CUP for the Steep Slopes separately.

Commissioner Suesser stated that In terms of mitigation of the detrimental effects of the proposed development, the Commission needed further information from Applicant with regards to compliance with CUP criteria 1, 7, 8, 11, 15, and 16. She added that this was consistent with the Staff Report.

Chair Hall invited other Commissioners to share any additional concerns or comments regarding the CUP criteria raised by Commissioner Suesser. With regards to CUP criteria 7, Commissioner Van Dine reiterated Commissioner Suesser's earlier comments regarding retaining walls and a general landscape plan. She hoped that it would involve re-vegetating the hillside from what it is now because it is terrible looking.

Commissioner Van Dine did not necessarily feel that she needed more information for the remainder of the CUP criteria listed by Commissioner Suesser. She reiterated that in her mind, the biggest one was CUP criteria 7.

Commissioner Shand did not need any further information. He added that the biggest questions for him were the orientation of the parking area and how it would fit into the general scheme, the Steep Slope area, and the SLO area and accessory building. He stated that his questions regarding the Steep Slope area were answered in this meeting. Additionally, he commented that the accessory building was built into the hillside. He stated that the modeling presented by Applicant's team was very helpful to him in understanding the massing. He explained that his biggest issue was in understanding what the structure would look like from the other side of the valley, what it would look like from the downhill side, and how much of an impact it would have on the historic neighborhood.

Commissioner Shand stated that there might be some additional information that would help, but many of his questions were answered. He felt that between now and February they would have more than enough to evaluate and give this proposal further consideration.

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Commissioner Sigg referenced item 14 and stated that he appreciated Applicant's commitment to being a multi-generational family in Park City. However, the Legislature recently passed some provisions related to fractional ownership. Applicant Prince stated that the Russian government personally sanctioned him for his support of Ukraine, and he was placed on a "kill list." Therefore, no one other than his family would be allowed to live in this home. He would be happy to sign something that states they would never under any circumstances rent it to anyone.

Commissioner Sigg stated that his comment was related to the fact that there is no Homeowners' Association ("HOA") that governs this land. Applicant Prince stated he would welcome a Plat Note that would restrict the property for any type of nightly, monthly, or annual rental. He stated that his daughter would get married in this house if the Commission allowed him to build it.

Chair Hall hoped the Commission would support a ban on rentals or fractional ownership at this site. She invited any further comments regarding the CUP criteria for the home and recalled that they heard about the massing and the roofline, which would fall under criteria 8 and 11.

Commissioner Johnson referenced criteria 3 relating to utility capacity and the requirement in the Code that it includes stormwater runoff. He asked if there were plans or if the Commission would require a plan as part of a Conditional Approval.

Planner Ananth did not believe Staff received storm water runoff calculations. Commissioner Johnson felt that information would be helpful.

Applicant Prince stated that the first time that was raised was Friday, and he stated they would be happy to provide that information. He echoed the comments of Attorney Baird that every time they go to Staff a new concern gets raised, and former Director Milliken had signed off on some items that have now been unsigned off. He stressed that this has been a challenging process, and acknowledged, however, that information like that requested by Commissioner Johnson made total sense. Not only had the design team already contemplated doing it, but they did not know whether the Commission would request it. He mentioned that they not only want to be able to capture rainwater but to reuse it for irrigation or other uses on the property.

Commissioner Johnson appreciated Applicant's comments.

Chair Hall next invited Commissioner comments or questions regarding the Steep Slope CUP criteria.

Commissioner Van Dine felt they partially addressed this based on their requests thus far, and she did not believe there was any information needed beyond the grading plan, retaining walls, and a visual of that part of the plan. Commissioner Johnson agreed.

Commissioner Sigg also felt they hit all these items in the earlier discussions.

Commissioner Suesser agreed with Staff's analysis and requests for further information as stated in the Staff Report. She hoped she articulated and reiterated those requests in her comments. She felt the Staff Report contained a very comprehensive analysis of the application, and she agreed with that analysis and what they recommended in terms of additional requested information. She wanted to make clear that she was requesting the same information as Staff requested in the Staff Report, including the requests involving Steep Slopes.

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Chair Hall asked if there was anything in addition to the Vegetation Protection Plan and Excavation and Grading Plan mentioned in the Staff Report related to the Steep Slopes CUP.

In terms of timing, Commissioner Frontero assumed the Commission was looking to receive this information prior to the next meeting. He asked Staff if they were comfortable that they would be able to get everything requested in time for the next meeting. Applicant Representative Budge stated they would get the information to the Commission within seven days or less because much of the information was already submitted and they would just need to provide any needed supplements or clarifications.

In terms of protocol, Commissioner Sigg noted this was a Work Session, but wondered if notice had been sent to all the neighbors within 300 feet. He stated they had not received any public comment, and he observed there were attendees at this meeting who might have an opinion. He wanted to ensure that the rest of the public in the immediate area knew about this application and asked if the notices had gone out.

Planner Ananth explained that Staff typically did not send out a notice for Work Sessions and they did not notice this Work Session. They are required to notice public hearings.

Commissioner Frontero commented that overall, this presentation was a vast improvement from the last meeting, and he applauded Applicant for listening to the Commission's comments and providing updated and improved information. That said, he stated this was a very complex application for a house. Staff did a very thorough examination of this application because it hits on so many significant issues that they normally do not see on a single application. He supported the Planning team. He was aware there was some frustration, but part of that was due to Applicant putting a tight timeline on this, which is not of the Commission's doing. Although they could live with that, he wanted it made known that Staff did a very thorough job on a very challenging application, and he thanked Staff for their efforts.

Chair Hall agreed. There being no further comment, Chair Hall sought confirmation that notice would go out for the public hearing on February 14, 2024. Director Ward added that any public input for an application can be submitted to planning@parkcity.org, and those e-mails would be added to the public record and included in the packet provided to the Commission for the Regular Agenda item. She confirmed that this item would be scheduled for a public hearing on February 14th and the Packet for the Planning Commission would be published on February 9, 2024. Any emails that Staff receives prior to publication of the Packet would be included in the Packet, and any submitted thereafter would be forwarded to the Planning Commission.

Director Ward also reported that this afternoon around noon, an additional letter was submitted and would be included in the public record for the next public hearing.

Following a short recess, Chair Hall called the meeting back to order.

**B. 1800 Park Avenue Park & Kearns Master Planned Development and Conditional Use Permit (formerly known as The Yarrow Master Planned Development)** – The Planning Commission Conducted a Work Session on September 14, 2022, and Provided Initial Input on a Proposed Master Planned Development at 1800 Park Avenue in the General Commercial Zoning District and Frontage Protection Zone. The Applicant Revised the Proposal, which Includes the Demolition of the 182-Room Hotel and the Development of a Mixed-Use Project. PL-22-05476.

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Director Ward noted a correction on page 5 of the Staff Report and explained that she did not realize that the reference to 222 Nightly Rental Condominium Units also included the 48 affordable units. She clarified that it should read 193 Nightly Rental Condominium Units and 48 affordable units.

City Planner, Spencer Cawley reported that he was joined by City Planner, Virgil Lund on this item. Staff would present a short overview, followed by a presentation by Applicant's team. Planner Cawley advised that the purpose of this Work Session was to focus on Building Height and the Site Plan to get some feedback from the Commission on any further information needed to make its determinations. He stated that future Work Sessions and action meetings with public hearings would be held on this application. Traffic, parking, affordable housing, and sustainability will be addressed at a future Work Session, along with the CUP and MPD criteria.

Planner Cawley reported that the site at 1800 Park is The Yarrow Hotel, now owned by Hilton and operating as a Double Tree. The structure was constructed in 1977 and contains 182 hotel rooms, along with a restaurant, and meeting and conference room amenities. The site is located in the General Commercial ("GC") zone and the Frontage Protection Zone ("FPZ"). The original proposal that came before the Planning Commission in late 2022 provided for two 59-foot buildings. The proposal also included a north/south paseo. The Planning Commission provided feedback that because this was located in the FPZ, more consideration should be given as to the height and massing in the context of the building's location in a critical gateway. The Planning Commission also requested further evaluation of the variances requested by Applicant.

Planner Cawley explained that the proposal now before the Commission was designed to break up the massing to give variation to the site. The proposal also includes five residential sections, one of which would be affordable. The amenities include Nightly Rental condominiums, a spa and fitness area, restaurants, meeting/conference rooms, offices, and retail. He explained that the retail would be placed on the lower level and along the back of the site to help reduce impacts to both Park Avenue and Kearns Boulevard. According to the General Plan, the Bonanza Park neighborhood was identified as a mixed-use area where locals live and work. The General Plan encouraged development that would be authentically human-scaled. Preservation and enhancement of scenic views were important, as well as improving pedestrian connectivity. As they go through the process of the Small Area Plan in the Bonanza Park neighborhood, he advised that the Applicant has considered that so that any improvements to this site would align with the results of the Small Area Plan.

In terms of Building Height in the GC zone, Planner Cawley reported that the Code restricts height to 35 feet from the existing grade. The proposal includes varied heights based on the site's topography, and he stated the Applicant's team would address that in their presentation.

He commented that the purpose of the FPZ was to preserve those scenic view corridors along Park Avenue and Kearns Boulevard. He added that its purpose was also to preserve and enhance the rural resort character of the City's entry corridor, provide a significant landscape buffer between development and highway uses, minimize curb cuts, driveways, and access points to highways, and allow for future pedestrian and vehicular improvements along highway corridors.

Planner Cawley stated that based on the Commission's feedback in 2022, the current proposal included changes to the façades, specifically a 10-foot stepback at approximately 50 feet. Additionally, while the FPZ prohibits development within 100 feet of the property line, through a CUP process development can occur within 30 - 100 feet. Applicant has provided an existing and

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proposed building Setback analysis for the FPZ, which is included in the Staff Report and attached as Exhibit B.

With regard to the Site Plan, Planner Cawley reported that the MPD criteria designates that the design of the site should focus on the site rather than modification of the site to fit the project. He stated that the Applicant looked at clustering the units on the most developable and least visually sensitive portions of the site. The criteria also require that adequate internal vehicular, pedestrian, and bicycle circulation must be provided.

Regarding Open Space, Planner Cawley stated that the MPD Code requires a development to provide 30 percent, and the current proposal would provide 39.7% Open Space. The Planning Commission has the discretion to designate the preferable type and mix of Open Space for each of the MPDs based on guidance from the General Plan.

Planner Lund commented that they want to focus this Work Session on the Planning Commission's consideration of Applicant's proposal to exceed the zoning height within the FPZ and the General Commercial Zoning District. He stated the Planning Commission could approve this based on six criteria, which the Applicant must demonstrate compliance with. These six criteria are as follows:

1. The increase in height does not result in increased square footage or building volume over what would be allowed in the Zoning District;

2. The buildings have been positioned to minimize visual impacts on adjacent structures and shadows, and loss of solar access and loss of air circulation are mitigated;

3. There is adequate landscaping and buffering from adjacent properties and uses;

4. Increased setbacks and separation from adjacent projects are proposed;

5. The additional building height results in more than the minimum open space required, and results in open space that is publicly accessible; and

6. The building height is designed in a manner that provides a transition and roof elements.

With respect to the Commission's consideration of Open Space, Planner Lund stated that the Commission could designate the type and mix of Open Space. Additionally, Staff requested consideration of the elimination of the north/south paseo from the previous plan submitted in 2022 and the reconfiguration of Open Space for this proposal.

On behalf of the Applicant, Peter Tomai, he was joined by Rebecca Cocchiola and Luke Lopatka from Singerman Real Estate. He started by saying that the proposal before the Commission tonight was a story of evolution and rejuvenation. Applicant Tomai stated that when The Yarrow was built in 1977, it was a proud moment in the history of then-small Park City. He commented that Park City was excited to have a full-service hotel and it had been a loyal workhorse for the local economy ever since. He stated that over the years, various investments were made to keep the hotel relevant to Park City's evolving market. Most recently, current ownership invested over $10 million to upgrade the property to meet Hilton brand standards and it became a Double Tree by Hilton. This investment allowed the property to deliver among the best year-round performances of all hotels in Park City.

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Applicant Tomai stated that today, most could agree that the community had grown beyond the image of a sprawling motor lodge surrounded by surface parking. The current Bonanza Park Small Area Plan effort identified 1800 Park Avenue as a Key Catalyst Site for the evolution of Bonanza Park. He stated that this area had the potential to become the heart of a complete community, meaning an area where people could live, work, play, and thrive in Park City. He expressed excitement at sharing their revised path to redevelop the Double Tree Hotel site to better serve the current needs of the community. They heard the input from the initial Work Session and engaged a local design team with deep local knowledge in order to best respond to the challenges created by the redevelopment of a successful operating property.

Applicant Tomai introduced Craig Elliott, AIA of Elliott Workgroup to present the revised application. Architect Elliott reported that he is a principal at Elliott Workgroup and has been practicing architecture for 40 years, the last 25 of which were based in Park City. He stated that over that time, he learned that being an architect requires being an optimist, being able to look at the world as it is, imagining a place with a different, better tomorrow, and believing that you can make that change happen. They've had the opportunity to look at this site and wanted to walk the Commission through their design process and how they see and imagine this project.

Architect Elliott stated that the site was located at the crux of two primary entrances into Park City, Park Avenue (SR-224) and Kearns Boulevard (SR-248). The existing facility was dated and focused on the automobile and had served the community well for many years. The prior proposal had a different take and was trying to tie into what they were seeing in the Small Area Plan. He explained that they reviewed the notes from the prior Planning Commission meeting to try and understand the comments and what the Commission was looking for. They also looked at the SR-224 Corridor Study and the Bonanza Park Small Area Plan. They also looked into the LMC, with a focus on the GC zone, the FPZ, the CUP process, and the MPD process. All are linked to this one critical piece of property in Park City.

Architect Elliott stated that as he looked at the property, he was surprised by the amount of green around the site. They also analyzed the residential in the area and noted that the closest residential was the Park Avenue Condominiums across the street. He also observed that the residential development was jagged as it meets the Open Space. He also looked at the commercial areas and how they dribble in from the north yet were fairly well established coming in from the east. He noted that the commercial areas were developed essentially to the Setbacks and included buildings and parking lots.

In looking at the green space, Architect Elliott stated the Open Space on this site consisted of strips of grass in between roads, parking lots, and buildings. It was not really of any high value as Open Space. He mentioned there was a larger space on the corner of Kearns Boulevard and Park Avenue, but it was clear that it was not well developed. On the opposite side of Park Avenue and across from Kearns Boulevard, there was more green space close to this site. As an entrance to town, they would want to address those areas. He proffered that while there is 24.8% Open Space on this site, there was not much in terms of substance.

Architect Elliott next addressed the vehicular access points. He stated there were two curb cuts along Kearns Boulevard, and both were in relatively bad locations. One was fairly close to Snow Creek Drive and the other was relatively close to the intersection of Park and Kearns. He added that there were also two curb cuts along Park Avenue, and the one to the north was also relatively close.

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There were two additional curb cuts on the abutting properties, and the one on the east side was fairly close to the corner, which presented sight-line issues. He also mentioned a transit transfer station extremely close to the property, which has a significant number of buses coming from Hi-Valley Transit and Park City Transit. It was currently being upgraded.

In terms of pedestrian circulation, Architect Elliott noted the blue dashed line on the graphic that represented the pedestrian pathways. He noted with interest that there were sidewalks to the north along Kearns Boulevard and sidewalks along Park Avenue. These sidewalks were not very wide next to relatively high traffic zones and were likely not very safe. He added that they were trouble when dealing with snow and weather conditions. He noted that the rest of the pedestrian circulation was internal and was purposed to move people from cars into the building.

Architect Elliott explained that their approach was to figure out a way to take the parking along the perimeter and turn it into increased Open Space. Based on the General Plan and some of the comments from the Small Area Plan, they looked at creating a pedestrian street or pedestrian access to retail along the south and east sides. They also looked at moving retail to the interior core and noted that Park and Kearns were arterial streets at best and not good retail streets.

In terms of vehicular access, they suggested eliminating the two poorly located access points on Kearns Boulevard and locating an entrance to parking across from the easternmost curb cut for that parking lot. They would also eliminate the northern curb cut on Park Avenue and consolidate it into a drop-off area. On the east side, they suggested moving the curb cut and access towards the middle of the block to create a safer access point. He noted that would likely be the service location.

With regard to the changes to pedestrian pathways, Architect Elliott explained that the biggest change would be to move the bike and pedestrian pathways away from Kearns and Park. He referred to the term “linear park” in the Bonanza Park Small Area Plan, and he felt there was an opportunity to do that here. They also accommodated the contemplated tunnel access under Kearns Boulevard next to Snow Creek Drive. He stated the magenta-dashed lines on the graphic represented the locations of the ramps and the tunnel. The shorter lines depicted the stairs.

He stressed that they have accommodated that into this plan so that the plan would include all these layers, requirements, and goals.

Architect Elliott next addressed how they could break up the massing. The previous plan was thought to have a “wall effect” and the massing was moved out to the 30-foot line with a small break referred to as the paseo. The current proposal suggests breaking up the massing into five major masses and allowing this building to breathe as it relates to Kearns Boulevard and Park Avenue. They also proposed to pull them in and connect them on the lower level with retail. By their massing plan, he felt that it opened up the view corridors and the visual massing. He pointed out on the graphic how one would be able to see over and noted the orange areas were one-story.

Architect Elliott presented an aerial view of the model overlayed on those graphics to provide a sense of the proposal. He noted the plan would result in Open Space of 39.7%. He stressed that this space would be significantly different, and the Open Space would be more usable, and friendly and would help to accomplish a buffer, as required by the CUP, the FPZ, and the MPD.

With respect to the building and how it will work internally, Architect Elliott stated that the four buildings along Park Avenue and Kearns Boulevard would be market-rate units. The buildings on the southeast corner will house the affordable units. He explained that both the market-rate units

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and the affordable units would consist of a mix of studios, one-bedrooms, and two-bedrooms. The efficiencies of these building blocks and masses will allow them to reduce some of the overall use of the building because they created the core and circulation into a smaller zone.

With the exception of the affordable building, he explained that the top levels would be set back 10 feet from the perimeter of the primary façade of the buildings. The top level of the market-rate units would consist of three-bedroom units and would be stepped back 10 feet from the primary façade. They proposed a restaurant on the first level at the southwest corner, which would also be stepped back. He illustrated on the graphic the location of the office and retail, highlighted in orange. There would be some service space for the entire building. They also proposed some short-term parking that would service the retail uses and office space.

Architect Elliott advised that at the entrance off Kearns Boulevard, there would be two levels of underground parking. He explained that in this area, they could go down at a very gentle grade into the first parking level. With regard to massing, he pointed out the previous plan, and he felt it presented a more urban representation than what would be expected along Kearns Boulevard. He explained that in the current iteration, they pulled the building masses back and broke both the mass and the roof height significantly. The roof heights would vary up to 35 feet.

Architect Elliott presented some additional renderings to the Commission. The first view was taken from the viewpoint of coming into the intersection on Park Avenue. Architecturally, they were trying to tie into the materials, stone, and wood, and step the buildings back on the corner. He next presented a rendering showing the viewpoint coming in from SR-248. He highlighted the stepback and the variation in the building mass. The next rendering was from the southern viewpoint from Park Avenue. He also presented some views looking back at the building from Kearns Boulevard, and he highlighted the breaks in the building mass. He noted that the openings in between these masses were significantly larger than the paseo in the prior plan.

From a pedestrian standpoint, he presented a rendering of the Open Space between Kearns Boulevard and the building mass and highlighted the landscape buffer required in the approval process. He presented views of the retail street and specifically highlighted the expanded sidewalks.

Architect Elliott presented some videos that illustrated the plan and explained how they provided a sense of entry to the project and how the building masses break. He also presented a video of the pedestrian pathways into and through the project. He reiterated the belief that this would work well with the proposed Small Area Plan by creating retail streets with retail on the lower level and residential on the upper levels. From a sustainability standpoint, opening to the south would be very good for the project.

Architect Elliott then shared videos coming in from the west to the east, from both a vehicular and pedestrian perspective. With regard to pedestrian pathways, he mentioned that at some point they believed there would be multiple places where people would be moving and mentioned the sidewalks, the tunnel, and the retail street. He mentioned that they were early in the process, so the renderings did not have all the components they would typically expect to see, but these videos provided a sense of what the scale and space would look like.

Applicant Tomai stated the revised design was a significant departure from what exists today and the original redevelopment plan. They listened to the input and made wholesale changes to the plan. In every measure of mass and volume, Applicant Tomai proffered that this amendment was smaller, while preserving hospitality uses, adding meeting rooms, and creating both market-rate and

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affordable housing on-site. The project would include heavily articulated pods pulled back from Park and Kearns, which would preserve views and create broad and attractive public green spaces and pedestrian boulevards that would replace large areas of surface parking. He stated that this project would deliver 48 deed-restricted affordable homes at no cost to the City, create welcoming pedestrian connectivity that does not currently exist, and start creating the vibrant mixed-use development pattern identified by the Small Area Planning Taskforce as most desirable for this area. This will be accomplished by moving resident and guest parking underground and eliminating the sea of asphalt at material expense. The proposal requests limited areas of height exception to allow for the clustering and building articulation that would create this environment.

Applicant Tomai stressed that, unlike a new green field development on vacant land, redeveloping a successful, operating property requires a path to create sufficient value to justify the risk and uncertainty of pausing an existing operation. An upcoming renewal of the current hotel franchise agreement presented a timely opportunity to re-think the long-term best use of this site for the community. This, combined with the committed and well-capitalized ownership team provides Park City with the potential path to evolve once again to meet the changing needs of the community by creating mixed-use housing, beautifying the entry corridor, and improving pedestrian connectivity through a heavily trafficked area of town. He commented on how great it would be to have a fresh new face in town for the next Olympic welcome.

Applicant Tomai expressed appreciation for the Commission's time and consideration and looked forward to its' input to see how they could collectively find a path to redevelop The Yarrow during this window of opportunity.

Chair Hall invited comments or questions from the Commission before they addressed Staff's questions.

Commissioner Shand asked if there was a graphic showing how these buildings would relate to the 100-foot Setback. Architect Elliott referenced Sheet MPD-011 and presented a graphic that showed what exists today, what was proposed previously, and the current proposal. Chair Hall clarified that this graphic just showed the ground level.

Commissioner Johnson asked about the average height for the buildings proposed within the FPZ. Architect Elliott explained that the lowest point was around 14 feet, and the primary façade would be in the area of 45 – 50 feet depending on where they fit on the site. He noted that there would be a 10-foot step back and would then go to approximately 57.5 feet. He added that because of the grade, the building heights would be different in each location. It was noted that the grade at the corner of the property by Snow Creek Boulevard and Kearns Boulevard was approximately 7.5 feet lower than at Park Avenue.

Commissioner Johnson asked about the height of the building near Snow Creek Boulevard before it starts to step back. Architect Elliott presented a graphic and explained that the area in red was 53 feet, while the area shaded in orange was 58.5 feet. He added they would expect to install mechanical screening on the roof but noted that the rooftop would not be visible from anywhere because they pulled it back into the core of the building mass. Commissioner Johnson observed that along Kearns Boulevard, the buildings would be roughly 53 feet in height, and then step back with mechanical on the roof.

Chair Hall asked if the private Open Space was included as part of the Open Space calculation. Applicant stated that the private open space was excluded from that calculation, as were the drive

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lanes into the garage. It was noted that the courtyard of this project was actually smaller than the combined courtyards of the existing project.

Commissioner Sigg asked if this project would still be operated as a hotel/condominium. Applicant Tomai explained that the primary design of the project was multi-family condominiums, and they were designed into the project the ability for it to serve as a condominium/hotel like at The Chateau or The Lodges at Deer Valley. He noted that these were full-ownership single-family residences. He confirmed there would be a front desk.

On behalf of the ownership group, Luke Lopetka mentioned that it would also be available for people to live year-round.

With respect to the east side parking along the retail coming in from Snow Creek Drive, Architect Elliott clarified that the parking was on the project property and noted that very rarely parking lots were designed with travel lanes around the perimeter, and for this project, both the south and east side would have travel lanes around the perimeter.

Applicant Tomai indicated that they have been in active discussions with the surrounding property owners about the current operations, and those three properties – The Ray Theater, Holiday Village, and Associated Grocers -- all have a shared parking and access agreement. The Yarrow was currently not a party to that agreement, and they contemplated executing a shared parking agreement to facilitate everyone's use and transit through and across those spaces. The adjoining owners were in support of the design because more retail is good for the area, and it would help their overall operations.

Commissioner Sigg focused on the easement right to use other properties to access these lots and the alignment with Snow Creek Boulevard. He felt it was currently a juxtaposed alignment that was not very safe. Applicant Tomai stated they had been working on the shared parking and access agreement, and he felt there would ultimately be a larger discussion at the City level about what would happen with Snow Creek Boulevard. The General Plan contemplated that the road continue onto the south side of Kearns Boulevard, but Applicant does not control that aspect. He stressed that this design would work very well with any future changes.

Commissioner Shand noted that the Planning Commission has discussed maximum Building Heights, stepbacks, and additional stepbacks for mechanical in other Work Sessions. He requested the Applicant walk through the proposed building height, the Setbacks from the street, and any consideration given for lower height buildings along the entry corridor and stepping back to higher buildings outside of the entry corridor. Architect Elliott stated they generally labeled the buildings by letter, and the bottom southwest corner was designated as Building A. As far as the stepback, he explained that there were a number of elements that go into building massing in the LMC. In their elevations, they showed how they broke up the building to the point where it looks like smaller buildings in terms of Footprint.

With respect to the Setbacks, he pointed out a location at Building D where the depth of the Setbacks could be observed. The closest it gets to the property line is 49 feet, and moving over slightly, he illustrated where it steps back 109 feet from the property line. He highlighted the Setbacks at other locations on the graphic.

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Commissioner Shand understood that this design tries to minimize buildings inside of the 100 feet by angling the buildings so there would not be a single façade that was 45 feet off the street instead of 100 feet.

Architect Elliott added that the orientation of the buildings was intended to break away from the wall effect, which is referred to negatively in the LMC. Additionally, they intended to move the more urban components towards the east because that is the area of the Small Area Plan that would develop more in the mixed-use type, lower-level retail spaces, and upper-level office and residential. Applicant Tomai added that the primary façade was approximately 45 feet tall with a 10-foot stepback that takes the last story up another 10 feet. All of the mechanical equipment would be stepped back further to the core and would not be visible over the primary façade.

Commissioner Shand noted that the current Code set the Building Height at 35 feet, with a 10-foot stepback resulting in a total height of 45 feet. Architect Elliott explained that in the General Commercial zone, the Building Height is 35 feet, and some exceptions allowed 5 feet for a pitched roof and another 5 feet for additional screening. He felt the question was "What is the real impact?" In the massing study included in the Packet, he commented that the sloped roofs would show the mass. He presented a graphic to demonstrate this and explained they proposed approximately 1.5 stories above the zone height. Commissioner Shand understood the math and stated that based thereon, they could put in a building that was 80 stories tall. He understood the proposal and what the Applicant was doing.

Referencing the graphic, Commissioner Shand asked if there was any consideration given to lowering Building B to minimize the impact coming in from Park Avenue and then adding a little height to the back buildings. Architect Elliott stated they could look at that and stated there were a lot of different ways to look at that corner.

It was noted by Applicant Tomai that the pattern of having clustered pods allowed them to consider Commissioner Shand's suggestion as they did with eliminating the stepback on the affordable units in the interest of trying to be more efficient and get the most units.

Chair Hall suggested that the Commission address Staff's question, and stated she wanted to save 30 minutes for the Regular Agenda.

Chair Hall announced that Commissioner Suesser was not feeling well and logged off from the meeting.

Planner Cawley explained that Staff was looking for Planning Commission input on the six criteria that would allow for an exception to the zoning height and whether there was additional information needed to help the Commission address those criteria.

Commissioner Frontero expressed that there was a lot to like about this proposal as presented. He felt it was much improved and the five pods added a lot of daylight between the buildings as illustrated through the videos. He also felt the perimeter pedestrian bikeway was much improved compared to the Paseo. He observed that the massing did not present a wall, which was an improvement over the last rendering. He also appreciated that Applicant incorporated the potential tunnel access.

Commissioner Frontero stated there was a lot to like about this proposal, but the elephant in the room was the height. He also noted and appreciated the inclusion of affordable housing units, which were not required but included in this project.

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Director Ward clarified that regarding affordable housing, the inclusionary requirements of the MPD would apply. The Housing Team was working with Applicant on the Housing Mitigation Plan, but under the inclusionary zoning resolution, there was a 20% requirement for the residential uses and additionally for employees generated. She reiterated that Applicant was working with the Housing Team for a discussion of that at a future time. Applicant Tomai added that based on their calculations, the affordable housing provided in this project would exceed the requirement under the worst scenario.

Commissioner Frontero asked if the Applicant considered making this an Affordable Master Planned Development ("AMPD"). Applicant Tomai responded in the negative and explained that they did not pursue an AMPD because of a couple of defects in the AMPD Code as they experienced in the Homestake and Engine House process. He expressed that they learned that the AMPD did not allow more than 5,000 square feet of commercial space and had a hard stop at a 45-foot building height with no exception for mechanical. He commented that the stepback creates building inefficiencies that materially increase the cost of construction and the cost of maintenance of the building due to the exposed flat roofs over occupied spaces. Under an MPD, the entire project as one building was a better path and would give the Planning Commission more discretion in terms of how to balance the "gives" and the "gets."

Chair Hall understood that instead of applying for an AMPD with a maximum height of 45 feet, Applicant applied for an MPD with a request for a 60-foot height. Architect Elliott added that they could not have the proposed mixed-use and retail space within the AMPD requirements.

Commissioner Frontero appreciated the feedback on the AMPD in general and stated they were always looking to make AMPD projects attractive.

Applicant/Owner Representative Lopatka added that with regard to the changes in the proposal, particularly in regard to the ratio of affordable to market-rate units, the ownership group was cognizant that it went in the opposite direction of what the City would have wanted. He stated the key driver was that in the time between the initial submittal to now, interest rates had increased from 3% to 7%, which impacts the ability to finance the project. Part of the ratio shift was responding to those increased interest rates.

Commissioner Frontero felt the solution would be in the consideration of the Applicant's height request versus the City's need for affordable housing.

Commissioner Sigg stated that as they create more retail, they would create more employees. Therefore, he was interested in information on the employees generated for the types of use, and how many obligation units would be needed. He also would like information on the type of affordable units. Architect Elliott stated that the affordable units would consist of studios, one-bedrooms, and two-bedrooms, and were pretty evenly distributed. He stated they prepared a calculation that showed employee generation caused by the retail and has had preliminary discussions with Staff on this issue.

In response to an inquiry, the two-bedroom affordable units would be 900 square feet. Commissioner Sigg observed that if there were two efficiency units, that would equal one supportable unit.

Architect Elliott stated the proposal included 48 affordable units. Commissioner Sigg noted that the 48 affordable units could be divided into 96 efficiency units and given a Unit Equivalent. Architect

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Elliott acknowledged that they could have more units with a different distribution of unit types, but the calculation for the affordable unit equivalent would stay the same or become slightly less based on the square footage.

Applicant Tomai offered that the Housing Resolution was tied to Affordable Unit Equivalent ("AUE"), which is square footage, yet is silent on how those are broken up in terms of unit types. The 48 units proposed tended to be larger because of the one-bedroom and two-bedrooms. He noted they could have smaller units under the same number of AUEs in the building. He added that the affordable units mirrored the market-rate units; therefore, they have a lot of affordable unit bedrooms. In terms of the retail component, Architect Elliott stated that if they took out the retail, they would have twice as many units as required. Commissioner Sigg noted the percentages were based on the mix. Applicant Tomai stated that their calculations were included on Sheet MPD-022.

Commissioner Van Dine referenced LMC Section 15-1.10 for the sixteen criteria, and LMC 15-2.20-4, and read as follows: "Physical design and compatible with surrounding structures and mass scale style design and architectural detailing." She observed that during the last meeting on this application, the Commission's main issue was building height, which was not changed in this revised proposal. She emphasized that as an entry corridor, the request for encroachment into the FPZ and heights of 50 – 60 feet, the proposal did not hold to preserve and enhance the rural resort character of the City's entry corridor. She felt this proposal failed to meet this goal on every level.

Commissioner Van Dine appreciated the changes that added landscaping and more pedestrian thoroughfares, but the north/south paseo actually made for some of the porosity being sought in the Bonanza Small Area Plan. She noted they were still forcing people to go around by putting parking in an area where they would be asking people to move between other areas. By this plan, they are asking people to walk between the grocery store and the movie theater, but they are still putting a parking lot in the middle. She struggled with this proposal, and while she acknowledged that the massing was much better than the prior proposal, 60 feet did not fit with the character of this area of town. This would be significantly taller than anything else and would be imposing and huge in an area where everyone comes into town.

Commissioner Van Dine felt these concerns were not taken into consideration at the last meeting because the heights did not change. To take height off of the front buildings and stack them on the back buildings did not make sense. She stressed that she had a very hard time seeing that this would comply with what they were trying to accomplish in this zone.

Applicant Tomai appreciated Commissioner Van Dine's comments and agreed that the proposed heights were the same. He felt it was not inconsistent with what they heard from the consultants on the Bonanza Park Small Area Plan in that this is an area where they were trying to increase the density to create housing, mixed-use, and vibrancy.

In their collective view, they tried to determine how they could make it all work and noted the benefit of replacing the surface parking with a big pedestrian boulevard. Additionally, regressing the buildings well beyond the 30-foot no-build zone was a big change. He stressed that with these changes, 40% of the site would not be developed, so they have to get that development somewhere because of the economics and to deliver affordable housing and mixed-use. He stressed that they attempted to minimize those areas of encroachment so there would be smaller roof areas as opposed to long chunks of building. He felt that was a good trade that would allow people to commute through here on their bikes, as he does.

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Commissioner Johnson stated he did not need any additional information on these six criteria. He was not ready to make a determination, and while he liked the way the Applicant broke up the massing and positioned the buildings, the height was an issue. As they look at the Bonanza Park Plan, and the discussions with this body and City Council, he mentioned that the Council consensus was pretty much at 45 feet, and this would go above that. He acknowledged this was evolving, but felt it was definitely something to take into consideration on this proposal. He recalled that the Planning Commission discussions revolved around possibly allowing more height in exchange for more community benefit. He stated he appreciated the sidewalks in this proposal as he uses that path quite a bit, but he would like to see something more to consider the heights.

Commissioner Johnson commented that the discussions around the Bonanza Park Plan involved increased density and more height but were they looking at having the height pushed back further off the FPZ and having it lower within those zones. He stated it would be nice to look at any tweaks to stepping back the buildings on the site.

Chair Hall suggested bifurcating the height exceptions between the FPZ and the GC zone, much like their current re-evaluation of the AMPD for modifications. She noted the conversation around the Small Area Plan of allowing certain areas to have more height, but these had not been implemented. She stated the GC zone building height was 35 feet, and the exceptions were extremely restrictive, and this was separate from the FPZ. Chair Hall would like to see more landscaping and wider sidewalks along the FPZ.

In terms of minimizing the visual impacts, Chair Hall liked the video, but mentioned that it did not show the mountains behind it, and they still showed a wall.

With regard to Open Space, Chair Hall noted that the proposal was in excess of the requirement. She mentioned that the Commission had discretion in terms of Open Space usage.

Commissioner Johnson appreciated the design in exceeding the requirement but would also like to see wider sidewalks and creative ways to help with walkability and bike-ability that would add more community benefit to the project.

Following a short recess, Chair Hall called the meeting back to order and confirmed that all Commissioners were present, with the exception of Commissioner Suesser.

## 5. REGULAR AGENDA

**A. 9100 Marsac Avenue – Modification of a Conditional Use Permit –** The Applicant Proposes to Modify an Existing Approval (PL-13-01845) to Construct a 660-square-foot Permanent Structure (Yurt) in the Residential Development Zoning District. PL-23-05969.

Planner Lund reported that the above application sought modification of the CUP that regulates Temporary Structures at this site. He stated that under the current CUP, Temporary Structures could be installed 15 times per year, of which four may be allowed for a maximum period of 60 days. The applicant proposed a permanent Accessory Building, a Yurt, on the Compass Lawn, which was a location for a Temporary Structure. He explained that the modification was needed to remove that location as a temporary location and allow a permanent structure. The yurt will be 30 feet in diameter and approximately 14 feet tall. The hours of operation in the winter months would be 11:30 a.m. to 6:00 p.m., and occasionally in the summer months from 11:30 a.m. to 7:00 p.m.

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Planner Lund stated that the yurt will be used to serve food and drinks for guests from the main kitchen in The Montage. The Planning Commission approved an MPD and a CUP for this site on March 14, 2007. The Flagstaff Development Agreement also regulated this property. He reported that the MPD approved 35,000 square feet of spa space, 28,000 square feet of bar, restaurant, and retail space, and approximately 15,000 square feet of meeting and conference space. The yurt will increase the amount of bar, restaurant, and retail area square footage by approximately 660 square feet, and the occupancy for the yurt would be approximately 44 people.

Planner Lund reported that the proposal complies with the Residential Development Zoning District requirements of a 20-foot Front Setback, 15-foot Side Setback, and 12-foot Rear Setback. The yurt would be located approximately 24 feet from the nearest property line.

Additionally, Accessory Buildings cannot exceed 18 feet in height in this zone, and the proposed yurt will be approximately 17'6" from final grade. He added that the proposal also complies with the SLO, and no significant vegetation or other physical aspects of the site would be impacted by the yurt, which would be installed on the existing lawn area.

Planner Lund highlighted Condition of Approval 7, which was requested by the Building Department that requires the yurt to have a Building Permit for an International Building Code-compliant commercial structure. He also stated that the proposal complied with the MPD and CUP approvals. The Montage was approved for 28,059 of bar, restaurant, and retail space and 24,154 square feet of existing space had been built out. The yurt would increase that square footage to 24,814 square feet.

The proposal also complies with the CUP criteria. He stated the applicant proposed using an electric heater for the yurt in the winter months. No other utility connections were proposed or approved. Parking for The Montage was reduced by 25% below the LMC requirements in place at the time of MPD approval. There was a further parking reduction to 530 parking spaces because valet parking is mandatory for guests and the hotel uses tandem parking. There are 529 existing parking spaces, and the yurt would be used by guests of The Montage and recreational users of the resort and would therefore not increase any parking demand. The yurt would be located next to the Pearl Ski Run, and no signs, speakers, or outdoor lighting was proposed or would be approved with this application.

Staff recommended the Planning Commission review the proposed modification to the CUP and consider approving the modification and the amended Final Action Letter. He explained that the Final Action Letter for the original CUP would be amended to allow for three times per year for the 60-day maximum period. He clarified that the current CUP allowed Temporary Structures fifteen times per year and four of those could be allowed for 60 days. The amendment would change it from four to three times per year allowed for a maximum period of 60 days.

Chair Hall sought clarification, and Planner Lund explained the yurt would be a permanent structure at this location, and three of the other Temporary Structures would be allowed for 60 days and this location would no longer be used for a Temporary Structure.

Commissioner Frontero understood that in exchange for the yurt as a permanent structure, they would reduce the use of the other Temporary Structures. Commissioner Shand noted the other locations were circled on the graphic.

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On behalf of the Applicant, Wayne Souza identified himself as the Complex Director of Engineering for The Montage Hotel. He stated he had been in Park City since 1995 and originally opened The Canyons ski resort. He confirmed that the applicant is seeking to have this permanent structure, and noted this was a space they use to allow the public to have a Montage experience so there would be a blended mix of who would utilize this space. It will be used primarily during the winter months and potentially during peak times in the summer months.

Joseph Mattioli identified himself as the General Manager for The Montage and reported that he has lived in Park City for nearly five years. He has been in the ski business for nearly 10 years, and he echoed the statements that they want to service the community and share their experiences with every guest. He thanked the Commission for its consideration of this request.

Commissioner Johnson asked about the heating system used for the yurt. Engineer Souza stated that in the past, they used a propane-forced air heater, however, they were looking at using an electrical heating system given some of the issues during times of heavy snowfall.

Chair Hall opened the public hearing. There was no public comment. Chair Hall closed the public hearing.

Commissioner Sigg understood that this structure would be permanent and be within the allowable square footage. He wondered why the applicant was not just building a permanent structure.

Jeremiah Dekle, owner of Bronco Construction, stated he works very closely with The Montage on all of their construction projects. They primarily work with resorts on existing building modifications as well as repairing structural deficiencies.

In response to Commissioner Sigg's question, he stated they had worked with the Building Department to make sure this would be a better structure than a lower-quality temporary structure. He stated that this yurt would be built as a typical permanent structure that follows International Building Code requirements. He noted there were significant cost ramifications; however, they could make the yurt look more appealing from the outside and create a sturdier structure. He added that this will present a greater improvement over the previous yurt at The Montage, especially in regard to the heating systems, as well as being a safer structure for guests. He noted that the Montage wanted to be certain from a liability standpoint and a public safety standpoint that this space would be much safer.

**MOTION:** Commissioner Van Dine moved to APPROVE 9100 Marsac Avenue – Modification of a Conditional Use Permit – To Allow Applicant to Construct a 660-square permanent Structure (Yurt) in the Residential Development Zoning District – based on the Findings of Fact, Conclusions of Law and Conditions of Approval set forth in the Draft Final Action Letter as follows:

**Findings of Fact**

1. The Site is located at 9100 Marsac Avenue.

2. The Site is located in the Residential Development (RD) Zoning District and Sensitive Land Overlay (SLO).

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3. There is an existing Conditional Use Permit (CUP) that allows temporary Structures to be installed (which includes yurts) fifteen (15) times per year of which four (4) may be allowed for a maximum period of sixty (60) days.

4. The ongoing CUP allows temporary Structures in the following locations: Grand Lawn, Compass Lawn, Mountain Lawn, Front Lawn, Vista Terrace, and the Grand Terrace.

5. The Applicant proposes to modify the existing CUP and install a permanent Accessory Building (yurt) on the south lawn (Compass lawn) at the Montage Resort.

6. The Applicant proposes operating the yurt during the winter months daily from 11:30 AM – 6:00 PM, and occasionally during the summer months from 11:30 AM – 7:00 PM. The yurt will serve food and drinks from the main kitchen of The Montage and is not associated with any of the existing restaurants.

7. The Accessory Building (yurt) will be 30 feet in diameter.

8. The proposed yurt will be 17’ feet 6” inches from Final Grade.

9. The applicant proposes to install the 30-foot-diameter yurt permanently on the Compass Lawn for year-round use.

10. The Montage is part of the Empire Pass Master Planned Development (MPD), which was originally approved on June 24, 1999.

11. The original MPD and CUP approved 35,000 square feet of spa space, 28,059 square feet of bar/restaurant/retail space, and approximately 15,000 square feet of meeting/conference space and lounge areas for the Montage Resort.

12. The yurt will increase the amount of bar/restaurant/retail area square footage by approximately 660 square feet.

13. Staff determined the application complete on December 29, 2023.

14. Staff posted notice to the City Website, City Hall, the property, and adjacent property owners on January 10, 2024.

15. The application as conditioned complies with the Residential Development (RD) Zoning District requirements outlined in LMC § 15-2.13.

    a. The RD Zoning District requires a 20-foot Front Setback, 15-foot Rear Setback, and 12-foot Side Setback. The proposed yurt is approximately 24 feet from the nearest property line.

    b. In the RD Zoning District, no Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. The proposed yurt will be 17’ feet 6” inches from Final Grade.

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16. The application complies with the Sensitive Land Overlay (SLO) Zoning District requirements outlined in LMC § 15-2.21.

    a. The proposed Accessory Building (yurt) will be installed on the existing approved location for Temporary Structures on the Compass lawn and will not impact Sensitive Land Overlay requirements. No Significant Vegetation or other physical aspects of the site will be impacted by the installation of the proposed yurt. The Building Department requires Condition of Approval 7, which states the permanent Accessory Building (yurt), must receive a building permit for an International Building Code (IBC) compliant commercial structure.

17. The application complies with the Empire Pass Master Planned Development Pod B-2.

    a. The Montage Hotel is approved for 35,000 square feet of spa space, 28,059 square feet of bar/restaurant/retail space, and approximately 15,000 square feet of meeting/conference space and lounge areas.

    b. The Applicant proposes to increase the amount of bar/restaurant/retail area square footage by approximately 660 square feet. The Applicant has shown that the Montage has 24,154 square feet (this includes temporary square footage as well as temporary structures) of the existing bar/restaurant/retail area that has been built. The proposed yurt will increase the bar/restaurant/retail area to 24,814 square feet.

18. The application as conditioned complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E)

    a. Size and Location of the Site

        i. The proposed yurt is located on an existing Site and is in an appropriate location adjacent to the ski runs, ski base area, and existing Structures. According to the Applicant, the previous yurts that have been installed at this location temporarily are the same in size and dimensions as the proposed permanent yurt.

    b. Traffic

        i. The proposed yurt will be contained to a specific location on the lawn and will be used by guests of the hotel and recreational users. The yurt will not impact vehicular traffic and does not require a traffic impact study.

    c. Utility Capacity

        i. The Development Review Committee reviewed the proposal on November 21, 2023, and did not find any issues with the utility capacity. The Applicant proposes to use an electric heater for the yurt in the winter months and will connect into the existing electrical system

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of The Montage. No other utility connections are proposed or approved. The Building Department requires Condition of Approval 7, which states the permanent Accessory Building (yurt) must receive a building permit for an IBC-compliant commercial structure.

d. Emergency Vehicle Access

i. On November 21, 2023, the Park City Fire District reviewed the application and confirmed the proposal conforms with their requirements.

e. Parking

i. The Flagstaff Development Agreement stipulates that parking for the Montage was reduced by 25% below the LMC requirements in place at the time of MPD Approval. Based on the residential unit sizes, hotel rooms, and commercial spaces, parking at the Montage Hotel would require 742 spaces, reduced by 25% for a total of 561. There was a further parking reduction at the Montage to 530 because valet parking is mandatory for guests. The valet parking is in a tandem configuration. ii. The original Building Permit and recorded Plat for The Montage shows that 529 Parking Spaces were constructed. The proposed yurt will be used by guests already staying at the Montage, and recreational users of the Resort, and will not increase parking demand.

f. Internal Vehicular and Pedestrian Circulation System

i. The location of the proposed yurt will not impede the vehicular circulation system. The proposed location has been used previously by temporary yurts with the same size and dimensions as the proposed permanent yurt. The yurt will not impede the pedestrian circulation system. It is located adjacent to the existing “Pearl” ski run and will not impede skiers using that run.

g. Fencing, Screening, and Landscaping Planning Department

i. The proposed yurt will be screened by the existing buildings, retaining walls, and landscaping on the Site. No Significant Vegetation will be impacted by the proposed yurt.

h. Building Mass, Bulk, and Orientation

i. The proposed yurt will be oriented towards the ski run and ski base area and will be used by guests of the Montage and skiers on the resort. The proposed yurt is appropriate in size and scale for the Site because it will not impede the existing ski run or pedestrian circulation system and will be similar in size and scale as the previous yurts installed at this location.

i. Useable Open Space

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i. The proposed yurt will be installed on the existing “compass” lawn area. The original development of pods A, B-1, and B-2 of the MPD was limited to 87 acres of Open Space, or 5% of the land area, with the rest of the land area (1,550 acres) being dedicated as Open Space. The proposed structure will not decrease the required amount of Open Space from the approved MPD.

j. Signs and Lighting

i. No signs or outdoor lighting are proposed as part of this application. See Condition of Approval 5.

k. Physical Design and Compatibility with Surrounding Structures

i. The proposed yurt is appropriate in size, scale, and design for the intended use. The previous temporary yurts at this location were similar in size and dimensions to the proposed permanent Structure. The yurt will be constructed of a solid wood lattice wall surrounded by flame-retardant vinyl/polyester fabric.

l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors

i. See Condition of Approval 5. No signs, speakers, or outdoor lighting are proposed or approved with this application.

m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas

i. The proposed location of the yurt will not affect any loading or unloading zones, and all trash and recycling will be located inside the Montage Resort. There will be small containers inside the yurt that will be transported daily or as needed to the main trash and recycling areas for The Montage.

n. Expected Ownership and Management

i. The ownership is private, and the property owner has given the Applicant permission to apply for this application.

o. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site

i. The Development Review Committee reviewed the proposal on November 21, 2023, and found no issues with the proposal.

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ii. The location of the yurt is not on or near Steep Slopes, Physical Mine Hazards, or Mine Waste, and is outside of the Park City Soils Ordinance.

p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan.

i. The proposed Use of the Site is consistent with the objectives of the Upper Deer Valley Neighborhood in the General Plan, as it provides a comfortable visitor experience and supports the resort economy.

**Conclusions of Law**

1. The proposal complies with the Land Management Code requirements pursuant to LMC Chapter 15-2.13, Residential Development (RD) District, Chapter 15-2.21 Sensitive Land Overlay (SLO) District, and Section 15-1-10(E) Conditional Use Permit Criteria.

2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation.

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

**Conditions of Approval**

1. Final building plans and construction details shall reflect substantial compliance with the plans dated November 17, 2023, reviewed by the Planning Commission as Exhibit C to the January 24, 2024, staff report. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop work order.

2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.

3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.

4. The Accessory Building (yurt) may not impede pedestrian or emergency vehicle entrances, exits, and access.

5. No signs, speakers, or outdoor lighting are proposed or approved with this application.

6. The Accessory Building (yurt) shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gatherings.

7. The Accessory Building (yurt) must receive a building permit for an International Building Code-compliant commercial structure.

Approved 02.14.2024

8. The Applicant shall adhere to all applicable City and State licensing ordinances.

Commissioner Frontero seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission. Commissioner Suesser was absent from this vote.

**B. 201 Heber Avenue - Condominium Plat Amendment** - The Applicant Proposes to Reassign Limited Common Area Space on the First Level of the Union Square Condominiums from Unit LB-1 to Unit COM-3 in the Historic Recreation Commercial Zoning District. PL-23-05984.

Planner Lund reported that this location obtained previous approval of an MPD and CUP in November 2004. The original Plat was approved in 2006, and the first amendment was recorded in 2008. The units within the Union Square Condominiums are residential and commercial. He presented a map and explained that the area highlighted in blue was commercial limited common area for Unit LB-1. A Memorandum of License was recorded in 2019 that gave Unit COM-3 the right to use a portion of this area. This Plat Amendment would just reflect what was shown in the Memorandum of License. The proposed Plat would show approximately 4,832 square feet of commercial limited common area for Unit COM-3 and the remaining 1.186 square feet for Unit LB-1. This amendment would re-assign the limited common area to Unit COM-3.

Planner Lund advised that this Plat Amendment complied with the Historic Residential Commercial ("HRC") Zoning District requirements in terms of Setbacks. No expansions or additions were proposed. He added that this property was located in the Heber Avenue Sub-Zone, so the Floor Area Ratio did not apply. The Plat Amendment also complies with the MPD and CUP for 201 Heber Avenue. He highlighted a Condition of Approval from the MPD that states: "Any modification to the MPD which constitutes a change in concept, density, unit type or configuration of any portion of the MPD would justify a review of the entire MPD and Development Agreement." Because the proposed Plat Amendment would not change the concept, density, or unit type, a modification to the MPD was not required.

The amendment will also not change the massing or the parking requirements and will remain compliant with the MPD. The amendment would also not create any non-conformities, and no public street, Right-of-Way, or easement would be vacated or amended. No additional parking demand would be created by this amendment.

Planner Lund reported that Staff recommended the Planning Commission review the proposed Plat Amendment and consider approving the Second Amendment to the Union Square Condominium Plat based on the Final Action Letter. He indicated that the applicant was present to answer any questions.

Chair Hall opened the public hearing. There was no public comment. Chair Hall closed the public hearing.

Approved 02.14.2024

**MOTION:** Commissioner Johnson moved to APPROVE 201 Heber Avenue – Condominium Plat Amendment – based on the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the Draft Final Action Letter as follows:

**Findings of Fact**

1. On November 10, 2004, the Planning Commission approved a Master Planned Development (MPD) and Conditional Use Permit (CUP) for Union Square/201 Heber Avenue.

2. On February 9, 2006, the City Council approved a subdivision and condominium plat for the Union Square/Sky Lodge development.

3. On December 4, 2008, the City Council approved a condominium plat amendment creating the First Amended Union Square Condominium Plat and retiring the original plat.

4. The Units within Union Square are for Residential and Commercial purposes.

5. The limited common area labeled “Appurtenant to Unit LB-1” on Sheet 4 of 12 of the Union Square First Amended Condominium Plat is used for the restaurant located in the historic lumber building (Unit LB-1) at 201 Heber Avenue.

6. The First Amended Union Square Condo Plat shows this limited common area being appurtenant to only Unit LB-1.

7. On January 30, 2019, a Memorandum of License was recorded with Summit County (Entry No. 1105359) that gave Unit COM-3 the right to use a portion of this limited common area.

8. The proposed Second Amended Union Square Condominium Plat Amendment will divide the limited common area to reflect the Memorandum of License. Union Square Second Amended will show that approximately 80% (4,832 square feet) of Unit LB-1 will become appurtenant to Unit COM-3, and the remaining 20% (1,186 square feet) of the limited common area will remain appurtenant to Unit LB-1.

9. The Second Amended Union Square Condo Plat complies with the Historic Recreation Commercial Zoning District Requirements.

    a. Setbacks: There are no proposed expansions or additions to the Structure as part of this Plat Amendment.

    b. Floor Area Ratio: 201 Heber Avenue is in the Heber Avenue Sub Zone. The Floor Area Ratio limitation of the HRC District does not apply to properties located within this Sub-Zone.

10. The proposed plat amendment does not increase private area, commercial area, or living space, so additional parking demand is not created from the plat amendment.

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11. The Second Amended Union Square Plat Amendment complies with all Conditions of Approval outlined in the Final Action Letter for the MPD and CUP for Union Square approved by the Planning Commission on November 10, 2004. Condition of Approval 4 from the MPD Final Action Letter states the following: “Any modification to the Master Planned Development which constitutes a change in concept, density, unit type or configuration of any portion of the MPD will justify a review of the entire MPD and Development Agreement.” The Planning Department's proposed Plat Amendment complies with this Condition of Approval because there is no change in concept, density, or unit type.

12. Staff finds Good Cause for this plat amendment because this amendment does not change the mass of the existing structure or the parking requirements, will remain compliant with the MPD and CUP approved on November 10, 2004, by the Planning Commission, and does not create any non-conformities. No Public Street, Right of Way, or easement will be vacated or amended.

13. The Development Review Committee reviewed this proposal on January 16, 2024, and does not require any conditions of approval.

14. Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on January 10, 2024.

15. Staff mailed a courtesy notice to property owners within 300 feet on January 10, 2024.

16. The Park Record published a courtesy notice on January 10, 2024.

**Conclusions of Law**

1. There is Good Cause for this Plat Amendment because it does not change the footprint or mass of the existing structure and does not create any non-conformities.

2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, and Chapter 15-2.5 Historic Recreation Commercial District.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

**Conditions of Approval**

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, the Conditions of Approval, and the amended CC&Rs prior to recordation of the plat.

2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this

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approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.

Commissioner Sigg seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission. Commissioner Suesser was absent from this vote.

Chair Hall confirmed that none of the Commissioners would be gathering after this meeting.

**6. ADJOURNMENT**

**MOTION:** Commissioner Frontero moved to adjourn.

The meeting adjourned at approximately 9:25 p.m.

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# PARK + KEARNS

## 1800 PARK AVENUE



Approved 02.14.2024

PL-22-05475 CUP
PL-22-05476 MPD
January 24, 2024 – Work Session

PARK CITY
1884

# PARK + KEARNS

## PROPOSED TIMELINE

1/24/2024 – Building height; Site plan

Future Work Sessions –

1. Traffic, Parking, Affordable Housing, and Sustainability
2. CUP and MPD Criteria

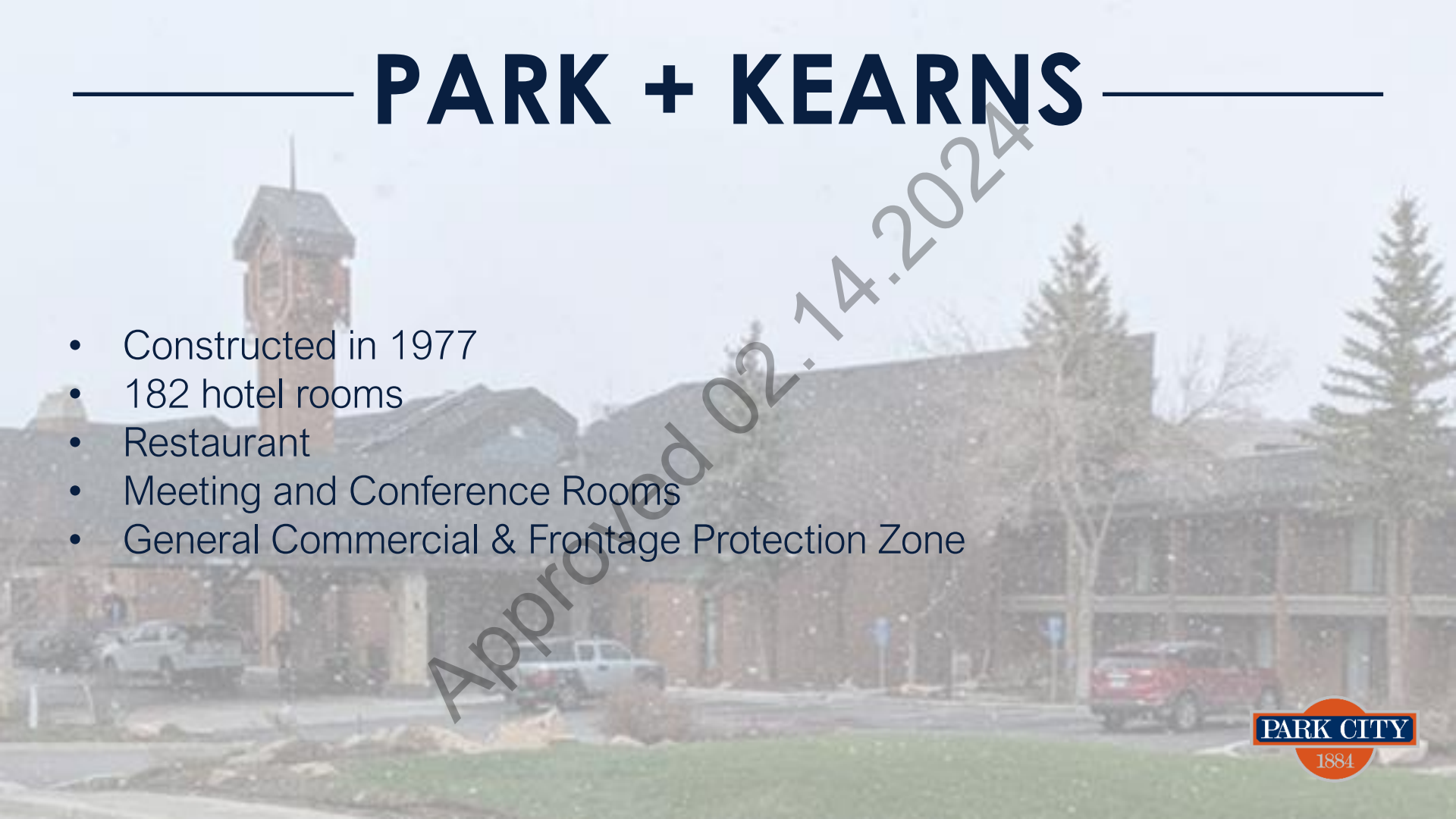
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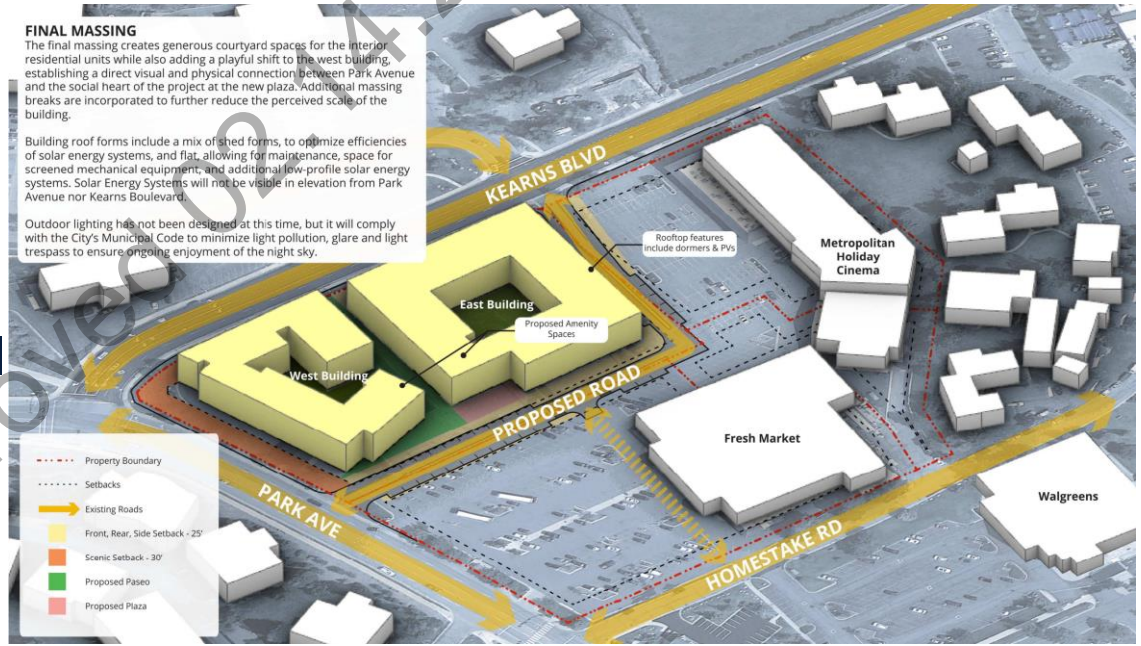
- Constructed in 1977
- 182 hotel rooms
- Restaurant
- Meeting and Conference Rooms
- General Commercial & Frontage Protection Zone



# PARK + KEARNS

## Original Proposal

- Two buildings
- 59 feet
- North-south paseo
- Height consideration (including FPZ); design and massing in context of critical gateway; evaluation of requested variances from code standards.




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## PROPOSAL

- One building designed to break up mass and give variation to site.
- Five residential sections (one affordable).
- Nightly rental condos; spa/fitness; restaurant, and meeting/conference rooms; offices; retail.
- Retail placement to reduce impacts on Park and Kearns.

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South Elevation

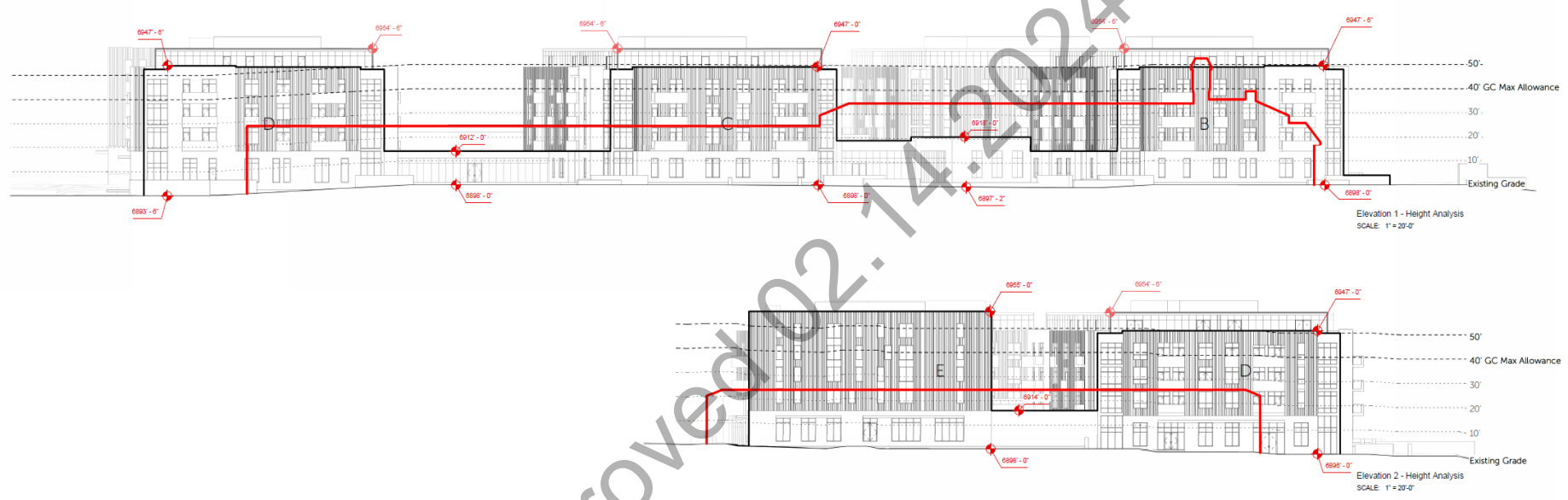
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## General Plan

- Bonanza Park Neighborhood – A mixed-use area where locals live and work and encourages authentic human-scale redevelopment.
  - Preservation & enhancement of scenic views.
  - Improved pedestrian connectivity.
- Future improvements to align with the Small Area Plan.

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## HEIGHT – LMC § 15-2.18-4

35 feet from existing grade; Height varies based on topography. The Applicant will address proposed height as part of their presentation.

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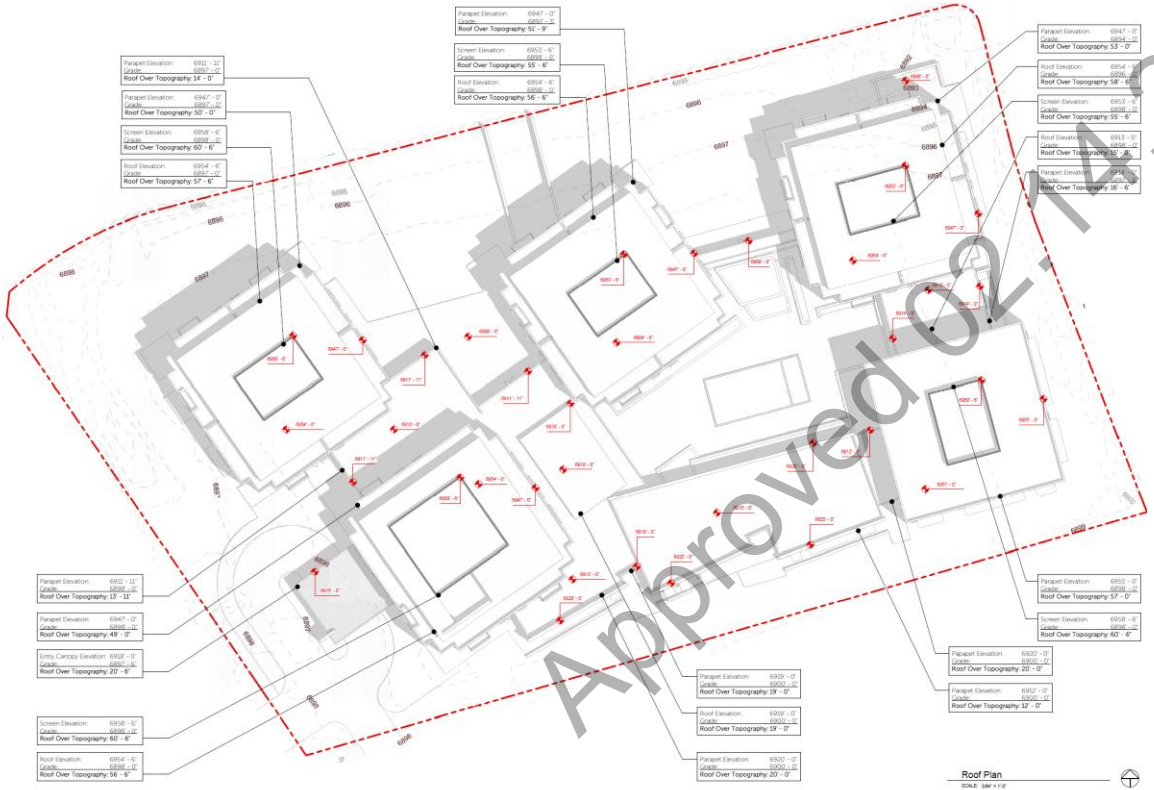
## LMC § 15-2.20-1 Purpose of FPZ

1. Preserving the City's scenic view corridors.
2. Preserving and enhancing the rural resort character of the City's entry corridor.
3. Providing a significant landscaped buffer between development and highway uses.
4. Minimizing curb cuts, driveways, and access points to highways.
5. Allowing for future pedestrian and vehicular improvements along the highway corridors.

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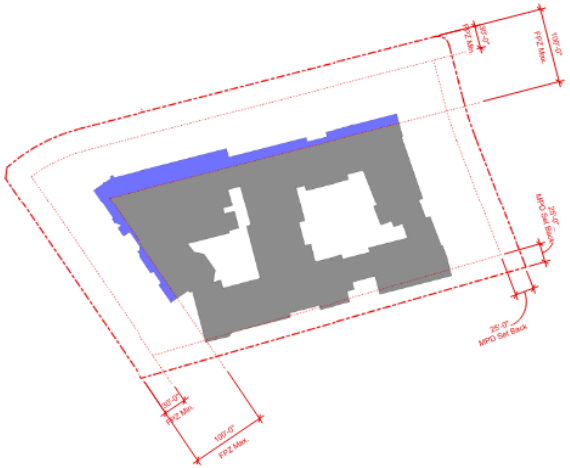
- Façade Stepback at 50’
- FPZ Encroachment: LMC § 15-2.20-4 – Development prohibited within 30 feet of Kearns Boulevard and Park Avenue; CUP is required for development within 30 – 100 feet.

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## Existing Building Setback Analysis

SCALE: 1" = 80'-0"

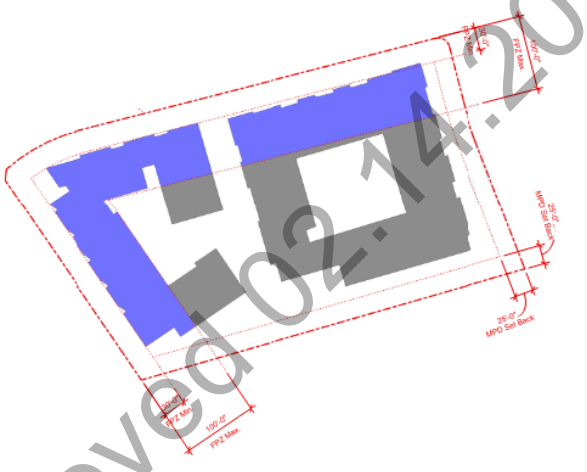



Property.....194,652 sq. ft.
Required Set Backs - 30' FPZ and 10' GC Zone
Frontage Protection Zone 100' Set Back
Building Footprint encroaching into 100' FPZ.....9,917 sq. ft.
Existing Building Footprint inside Set Backs.....60,599 sq. ft.

EXISTING BUILDING FOOTPRINT: 70,516 sq. ft.

## Proposed Building (MPD 2022) Setback Analysis

SCALE: 1" = 80'-0"

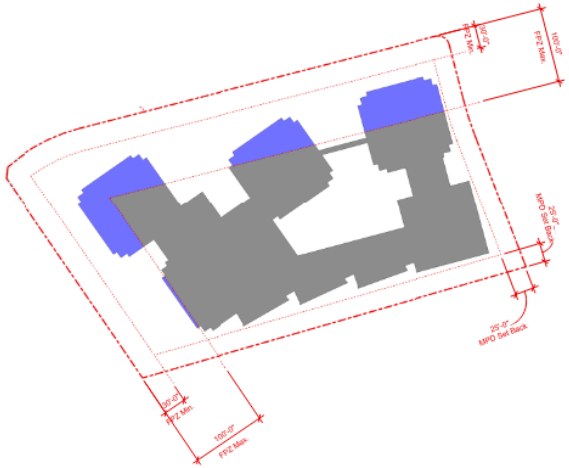



Property.....194,652 sq. ft.
Required Set Backs - 30' FPZ and 10' GC Zone
Frontage Protection Zone 100' Set Back
Building Footprint encroaching into 100' FPZ.....47,236 sq. ft.
Existing Building Footprint inside Set Backs.....41,286 sq. ft.

PROPOSED BUILDING FOOTPRINT: 88,522 sq. ft.

## Proposed Building Setback Analysis

SCALE: 1" = 80'-0"




Property.....194,652 sq. ft.
Required Set Backs - 30' FPZ and 10' GC Zone
Frontage Protection Zone 100' Set Back
Building Footprint encroaching into 100' FPZ.....16,329 sq. ft.
Existing Building Footprint inside Set Backs.....64,434 sq. ft.

PROPOSE BUILDING FOOTPRINT: 80,763 sq. ft..

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## Site Plan

LMC § 15-6-5(G) – An MPD should be designed to fit the site, not the site modified to fit the project.

Clustering units on the most developable and least visually sensitive portions of the site.

Adequate internal vehicular, pedestrian, and bicycle circulation must be provided.

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## Open Space

- Required to provide 30%, 39.7% proposed.
- The Planning Commission designates the preferable type and mix of open space for each MPD based on guidance in the General Plan.

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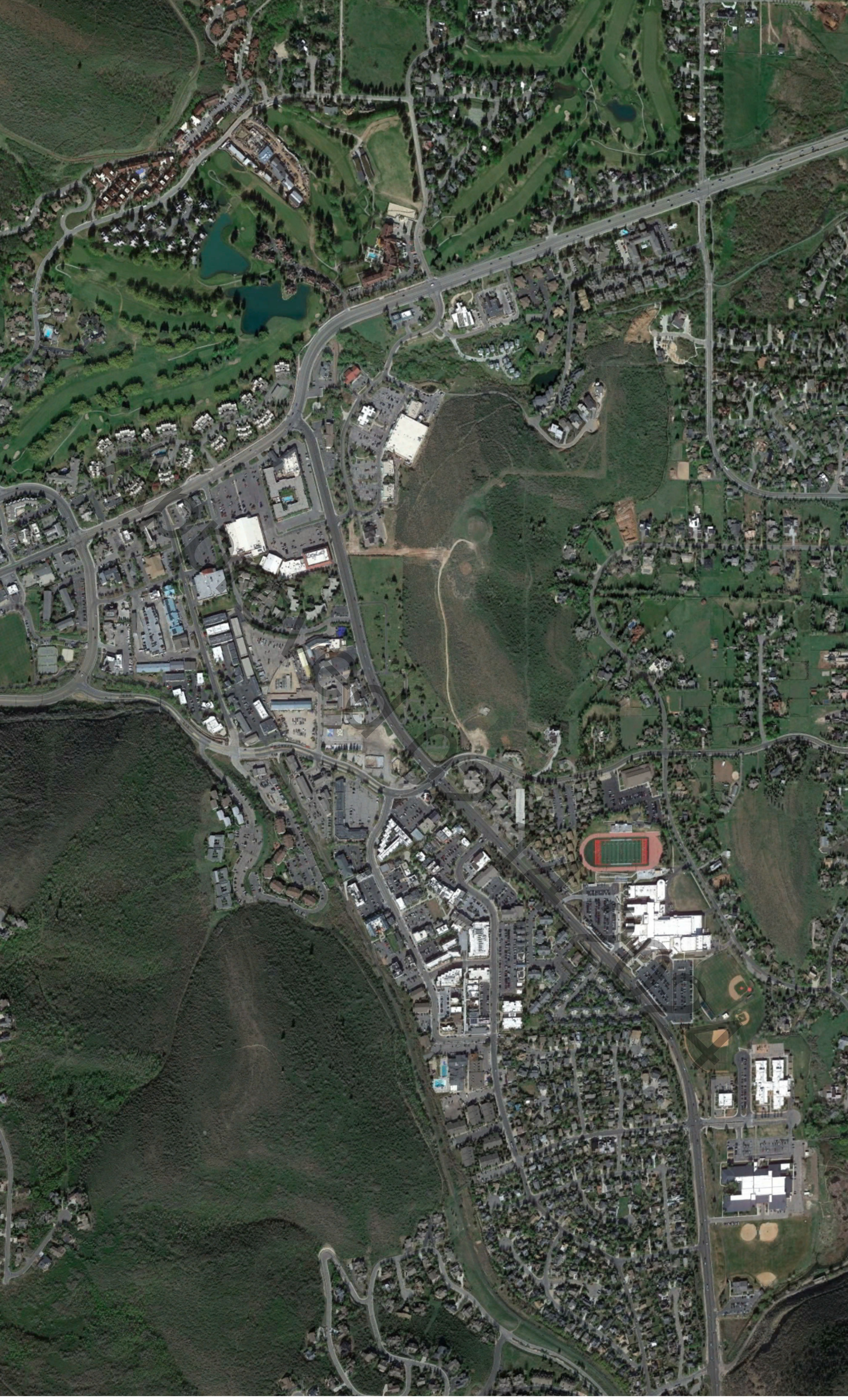
## Planning Commission Considerations

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- Height- proposal to exceed Zoning District height within the Frontage Protection Zone and General Commercial Zoning District.
  1. The increase in height does not result in increased square footage or building volume over what would be allowed under the Zoning District.
  2. Buildings have been positioned to minimize visual impacts on adjacent structures and shadows, loss of solar access, and loss of air circulation are mitigated.
  3. There is adequate landscaping and buffering from adjacent properties and uses.
  4. Increased setbacks and separations from adjacent projects are proposed.
  5. The additional building height results in more than the minimum open space required and results in open space that is publicly accessible.
  6. The building height is designed in a manner that provides a transition in roof elements.
- Open Space, type and mix - elimination of the north-south paseo and the reconfiguration of Open Space

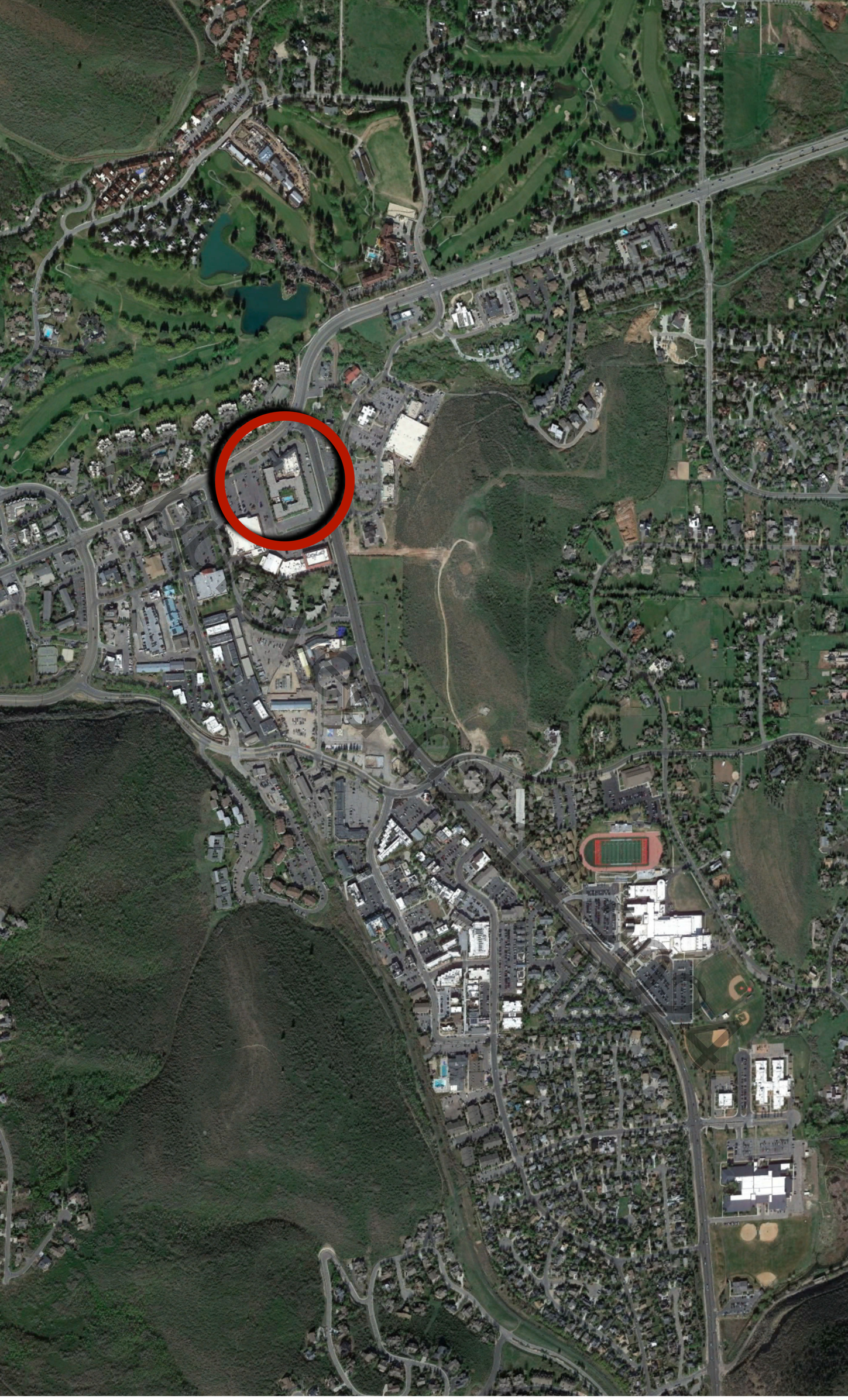
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ELLIOTT WORKGROUP

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Commissioner Kenworthy disclosed that he owns a home at 214 Woodside Avenue. This would not impact his decision on the 455 Woodside Avenue application.

**5. CONTINUATIONS**

**A. 1201 Stonebridge Circle - Condominium Plat Amendment - The Applicant Proposes Amending the Stonebridge Condominium Plat to Accommodate a 54 Square Foot Addition to Unit 14F For the Purpose of Adding an Exterior Elevator. PL-22-05265**

City Planner, Spencer Cawley reported that the continuation was requested to allow Staff additional time to review the application. It would be discussed at the next meeting.

Chair Suesser opened the public hearing. There were no comments. The public hearing remained open.

**MOTION:** Commissioner Johnson moved to CONTINUE 1201 Stonebridge Circle – Condominium Plat Amendment and the Public Hearing to September 28, 2022. Commissioner Kenworthy seconded the motion.

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

**6. WORK SESSION**

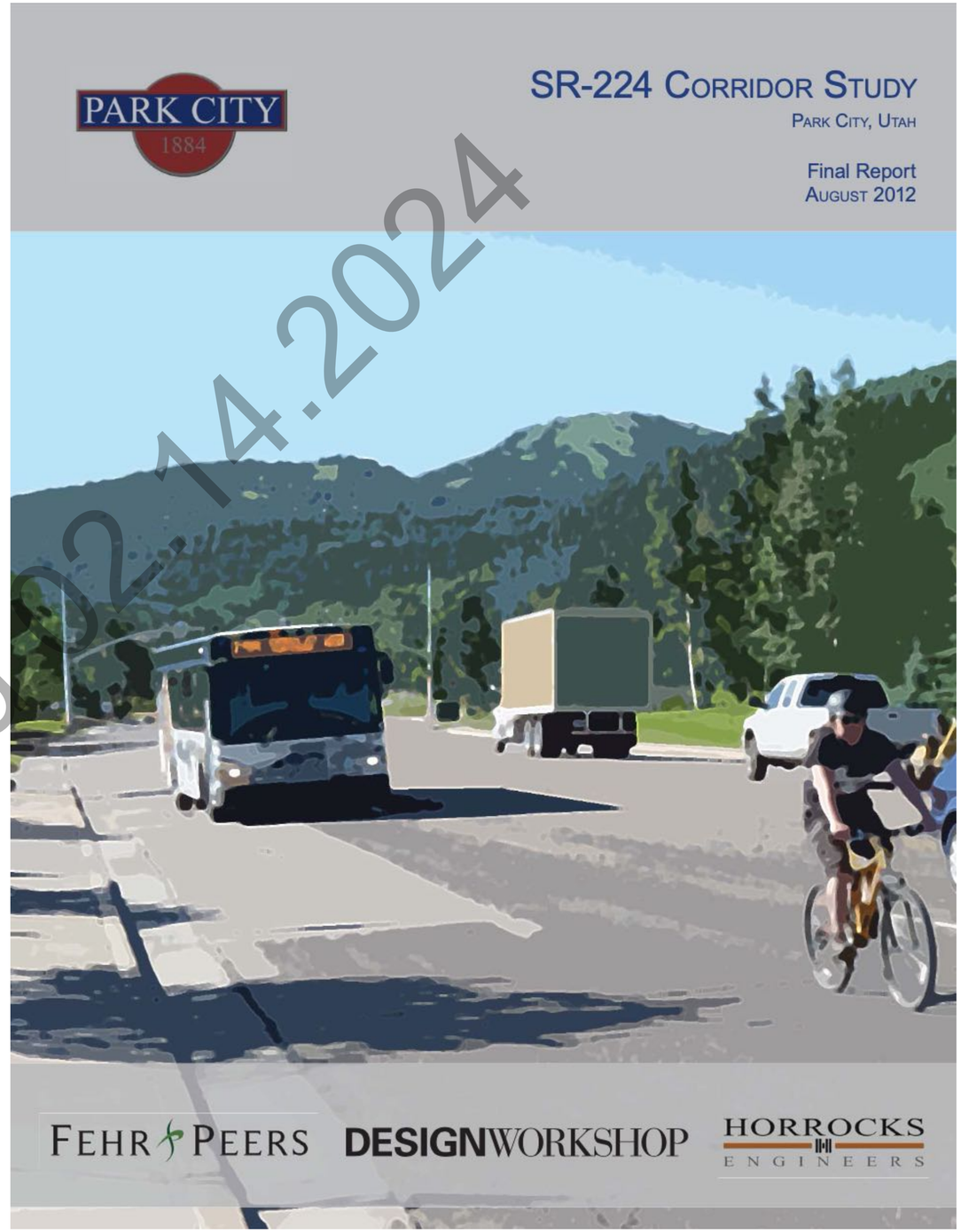
**A. 1800 Park Avenue - Master Planned Development and Affordable Master Planned Development – The Applicant Proposes to Replace the DoubleTree Hotel with a Mixed-Use Residential Project Including 126 Market Rate Condominiums and 147 Deed Restricted Affordable Rental Units in Two Buildings with Parking Below in the General Commercial Zone. PL-22-05254 and PL-22-05255.**

Senior Planner, Alexandra Ananth, commented that this is a complicated application for two separate buildings. One is an MPD and one is an Affordable Master Planned Development ("AMPD"). The MPD and AMPD will have a shared garage and would be located on one lot. However, each application will be reviewed under the respective codes. The MPD, which was on the western side of the site, proposed 100 units of market-rate condominiums. The AMPD proposed 147 affordable rental units as well as 26 market-rate units. In total, the project would have 273 residential units between the two buildings. There would also be approximately 2,500 square feet of commercial space as well as residential amenities.

The site is in the General Commercial ("GC") Zone and the Frontage Protection Zone Overlay. It is approximately 4.5 acres in size and located at the junction of SR-224 and SR-248. The property is currently improved with a 182-room hotel, restaurant, and meeting space. Planner Ananth shared a Site Plan of the proposed project. The redevelopment was for two buildings with market rate in the MPD building and affordable and market rate in the AMPD building. There would be some ground floor retail over the subterranean shared parking. The applicant was also proposing to introduce two new streets into the neighborhood on the south and east sides of the site. This will increase connectivity and was in keeping with the goals and objectives of the General Plan for the Bonanza Park neighborhood.



APPROVED 09.28.2022
Approved 02.14.2024




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# Bonanza Park
## Small Area Plan



## Planning Commission Overview

January 10, 2024

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15-2.18 General Commercial (GC) District
15-2.18-1 Purpose
15-2.18-2 Uses
15-2.18-3 Lot And Site Requirements
15-2.18-4 Building Height
15-2.18-5 Architectural Review
15-2.18-6 Criteria For Drive-Up Windows
15-2.18-7 Sexually Oriented Businesses
15-2.18-8 Mechanical Service, Delivery And Loading
15-2.18-9 Criteria For Bed And Breakfast Inns
15-2.18-10 Goods And Uses To Be Within Enclosed Buildings
15-2.18-11 Vegetation Protection
15-2.18-12 Signs
15-2.18-13 Related Provisions

**15-2.18-1 Purpose**

The purpose of the General Commercial (GC) District is to:

A. allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,

B. allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,

C. protect views along the City's entry corridors,

D. encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,

E. allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,

F. encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and

G. encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

15-2.20 Frontage Protection Zone (FPZ)
15-2.20-1 Purpose
15-2.20-2 Frontage Protection Overlay Zone
15-2.20-3 Uses
15-2.20-4 Lot And Site Requirements
15-2.20-5 Entry Corridor Protection Overlay (ECPO)

**15-2.20-1 Purpose**

The purpose of the Frontage Protection Zone (FPZ) is to:

A. preserve Park City's scenic view corridors,

B. preserve and enhance the rural resort character of Park City's entry corridor,

C. provide a significant landscaped buffer between Development and highway Uses,

D. minimize curb cuts, driveways and Access points to highways,

E. allow for future pedestrian and vehicular improvements along the highway corridors.

**15-1-10 Conditional Use Review Process**

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

E. **REVIEW**. The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

1. size and location of the Site;
2. traffic considerations including capacity of the existing Streets in the Area;
3. utility capacity, including Storm Water run-off;
4. emergency vehicle Access;
5. location and amount of off-Street parking;
6. internal vehicular and pedestrian circulation system;
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
9. usable Open Space;
10. signs and lighting;
11. physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
12. noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
13. control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
14. expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities;
15. within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site; and
16. reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

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**15-6 Master Planned Developments**
15-6-1 Purpose
15-6-2 Applicability
15-6-3 Uses
15-6-4 Process
15-6-5 Master Planned Development Requirements
15-6-6 Required Findings And Conclusions Of Law
15-6-7 Repealed By Ordinance 2021-10
15-6-8 Unit Equivalents

**15-6-1 Purpose**

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments in Park City. The Master Planned Development provisions set forth Use, Density, Height, Parking, design theme, and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple Zoning Districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the Master Planned Development process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this Chapter is to result in projects which:

A. complement the natural features of the Site;

B. ensure neighborhood Compatibility;

C. strengthen the resort character of Park City;

D. result in a net positive contribution of amenities to the community;

E. provide a variety of housing types and configurations;

F. provide the highest value of Open Space for any given Site;

G. efficiently and cost effectively extend and provide infrastructure;

H. provide opportunities for the appropriate redevelopment and reuse of existing Structures/Sites and maintain Compatibility with the surrounding neighborhood;

I. protect Residential Uses and residential neighborhoods from the impacts of non-Residential Uses using best practice methods and diligent code enforcement;

J. encourage mixed-use, walkable, and sustainable development and redevelopment that provides innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community; and

K. encourage opportunities for economic diversification and economic development within the community.

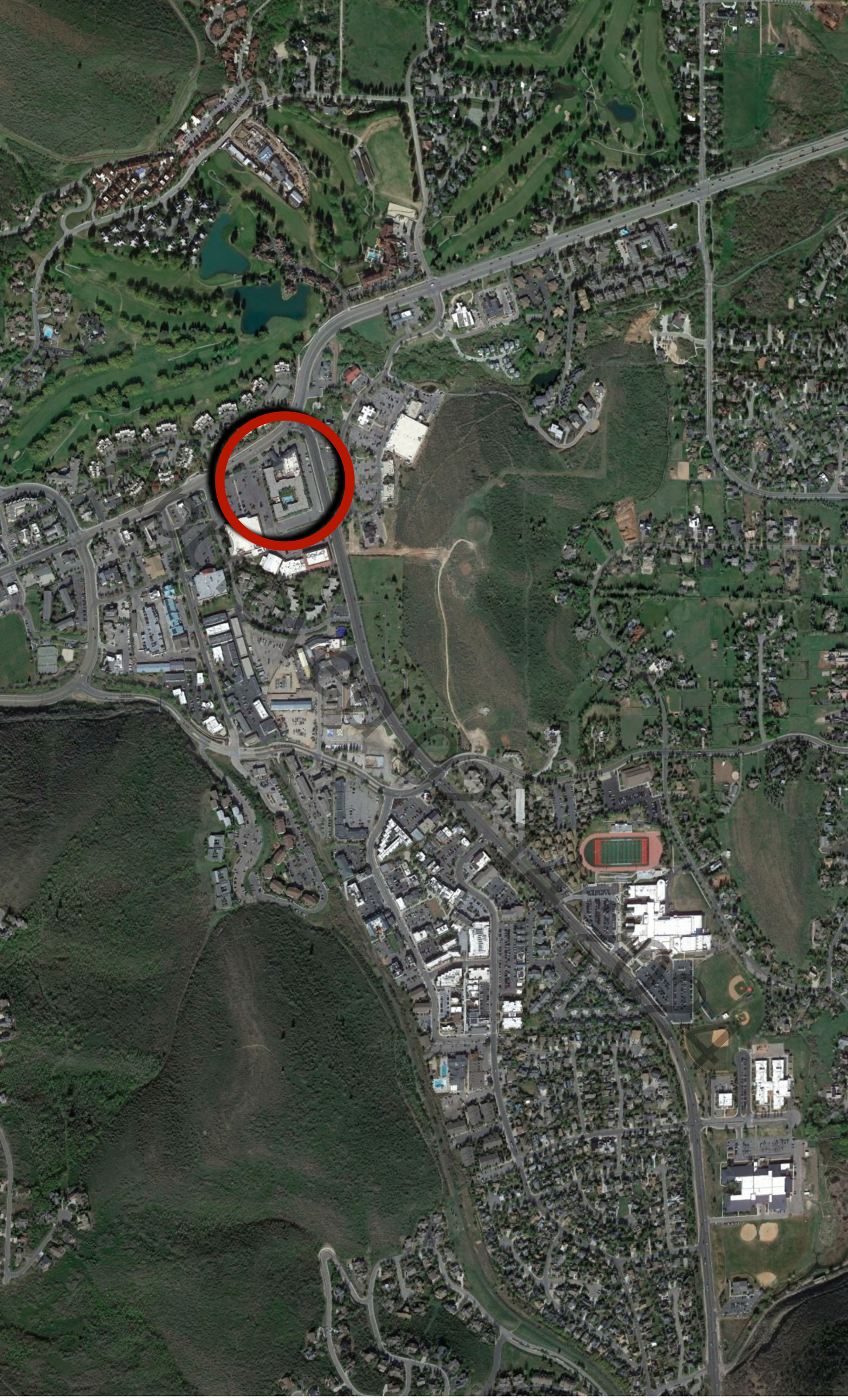
F. **BUILDING HEIGHT**. The Building Height requirements of the Zoning District in which a Master Planned Development is located shall apply, except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts. The Applicant must request a Site-specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings for an increase in Building Height can be made, according to Subsections (1) through (5) below. In order to grant Building Height in addition to that which is allowed in the underlying Zoning District, the Planning Commission must find that:

1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;
2. Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site specific analysis;
3. There is adequate Landscaping and buffering from adjacent Properties and Uses;
4. Increased Setbacks and separations from adjacent projects are proposed;
5. The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible;
6. The additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, or the Design Guidelines for Park City's Historic Districts and Historic Sites if the Building is located within the Historic District.

If and when the Planning Commission grants additional Building Height based on a Site specific analysis, the approved additional Building Height shall only apply to the specific plans reviewed and approved by the Planning Commission. Additional Building Height shall be specified as a Finding of Fact in the Master Planned Development Approval, in the Development Agreement, and on each plat within the Master Planned Development that includes a Building with an additional Height allowance.

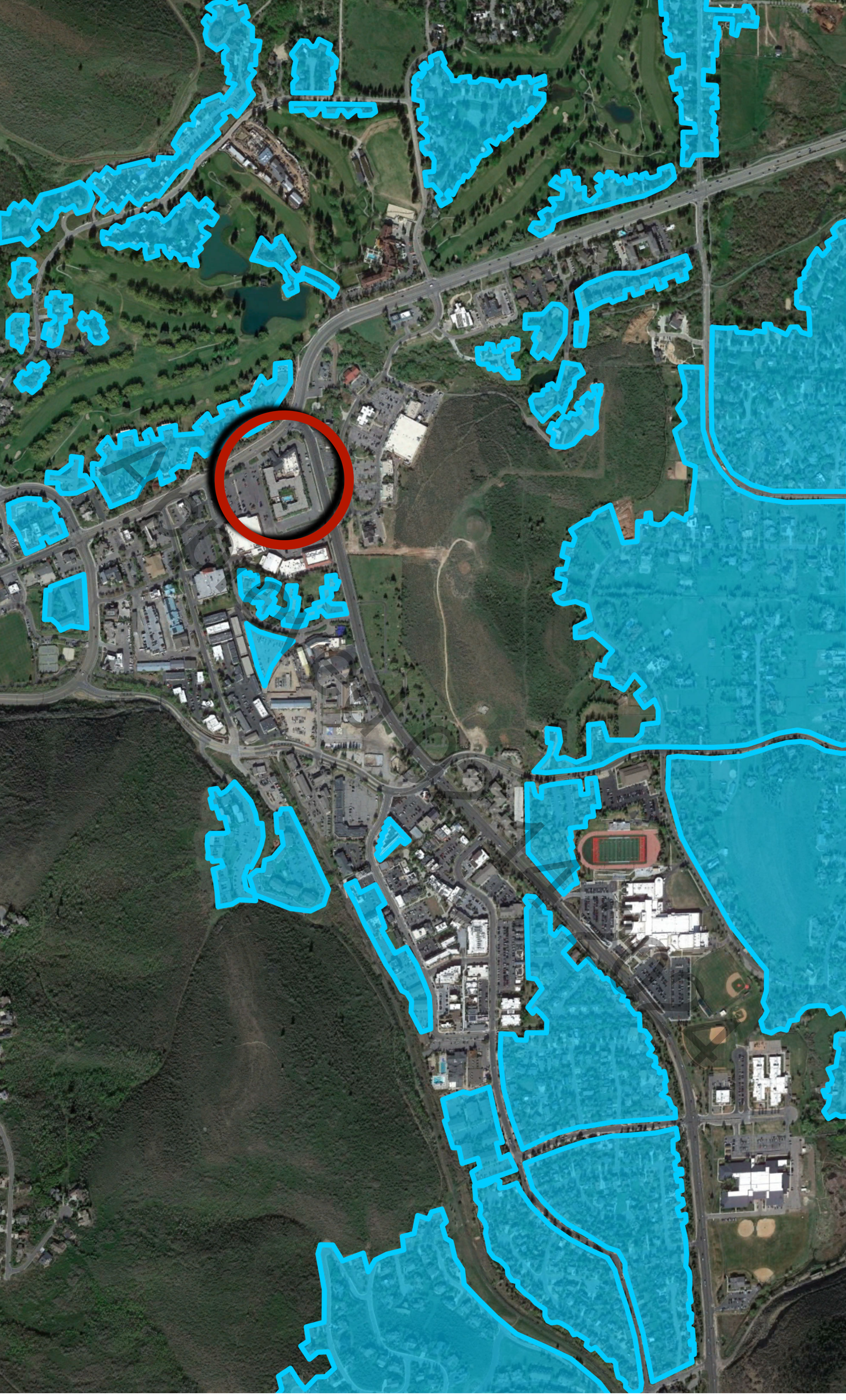
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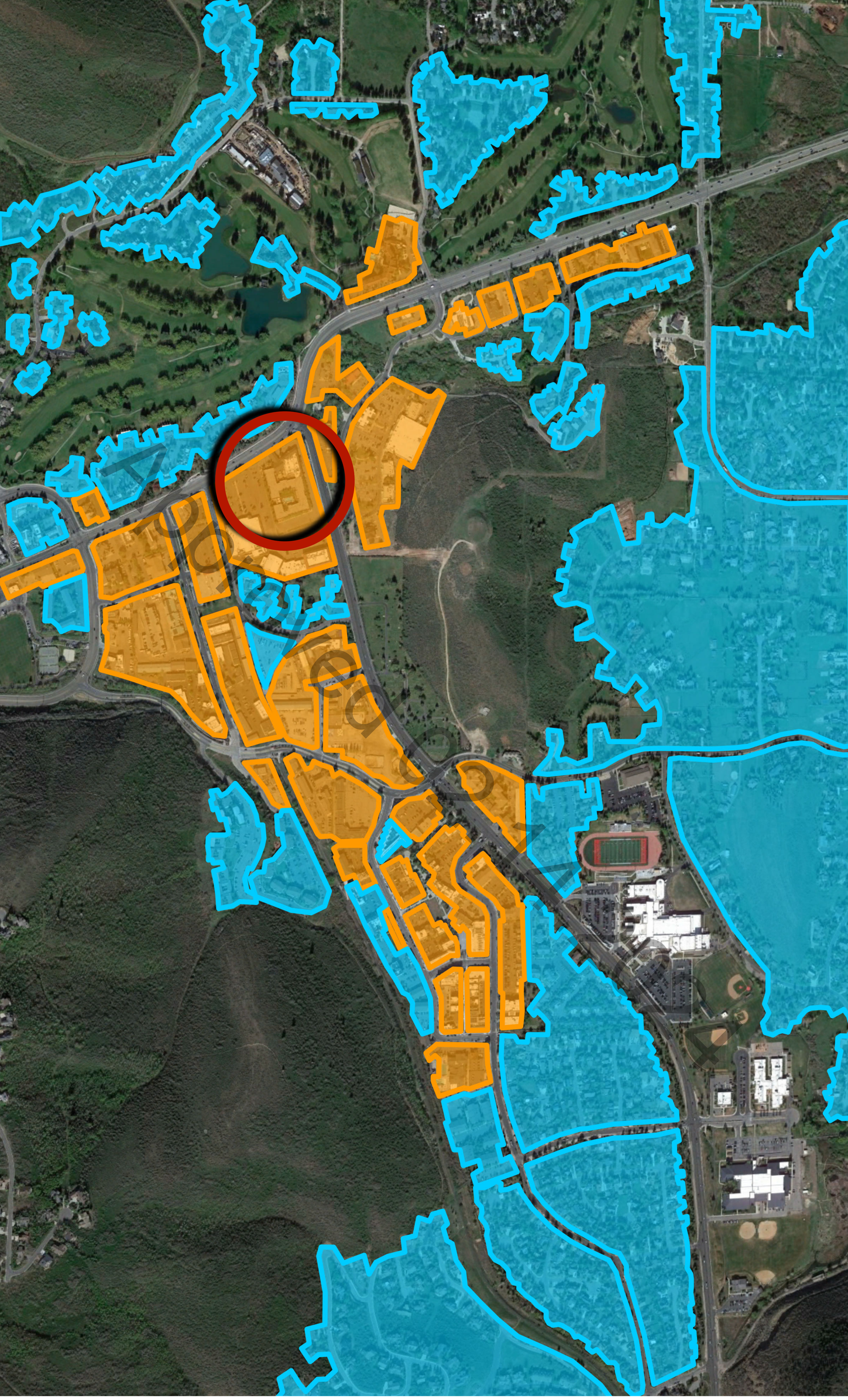
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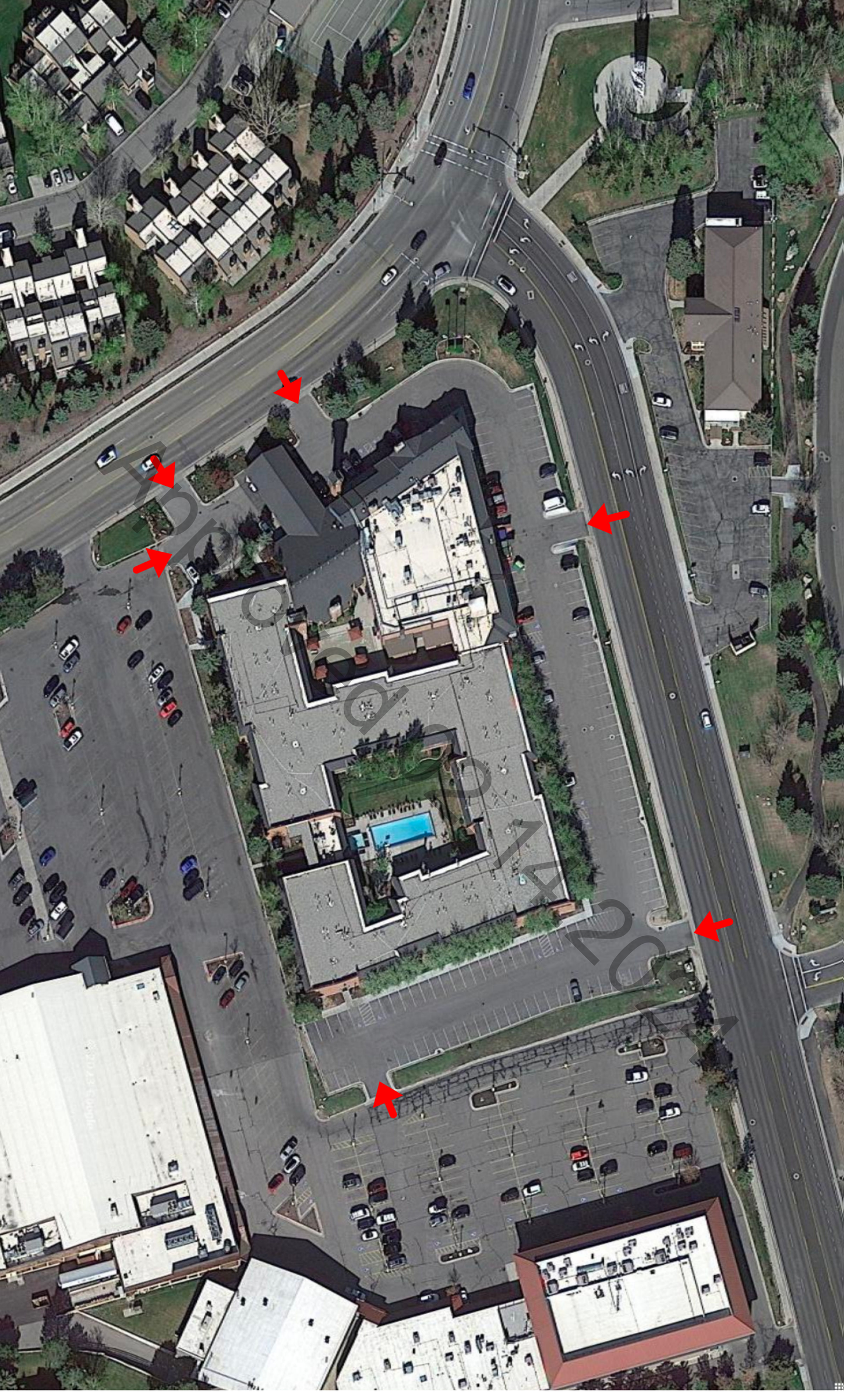
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Existing Open Space 24.8%

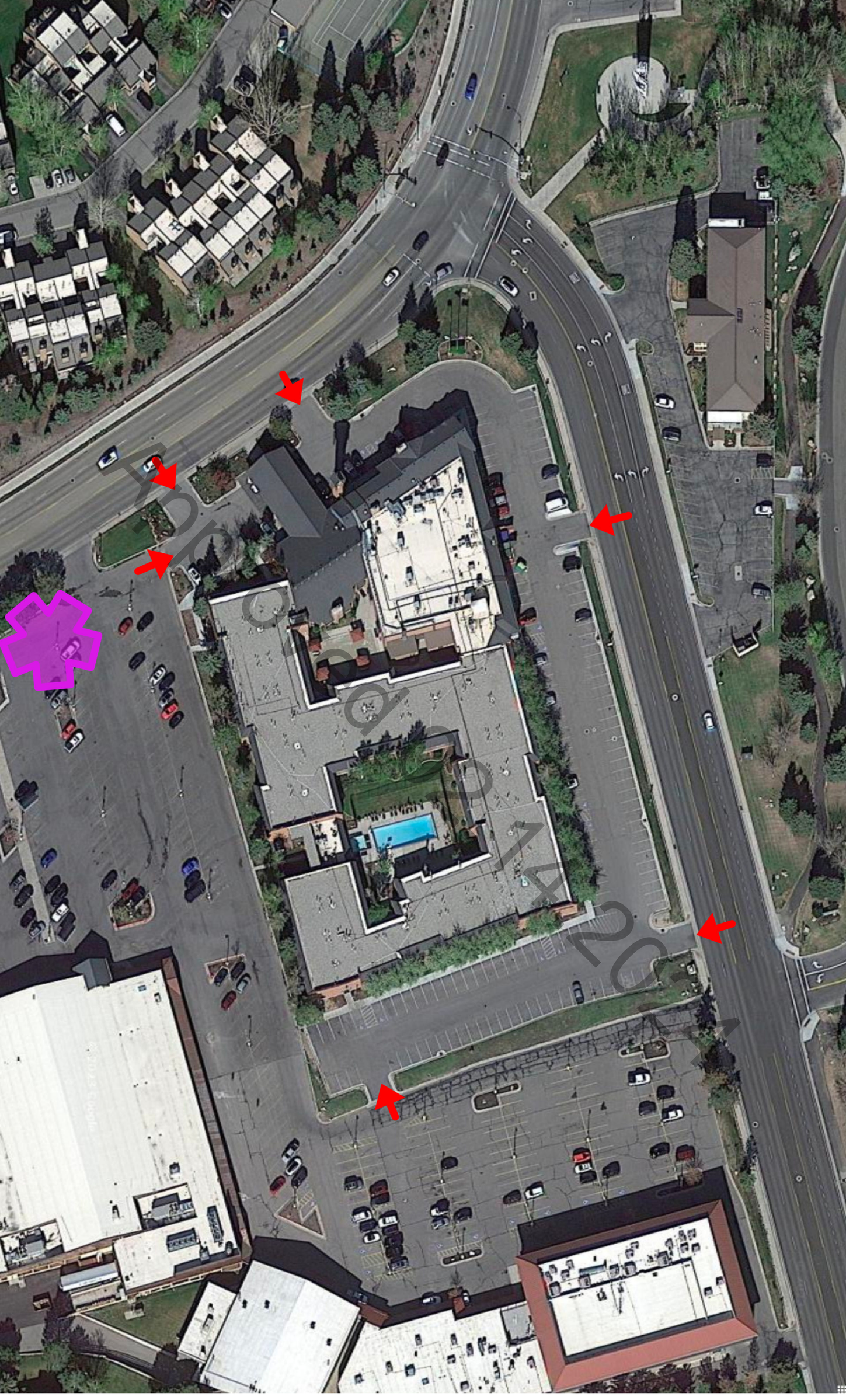
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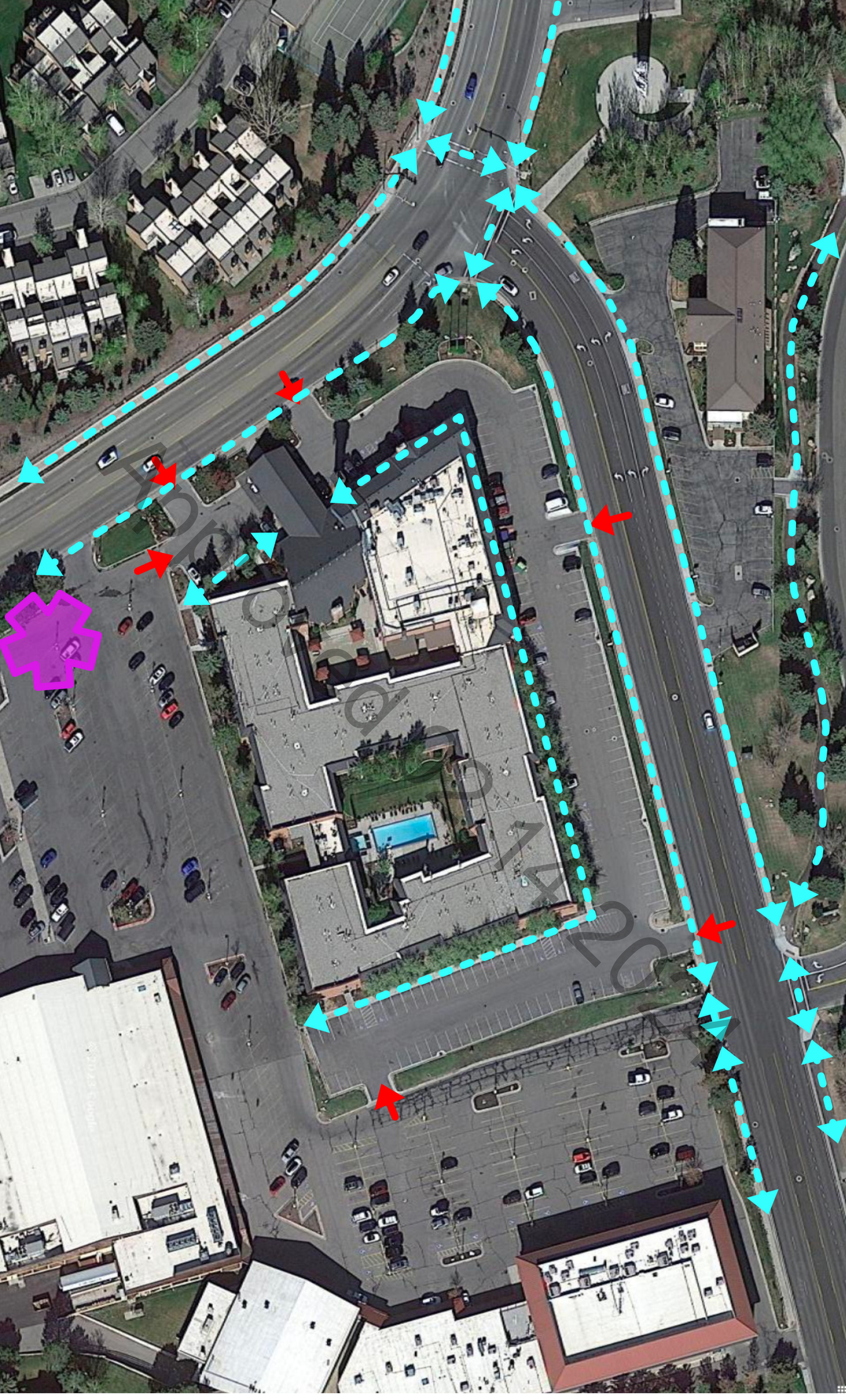

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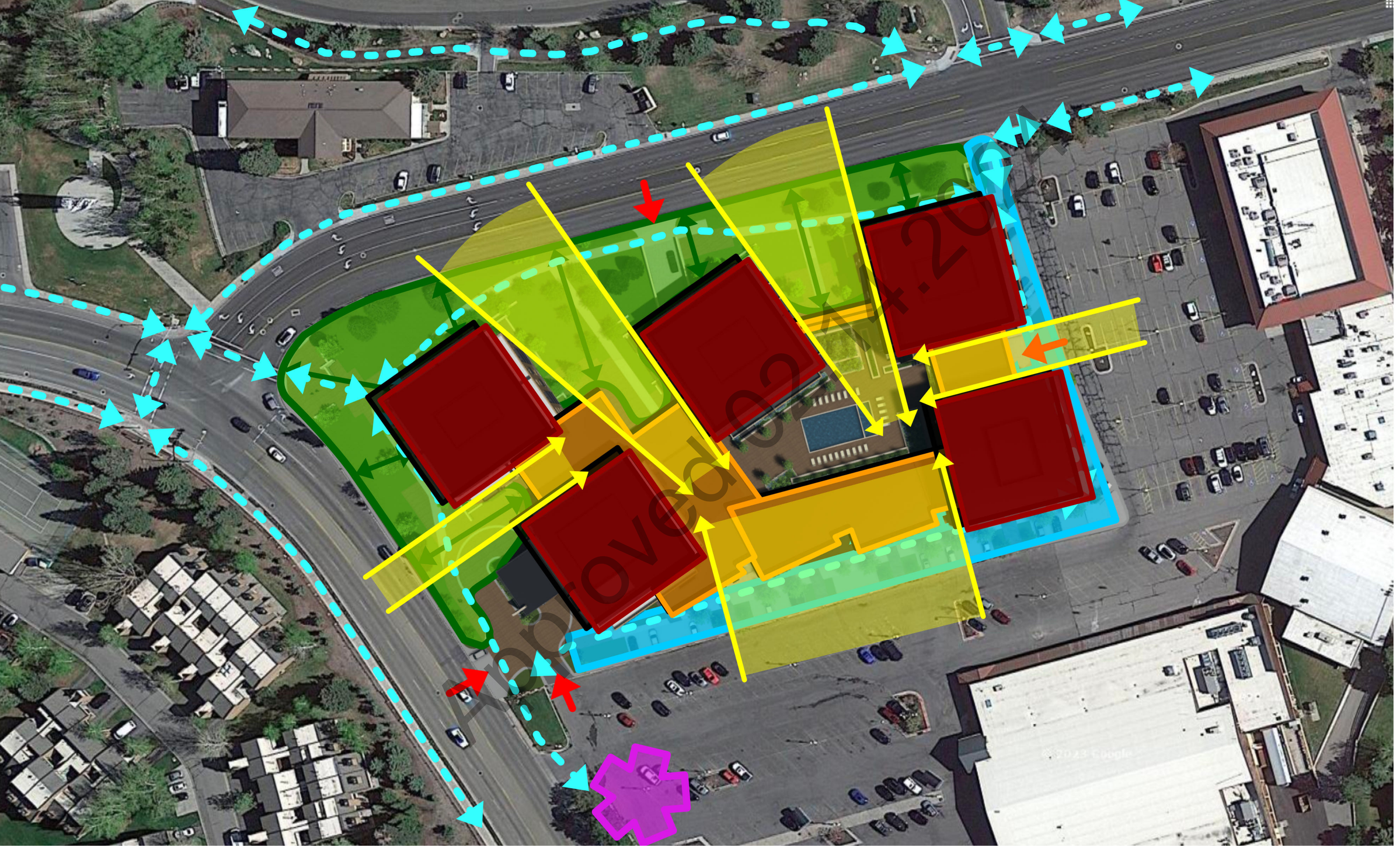

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Proposed Open Space 39.7%

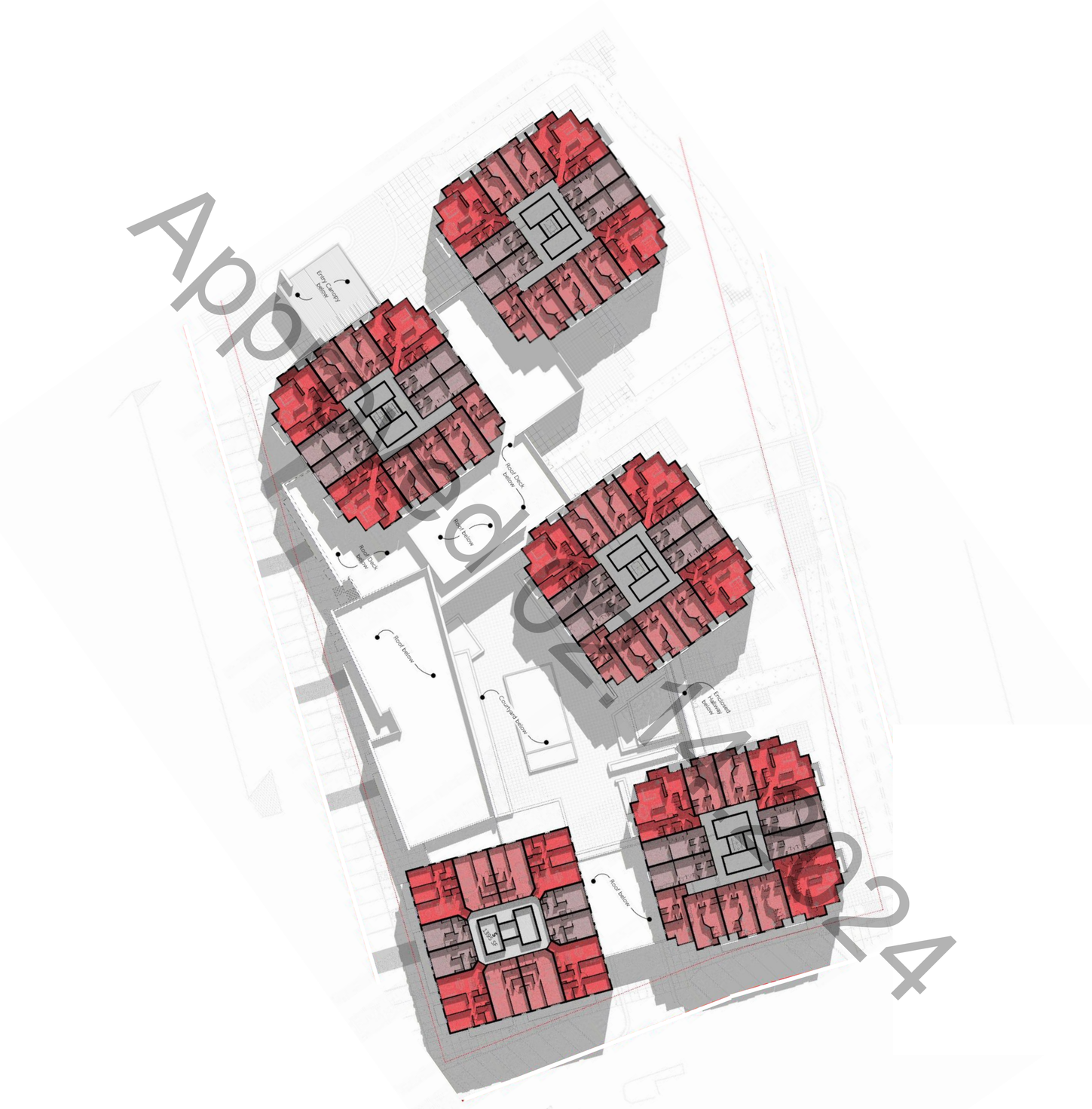
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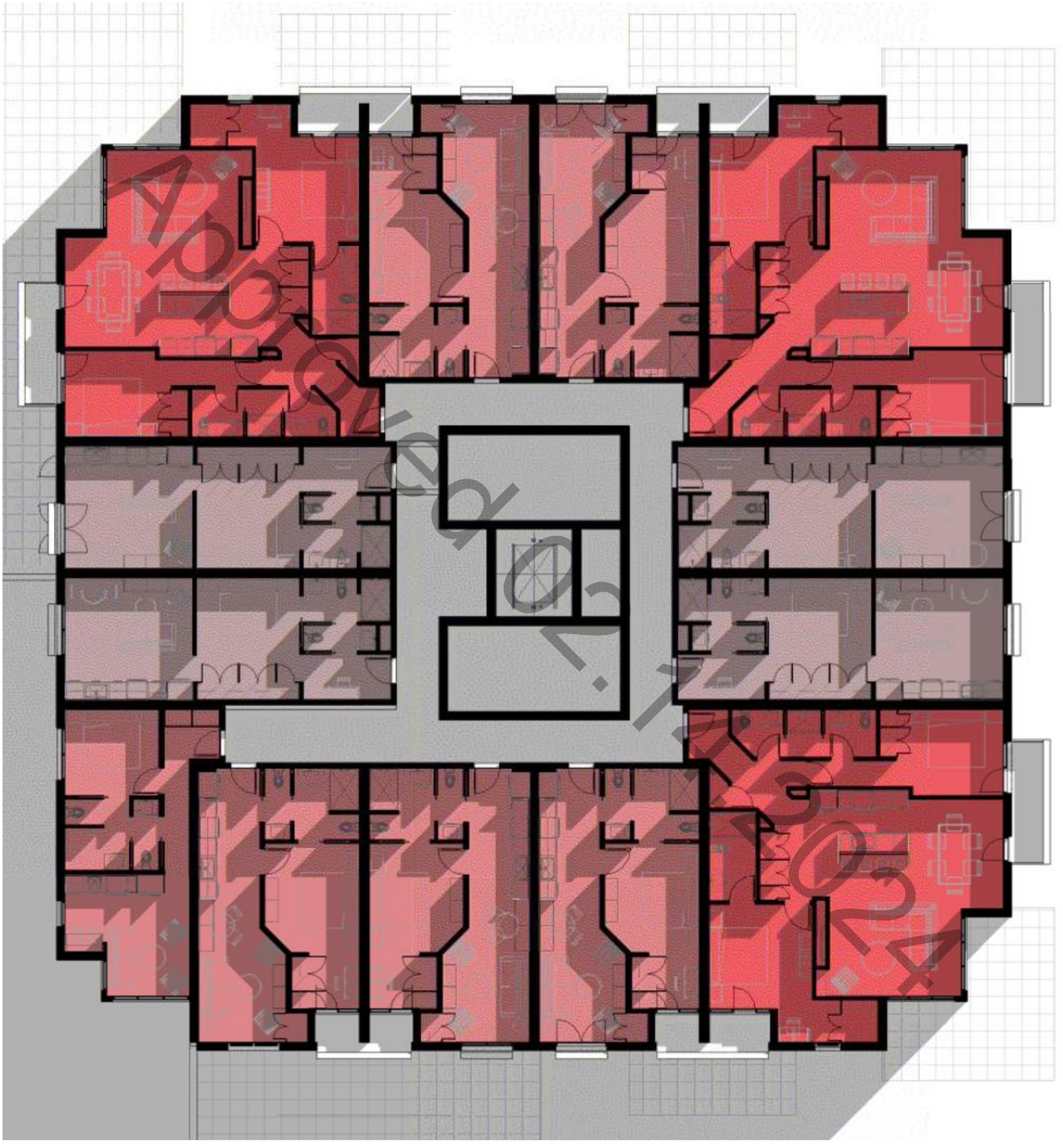

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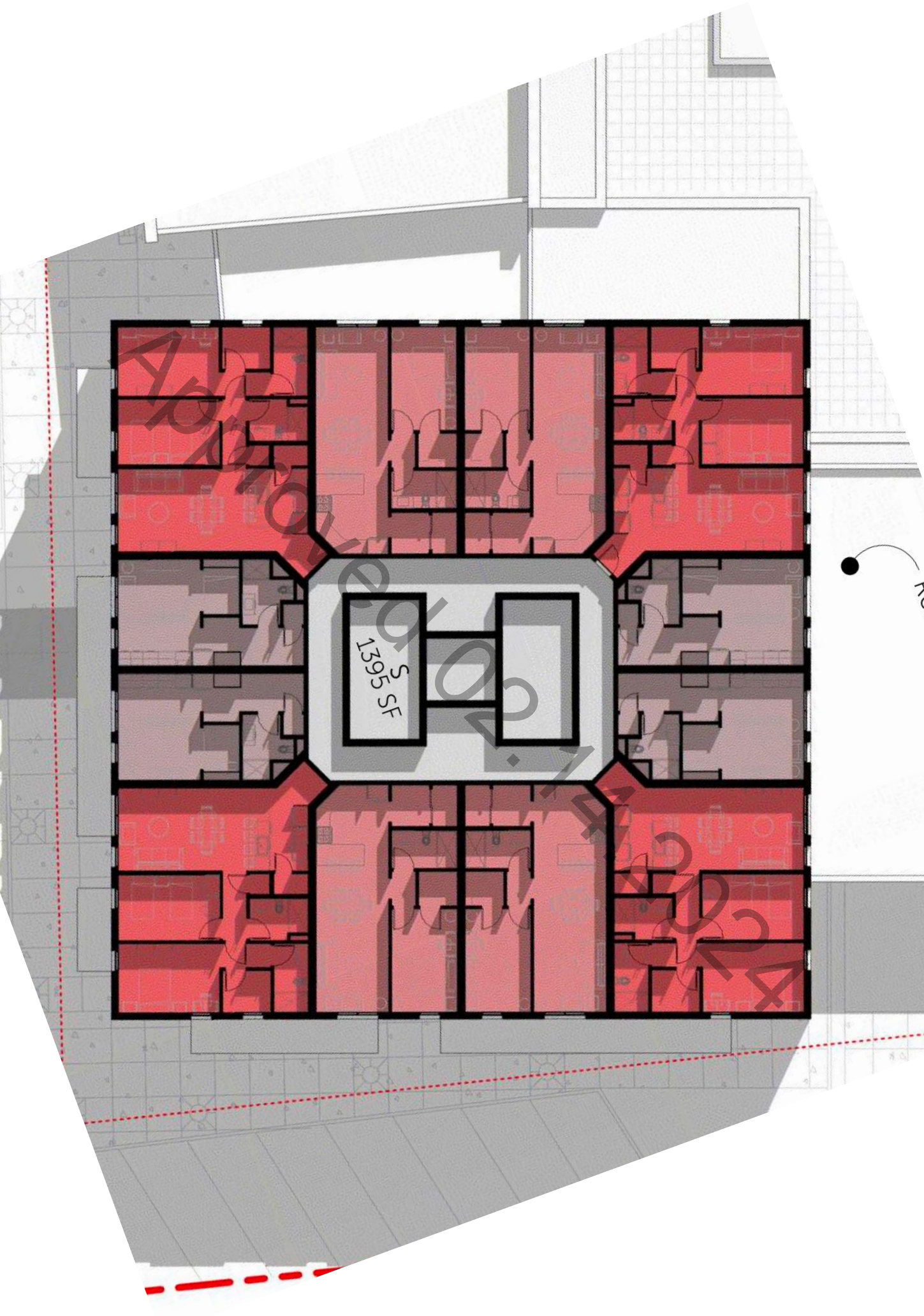
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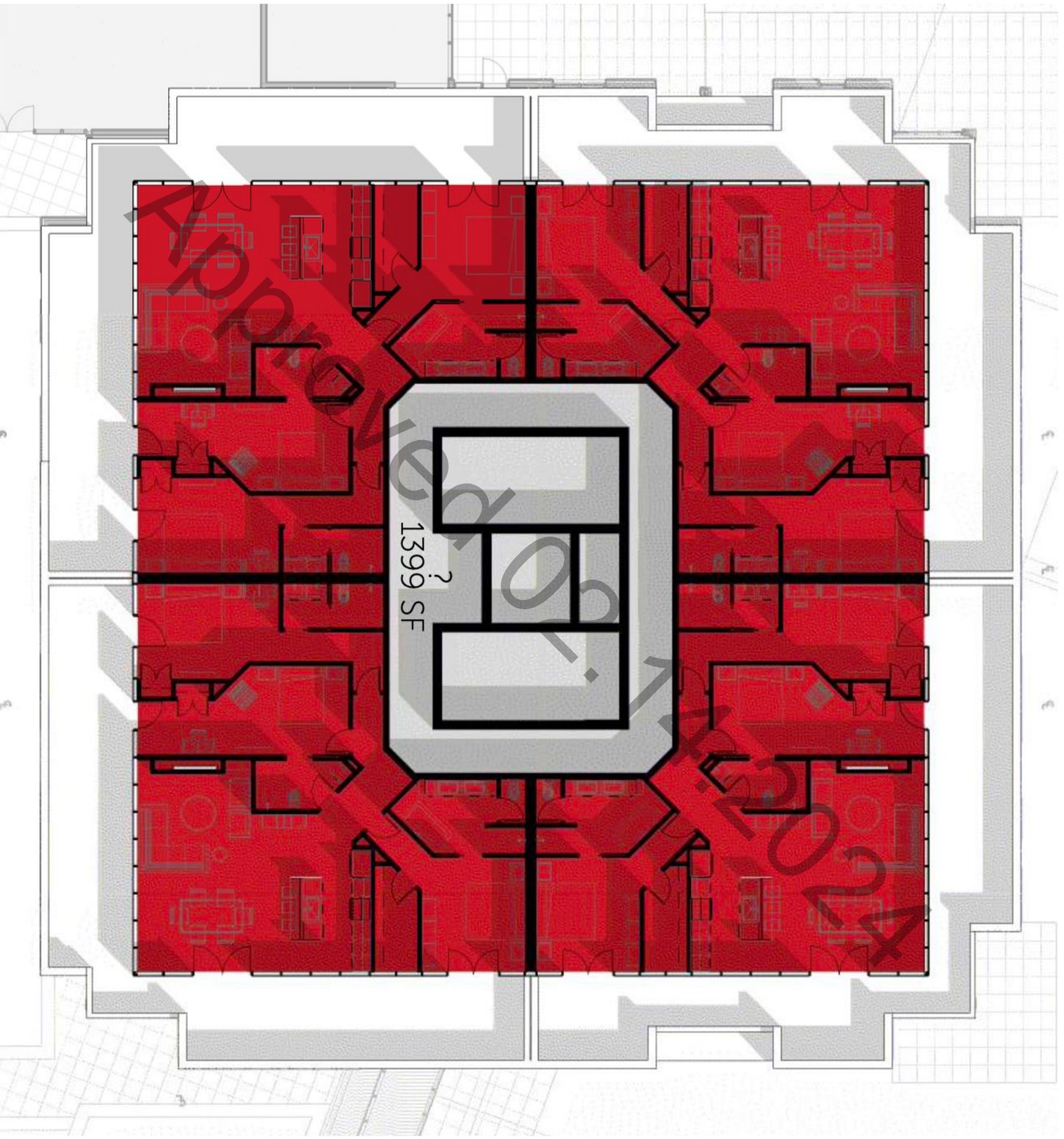

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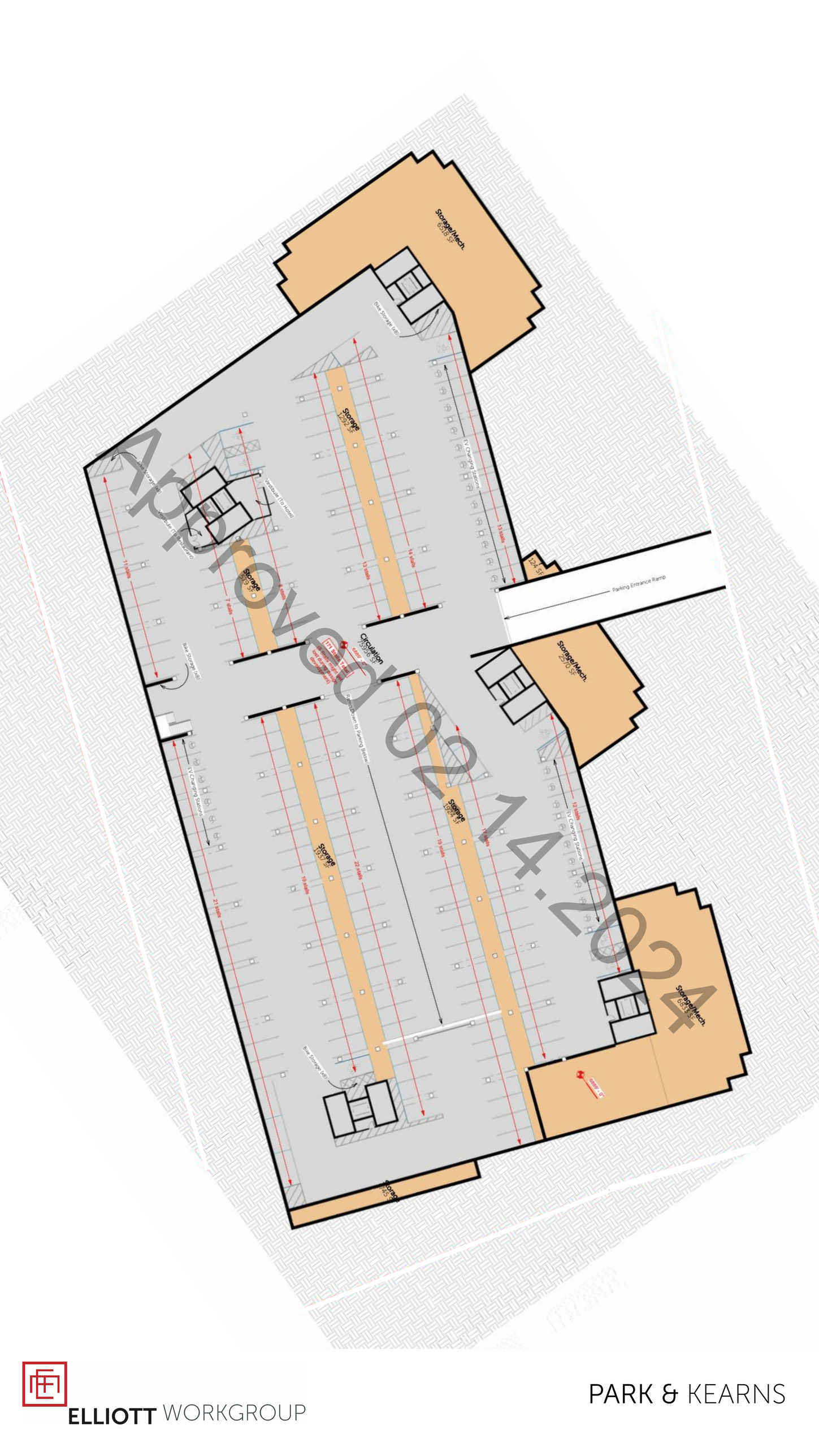
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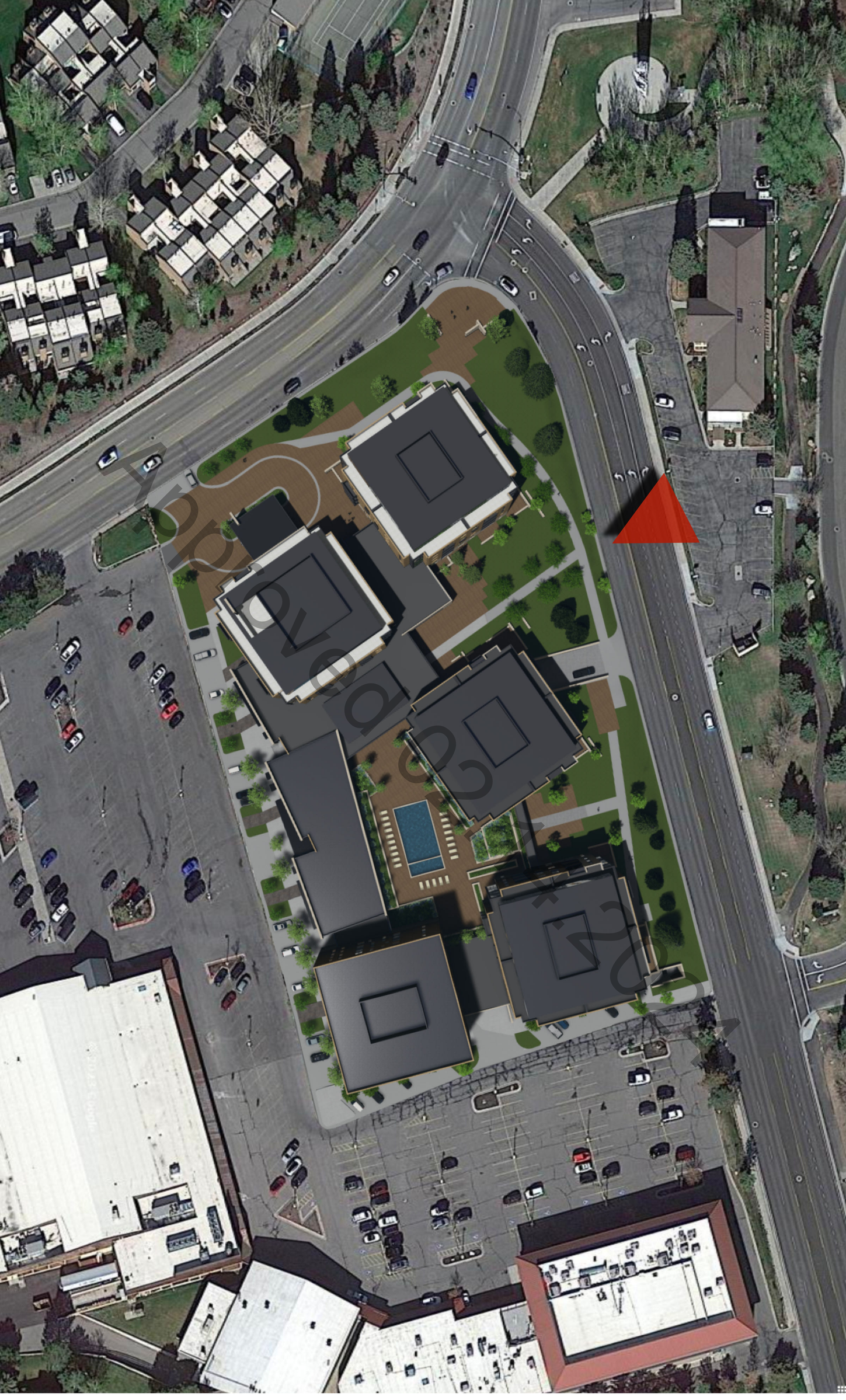



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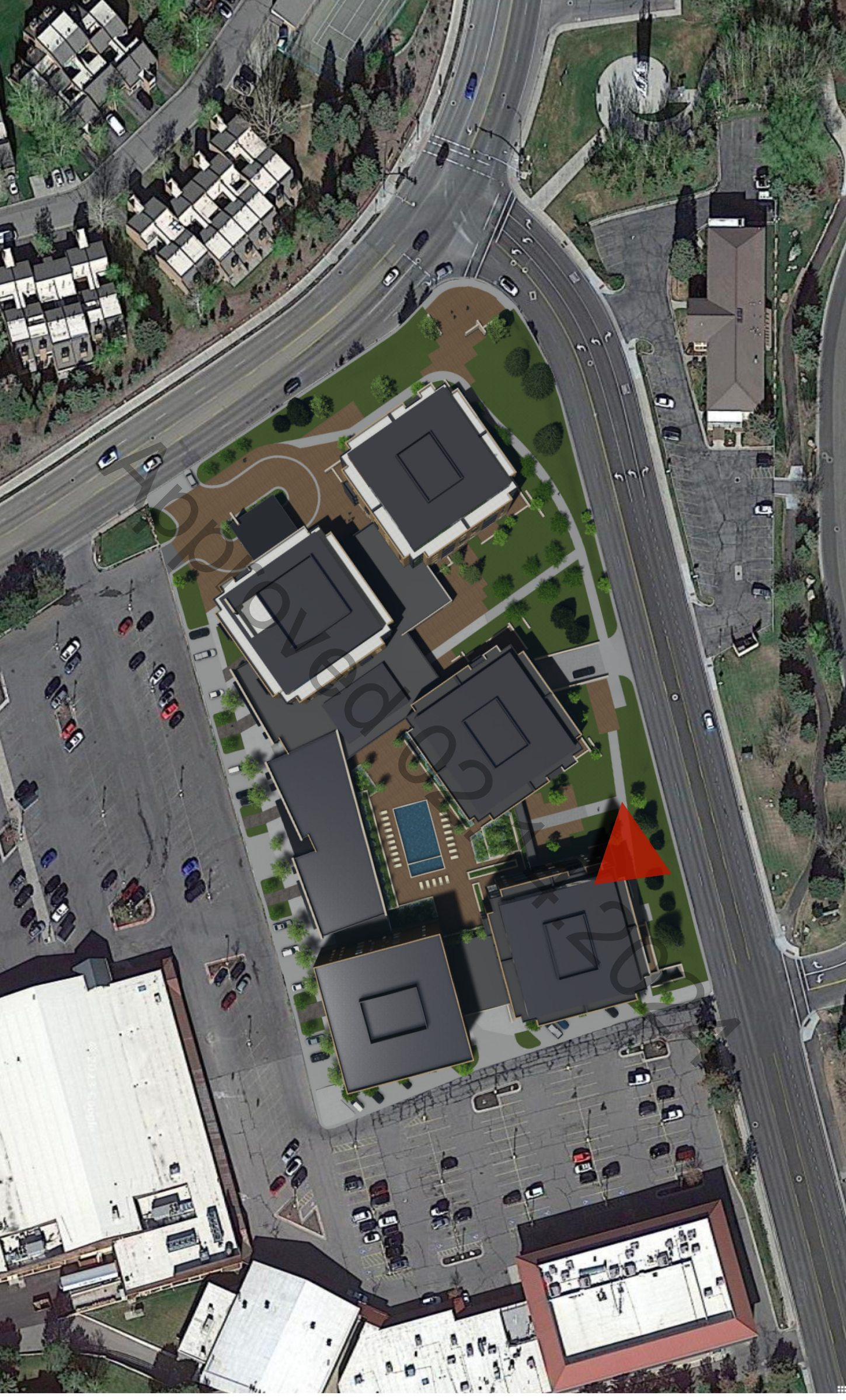



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