



**PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING
SUMMIT COUNTY, UTAH
July 18, 2024**

The Planning Department of Park City, Utah, will hold a Public Hearing in person at the Marsac Municipal Building, Planning Department Conference Room, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

1. REGULAR AGENDA - 12:00PM

- 1.A. **1300 Snow Creek Drive – Administrative Permit** – The Applicant Proposes to Construct 34 Additional Parking Spaces at the Snow Creek Master Planned Development. PL-24-06120
(A) Public Hearing; (B) Action

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for meeting attendees who park in the China Bridge parking structure.**

Planning Department Staff Report



Subject: 1300 Snow Creek Drive
Application: PL-24-06120
Author: Virgil Lund, Planner I
Date: July 18, 2024
Type of Item: Administrative Permit

Recommendation

(I) Review the Administrative Permit for a minor modification to the Snow Creek Master Planned Development (MPD), (II) conduct a public hearing, and (III) consider approving the minor modification to the Snow Creek MPD based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Draft Final Action letter (Exhibit A).

Description

Applicant: Kent Gibson

Location: 1300 Snow Creek Drive

Zoning District: Residential Development – Medium Density
Regional Commercial Overlay
Snow Creek Crossing Master Planned Development

Adjacent Land Uses: Commercial, Open Space

Reason for Review: The Planning Director reviews minor modifications to Master Planned Developments, holds a public hearing, and takes Final Action.¹

DA Development Agreement
GC General Commercial
LMC Land Management Code
MPD Master Planned Development
RCO Regional Commercial Overlay
RDM Residential Development – Medium Density

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

The Applicant proposes to increase the number of Parking Spaces at the Snow Creek Shopping Center which is part of the Snow Creek Master Planned Development (MPD)

¹ LMC [§ 15-6-4\(K\)](#)

and Snow Creek Crossing Subdivision (Exhibit C). There are 324 existing Parking Spaces. The Applicant proposes constructing an additional 34 Parking Spaces with two Electric Vehicle Charging Stations.

Background

On April 14, 1993, the Planning Commission denied a Large Scale MPD at 1300 Snow Creek Drive. The application was denied due to the large amount of commercial space, the configuration of stores, and the amount of parking and the parking configuration (Exhibit F).

On May 13, 1993, the City Council heard an appeal of the Planning Commission denial and approved the Large Scale MPD on the Snow Creek parcel. This approval did not include the residential portion of the proposal. The approval included broad site planning parameters, some detail on the commercial portion of the site including size and configuration (Exhibit G).

On September 23, 1993, the Planning Commission approved the Master Planned Development (MPD) for a 90,500 square foot commercial shopping center with 446 Parking Spaces to be developed in three phases. Phase 1 Parking was not to exceed 365 spaces (Exhibit B). The three phases were never completed, and only 360 Parking Spaces were constructed.

On October 11, 1995, the Snow Creek Crossing Subdivision Plat was recorded (Summit County Recorder Entry No 439865). Parcels A, B, and C on the recorded plat are non-developable Open Space parcels, totaling 24.137 acres and were dedicated to Park City Municipal Corporation. Parcel D is also considered a non-buildable Lot unless a revised MPD Approval and Conditional Use Permit for the Frontage Protection Zone are obtained.

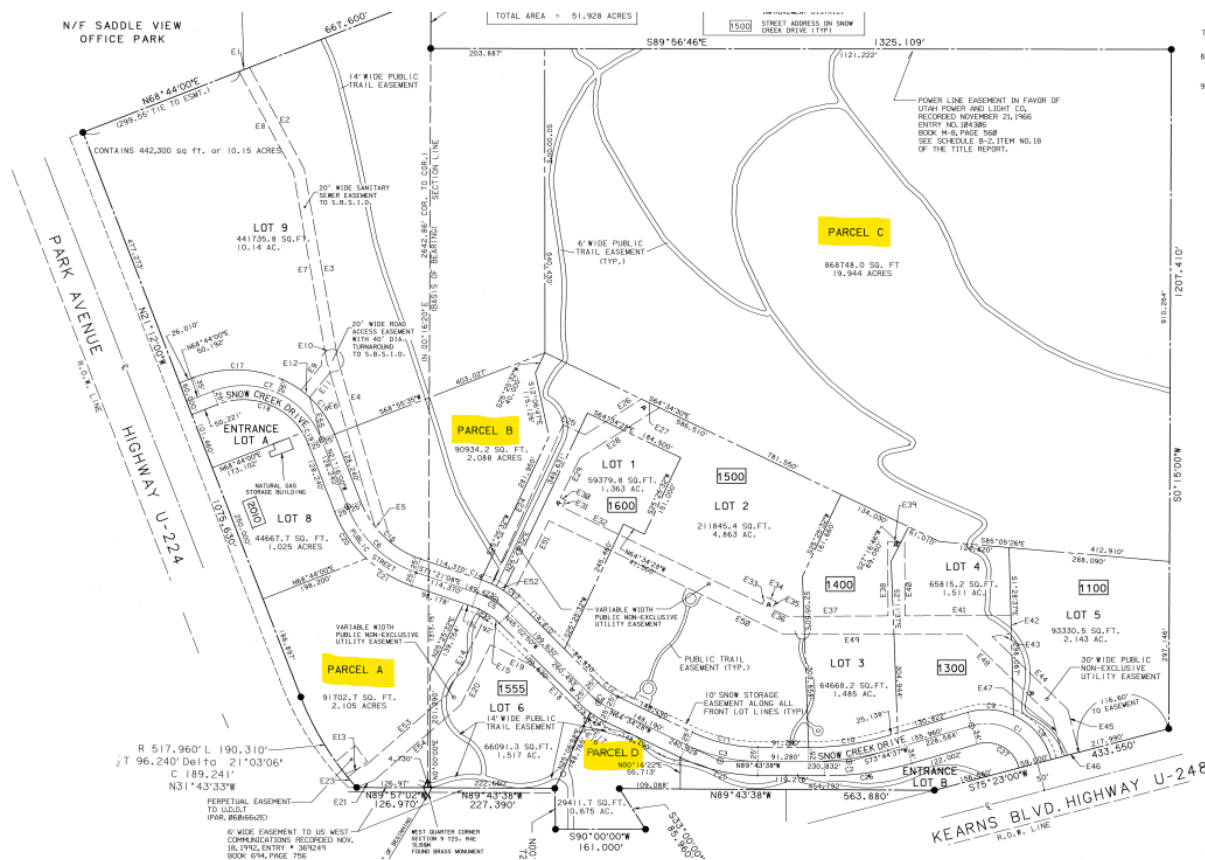


Figure 1: Snow Creek Crossing Subdivision with non-developable parcels highlighted

On April 13, 2006, the City Council executed a Memorandum of Understanding (MOU) with the Utah State Division of Facilities Construction and Management (DFCM) for a liquor store in the Snow Creek Shopping Center. In the MOU, the City and DFCM agreed that the Snow Creek Shopping Center best met the DABC's site selection criteria and local needs (Exhibit D). The State is exempt from local land use regulations. The property was transferred from Snow Creek Center, LLC to the Utah State Building Ownership Authority in June 2006. It is estimated that the liquor store removed approximately 42 Parking Spaces from the parking lot.

Pursuant to Land Management Code (LMC) [§ 15-3-6\(B\)](#), the existing uses at the Snow Creek Shopping Center require 396 Parking Spaces. The Applicant provided a Site Plan (see image below) that shows there are 324 existing Parking Spaces for the Snow Creek Shopping Center. The Applicant proposes to increase the amount of Parking Spaces to 358 Parking Spaces with two Electric Vehicle Charging Stations, making the property closer to the LMC required Parking Spaces.



Figure 2: Proposed Site Plan

Analysis

(I) The proposal to increase the number of Parking Spaces at the Snow Creek MPD complies with LMC Chapter 15-2.15, Residential Development – Medium Density Zoning District Requirements

Vegetation Protection: The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

The Applicant proposes to remove five trees. On April 4, 2024, the Forestry Board reviewed the proposal and recommended the Applicant replace only three of the trees in the following location to be placed outside of any Snow Storage areas:

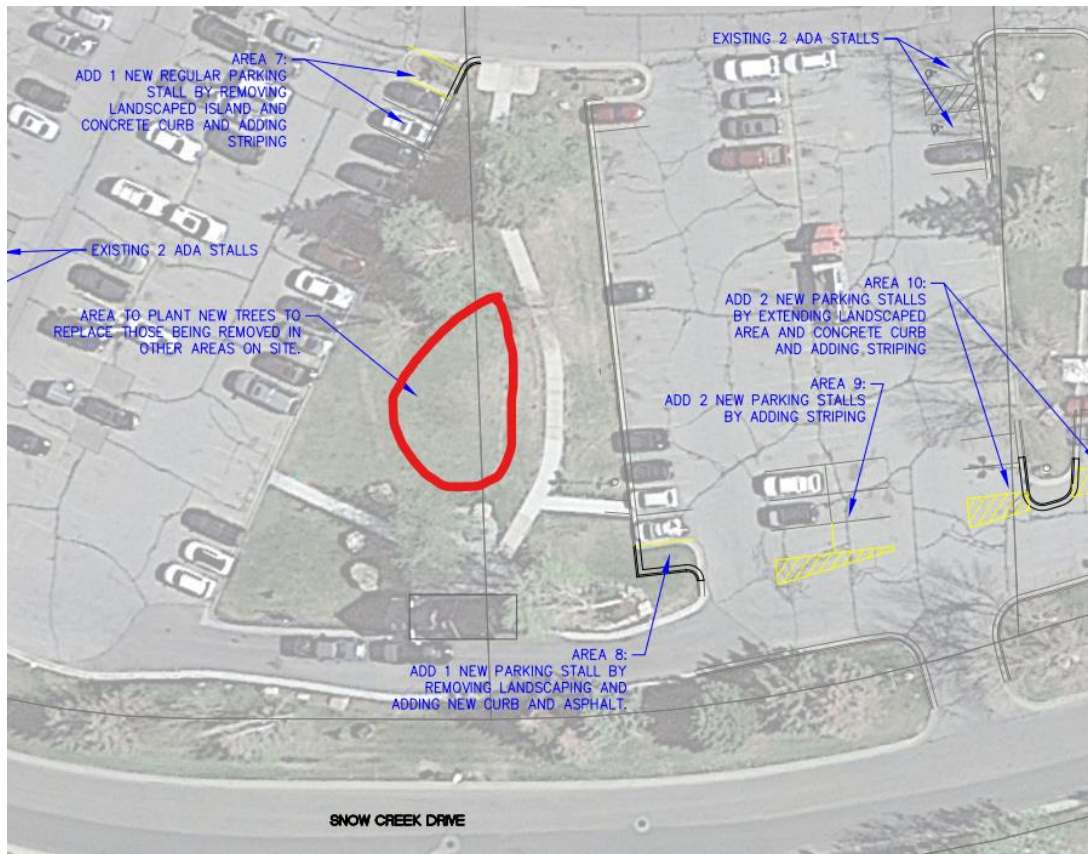


Figure 3: Area of Tree Replacement

(II) The proposal to increase the number of Parking Spaces at the Snow Creek MPD complies with LMC Chapter 15-3 Off-Street Parking Requirements

General Parking Area Standards LMC [§ 15-3-3](#):

General Parking Area Criteria	Analysis of Proposal
Parking Areas must be Graded for proper drainage with surface water diverted to a specified Area approved by the City Engineer, to keep the Parking Area free of accumulated water and ice.	The City Engineer reviewed the proposed plans on September 19, 2023, and does not require any modifications to the Parking Area.
Parking Area drainage must be detained on Site, treated if required under NPDES (National Pollution Discharge Elimination Standards), and channeled to a storm drain or gutter as approved by the City Engineer.	The City Engineer reviewed the proposed plans on September 19, 2023, and does not require any modifications to the Parking Area.

Parking Areas and driveways must be Hard-Surfaced, impervious, maintained in good condition, and clear of obstructions at all times.	Complies: See Exhibit E for proposed plans.
Parking Area Lighting	No Required Mitigation, no changes to Parking Area Lighting are proposed.
Snow Storage: the Owner must provide adequate non-Hard Surfaced and landscaped snow storage Areas. Said snow storage Areas must be on-Site and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area.	Complies: The Applicant has proposed 23,290 square feet of Snow Storage, approximately 16% of the total Hard-Surfaced Area.
Parking Space Dimensions: Parking Spaces must be at least nine feet (9') wide by eighteen feet (18') long.	Complies: All proposed Parking Spaces will be at least 9' feet wide by 18' feet long.
Street Access and Circulation: Off-Street Parking Areas must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways.	Complies: See Exhibit E for proposed plans.

Parking Area Landscaping Standards LMC [§ 15-3-3\(D\)](#):

Parking Area Landscaping Criteria	Analysis of Proposal
Interior Landscaping Requirements: Each Parking Area must have an Interior Landscaped Area equivalent to twenty percent (20%) of the total Parking Area, including drive aisles.	Complies: The Landscaped Open Space of the Parking Area is proposed to decrease by approximately 2,793 square feet, for a proposed 55,790 square feet of Landscaped Open Space, approximately 38% of the Parking Area, and therefore continues to meet the required 30% of Open Space. None of the dedicated Open Space Parcels that total 24 acres are affected by this proposal.
In the design of large Parking	Complies

Areas, bays or stalls shall generally be separated approximately every twelve to fifteen (12-15) stalls, by landscaping islands to break up the mass of Hard-Surfaced paving.	The existing Parking Area is separated approximately every 12-15 stalls by landscaping on Site.
The Parking Area must be designed to provide adequate snow storage in winter and should utilize best management practices, such as bio swales, oil and sand separators, and other methods to prevent surface and ground water contamination.	See “Snow Storage” analysis above. The Engineering Department reviewed the proposal on September 19, 2023, and does not require any additional storm water management practices.
Landscaped Areas shall generally not be less than five feet (5') wide.	Complies: All Landscaped Areas are at a minimum seven feet wide.
Perimeter Landscaping: Parking Areas shall generally include landscaping on all perimeter Property Lines, The Applicant shall generally maintain a minimum of one (1) tree and five (5) shrubs per twenty-five linear feet (25') of Landscaped Area.	Complies: The existing Parking Area includes perimeter landscaping, and no changes are proposed. The image below shows the perimeter landscaping for the existing Parking Area.



Figure 4: Existing Conditions Overview

Specific Parking Area Standards for Parking Areas With 5 or More Spaces LMC [§ 15-3-4](#):

Parking Areas With 5 or More Spaces	Analysis of Proposal
All Parking Lots shall maintain the required Front and Side Setbacks as would be required for any Structure: 20 Foot Front Setback, 10 Foot Side Setback	Complies: The proposed Parking Spaces are outside of any Front, Side, or Rear Setback. As shown on the Proposed Site Plan (Exhibit E).
Adjacent driveways must be separated by an island of the following widths: Multi-Unit Dwelling a minimum width of eighteen feet (18'); Commercial a minimum width of twenty-four feet (24')	Complies: The closest adjacent driveways at the Snow Creek Parking Area are separated by approximately 59 feet. 

Bicycle Parking Requirements LMC [§ 15-3-9](#):

Bicycle Parking Standard	Analysis of Proposal
Outdoor bicycle parking is an area where one bicycle may be securely stored with both wheels resting on a stable surface and conveniently accessed and removed without requiring the movement of other bicycles, vehicles, or other objects.	The Snow Creek MPD currently has 40 bicycle parking stalls. However, the existing bicycle parking is not compliant with the bicycle parking standards in LMC § 15-3-9(A)(1). The existing bicycle parking is not inverted-U, post and ring, or corral, and they are not mounted in concrete. Outdoor Bicycle Parking is required for 10 percent of the required Off-Street Parking Spaces, for a total of 40 bicycle parking spaces. Staff recommends a Condition of Approval that the Applicant install additional code compliant bicycle

	parking for four bicycles, and upgrade existing bike racks to be compliant with LMC § 15-3-9(A).
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Off-Street Loading Spaces LMC [§ 15-3-10](#): No changes proposed to the existing loading/un-loading areas in the rear of the property.

Electric Vehicle Charging Stations LMC [§ 15-3-11](#):

Electric Vehicle Charging Station Standard	Analysis of Proposal
An Applicant shall install Electric Vehicle Charging Stations for five percent (5%) of required Off-Street parking spaces for non-Residential Development for the first 200 parking spaces.	Complies: 5% of the proposed 34 Parking Spaces is equal to 1.7 Electric Vehicle Charging Stations. The Applicant has proposed two new Electric Vehicle Charging Stations.
An Applicant shall provide Electric Vehicle Charging Station Infrastructure for fifty percent (50%) of the first one hundred (100) required Off-Street parking spaces	Recommended Condition of Approval: The Applicant submitted the proposed Modification to the MPD application on August 1, 2023. The LMC was amended on February 1, 2024, and thus the applicant is required to provide Electric Vehicle Charging Infrastructure for 20% instead of the current LMC requirement of 50%. Staff recommends the Applicant install infrastructure that is designed and constructed to include a fully-wired circuit for an Electric Vehicle Charging Station power, including conduit and wiring with the electrical service capacity necessary to serve the power outlets to allow for the future installation of Level 2 Electric Vehicle Charging Stations. Conduit is required to be installed for 7 future Electric Vehicle Charging Stations.
The first Electric Vehicle Charging Station installed shall be a dual-port with one Charging	Recommended Condition of Approval

Station that is ADA accessible. This dual-port shall count as one Charging Station. Dual-port Charging Stations installed thereafter shall count as two Charging Stations.	Staff recommends that the first Electric Vehicle Charging Station be dual port. The Applicant has provided plans that comply with ADA requirements for the Electric Vehicle Charging Station.
Electric Vehicle Charging Stations shall not obstruct: 1. Building access; 2. Rights-of-Way; 3. sidewalks or pathways; 4. parking space dimensions; or 5. The Sight Distance Triangle.	Complies: The Electric Vehicle Charging Stations will be in the northwest corner of the Parking Area.

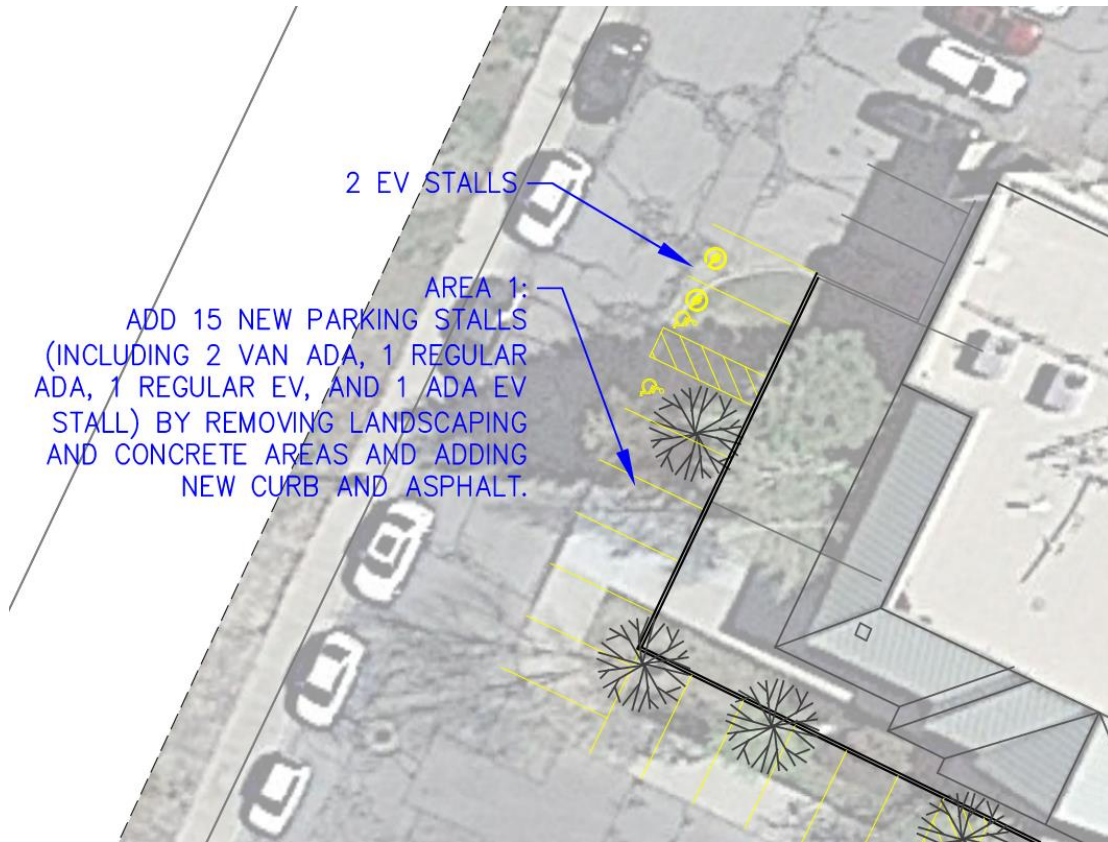


Figure 5: EV Charging Stations

An Applicant shall install Electric Vehicle Charging Station signage that complies with the Federal Highway Administration Manual on Uniform Traffic Control Devices, as amended for use in Utah. An Applicant shall install signage as follows:	Recommended Condition of Approval
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1. At the point of entrance to direct drivers to the location of Electric Vehicle Charging Stations 2. For each Electric Vehicle Charging Station to indicate that such Station is for Electric Vehicle charging only. 3. For each Electric Vehicle Charging Station to indicate that such Station is for Electric Vehicle charging only.	
User Information. An Applicant shall label each Electric Vehicle Charging Station with information regarding safety, voltage and amperage levels, usage fees if any, hours of operation, charging time limits, the contact information to report malfunctioning equipment or other issues, and cord management requirements.	Recommended Condition of Approval
Cord Management. An Applicant shall install Electric Vehicle Charging Stations that contain a retraction device or place to hang and store cords, cables, and connectors. Cords, cables, and connectors shall not obstruct Building access, sidewalks or pathways, parking spaces, or the Rights-of-Way.	Recommended Condition of Approval
Protection. An Applicant shall install wheel stops, concrete-filled bollards, or other device approved by the Planning Director to protect Electric Vehicle Charging Stations from damage by vehicles.	Recommended Condition of Approval
Snow Removal. An Applicant shall install Electric Vehicle Charging Stations that are safe for use in inclement weather. Cords, cables, and connectors shall be stored at least 24 inches above the ground. Property owners shall manage cords so that they do not impede snow removal and shall remove snow from Electric Vehicle Charging Stations in a timely manner.	Recommended Condition of Approval
Maintenance. Property owners shall maintain Electric Vehicle Charging Stations in good condition, appearance, and repair. If an Electric Vehicle Charging Station is inoperable, the Property Owner shall replace the Charging Station within three (3) months.	Recommended Condition of Approval

(III) The proposal to increase the number of Parking Spaces at the Snow Creek MPD complies with the original MPD Approval.

The original Snow Creek MPD Final Action Letter, issued on September 23, 1993, approved a total of 446 Parking Spaces. 360 Parking Spaces were constructed, and

there are 324 existing Parking Spaces after the DABS Liquor Store was built. The proposal to add 34 Parking Spaces will bring the Parking Area closer to what was originally constructed (360). While the net Parking Spaces does not satisfy the original MPD parking approval, nor will it be consistent with the existing LMC parking requirement for the existing uses, adding the 34 spaces works towards compliance with the LMC.

The Building Department requires the following Condition of Approval: "The Applicant shall record a Long-Term Stormwater Management Plan with the Summit County Recorder's office prior to Building Permit issuance."

The Applicant has sent a letter to Hotel Park City discouraging hotel employees from parking at the Snow Creek Shopping Center (Exhibit H).

(IV) The Development Review Committee reviewed this proposal on September 19, 2023, and does not require any Conditions of Approval.²

(V) The Building Department reviewed the proposal on March 1, 2024, and confirmed the proposal complies with all ADA requirements for handicapped and accessible Parking Spaces.

Department Review

The Planning Department reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website on July 8, 2024. Staff mailed courtesy notices to adjacent property owners on July 8, 2024.³

Public Input

Staff did not receive any public input at the time this report was published.

Exhibits

Exhibit A: Draft Final Action Letter
Exhibit B: Original MPD Final Action Letter
Exhibit C: Summit County Recorder Entry No 439865
Exhibit D: Memo of Understanding
Exhibit E: Proposed Plans
Exhibit F: April 14, 1993, Planning Commission Minutes
Exhibit G: May 13, 1993, City Council Minutes
Exhibit H: Applicant's Letter to Hotel Park City

² The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

³ LMC [§ 15-1-21](#)



Planning Department

July 18, 2024

Kent Gibson
1300 Snow Creek Drive

CC: Kent Gibson

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 1300 Snow Creek Drive

Zoning District: Residential Development – Medium Density, Regional Commercial Overlay

Application: Administrative Permit

Project Number: PL-24-06120

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: July 18, 2024

Project Summary: The Applicant proposes to increase the number of Parking Spaces at the Snow Creek Shopping Center which is part of the Snow Creek Master Planned Development (MPD) and Snow Creek Crossing Subdivision. There are 324 existing Parking Spaces. The Applicant proposes constructing an additional 34 Parking Spaces with two Electric Vehicle Charging Stations.

Action Taken

On July 18, 2024, the Planning Director conducted a public hearing and approved the modification to the snow Creek Master Planned Development according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. There are 324 existing Parking Spaces at the Snow Creek Master Planned Development. The Applicant proposes constructing an additional 34 Parking Spaces with two Electric Vehicle Charging Stations.



Planning Department

2. On April 14, 1993, the Planning Commission denied a Large Scale MPD at 1300 Snow Creek Drive. The application was denied due to the large amount of commercial space, the configuration of stores, and the amount of parking and the parking configuration.
3. On May 13, 1993, the City Council heard an appeal of the Planning Commission denial and approved the Large Scale MPD on the Snow Creek parcel. This approval did not include the residential portion of the proposal. The approval included broad site planning parameters, some detail on the commercial portion of the site including size and configuration.
4. On September 23, 1993, the Planning Commission approved the Master Planned Development (MPD) for a 90,500 square foot commercial shopping center with 446 Parking Spaces to be developed in three phases.
 - a. Phase 1 Parking was not to exceed 365 spaces.
 - b. The three phases were never completed, and only 360 Parking Spaces were constructed.
5. On October 11, 1995, the Snow Creek Crossing Subdivision Plat was recorded, Summit County Recorder Entry No 439865. Parcels A, B, and C on the recorded plat are non-developable Open Space parcels, totaling 24.137 acres and were dedicated to Park City Corporation. Parcel D is also considered a non-buildable Lot unless a revised MPD Approval and Conditional Use Permit for the Frontage Protection Zone are obtained.
6. On April 13, 2006, the City Council executed a Memorandum of Understanding (MOU) with the Utah State Division of Facilities Construction and Management (DFCM) for a liquor store in the Snow Creek Shopping Center. In the MOU, the City and DFCM agreed that the Snow Creek Shopping Center best met the DABC's site selection criteria and local needs.
 - a. The State is exempt from local land use regulations. The property was transferred from Snow Creek Center, LLC to the Utah State Building Ownership Authority in June 2006. It is estimated that the liquor store removed approximately 42 Parking Spaces from the parking lot.
7. Pursuant to Land Management Code (LMC) § 15-3-6(B), the existing uses at the Snow Creek Shopping Center require 396 Parking Spaces.
8. The Applicant provided a Site Plan that shows there are 324 existing Parking Spaces for the Snow Creek Shopping Center. The Applicant proposes to increase the amount of Parking Spaces to 358 Parking Spaces with two Electric



Planning Department

Vehicle Charging Stations, making the property closer to the LMC required Parking Spaces.

9. The proposal to increase the number of Parking Spaces at the Snow Creek MPD complies with LMC Chapter 15-2.15, Residential Development – Medium Density Zoning District Requirements
 - a. Vegetation Protection: The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6”) in diameter or greater measured four and one-half feet (4.5’) above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.
 - b. The Applicant proposes to remove five trees. On April 4, 2024, the Forestry Board reviewed the proposal and recommended the Applicant replace only three of the five trees.
10. The proposal to increase the number of Parking Spaces at the Snow Creek MPD complies with LMC Chapter 15-3 Off-Street Parking Requirements.
 - a. Parking Areas must be Graded for proper drainage with surface water diverted to a specified Area approved by the City Engineer, to keep the Parking Area free of accumulated water and ice.
 - i. The City Engineer reviewed the proposed plans on September 19, 2023, and does not require any modifications to the Parking Area.
 - b. Parking Area drainage must be detained on Site, treated if required under NPDES (National Pollution Discharge Elimination Standards), and channeled to a storm drain or gutter as approved by the City Engineer.
 - i. The City Engineer reviewed the proposed plans on September 19, 2023, and does not require any modifications to the Parking Area.
 - c. Parking Areas and driveways must be Hard-Surfaced, impervious, maintained in good condition, and clear of obstructions at all times.
 - i. Complies.
 - d. Parking Area Lighting
 - i. No Required Mitigation, no changes to Parking Area Lighting are proposed.
 - e. Snow Storage: the Owner must provide adequate non-Hard Surfaced and landscaped snow storage Areas. Said snow storage Areas must be on-Site and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area.



Planning Department

- i. The Applicant has proposed 23,290 square feet of Snow Storage, approximately 16% of the total Hard-Surfaced Area.
- f. Parking Space Dimensions: Parking Spaces must be at least nine feet (9') wide by eighteen feet (18') long.
 - i. All proposed Parking Spaces will be at least 9' feet wide by 18' feet long.
- g. Street Access and Circulation: Off-Street Parking Areas must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways.
 - i. Complies
- h. Interior Landscaping Requirements: Each Parking Area must have an Interior Landscaped Area equivalent to twenty percent (20%) of the total Parking Area, including drive aisles.
 - i. The Landscaped Open Space of the Parking Area is proposed to decrease by approximately 2,793 square feet, for a proposed 55,790 square feet of Landscaped Open Space, approximately 38% of the Parking Area, and therefore continues to meet the required 30% of Open Space.
 - ii. None of the dedicated Open Space Parcels that total 24 acres are affected by this proposal.
- i. In the design of large Parking Areas, bays or stalls shall generally be separated approximately every twelve to fifteen (12-15) stalls, by landscaping islands to break up the mass of Hard-Surfaced paving.
 - i. The existing Parking Area is separated approximately every 12-15 stalls by landscaping on Site.
- j. The Parking Area must be designed to provide adequate snow storage in winter and should utilize best management practices, such as bio swales, oil and sand separators, and other methods to prevent surface and ground water contamination.
 - i. See "Snow Storage" analysis above. The Engineering Department reviewed the proposal on September 19, 2023, and does not require any additional storm water management practices.
- k. Landscaped Areas shall generally not be less than five feet (5') wide.
 - i. All Landscaped Areas are at a minimum seven feet wide.



Planning Department

- I. Perimeter Landscaping: Parking Areas shall generally include landscaping on all perimeter Property Lines, The Applicant shall generally maintain a minimum of one (1) tree and five (5) shrubs per twenty-five linear feet (25') of Landscaped Area.
 - i. The existing Parking Area includes perimeter landscaping, and no changes are proposed. The image below shows the perimeter landscaping for the existing Parking Area.
- m. All Parking Lots shall maintain the required Front and Side Setbacks as would be required for any Structure: 20 Foot Front Setback, 10 Foot Side Setback.
 - i. The proposed Parking Spaces are outside of any Front, Side, or Rear Setback.
- n. Adjacent driveways must be separated by an island of the following widths: Multi-Unit Dwelling a minimum width of eighteen feet (18'); Commercial a minimum width of twenty-four feet (24').
 - i. The closest adjacent driveways at the Snow Creek Parking Area are separated by approximately 59 feet.
- o. Outdoor bicycle parking is an area where one bicycle may be securely stored with both wheels resting on a stable surface and conveniently accessed and removed without requiring the movement of other bicycles, vehicles, or other objects.
 - i. The Snow Creek MPD currently has 40 bicycle parking stalls. However, the existing bicycle parking is not compliant with the bicycle parking standards in LMC § 15-3-9(A)(1). The existing bicycle parking is not inverted-U, post and ring, or corral, and they are not mounted in concrete. Outdoor Bicycle Parking is required for 10 percent of the required Off-Street Parking Spaces, for a total of 40 bicycle parking spaces.
 - ii. Staff recommends a Condition of Approval that the Applicant install additional code compliant bicycle parking for four bicycles, and upgrade existing bike racks to be compliant with LMC § 15-3-9(A).
- p. Off-Street Loading Spaces LMC § 15-3-10: No changes proposed to the existing loading/un-loading areas in the rear of the property.
- q. An Applicant shall install Electric Vehicle Charging Stations for five percent (5%) of required Off-Street parking spaces for non-Residential Development for the first 200 parking spaces.



Planning Department

- i. 5% of the proposed 34 Parking Spaces is equal to 1.7 Electric Vehicle Charging Stations. The Applicant has proposed two new Electric Vehicle Charging Stations.
 - r. An Applicant shall provide Electric Vehicle Charging Station Infrastructure for fifty percent (50%) of the first one hundred (100) required Off-Street parking spaces.
 - i. The Applicant submitted the proposed Modification to the MPD application on August 1, 2023. The LMC was amended on February 1, 2024, and thus the applicant is required to provide Electric Vehicle Charging Infrastructure for 20% instead of the current LMC requirement of 50%.
 - ii. Staff recommends the Applicant install infrastructure that is designed and constructed to include a fully-wired circuit for an Electric Vehicle Charging Station power, including conduit and wiring with the electrical service capacity necessary to serve the power outlets to allow for the future installation of Level 2 Electric Vehicle Charging Stations. Conduit is required to be installed for 7 future Electric Vehicle Charging Stations.
 - s. The first Electric Vehicle Charging Station installed shall be a dual-port with one Charging Station that is ADA accessible. This dual-port shall count as one Charging Station. Dual-port Charging Stations installed thereafter shall count as two Charging Stations.
 - i. Staff recommends that the first Electric Vehicle Charging Station be dual port. The Applicant has provided plans that comply with ADA requirements for the Electric Vehicle Charging Station.
 - t. Electric Vehicle Charging Stations shall not obstruct: 1. Building access; 2. Rights-of-Way; 3. sidewalks or pathways; 4. parking space dimensions; or 5. The Sight Distance Triangle.
 - i. The Electric Vehicle Charging Stations will be in the northwest corner of the Parking Area.
 - u. See Conditions of Approval below for compliance with LMC 15-3-11.
11. The proposal to increase the number of Parking Spaces at the Snow Creek MPD complies with the original MPD Approval.
- a. The original Snow Creek MPD was approved on September 23, 1993, with a total of 446 Parking Spaces. 360 Parking Spaces were constructed, and there are 324 existing Parking Spaces. The proposal to add 34



Planning Department

Parking Spaces will make the Parking Area consistent with the original MPD Final Action Letter Approval.

- b. The Applicant has sent a letter to Hotel Park City discouraging hotel employees from parking at the Snow Creek Shopping Center
- 12. The Development Review Committee reviewed this proposal on September 19, 2023, and does not require any Conditions of Approval.
- 13. The Building Department reviewed the proposal on March 1, 2024, and confirmed the proposal complies with all ADA requirements for handicapped and accessible Parking Spaces.
- 14. Staff published notice on the City's website and the Utah Public Notice website on July 8, 2024. Staff mailed courtesy notices to adjacent property owners on July 8, 2024.

Conclusions of Law

- 1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.15, Residential Development – Medium Density Zoning District Requirements, and Chapter 15-3 Off-Street Parking Requirements.
- 2. The Use will be compatible with surrounding Structures in use, scale, mass, and circulation.
- 3. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval

- 1. Any changes, modifications, or deviations from the approved plans reviewed July 18 by the Planning Director 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 Applicant shall install bicycle parking for four bicycles, and the bike racks must be compliant with LMC § 15-3-9(A).
- 5. The Applicant install infrastructure that is designed and constructed to include a fully wired circuit for an Electric Vehicle Charging Station power, including conduit and wiring with the electrical service capacity necessary to serve the power outlets to allow for the future installation of Level 2 Electric Vehicle



Planning Department

Charging Stations. The Applicant shall install conduit and infrastructure for 7 future Electric Vehicle Charging Stations.

6. The first Electric Vehicle Charging Station installed shall be dual port.
7. The Applicant shall install Electric Vehicle Charging Station signage that complies with the Federal Highway Administration Manual on Uniform Traffic Control Devices, as amended for use in Utah.
8. The Applicant shall label each Electric Vehicle Charging Station with information regarding safety, voltage and amperage levels, usage fees if any, hours of operation, charging time limits, the contact information to report malfunctioning equipment or other issues, and cord management requirements.
9. The Applicant shall install Electric Vehicle Charging Stations that contain a retraction device or place to hang and store cords, cables, and connectors. Cords, cables, and connectors shall not obstruct Building access, sidewalks or pathways, parking spaces, or the Rights-of-Way.
10. The Applicant shall install wheel stops, concrete-filled bollards, or other device approved by the Planning Director to protect Electric Vehicle Charging Stations from damage by vehicles.
11. The Applicant shall install Electric Vehicle Charging Stations that are safe for use in inclement weather. Cords, cables, and connectors shall be stored at least 24 inches above the ground. Property owners shall manage cords so that they do not impede snow removal and shall remove snow from Electric Vehicle Charging Stations in a timely manner.
12. The Applicant shall maintain Electric Vehicle Charging Stations in good condition, appearance, and repair. If an Electric Vehicle Charging Station is inoperable, the Property Owner shall replace the Charging Station within three (3) months.
13. The Applicant shall submit a Parking Study and an update to the Planning Department six months after the completion of the proposed project.
14. The Applicant shall record a Long-Term Stormwater Management Plan with the Summit County Recorder's office prior to Building Permit issuance.
15. The Applicant is responsible for the replacement of three trees on site, in a location approved by the Forestry Board April 4, 2024.
16. The Applicant shall paint the curb red along the north side of the property up to the hammerhead delivery area, and shall install "No Parking" signs.

If you have questions or concerns regarding this Final Action Letter, please call 385-



Planning Department

481-2036 or email virgil.lund@parkcity.org

Sincerely,

Rebecca Ward
Planning Director

CC: Virgil Lund

PARK CITY

1884

Office of The Mayor

Exhibit J

BROOKS

FYI -

Final CofA's

Snow Creek Crossing

Exhibit B - Final Conditions of Approval for Commercial Portion

November 9, 1993

Jeffrey Coleman
Project Coordinator
Pyramid Construction Company
P.O. Box 369
Ramsey, New Jersey 07446-0369

Re: Appeal of two conditions of a Planning Commission approval of a conditional use approval of September 22, 1993 on master planned development at the Snowcreek Parcel site - Pyramid Construction

Dear Jeff:

Enclosed are the approved October 14, 1993 minutes on the above captioned action where the City Council reversed the Planning Commission's conditions.

With regard to Condition No. 17, parking, the City Council requires that before building permit issuance, Pyramid and the City will enter into a mutually acceptable agreement which allows the City to use a portion of the parking lot for overflow parking for special events and that Phase 1 parking not exceed 365 spaces.

With regard to Planning Condition No. 19, the Council substituted language that after a joint meeting(s) with the City Council and the Planning Commission, convened to arrive at a consensus regarding direction to you on the residential element of the project, Pyramid will have 90 days to submit an application for a small scale MPD/CUP for the affordable residential portion.

If you have any questions, please give me a call.

Very truly yours,



Janet M. Scott
Deputy City Recorder

September 24, 1993

Pyramid Construction
P.O. Box 369
Ramsey, NJ 07446

NOTICE OF PLANNING COMMISSION ACTION

Project Name: Snow Creek
Project Description: Commercial MPD
Date of Meeting: September 23, 1993
Action Taken By Planning Commission: APPROVED

1. All the standard conditions of approval shall apply.
2. The approval is for a 90,500 sq. ft. commercial center with 446 parking spaces to be developed in three phases. The retail anchor shall be no more than 52,500 sq. ft. the site development plans dated August 20, 1993 and architectural drawings dated September 1, 1993 shall accompany these conditions of approval. These conditions may require changes or additional detail from those plans.
3. Final grading, drainage and utility plans shall be required to be approved by the City Engineer.
4. A Center maintenance and management plan shall be developed and approved which specifies ownership and maintenance responsibilities. The parking shall be commonly owned and not restricted to any use of structure. The plan shall insure maintenance of public amenities such as trails, walkways, bike racks, bus shelters, drinking fountains, benches and landscaping.
5. No outdoor display of merchandise will be allowed anywhere in the Center. Outdoor dining may be considered by the Planning Commission as a conditional use.
6. A final trails plan shall be submitted and approved prior to building permit issuance which shall be consistent with the proposed trails plan with the following changes:

-The separated pathway along Hwy. 224 is not necessary since UDOT has constructed a sidewalk.

-The trail along the old railroad grade shall be 10 ft. asphalt and 4 ft. soft surface as shown on the plan. The section shall be modified to show 6" of compacted base, 3" of asphalt top course and weed barriers under the wood chip soft surface.

-Trails which cross wetlands will need to be boardwalks. The design shall be approved by the staff.

-A minimum of 10 ft. of separation is necessary between the pedestrian path and the access road.

-A trail connection shall occur between the sidewalk along Hwy. 224 and the railroad grade trail.

-The northerly point of the railroad grade trail may need to be relocated slightly based upon current negotiations with adjacent property owners.

-The gravel trails shall contain a weed barrier. All trails shall be constructed concurrent with construction of Phase I. A security shall be posted to insure installation of the trails prior to building permit issuance. The trails shall be completed prior to Certificate of Occupancy on the anchor retail space.

7. The Landscape Plan shall be modified to incorporate the comments of the City's Landscape Architect and shall include:

-Final planting details on the planter areas adjacent to the buildings.

-More detail on sod-bed areas which shall include massing of materials.

-Sections are required through the planters along the south end of the parking lot. There shall be some grade change in these areas. The intent is to screen parking areas from Hwys. 224 and 248.

-A specific berming plan shall be required for the storm pond retention areas along the northwesterly facade of the building.

-A temporary landscape plan shall be required for phases not to be built initially.

-Irrigation plans shall be submitted and approved.

-A security shall be posted prior to building permit

issuance to insure installation of all landscaping associated with Phase I. The access road along Hwys. 224 and 248 and areas not constructed in Phase I shall be included in this security.

-The final plans shall include specifics on size of materials. The materials shall be of significant size and mix to adequately screen parking from Hwys. 248 and 224.

8. A detailed streetscape plan shall be submitted by the applicant and approved by the staff which shall address:

-Paving details.

-Benches.

-Structures such as phone booths, drinking fountains, trash receptacles and bike racks.

9. Final lighting details shall be approved by the staff.
10. Restrooms shall be made available to the public between buildings C and D.
11. A plan for the wetlands crossing shall be submitted prior to permits being issued for any improvements on the site. The bridge detail shall address a separated pedestrian crossing.
12. All necessary permits must be obtained from other agencies including the Army Corps of Engineers and UDOT.
13. Any freestanding signs shall be separately approved by the Planning Commission.
14. Final architectural details shall be approved by staff prior to building permit issuance which shall include:

-Final approval of materials and color.

-Wrapping the roof detail around the northwest side of the buildings B and C and the east side of building E is required.

what is D, E + F

15. Final details on screening of dumpsters and the trash compactor shall be approved.
16. The exact location and design of the bus shelter shall be reviewed and approved by staff. A detailed plan shall be submitted which includes details of the shelter and details of

the significant landscaping which shall be required in the area.

17. ~~Prior to building permit issuance, the applicant shall submit and the staff shall approve a plan to phase parking for Phase I of the development. No more than 300 spaces shall be permitted to be constructed initially. The areas not to be paved at this time will be landscaped temporarily to blend with the balance of the landscape plan. Within 12 months of full occupancy of Phase I, the Planning Commission will evaluate the demonstrated need for the additional parking.~~
18. When the Top Stop applies for remodeling of the use, the improvements shall be made compatible with this approval.
19. ~~Prior to Building Permit issuance for the commercial project, a small scale MPD/CUP shall be approved for the residential portion of the Snow Creek Large Scale MPD.~~

Nora L. Seltnerich
Nora L. Seltnerich, AICP
Planning Director

9/26/93
Date

cc: Jack Thomas, AIA

ACKNOWLEDGEMENT

I, the undersigned, hereby acknowledge the conditions by which the project referred to above as approved.

Jack Thomas Date 11/19/93

NO CONSTRUCTION SHALL BE PERMITTED UNTIL A SIGNED COPY OF THIS LETTER, SIGNIFYING CONSENT TO THE CONDITIONS OUTLINED ABOVE, HAS BEEN RETURNED TO THE PLANNING DEPARTMENT.

SNOW CREEK CROSSING SUBDIVISION

LOCATED IN THE
NORTHWEST QUARTER SECTION 9 AND
NORTHEAST QUARTER SECTION 8
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

TABLE OF LOT AREAS	AREA (ACRES)
LOT 1	1.363
LOT 2	4.863
LOT 3	1.485
LOT 4	1.511
LOT 5	2.143
LOT 6	1.517
LOT 7	0.675
LOT 8	1.025
LOT 9	10.141
ENT LOT A	0.333
ENT LOT B	0.532
PARCEL A	2.105
PARCEL B	2.088
PARCEL C	19.944
SNOW CREEK DR.	2.203
TOTAL AREA	= 51.928 ACRES

LEGEND:
 > PROPOSED HYDRANT
 ○ MONUMENT TO BE SET
 △ FOUND MONUMENT AS NOTED
 — EASEMENT LINE
 ● REBAR AND CAP SET AT PROPERTY CORNER
 S.B.S.I.D. SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
 STREET ADDRESS ON SNOW CREEK DRIVE (TYP.)

Scale: 1"=100'



GENERAL NOTES:

- ENTRANCE LOTS 'A' & 'B' ARE NON-BUILDABLE LOTS, EXCEPT FOR LANDSCAPING, UTILITIES, AND SIGNAGE. BOTH LOTS ARE NON-EXCLUSIVE PUBLIC UTILITY EASEMENTS.
- PROPERTY OWNERS ARE RESPONSIBLE FOR FUTURE SANITARY SEWER MANHOLE ADJUSTMENTS AND MANHOLE COLLAR REPAIRS FOR THE SEWER MANHOLES LOCATED OUTSIDE THE PUBLIC RIGHT OF WAY, AND NOT COVERED BY A BACKLOT SEWER MAINTENANCE AGREEMENT.
- PARCELS A, B, & C ARE NON-DEVELOPABLE OPEN SPACE PARCELS TO BE DEDICATED, BY DEED CONVEYANCE, TO PARK CITY CORPORATION.
- DEVELOPABLE LOTS 5, 6, & 9 WILL BE REQUIRED TO OBTAIN INDIVIDUAL SANITARY SEWER LINE EXTENSION AGREEMENTS FROM SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT PRIOR TO ISSUANCE OF BUILDING PERMITS.
- SNOW CREEK DRIVE IS TO BE DEDICATED TO PARK CITY CORPORATION AS A PUBLIC ROAD.
- THE TITLE REPORT REFERRED TO ON THIS MAP WAS PREPARED BY ASSOCIATED TITLE COMPANY ON JULY 26, 1995, HAVING POLICY NUMBER P20218-A-3.
- NO STRUCTURES ARE ALLOWED WITHIN 10 FEET OF THE NATURAL GAS STORAGE BUILDING IN LOT 8.
- PARCEL D IS A NON-BUILDABLE LOT, EXCEPT FOR LANDSCAPING, UTILITIES AND SIGNAGE, UNLESS A REVISED MAP APPROVAL AND CONDITIONAL USE PERMIT (FRONTAGE PROTECTION ZONE) ARE OBTAINED.
- A DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS FOR LOTS 1 THROUGH 6 HAS BEEN RECORDED SIMULTANEOUSLY HEREWITH.

CURVE TABLE				
NO.	DELTA	RADIUS	LENGTH	CH. TAN.
C1	91°38'21"	94.115	150.528	96.847
C2	16°31'45"	499.985	144.240	72.624
C3	25°09'09"	300.004	131.700	66.928
C4	19°31'39"	149.992	51.120	25.810
C5	26°18'18"	150.008	68.870	35.053
C6	50°05'08"	199.998	174.830	93.443
C7	90°00'00"	150.000	235.619	150.000
C8	51°31'23"	119.115	107.114	-----
C9	40°06'59"	119.115	83.400	-----
C10	16°31'45"	474.985	137.028	-----
C11	25°09'09"	275.004	120.725	-----
C12	19°31'39"	124.992	42.600	-----
C13	11°44'35"	175.008	35.868	-----
C14	14°33'43"	175.008	44.479	-----
C15	50°05'08"	174.998	152.976	-----
C16	45°00'00"	175.000	137.445	-----
C17	45°00'00"	209.142	164.259	-----
C18	79°08'43"	125.000	172.668	-----
C19	10°51'17"	125.000	23.682	-----
C20	25°52'59"	224.998	101.642	-----
C21	24°12'09"	224.998	95.042	-----
C22	26°18'18"	125.008	57.392	-----
C23	8°58'28"	174.992	27.410	-----
C24	10°33'07"	174.992	32.228	-----
C25	25°09'09"	325.004	142.675	-----
C26	16°31'46"	550.000	158.671	-----
C27	91°38'20"	60.115	96.148	-----

EASEMENT TABLE:	
COURSE	DATA
E1	N 68°44'00"E 20.16'
E2	S 28°27'06"E 204.45'
E3	S 10°02'59"W 344.33'
E4	S 16°18'32"E 339.95'
E5	<-13°42'07" R=175.00' L=41.85'
E6	N 16°18'32"W 304.39'
E7	N 10°02'59"W 342.18'
E8	N 28°27'06"W 203.73'
E9	N 39°22'58"E 58.88'
E10	<-300°00'00" R=20.00' L=104.72'
E11	S 39°22'58"W 58.88'
E12	<-6°33'06" R=175.00' L=20.01'
E13	N 67°20'17"E 41.56'
E14	N 26°30'29"E 161.30'
E15	<-12°40'18" R=125.00' L=27.65'
E16	<-9°42'34" R=175.00' L=29.66'
E17	S 35°14'36"W 12.31'
E18	N 45°02'50"W 130.00'
E19	N 63°28'06"W 89.96'
E20	S 26°30'43"W 120.35'
E21	S 67°20'17"W 36.75'
E22	<-3°29'12" R=517.96' L=31.52'
E23	N 24°16'17"E 310.42'
E24	S 65°43'43"E 42.73'
E25	N 57°50'46"E 119.41'
E26	S 64°34'28"E 35.54'
E27	S 57°50'46"W 167.18'
E28	S 26°30'48"W 79.78'
E29	S 64°19'16"E 10.54'
E30	S 25°40'44"W 13.84'
E31	S 64°19'16"E 397.05'
E32	N 25°40'44"W 14.75'
E33	S 64°19'16"E 20.00'
E34	S 25°40'44"W 14.75'
E35	S 64°19'16"E 20.00'
E36	S 25°40'44"W 14.75'
E37	N 89°48'10"E 180.28'
E38	N 0°11'46"W 131.93'
E39	N 89°48'10"E 30.00'
E40	S 0°11'46"E 131.93'
E41	N 89°48'10"E 189.71'
E42	S 1°28'37"E 32.01'
E43	S 81°32'02"W 34.77'
E44	S 46°11'48"E 17.20'
E45	S 13°17'33"E 87.76'
E46	S 75°23'00"W 30.00'
E47	N 13°17'33"W 79.60'
E48	N 46°11'48"W 206.61'
E49	N 89°48'10"W 325.24'
E50	N 64°19'16"E 465.18'
E51	S 26°30'43"W 150.13'
E52	<-13°36'05" R=175.00' L=41.54'
E53	N 48°59'50"E 190.88'
E54	S 48°59'50"W 201.69'
E55	N 15°54'04"W 77.36'

12450 SUBBASE2

SURVEYOR'S CERTIFICATE

I, JEFFREY S. KEARL, A REGISTERED LAND SURVEYOR, HOLD CERTIFICATE NO. 176631, AS PRESCRIBED BY THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE AN ACCURATE SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREWITH, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS

SNOW CREEK CROSSING SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

Boundary Description

Beginning at the West Quarter Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, the Basis of Bearing being North 0°16'20"E 2642.86 feet between the said West Quarter Corner and the Northwest Quarter Corner of said Section 9, and running:
 thence North 89°57'02" West 126.970 feet along the quarter section line to the east Right-of-Way line of Highway U-224;
 thence along said east Right-of-Way line, 190.310 feet along a 917.960 foot to the right, said curve having a chord of North 31°43'33" West 189.241 feet;
 thence, continuing along said east Right-of-Way line, North 21°12'00" West 1075.630 feet;
 thence, leaving said east Right-of-Way line, North 68°44'00" East, 667.600 feet to the above foresaid section line;
 thence, along said section line, South 00°16'20" West 92.320 feet;
 thence, leaving said section line, South 89°56'46" East 1325.109 feet;
 thence South 0°15'00" West 1207.410 feet, to the north Right-of-Way line of State Highway U-248;
 thence, along said north Right-of-Way line, South 75°23'00" West, 433.550 feet to the quarter section line;
 thence, along said quarter section line, North 89°43'38" West, 563.880 feet;
 thence, leaving said quarter section line, South 33°00'00" East, 85.960 feet;
 thence, West, 161.00 feet;
 thence, North 0°53'00" West, 72.650 feet to the said quarter section line;
 thence, along said quarter section line, North 89°43'38" West, 227.390 feet to the point of beginning, contains 2261986.8 square feet, or 51.928 acres.

8-18-1995
 Date
 JEFFREY S. KEARL
 Surveyor
 State of Utah
 License No. 176631
 Owners Dedication and Consent to Record
 KNOWN ALL BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER AND MORTGAGE HOLDER OF THE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO HEREAFTER BE KNOWN AS THE SNOW CREEK CROSSING SUBDIVISION, DO HEREBY IRREVOCABLY OFFER FOR DEDICATION (THE STREET IDENTIFIED ON THIS PLAT AS "SNOW CREEK DRIVE" AND THE PUBLIC TRAIL EASEMENTS SHOWN ON THIS PLAT, TO THE CITY OF PARK CITY, AND (THE EASEMENTS SHOWN ON THIS PLAT, FOR THE USE BY ALL SUPPLIERS OF UTILITIES (INCLUDING PARK CITY) AND THE SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT, IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION, IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS THIS 18th DAY OF AUGUST, 1995.

Fred W. Fairclough, Jr.
 SNOW CREEK CROSSING, L.L.C.
 Zions First National Bank, N.A.

ACKNOWLEDGEMENT
 State of Utah)
 County of Summit) Salt Lake
 On the 18th day of August, 1995 personally appeared
 before me FRED W. FAIRCLOUGH, JR.
 who, being by me duly sworn, did say that he is (is/are) the MANAGER of SNOW CREEK CROSSING, L.L.C., a Utah Limited Liability Company, and that the within and foregoing Owner's Dedication and Consent to Record was signed in behalf of said SNOW CREEK CROSSING, L.L.C. by authority of ITS MANAGERS and the said, FRED W. FAIRCLOUGH, JR. duly acknowledged to me that said executed the same.

ACKNOWLEDGEMENT
 State of Utah)
 County of Summit) Salt Lake
 On the 18th day of August, 1995 personally appeared
 before me STEVEN K. FARLEY
 who, being by me duly sworn, did say that he is (is/are) the Vice President of Zions First National Bank, and that the within and foregoing Owner's Dedication and Consent to Record was signed in behalf of said Zions First National Bank by authority of its Board of Directors and the said, STEVEN K. FARLEY duly acknowledged to me that said executed the same.

ACKNOWLEDGEMENT
 State of Utah)
 County of Summit) Salt Lake
 On the 18th day of August, 1995 personally appeared
 before me STEVEN K. FARLEY
 who, being by me duly sworn, did say that he is (is/are) the Vice President of Zions First National Bank, and that the within and foregoing Owner's Dedication and Consent to Record was signed in behalf of said Zions First National Bank by authority of its Board of Directors and the said, STEVEN K. FARLEY duly acknowledged to me that said executed the same.

SNOW CREEK CROSSING SUBDIVISION
 LOCATED IN THE
 NORTHWEST QUARTER SECTION 9 AND
 NORTHEAST QUARTER SECTION 8
 TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

RECORDED * 439865
 STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF ASSOCIATED TITLE
 DATE 10-11-95 TIME 10:20 AM BOOK PAGE
 442
 FEE \$
 SUMMIT COUNTY RECORDER

THE SEAR-BROWN GROUP
 FULL SERVICE DESIGN PROFESSIONALS
 2749 E. PARLEY'S WAY, SUITE 300
 SALT LAKE CITY, UT 84109-1618
 (801)486-8787 FAX (801)486-8870

SEWER DISTRICT APPROVAL
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS 25th DAY OF August, 1995.
 S.B.S.I.D. James E. Baird

CITY COUNCIL APPROVAL
 PRESENTED TO THE PARK CITY COUNCIL ON THIS 27th DAY OF SEPTEMBER, A.D. 1995
 AT WHICH TIME THIS RECORD OF SURVEY MAP WAS APPROVED
 MAYOR: David L. Sheldon
 ATTEST CITY RECORDER: David L. Sheldon

CITY ENGINEER
 APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 27th DAY OF SEPTEMBER, A.D. 1995
 CITY ENGINEER: Chris W. Cochran PE

CITY PLANNING COMMISSION
 APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 27th DAY OF SEPTEMBER, A.D. 1995
 CHAIRMAN: [Signature]

APPROVAL AS TO FORM
 APPROVED AS TO FORM ON THIS 28th DAY OF SEPTEMBER, A.D. 1995
 CITY ATTORNEY: Mahd Hage

06-0517

Memorandum of Understanding Regarding Local Consultation between the Utah State Division of Facilities Construction and Management, State of Utah ("DFCM") and Park City Municipal Corporation, a political subdivision of the State of Utah ("City"), for a State Liquor Store operated by the Department of Alcoholic Beverage ("DABC") to be located at Snow Creek Shopping Center in Park City.

Whereas, the DFCM explored several alternatives for expanding its services within the Park City area; and

Whereas, the DFCM and the City agree that the Snow Creek Shopping Center best meets the DABC's site selection criteria and local needs; and

Whereas, the City acknowledges that the site is or may be acquired under the threat of condemnation by the State of Utah, which is exempt from local land use regulations; and

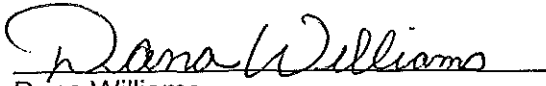
Whereas, the DFCM wishes to fully consult with the City in developing the store in a manner that considers local land use regulations.

Now therefore, for mutual consideration the receipt and sufficiency of which is hereby acknowledged, the DFCM and City agree as follows:

- A. **Property.** The location of the store will be the south side of the Snow Creek parking lot as approximately shown on Exhibit A.
- B. **Subdivision.** The location is not currently a separate lot of record. The Owner of the property and/or the DFCM shall file an administrative subdivision plat application to the Planning Department pursuant to UCA § 10-9a-605 to create a new lot of record. The Planning Department shall expedite approval of the plat provided the new lot does not substantially create any new degree of noncompliance with the Park City Land Management Code. The DFCM shall obtain and grant reciprocal cross easements as necessary so that use of the remaining parking area and circulation with the Snow Creek development remains substantially the same as currently exists. As a condition of approval, the Planning Department shall require the Owner (Stanford Sugar) to address traffic circulation, pedestrian connections and parking drainage issues reasonably related to the increase in density and/or construction in the parking lot.
- C. The DFCM will use reasonable efforts to comply with the architectural and landscape regulations attached as Exhibits B and C, respectfully.
- D. The DFCM shall submit a site plan and elevations to the Planning Department. After approval of this MOU by the City Council, the Planning Department shall schedule a courtesy hearing at the first available Planning Commission meeting. The scope of the hearing shall be limited to the DFCM consulting with the Commission regarding the site plan and building design. Public comment may be taken at the discretion of the Planning Commission.
- E. The DFCM agrees to follow applicable sign and lighting regulations. Approved master plans are attached as Exhibit D.
- F. The DFCM agrees to consult with the Chief Building Official regarding construction mitigation, deliveries, fire and building code issues.
- G. **Jurisdiction.** Nothing herein shall give the City land use jurisdiction over property owned by the State of Utah.
- H. Nothing herein shall be construed as a precedent regarding any requirements of the State in respect to local government regulations.

IN WITNESS WHEREOF, the parties have duly executed this Memorandum of Understanding this 17 day of May, 2006.

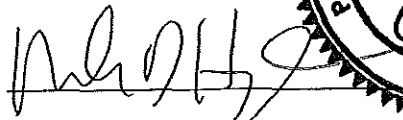
PARK CITY MUNICIPAL CORPORATION

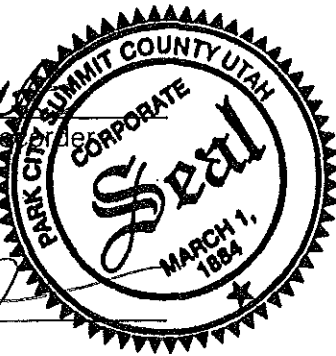

Dana Williams
Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:

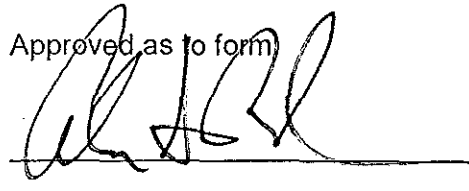

Mark Harrington, City Attorney

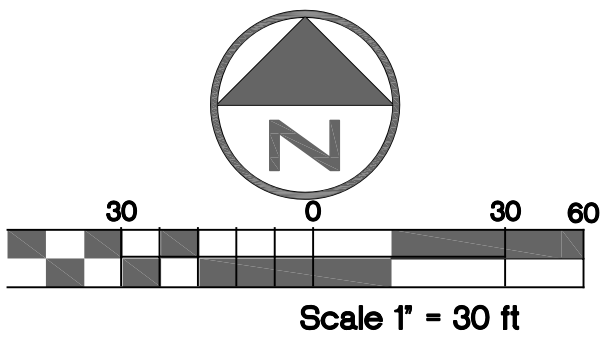
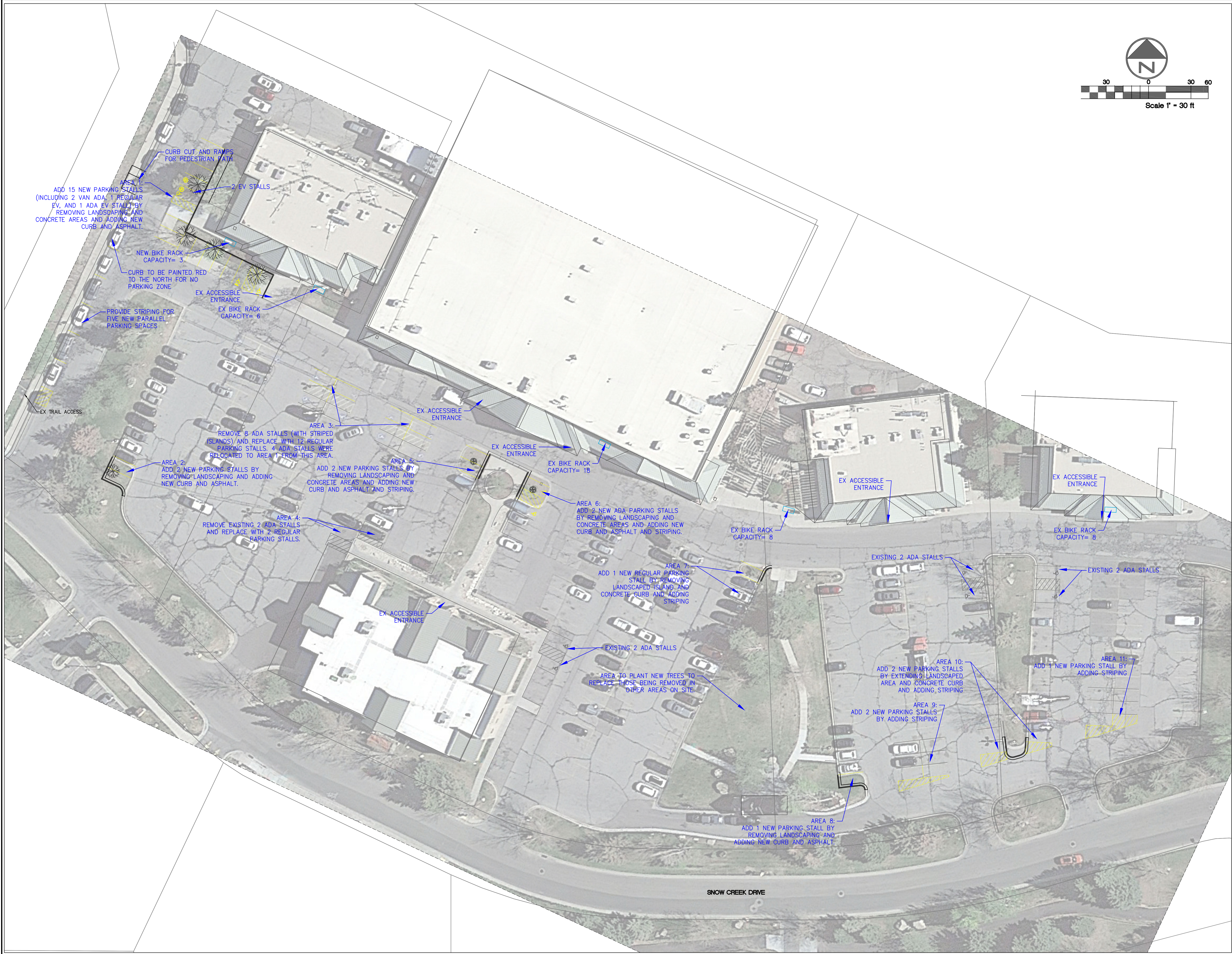


DFCM


Alyn C. Lunceford
Real Estate and Debt Manager

Approved as to form:


Attorney General's Office



WILDING

ENGINEERING

14721 SOUTH HERITAGE CREST WAY
BLUFFDALE, UTAH 84065
801.553.8112
WWW.WILDINGENGINEERING.COM

- DRAWING NOTES:
1. DATE OF FIELD SURVEY: DECEMBER 7, 2023.
 2. ALL NEW PARKING STALLS SHALL BE A MINIMUM OF 9 FEET WIDE AND 18 FEET LONG, WITH THE EXCEPTION OF THE NEW ADA VAN STALLS. THESE ARE TO BE 8' MIN WIDE BY 18 FEET LONG AND SHALL INCLUDE AN 8' WIDE STRIPED ISLAND BETWEEN THE 2 NEW ADA STALLS.

INFORMATION TABLE

LEASABLE AREA:	91,081 SF
EXISTING PARKING:	
REGULAR STALLS:	307
ADA STALLS:	17
TOTAL STALLS:	324
REQUIRED ADA STALLS:	10
STANDARD STALLS:	1
EV ADA STALLS:	1
VAN STALLS:	1
PROPOSED PARKING:	
REGULAR STALLS:	345
ADA STALLS:	11
VAN ADA:	2
EV ADA:	1
STANDARD:	8
EV STALLS (1 ADA):	2
TOTAL STALLS:	358
ADDED STALLS:	34
REQUIRED BICYCLE PARKING:	29
PROVIDED BICYCLE PARKING:	43

Blue Stakes of
UTAH811
Bluestakes.org

NO.	REVISION	DATE

PROJECT INFORMATION

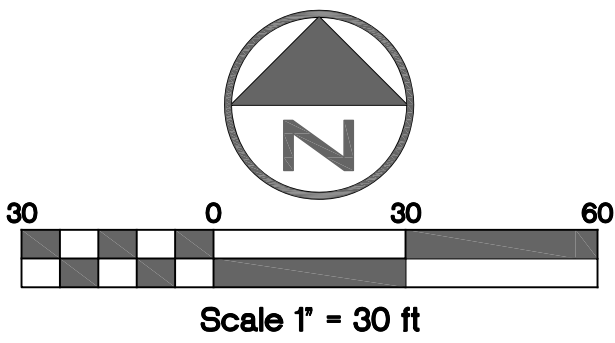
SNOW CREEK SHOPPING CENTER

PHASE 1 PARKING MODIFICATIONS

PARK CITY, UTAH

DRAWN	CHECKED	PROJECT #
MEC		23344
ENGINEER'S STAMP		DATE
		5/22/24
		SCALE
		1" = 30'
		SHEET
		C101

S:\DATA\23344 Snow Creek Park City\dwg\23344 Snow Creek Park City Site.dwg
PLOT DATE: May 22, 2024



WILDING

ENGINEERING

14721 SOUTH HERITAGE CREST WAY
BLUFFDALE, UTAH 84065
801.553.8112
WWW.WILDINGENGINEERING.COM

- DRAWING NOTES:
1. DATE OF FIELD SURVEY: DECEMBER 7, 2023.
 2. ALL NEW PARKING STALLS SHALL BE A MINIMUM OF 9 FEET WIDE AND 18 FEET LONG, WITH THE EXCEPTION OF THE NEW ADA VAN STALLS. THESE ARE TO BE 8' MIN WIDE BY 18 FEET LONG AND SHALL INCLUDE AN 8' WIDE STRIPED ISLAND BETWEEN THE 2 NEW ADA STALLS.

INFORMATION TABLE

INTERIOR LANDSCAPING	
PARKING AREA:	150,215 SF
20% OF PARKING AREA:	30,043 SF
PROVIDED LANDSCAPING:	43,790 SF
SNOW STORAGE	
PARKING AREA:	150,215 SF
15% OF PARKING AREA:	22,825 SF
PROVIDED SNOW STORAGE:	23,290 SF

Blue Stakes of UTAH811

Bluestakes.org

S:\DATA\23344 Snow Creek Park City\dwg\23344 Snow Creek Park City Site.dwg
PLOT DATE: May 22, 2024

NO.	REVISION	DATE

PROJECT INFORMATION

SNOW CREEK SHOPPING CENTER

LANDSCAPING AND SNOW STORAGE

PARK CITY, UTAH

DRAWN	CHECKED	PROJECT #
MEC		23344
ENGINEER'S STAMP		DATE
		5/22/24
		SCALE
		1" = 30'
		SHEET
		C102

Developments approved prior to adoption of the Sensitive Area Overlay Zone are vested in terms of density. Site planning standards can be applied only to the extent that they do not unequivocally reduce vested density. Limits of disturbance, vegetation protection, and building design standards do apply."

2. Snow Creek, Request for Approval of a Master Planned Development for a 90,500 Square Foot Commercial Shopping Center (Intersection of Highways 224 and 248) - Pyramid Construction

Chairman Bruce Erickson excused himself due to a conflict of interest, and Vice-Chair Alison Child assumed the role of Chair.

Senior Planner Suzanne McIntyre summarized the work session discussions. The applicant had requested 90,500 square feet of commercial development with 431 parking spaces and 72 units of 750 square feet totaling 36 unit equivalents. The Planning Staff had reviewed the application for the MPD and application of the RCO zone and recommended approval with the findings and conditions outlined in the Staff report with the addition of Condition 19 stating, "At the Conditional Use Permit stage, the uses shall be specifically approved, and any future revisions in use shall require Planning Commission approval."

Doug Rosecrans, representing the applicant, expressed his opinion that the revisions recommended by the Planning Commission had been made. No other concessions could be made, and he requested approval or denial without further delay. If the application was denied, he requested that the Planning Commission enumerate the reasons for denial.

Vice-Chair Alison Child asked for public input.

Senior Planner Suzanne McIntyre stated that public input had been received from Rob Morris who was concerned about residential development in the entry corridor and requested the Planning Commission consider allowing office uses in that area. Audrey Druen, Wind Drift Condos, called and was opposed to a shopping center on the Snow Creek site and favored keeping the development residential. Max Miller, 12 Thaynes Canyon Drive, sent a letter expressing opposition to the project based upon the high density and potential traffic conflicts and stated that the use would be better suited to the Kimball Junction area. The Park City Chamber Bureau submitted a letter expressing concerns about the project and suggesting possible mitigations. The letter noted divergent points of view from the Board members. Allan Alter was concerned that the parking and traffic impacts would be too great, especially at the

intersection of Highways 224 and 248. He felt the greatest amount of growth was taking place in the County, and a new grocery store should be located there as this site could better accommodate a low density housing development or a retail mall without a supermarket.

Mike Sloan, representing Prospector Square Homeowners Association, discussed the commercial space already available and expressed concern about the addition of another 90,000 square feet. He stated that there is currently 187,000 square feet of vacant ground in Prospector Square. There were some larger parcels surrounding Prospector Square, part of the original platting, which could also be developed. Adding 90,000 square feet of commercial development to an already heavily impacted area was not necessary.

Steve Miner, Director of Real Estate for Associated Food Stores, and representing the proposed tenant, Dan's Foods, commented that there was a definite need for another supermarket in the area since many people were going outside the community to shop. The applicant had tried to be flexible to meet the needs of the community. Some people suggested Kimball Junction as an alternative site, but he did not believe that would be convenient for the citizens of Park City. He was open to additional suggestions, but he felt at this point a definite decision was required.

Mike Ferrigno, Wind Drift Condominium resident, was concerned about the access road through the site and the potential for shortcuts through the residential areas to avoid the intersection of Highways 248 and 224. The building footprints for the 12-plexes were the same size as the 4-plexes in Wind Drift. He felt the proposed residences were too small since only 10% were designated as affordable housing. He was also concerned about traffic noise and requested that the Sensitive Lands Ordinance be applied to the wetlands.

Hearing no further public input, Vice-Chair Alison Child closed the public hearing and asked for comments from Commissioners.

Commissioner Joe Tesch stated that a new grocery store was needed, and it was necessary to place it on a viable site. He disagreed with the site initially, but as the project unfolded, he was more favorable toward it. He was comfortable with the location, the plan, and the parking. His main concern was with the residential area. He was unsure how well the commercial and residential uses would mix. He recommended the number of units be limited to 60 or less and be a breakeven situation for the developer.

Commissioner Chuck Klingenstein commented that he felt good about the site until he walked through it after the snow melted. He felt

there was too much parking and it could be cut to around 310 spaces. He was concerned about the area to the north, especially Building 1 and its related parking, and the bypass road running through a neighborhood. He felt there was too much crammed into a very sensitive site, and the project needed to be trimmed down.

Commissioner Fred Jones appreciated the developer's willingness to work with the Planning Commission to make this a workable project, but he felt he had not seen a plan that adequately addressed the constraints of the site and the needs of the community. He stated that he felt another supermarket was needed, but this project was much more than a supermarket with an additional 40,000 square feet of commercial development and 72 residential dwelling units. The Snow Creek Development did not foster the resort atmosphere which was the basis of the success of Park City and could potentially turn the City into "Any other place USA."

Commissioner Dean Berrett questioned whether the entire development was driven by a perceived or real need for a second grocery store. He had always looked at the base underlying zone as being Residential Development - Medium Density (RDM), as that zoning had been defined as the appropriate use for the corner. Sometime during the process it was decided that a Regional Commercial Overlay Zone was needed, and criteria were developed and applied to one portion of the site. Looking at the total parcel, there were about 8.84 acres of ROS which could not be built upon. There were 43 acres of residential medium density allowing 215 units at 5 units per acre, or 38.4 acres excluding wetlands, allowing 192 units with 384 associated parking spaces. The developers proposed 90,500 square feet of commercial use with 431 parking stalls and 72 residential units with 163 parking stalls, totaling 594 stalls and resulting in a sea of asphalt. There would be 30 acres of open space owned by Park City Municipal Corporation which could not be built upon and which would be taken off the tax rolls. The question was not whether the site was appropriate for commercial development, but how much commercial was appropriate. The Commission assumed that it was appropriate for 192 residential units because of the zoning. If it met certain criteria, a Regional Commercial Overlay Zone could be added. All this would lead to traffic beyond comprehension although everything possible was being done to mitigate the problem.

Commissioner Dean Berrett complimented the developer on providing more detail than was required during the application process. Being a long-time member of the Planning Commission, he had always tried to maintain harmony with Park City as a place to live and Park City as a place to visit, and tried to make decisions with both the resident and the visitor in mind. He realized the need for a grocery store for five months of the year, but not for 12

months. He was trying to keep in mind what the City would win, what they would give up, and what the trade-offs would be. In his opinion, the price of this development was too high, and the City was getting too little. He would vote not to approve this application.

Commissioner Ron Whaley stated that it was the duty of the applicant to supply the information necessary to convince the Commission of the appropriateness of a specific plan, and he had not been convinced of the suitability of this plan.

MOTION: Commissioner Ron Whaley moved to DENY the Snow Creek application based on the following Findings. Commissioner Fred Jones seconded the motion.

Commissioner Chris Erickson stated that he would vote against the motion. He believed the project was a reasonable solution to this type of commercial development. He felt there was too much parking, but he was especially happy with the affordable housing units.

Commissioner Joe Tesch stated he would also vote against the motion. It assumed a lot of community cohesiveness that he did not see, and it was important to have another grocery store to serve the area. He felt the price was too high not to approve it and have another grocery store convenient to the residents.

Commissioner Dean Berrett stated that, if his position voting in favor of the motion became a majority instead of a minority, he hoped the minutes reflected to the owners of the property, (i.e., Park City residents, Summit County residents, State of Utah residents, and all taxpayers), that the RTC represented them and he did not like the way he was being represented. He hoped that, if this motion were adopted, it would send a clear message that the expectations of value on this property were far more than the community would allow at this time. If another applicant came forward and was denied, it would be acceptable to him if the property sat vacant. He also expressed his intention to do something about the Regional Commercial Overlay Zone, which he felt was inappropriate in that area. He asked the Planning Commission and the Staff to work toward removing that zoning. If this was a Regional Commercial Overlay zone, then the property should have the base density of RDM, and any individual who felt that commercial use was appropriate would have to convince the Planning Commission through a re-zone process.

Commissioner Fred Jones clarified that, if the project was denied, he would welcome a modification of this application, because he believed that commercial use of the site could be appropriate if

sensitively done. Also, the price of the underlying ground could be driving the need for density, which he felt was too great for the site, and he did not understand why, since the parcel was owned by the RTC. The value of the ground was determined by what could be built on it. He did not agree that this much density was needed to afford the site; in fact, he felt it was the reverse.

VOTE: The motion passed 5-2, with Commissioners Dean Berrett, Alison Child, Fred Jones, Chuck Klingenstein, and Ron Whaley voting in favor of the motion, and Commissioners Chris Erickson and Joe Tesch voting against the motion.

Findings:

1. Appropriateness of use, particularly
 - a. Amount of commercial space
 - b. Configuration of stores
 - c. Parking amount and configuration
2. Interfacing with mixed use, specifically
 - a. The number of residential units and the siting of those units
 - b. The interface and balance of the residential use vs. commercial
 - c. The interface with the gas station, specifically siting and appropriateness
3. Moreover, all these issues in concert with the total community fabric of desirability, as shared by the people, is not of the tone for acceptability. This is a highly valued site in the eyes of the community. It is in the heart of the community and well couched in the entry corridor. Wholly and separately, the issues of the application do not warrant approval.

Chairman Bruce Erickson resumed the chair.

3. 707 Norfolk, Request for a Conditional Use Permit for a Single Family Residence on the Sheen Parcel (Sweeney Master Plan) Fred Moore

Planner Janice Lew reported that the site was in a very prominent location due to its proximity to the Hurley House and its high visibility from Town Lift. The Planning Staff recommended the Planning Commission deny the application based on the revised findings distributed during the Work Session.

Fred Moore, the applicant, presented a letter from David Belz, the project architect, refuting the reasons for denial. He felt the

J. D. Company	\$3,200/month
P.M.A. Inc.	2,875/month
Mike Ferrigno	2,680/month

Landscape maintenance services would begin the week of May 16 and run through until October 16. All bidders have met the minimum qualifications as stated in the RFP. Staff that the bid be awarded to Mike Ferrigno at a cost of \$2,680 per month.

4. Approval of the purchase of approximately 78 acre feet of water from Bank One in the amount of \$90,000 - City staff recommends authorization to purchase 37% of Weber River Decree 827 for \$90,000 from Bank One of Utah. The point of diversion is currently Dorrity Springs. Authorization is subject to confirmation of good title from seller.

5. Award of bid for summer street work to Staker Paving for overlays in the amount of \$242,867; Staker Paving for golf cart path repairs in the amount of \$18,417; G&R Construction for seal coats in the amount of \$64,094; and authorization for the Public Works Director to negotiate bids on sidewalk construction in an amount not to exceed \$45,000 - Staff recommends approval.

V NEW BUSINESS

1. Appeal of Planning Commission denial of a request for approval of a master planned development for a 90,500 square foot commercial shopping center at the Snowcreek site (intersection of SR224 and SR248) - Pyramid Construction - For the record, the staff report on this matter is as follows:

I. Background Information.

The staff has scheduled time during Work Session for the Council to discuss the Snow Creek site and the proposed shopping center/multi-family residential MPD. This is an opportunity to bring the Council up to date on the process which the staff has been participating in with Pyramid Construction since January.

The Planning Commission has actually been in the process of reviewing the site since Mariah Properties first approached the City in August 1991 with an interest in developing a commercial center. The Mariah proposal was withdrawn by the applicants when it became apparent that there was little community support or enthusiasm for a regional "superstore" shopping center of over 150,000 square feet.

The Planning Commission and staff have been studying the Pyramid proposal to determine whether the scale of development is

appropriate for the site and whether the impacts associated with a development of this size in this location can be adequately mitigated.

II. Most Recent Planning Commission Work Session.

On Wednesday, March 10th the Planning Commission held an informational Work Session with Pyramid's representative, Henry Sigg, John Goodell of Dan's Foods, Jack Thomas, AIA, and Doug Rosecrans of the Sear Brown Group. The Work Session was scheduled at the Planning Commission's request and the applicants were invited to provide an update on their progress.

The Work Session went well and the information exchange was constructive. At the outset of the review in January there were significant questions about the mass, size, and scale of the commercial development, traffic and circulation, wetlands disturbance, the housing component, and the impacts on the entry corridor. The Planning Commissioners are mixed in their responses to the proposal but it appears that the larger questions have been answered.

The most critical issues resulting from the Work Session were how the residential units will be priced, with a general consensus that some rent control or other provision for tying the residential to the commercial is appropriate. There is also still concern over the overall size of the commercial center, with some Commissioners saying that they still are not convinced that a center of this size is in the community's best interest.

III. Updated Project Description:

Commercial: The commercial portion of the site contains approximately 10 acres of land proposed to accommodate the following:

	<u>Original</u>	<u>Rev. 2/3</u>	<u>Rev. 3/10</u>
Anchor:	55,000 sf	55,000 sf	52,500
Contiguous Space:	27,000 sf	10,000 sf	10,000
Reconfigured Space:		15,000 sf	15,000
Satellite Pad:	4,000 sf	4,000 sf	eliminated
Restaurant Pad:	6,000 sf	6,000 sf	6,000
Bank Pad:	7,000 sf	7,000 sf	3000 ft prnt 7,000 total
Total Commercial SF:	99,000 sf	97,000 sf	90,500
Total Proposed Parking:	464 spaces	461 spaces	431 spaces

4.68/1000

4.75/1000

4.75/1000

Residential: The residential portion of the plan involves about 10 acres proposed to accommodate 72 residential units of 750 square feet each, reduced from the original number of 104 units. The units will be configured in six 12-plexes with 163 parking spaces provided at a rate of 2.2 spaces per unit.

Open Space: The total open space will be approximately 30 acres located on the hillside, and in undisturbed wetlands retained by the City.

The revisions as of 3/10 are highlighted in bold as follows:

Anchor - east wing has been broken off and is now freestanding. **Anchor reduced from 55,000 to 52,500**

Square footage - reduced by 2,000 square feet, reconfigured as freestanding space (broken-off wing). **Reduced an additional 6,500 square feet from 97,000 to 90,500**

Parking - reduced by three spaces. Reconfigured more specifically toward each building. **Reduced by additional 30 spaces, new total is 431.**

4,000 sf Satellite pad - reconfigured slightly. **Eliminated.**

Residential portion of plan - general site plan included for MPD review. Six 12-plexes totalling 72 units, reduced from 104 units originally discussed. Parking total: 163 spaces, 2.2 spaces per unit. **No change in density, slight reconfiguration of southern-most building.**

Road location. The road through the commercial center has been pushed back into the site up to 40 feet in some areas. This is to provide a greater buffer along Hwy. 248.

IV. ISSUES FOR DISCUSSION (excerpts from the February 10th Planning Commission Staff Report):

1. Explanation of philosophy behind the creation and application of RCO zoning to the Snow Creek site.

A. History of RCO zone.

The City Council adopted the RCO zoning and applied it to the Snow Creek site in February, 1989. This was after extensive staff discussion and public input regarding the costs and benefits of applying it to several different sites in Park City. Early in 1988, the staff was directed by the City Council to evaluate the General

Commercial zone and the potential for locating another grocery store in Park City. It was determined that the Snow Creek site, the Frandsen-Blonquist parcel on Hwy. 248 across from the high school, and the City shops/public works site were the only parcels large enough to accommodate a grocery store.

The City shops parcel was and is still is zoned GC, but is not located so as to be attractive to a major retail tenant such as a grocery store. It was determined that the GC zone was too broad to be applied to the other two parcels and that very specific site design criteria should be developed to shape future development. The intent was clearly to plan for the future commercial needs of Park City by providing a location within the city limits for a second grocery store. The residential and tourist populations were expanding and it was recognized that commercial services would have to be expanded to meet the future needs.

The City Council held public hearings and voted on applying the RCO zoning to the two other parcels. There was a great deal of neighborhood opposition to allowing the RCO zone on the Frandsen-Blonquist site and the Council voted against applying it there. That ruling was reinforced in 1991 when the Council voted against a rezone of the site to RCO to accommodate another proposal for a grocery store.

The Council voted in support of the application of the RCO zone to the Snow Creek site based upon the need for a possible location for a second grocery store in town and based upon a positive recommendation from both the staff and the Planning Commission. There was limited public opposition, and what input there was, was related to the cemetery being next door to a commercial center.

B. Benefit and Use of the Overlay zone.

The Council determined at that time that the benefit of having the new zone apply as an overlay was that its application would be discretionary, based upon the ability of the applicant to meet very specific criteria set forth in the ordinance. By adopting the ordinance creating the overlay and applying it to the Snow Creek site, the Council was determining that the commercial use of that parcel was appropriate.

The role of the Planning Commission in the RCO approval process is to review a project for compliance with the criteria in the RCO zone. It is not their role to determine whether the parcel is appropriate or not for commercial use. The Council has already established that position through the adoption of the ordinance creating the zone and its application to the Snow Creek site.

The Council and Planning Commission were being proactive in 1989

by looking ahead and determining that a second grocery store was definitely going to be needed, and by determining the most appropriate location for it within the city limits. The philosophy behind the selection of a location was that the City should prepare to meet the eventual demand which was certain to arise, in a location where the demand was most likely to be centered. This location serves both the local resident population and the tourist population.

C. Benefits to the City.

The benefits of locating within the City limits are not only perceived from a user standpoint of access and convenience, but from the resident and tourist perspectives of increased city services and heightened quality of life afforded by the additional tax revenue generated from the second store. It has not been determined whether the market share will actually increase with the addition of a second store or whether the second store will share the current market with the existing store, but it is certain that the location of the store within the City limits will mean that the additional tax revenue stays within the city and not bleed out as it would if a second grocery were to locate outside the City limits. An analysis of the comparative tax benefits to the City has been prepared and is attached.

D. Snow Creek's value as open space.

One additional question which was raised with regard to the Snow Creek parcel is why the City is anxious to have this parcel developed rather than purchasing it and keeping it as entry corridor open space. The reason is that while the parcel certainly is in Park City's entry corridor, it is well beyond the point of "entry corridor open space". The entry corridor open space effectively ends at the Radisson Hotel and the land beyond that point is consistently zoned for development. This site and the other vacant parcels will all be developed at some point, unless they have specifically been set aside for open space as was Lot 1 of the Thaynes Creek Ranch Phase 1 development.

In addition, the Comprehensive Plan contemplates development on this parcel. Its value as open space is certainly high because of the wetlands and the hillside, but probably not as high as some of the other parcels which make up the contiguous open space corridor coming into town. The wetlands and hillside will be preserved with this plan while the developable portions of the site will be allowed to be developed.

2. Other Issues for Discussion - Site plan and design details.

In general, the staff is comfortable with the overall proposal, including the circulation, parking, and building locations. The preliminary life/safety and utility issues have been addressed to the satisfaction of Chief Building Official Ron Ivie and City Engineer Eric DeHaan. A memorandum from UDOT was received which states that the two access points (off 224 and 248) are located appropriately.

In analyzing individual aspects of the plan, the staff is generally comfortable with most of the criteria set forth for review in Chapter 10.9 of the Land Management Code. Aspects of the proposal such as its density, parking, open space, drainage, circulation, and utilities are all adequate. Like the Planning Commission, the staff is concerned about crossing the wetlands and would prefer not to. However, the traffic consequences of not crossing are so severe that we do not see how it can be avoided. It appears that the crossing will actually help alleviate some of the potential congestion at the intersection of 224 & 248.

3. Sensitive Lands Ordinance.

The Sensitive Lands Ordinance only applies to the residential portion of the site along Hwy. 224. Within that area, the sensitive lands area would be the wetlands. The City will retain this area and a 50-foot buffer is being provided as required by the Ordinance. Based upon the criteria in the Ordinance, there will be no further restrictions on the residential or commercial portions of the site.

The Frontage Protection Zone (FPZ) applies to the site wherever it is contiguous to the two highways and the required 30-foot setback will be respected.

4. Comprehensive Plan.

The plan is not in strict accordance with the Comprehensive Plan which shows this area to be appropriate for "Medium Density Residential/Mixed Use" defined as follows:

Areas on major roads where a mix of uses could complement the entry experience to Park City. Base zoning should encourage clustering of residential units with limits on scale and density. Ordinance flexibility should allow the consideration, as a discretionary review, of commercial master planned developments including such uses as office and research parks and hotels with convention facilities. Retail uses should be limited to "in lobby" facilities for hotel guests.

However, the City Council, in adopting the Regional Commercial Overlay zone in 1989, did determine that some other uses might be

appropriate if the citizens mandated the need for a commercial center with an anchor in the 30,000 - 65,000 square foot range and if the project's design was exceptional.

* * * * *

See discussion in the work session notes. Sally Elliott stated that this location is appropriate for commercial as is the amount of square footage. Ruth Gezelius concurred and recognized that the site is difficult. She stated that she could support a resolution of intent to reverse the Planning Commission action, that the conditions of approval for the commercial are acceptable and that the conditions applied to the residential section be subject to a particular use and density allocation but not given conceptual approval. Toby Ross suggested that if the Council approves the commercial MPD portion of the project that this will not take force until the property is acquired or the offer submitted by Pyramid is accepted by the RTC. Ruth Gezelius, "I move MPD approval on the commercial portion subject to RTC's acceptance of Pyramid's proposal and on the residential portion that we not grant MPD approval and that any subsequent application would be subject to review on the part of the Planning Commission and City Council". For the benefit of Mr. Sigg, it was explained that this is an approval of part of the MPD and there will not be two separate MPDs.

Leslie Miller stated that the design is good and she is satisfied with the presentation. She would prefer less parking and is not totally convinced that the community needs this amount of commercial, however, she feels that Park City will grow and that the Council has to plan and accommodate the needs of the future. Ms. Miller continued that a grocery store centralizes a community and she would rather keep people in Park City. She stated that she was not comfortable with the residential aspect of the project and urged the applicants to be sensitive on the environmental issues affecting the project. Roger Harlan hoped that there was a way to phase the projected parking and felt that the residential portion could be improved to include purchase by Park City residents. He liked the addition of a grocery store and felt that the plan improves the entry corridor and the traffic circulation in the area. Mr. Harlan added that commercial activity will enhance tax revenues and he supported the project. Bob Richer agreed with the statements made. He noted that there has not been public outcry against this project which occurred with the Smith's proposal. The Prospector Square Association complained about dilution of the commercial base, but Mr. Richer countered that the Prospector area is not suitable for commercial retail, like a grocery store or bank. He stated that affordable housing is an issue for him and should be tied one way or another with the project. Retail grocery use is the absolute best use from a revenue standpoint because it

generates both retail, resort cities sales tax, and property tax. Mr. Richer felt that the details of the plan can be worked out. He pointed out that the City Council may be perceived as facilitating growth but the growth was really set in place 15 years ago. It is the fiscal responsibility of the Council to respond to growth with a long term economic plan.

Suzanne McIntyre reported that Frank and Marcia Liberty from Saddlevue Drive called, requesting that Council uphold the Planning Commission's denial. Ruth Anderson called and stated that she didn't feel a grocery store should be located across the street from Albertson's and is opposed to an affordable housing project. Ms. McIntyre discussed an additional condition relating to review of parking if a commercial use changes. Ruth Gezelius pointed out that this is already covered in the LMC under the conditional use process. Toby Ross recommended that this be a separate condition so that all uses work well with the center. Ruth Gezelius, "I amend my motion to include a condition that any adaptive reuse change be subject to the conditional use process for satellite pad locations". Sally Elliott seconded. Motion unanimously carried.

2. Appeal of Planning Commission denial of a request for a conditional use permit for a single family residence on the Sheen Parcel (Sweeney Master Plan) 707 Norfolk - Fred Moore - See work session notes. Jack Thomas, architect, stated that the massing is attractive and works well on the site. Chris Erickson, Old Town resident and Planning Commissioner, stated that when he is determining compatibility, he asks himself if something is typical or atypical to its surroundings. In that context, he considers two houses on one lot, a triangular floor plan, and a lot of this size to be atypical features in the Historic District. Mr. Erickson continued that over the years, there has been an incremental widening of what can be justified as compatible. The Mayor pointed out that there is a larger house adjacent to this home. Chris Erickson countered that the square footage may be similar but a triangular shaped house is atypical. Ruth Gezelius added that irregular lots in Old Town are the norm.

Councilmember Gezelius stated that she has attended both Historic District Commission and Planning Commission meetings and felt that the compatibility issue was overstated. She continued that the application meets the guidelines and goals set forth for Historic District compatibility and meets the floor area ratio criteria. This is a larger than normal lot with a proposed home that is smaller than could have been allowed just a few years ago and that it fits the scale of the neighborhood. It meets the goal of having single family homes rather than multiple units and Ms. Gezelius added that she felt that the applicant has exceeded some of the Historic District guidelines in relation to the application. Ruth Gezelius, "I move that we overturn the Planning Commission

denial and approve the permit for a single family residence at 707 Norfolk". Bob Richer seconded and commented that he liked the design. He felt that the application complied with the guidelines and the compatibility issue is too vague. Mr. Richer noted that he is struggling to find incompatible features. Sally Elliott added that aesthetics can be very subjective. Roger Harlan toured the site and felt that the project is compatible. Leslie Miller stated that she cannot support the project and that she is relying on the Planning Commission's and planning staff's expertise and recommendation. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Nay
Bob Richer	Aye

VI REPORTS FROM COMMISSIONS AND BOARDS

Nora Seltenrich reported on the Planning Commission meeting held on May 12, 1993; minutes of which are available in the Planning Department.

VII COMMUNICATIONS FROM COUNCIL AND STAFF

1. Recycling Center - Roger Harlan reported that with the resignation of Chris Bender, Shelley Weiss has volunteered as interim director.

2. Library move - Bob Richer urged the public to help pack and unpack books on May 31 and June 1, 2, 5 and 6.

3. Ski Team Plaza issues - Leslie Miller expressed her disappointment with the actions taken and the destruction of a structure that to many had some merit as an historical reference. She stated her desire to make a commitment to the public that this would never happen again and to reestablish trust in government and asked for the Mayor's assistance in this effort.

4. Historic District issues and 707 Norfolk - Suzanne McIntyre, resident of Woodside, noted that it is unfortunate that the Planning Commission, Historic District Commission and City Council do not "speak the same language". She felt that everyone should get involved in the rewrite of the Historic District guidelines. Leslie Miller agreed and stated that conditions and restrictions above and beyond the ordinary must be enforced to maintain the ethic of the Historic District and there is a need to be more demanding of applications in this area.

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June 24, 2024

Park City Hotel Associates, LLC
Attn: Glen A. Overton, Manager
P.O. Box 683120
2001 Park Avenue
Park City, Utah 84068

Re: No Parking Allowed in Snow Creek Shopping Center

Dear Mr. Overton,

I represent the owner of the Snow Creek Shopping Center, which is across Park Avenue (Highway 224) from the Hotel Park City.

I am informed that employees of the Hotel Park City regularly park in the Snow Creek Shopping Center parking lot and either walk across Park Avenue to the Hotel Park City or the Hotel Park City actually operates a shuttle to transport its employees back and forth between the Snow Creek Shopping Center parking lot and the Hotel Park City. In particular, it is my understanding that members of the Park City planning department and/or planning commission have witnessed employees of the Hotel Park City parking in the Snow Creek Shopping Center parking lot and have questioned whether a mutual agreement exists between the Hotel Park City and the Snow Creek Shopping Center to allow such parking arrangements.

I believe letters have previously been sent to the Hotel Park City on behalf of the Snow Creek Shopping Center addressing this issue and demanding that employees of the Hotel Park City stop parking in the Snow Creek Shopping Center parking lot.

I would like to clarify and confirm that employees of (and guests and anyone else associated with) the Hotel Park City have no right whatsoever to park in the Snow Creek Shopping Center parking lot, and demand is hereby made that any such parking practices immediately cease. Any further attempts by employees of (or guests or anyone else associated with) the Hotel Park City to park in the Snow Creek Shopping Center parking lot, including the operation of any shuttle by the Hotel Park City in conjunction therewith, shall be treated as a trespass, vehicles may be towed without any further advance notice, formal trespass charges may be pursued, and any delay in taking such action shall not constitute a waiver of any rights of the Snow Creek Shopping Center, which expressly reserves the right to take any such action at any time hereafter as it deems appropriate.

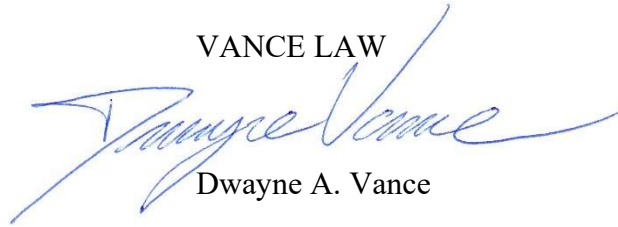
VANCE
—LAW—

Park City Hotel Associates, LLC
June 24, 2024
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Please let me know if you have any questions or if you truly believe that employees of (or guests or anyone else associated with) the Hotel Park City have any right whatsoever to park in the Snow Creek Shopping Center parking lot (excepting only in instances in which they are currently patronizing a business within the Snow Creek Shopping Center).

Sincerely,

VANCE LAW

A handwritten signature in blue ink, appearing to read "Dwayne Vance", is written over the printed name.

Dwayne A. Vance

c. Kent Gibson, Capstone Property Management