



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 28, 2024**

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Laura Suesser, Bill Johnson, John Frontero, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Planning Director; Elissa Martin, Assistant Planning Director; Lillian Zollinger, City Planner; Jaron Ehlers, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

Chair Hall called the meeting to order at 5:33 p.m. She reported that all Commissioners were present in chambers, with the exception of Commissioner Christin Van Dine who was absent.

2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Chair Hall announced that just prior to this meeting, and in preparation for Agenda Item 6.C., the Commission participated in a site visit at the 1800 Park Avenue site. All Commissioners in chambers were present for the entirety of that site visit.

Planning Director, Rebecca Ward referenced the Dark Sky Code adopted by the City Council in January 2021. Since that date, all new construction has been required to have exterior lighting that is Dark Sky compliant, meaning fully shielded, down-directed with a warmer bulb at 3,000 Kelvin or less. When the Code was adopted, there was a deadline set for the end of 2024 for all outdoor light bulbs to be replaced by those that are Dark Sky compliant. The City had been conducting some community outreach and work to help with community education regarding the purposes of the Dark Sky Code. She reported that the City Council adopted a Resolution in April to bring awareness to Dark Sky Week and things that people could do during the migratory season. Additionally, postcard notices were recently sent out to all property owners with information on the requirements, as well as the Engage Park City Dark Sky website.

Director Ward stated there would be an event in partnership with the Park City Library on September 4, 2024, at 7:00 p.m. Author Paul Bogard would present his book, *The End of Night* for a community discussion on dark skies. She reminded those wishing to provide public comment during tonight's meeting to state their full name and sign in. Additionally,

comments should be limited to three minutes or less and be directed to the Commission. She also reminded speakers to be civil and address those matters before the Commission for review.

Commissioner Sigg disclosed that he had an informal meeting with a representative of the 1800 Park Avenue application, and their discussions related to Summit County. This meeting was prefaced so that there would not be any discussion on anything to do with Park City or the application before the Commission.

With respect to Agenda Item 6.C., Chair Hall also disclosed that she uses HLH as a law firm, but she does not work with Justin Keyes who is working with the applicant. She reported it would not bias her on the application.

A. Child Care Land Management Code Status Update.

Director Ward reported that there was a Staff Communication on Child Care Land Management Code Amendments in the Packet that was for information only.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. CONTINUATIONS

- A. 209 Norfolk Avenue – Plat Amendment** – The Applicant Proposes to Create a Two-Lot Subdivision with Two Lots at 3,750 Square Feet each from Four Existing Lots in the Historic Residential - 1 Zoning District. PL-24-06189 (A) Public Hearing; (B) Continuation to a Date Uncertain.

Chair Hall opened the public hearing. There were no public comments. The public hearing was closed.

MOTION: Commissioner Frontero moved to CONTINUE 209 Norfolk Avenue – Plat Amendment and the public hearing thereon, to a date uncertain. Commissioner Sigg seconded the motion.

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

- B. Land Management Code Amendments** – The Planning Commission will Review Amendments Regarding Land Management Code Section 15-1-10 Conditional Use Review Process Subsection E, Chapter 15-6-5 Master Planned Development Requirements, Chapter 15-6.1-11 Affordable Master Planned Development Site Planning, and Chapter 15-13 Regulations for Historic Districts and Historic Sites to Require Radon Mitigation for New Residential Construction, Chapter 15-2.1 Historic Residential-Low Density (HRL) District, Chapter 15-2.2 Historic Residential-1 (HR-1) District, and Chapter 15-2.3 Historic Residential-2 (HR-2) District to update Steep Slope Conditional Use Permit Regulations and Clarify Internal Height Regulations, Sections 15-2.5-2 Uses, 15-2.6-2 Uses, 15-2.13-2 Uses, 15-2.14-2 Uses, 15-2.16-2 Uses, 15-2.17-2 Uses, 15-2.18-2 Uses, 15-2.19-2 Uses, 15-2.22-2 Uses, 15-4-21 Goods And Uses to Be Within Enclosed Building, Adding Section 15-4-24 Mobile Businesses, and Removing Park City Municipal Code Section 4-5-6 to Implement Regulations for Mobile Businesses Required by Changes to State Code, Amendments to Chapter 15-7.5 Administrative Subdivision Procedure to comply with updates to state code, and Chapter 15-15 Defined Terms to Add or Update Definitions. Radon Mitigation PL-24-06011; SSCUP PL-24-05673; Mobile Business PL-24-06005; Subdivisions PL-24-06234 (A) Public Hearing; (B) Continuation to a Date Uncertain.

Chair Hall opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Suesser recalled that there was a date certain for Land Management Code (“LMC”) Amendments. Director Ward explained that the LMC Amendments scheduled for September 11, 2024, would address Accessory Uses.

MOTION: Commissioner Frontero moved to CONTINUE Land Management Code Amendments and the public hearing thereon to a date uncertain. Commissioner Johnson seconded the motion.

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

5. WORK SESSION

- A. 1251 and 1351 Kearns Boulevard- Conditional Use Permits** – The Applicant Proposes to Expand Parking at 151251 Kearns Boulevard and to Enclose and Outdoor Dining Area at 1351 Kearns Boulevard; both located within the Frontage Protection Zone and General Commercial Zoning District. PL-22-05296; PL-22-05240.

Assistant Planning Director, Elissa Martin explained that the applicant submitted a Conditional Use Permit (“CUP”) application for an addition to the Blind Dog Restaurant,

located within The Yard commercial complex, as well as for a CUP to reduce the landscaped buffer at The Emporium commercial complex in order to increase parking by 11 parking spaces. The zoning in the area is General Commercial ("GC"), and both properties are partially within the Frontage Protection Zone ("FPZ"). She presented an image showing the 100-foot Setback boundary.

Assistant Director Martin stated that any proposed structure or use within the FPZ's 30 – 100-foot Setback from the Right-of-Way required a CUP reviewed by the Planning Commission. She stated that Blind Dog Restaurant was one of three commercial uses at The Yard, the other two being the Boneyard Saloon and the Kimball Arts Center. These uses share one parking lot, which, according to a site visit this month, provides approximately 100 marked parking spaces within the property boundary. While the proposed addition of approximately 3,200 square feet of net leasable area would be outside of the 30-foot FPZ, it would be located within the 100-foot FPZ Setback.

Assistant Director Martin noted that the additional square footage was listed as 3,600 square feet in the Staff Report; however, Staff just confirmed that the enclosed area would actually be 3,248 square feet. The plans also showed approximately 1,200 square feet of patio space that would remain for seasonal outdoor dining.

The neighboring property is The Emporium, which was constructed in 1981. She reported that The Emporium contained eight commercial units, six of which were active businesses. One unit was vacant, and the property owner used one unit for storage. The parking lot at The Emporium currently provides 19 spaces for the eight commercial units. She stated that as illustrated on the proposed plans, the applicant proposed to remove some landscaped areas and reconfigure the parking to accommodate up to 11 additional parking spaces, which would bring the total to 30 parking spaces.

Assistant Director Martin noted that the proposed parking expansion was within the 30-foot no-build setback of the FPZ. In considering the expansion of a use such as that proposed with the Blind Dog addition, there must be an evaluation of whether there is sufficient parking. Historically, The Yard had ample parking for a long time, and the businesses used the vacant area to the south of the property. She presented an image that illustrated the foregoing.

Assistant Director Martin stated that up until a Subdivision Plat Amendment divided a large 4.6-acre Lot into two Lots, there were roughly 339 parking spaces for the Boneyard Saloon, the Blind Dog Restaurant, and what was previously referred to as the Event Center, which is today occupied by the Kimball Arts Center. She noted that the Plat Amendment donated portions of the land to the City for Right-of-Way to expand Homestake Road and for the future connection of Munchkin Road.

Assistant Director Martin commented that as a result of the Subdivision, parking at The Yard was reduced by approximately 235 parking spaces. The Findings of Fact in the approving Ordinance stated that there was a combined net leasable floor area of 10,338

square feet for the Boneyard and Blind Dog Restaurant, which required 104 parking spaces pursuant to the LMC. The remaining parking on Lot A (The Yard) had exactly 104 parking spaces according to the Finding of Facts for the 2017 Ordinance. Therefore, no mitigation was required to find additional parking for the restaurant spaces. At the time, Staff and the Planning Commission acknowledged in the Findings of Fact that the Subdivision created a non-compliance of required off-street parking for the Event Center, and therefore provided a Condition of Approval that allowed off-site parking via a temporary lease agreement on the soon-to-be City-owned lot.

Assistant Director Martin explained that the Condition of Approval stated specifically “should the applicant fail to obtain a lease of the required parking for the Event Center, the applicant shall cease to operate the Event Center.” This City-owned property was now under construction for the Engine House Affordable Housing Master Planned Development, and the Kimball Arts Center currently had a different temporary off-site parking arrangement on a different City lot nearby. She mentioned that the site was also slated for future development. She stressed that in terms of long-range planning, it was important to include the parking demand of the Event Center if that space were to remain operational in the future.

With respect to the 2022 Parking Study submitted by the applicant, Assistant Director Martin referenced the conclusion that 114 parking spaces would be required pursuant to the LMC; however, this calculation did not include the Kimball Arts Center parking spaces in the total number of required spaces. The Parking Study explained that the Kimball Arts Center parking was left out due to the off-site parking agreement in place at the time.

Assistant Director Martin reiterated that it would be unwise to leave out the parking demand of the Event Center in the parking analysis because as the area develops and changes over time, off-site parking may be less and less viable. She noted that if they included the eight spaces required for the Kimball Arts Center, there would be at least 122 parking spaces required for the existing uses at The Yard. The addition of the enclosed patio space at Blind Dog would require an additional 33 parking spaces which would bring the total estimated parking to 155 parking spaces. She cautioned that this calculation did not take into account the expanded patio areas of both restaurants, so this number was likely higher.

In terms of the existing conditions at The Yard, Assistant Director Martin explained that the 2022 Parking Study also did not include the square footage of expanded outdoor dining areas, and Staff had not been able to confirm up-to-date existing Floor Area for each space within The Yard. Staff was able to confirm that the existing parking lot provides approximately 100 marked parking spaces. The parking along Woodbine Way was not counted toward this total. She noted that the parking along Woodbine Way was actually within a City Right-of-Way, so they did not count that toward the on-site parking.

Assistant Director Martin maintained that given potential changes to Floor Area over time, along with temporary off-site parking arrangements that have either expired or are in flux, further evaluation of parking demand and existing conditions was needed.

She next addressed The Emporium and reported that in November 2000, the Planning Commission approved a CUP to construct a driveway that connected The Emporium with the adjacent eastern parcel that would accommodate the shared parking arrangement with Mountain Vineyard Church. The CUP Staff Report at the time indicated that The Emporium was below the LMC parking requirements, and thus the shared parking arrangement would be a temporary solution to provide an additional 15 parking spaces to The Emporium. In 2018, the City purchased the neighboring property to the east, and that site was now being proposed for future mixed-use development. The shared parking agreement with 1401 Kearns Boulevard was no longer in effect for The Emporium.

Commissioner Johnson asked when the Shared Parking Agreement was terminated. Assistant Director Martin was unsure of the exact date but acknowledged that would be useful to know, stating that she would look into it. She added that the required parking for The Emporium, as calculated based on the minor retail and service commercial use category, was estimated to be 61 parking spaces; currently, there were 19 on-site parking spaces. She also noted that The Yard currently provided overflow parking for The Emporium during the daytime hours.

With respect to the FPZ, Assistant Director Martin explained that it was originally codified in 1976, and amended in 1980. The Code requires the Planning Commission to review all proposed development within 100 feet of the FPZ Right-of-Way boundary. The current FPZ Code requires that no structure be allowed within 30 feet of the Right-of-Way. She reported that for this site, no structure would be allowed within 30 feet of Kearns Boulevard.

Assistant Director Martin explained that the LMC defined Structure as anything constructed, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground, and which imposes an impervious material on or above the ground. She stated that this definition of Structure would include parking areas. The purpose of the FPZ explicitly included providing a significant landscape buffer between development and the highway. The proposed expansion of parking and reduced landscape buffer in The Emporium parking lot would increase its non-compliance with the requirements of the FPZ. While the Planning Commission may not grant an exception to the FPZ requirement that no Structure shall be allowed within 30 feet of the nearest highway Right-of-Way, the applicant may request the Commission consider reduced parking as well as other strategies such as off-site parking or shared parking arrangements.

Assistant Director Martin mentioned that aside from housing several longstanding and fine establishments cherished by Park City locals and visitors, The Yard and The Emporium have another good thing going. Their operating hours are offset, meaning that

a shared parking arrangement between the two properties would be a viable solution to the parking shortages of each property. The Emporium businesses that operate during daytime hours could share The Yard parking lot with the Kimball Arts Center, which also operates during daytime hours. The Blind Dog and Boneyard Saloon would then be able to utilize 19 additional spaces at The Emporium during evening hours.

Assistant Director Martin concluded by stating that when reviewing a CUP, the Planning Commission has discretionary authority to approve reduced parking requirements to prevent excessive parking and paving. The burden of proof is on the applicant by way of a Parking Study that shows that the proposed reduced parking would be adequate. The LMC also allowed for an exception to on-site parking with Planning Commission approval of parking on adjacent or nearby deed-restricted lots. She presented a list of some issues for the Planning Commission's consideration in relation to this proposal:

- Does the Commission need additional information to evaluate the proposal?
- Would the Commission consider a reduction of required parking with the proposed expansion of the Blind Dog?
- Would the proposed shared parking agreement sufficiently mitigate the lack of parking at each site?

Assistant Director Martin reported that the applicant, Mark Fisher, was present online. Also in attendance in chambers were the applicant's representative Michael Fisher and the applicant's architect, Jonathan DeGray. It was also noted that Gary Horton was present and assisted the applicant with the Parking Study.

Commissioner Sigg asked if the Commission was to review the expansion of the Blind Dog footprint onto the patio area, or whether the discussion was focused solely on parking for the potential expansion of the Blind Dog. Assistant Director Martin responded that the two issues went hand-in-hand. Staff was looking at the expansion in relation to the increased parking where there was already potentially inadequate parking. The applicant's proposal includes a shared parking potential at The Emporium, which is why that piece was included.

Commissioner Sigg understood that the Commission would be reviewing two components of the single application. Assistant Director Martin clarified that the applicant submitted two separate CUP applications, but they were related. They combined the applications for purposes of the Work Session to allow the Commission to evaluate them comprehensively, however, they would be processed separately.

Commissioner Johnson noted that for The Emporium, the existing parking spaces were within the 30-foot buffer, and they were legally non-compliant as constructed. Assistant Director Martin clarified that the existing parking spaces were constructed prior to the 30-foot no-build Setback established by Code.

Commissioner Johnson understood that the proposed expansion of The Emporium parking spaces would not be allowed under LMC Section 15-2.20-4(A), therefore the shared parking analysis was the only option under that application. Assistant Director Martin confirmed. Commissioner Johnson observed that this explained why the two applications were tied together and why the shared parking analysis did not include those spaces. He noted that the expansion of those spaces at The Emporium was really not on the table. He stressed the importance of this because even if the Commission were allowed to grant that exception, it would go against the City's connectivity effort along Kearns Boulevard; the existing buffer was 20 feet, and the plan was for a 12-foot wide path with a 3-foot buffer. He observed that they would need the 20 feet provided along Kearns Boulevard, which they would also need along the frontage of The Yard.

Commissioner Johnson sought clarification on whether the Event Center tenant was in compliance since they secured a lease for temporary off-site parking. He also asked about the number of dedicated spaces available to that tenant and the location of those spaces. Assistant Director Martin confirmed the tenant was in compliance, and reported that the Kimball Arts Center had a temporary agreement in place on a lot within the Five-Acre site.

Commissioner Johnson emphasized that if they were in compliance now because of the tenant's separate lease, he struggled with adding an additional use to the Blind Dog that would trigger 33 additional parking spaces. He felt they should focus on fixing the existing non-conformity for both properties before they add an additional use that would create a further deficit. Assistant Director Martin explained that when they looked at this parking lot and the three uses at The Yard in the long term, the Kimball Arts Center might not continue to occupy that space; therefore, it would be wise to consider the potential future use and the parking demand for that third space. Otherwise, it would become an obsolete and unusable space due to the lack of parking. Commissioner Johnson mentioned the Finding of Fact from the 2017 approval which stated that the Event Center must cease operations if no parking could be arranged either on- or off-site.

The Commission next addressed Staff's questions. With regard to whether additional information would be needed, Commissioner Johnson requested that the City Engineer review the proposal for The Yard, specifically the proposed spaces along Kearns Boulevard, and confirm the plan that would allow for the expansion of the sidewalk. With regard to the proposed Woodbine Way configuration, Commissioner Johnson liked what he saw on the shared parking plan, and would like to see an enlarged Site Plan and more details. He understood that the Engineering Department supported this plan, but only with the Munchkin extension being completed as an integral part of making that plan work as a one-way street. He requested a Condition of Approval or some other method to address that so that it would be captured in this proposal. He asked if the development east of The Yard and south of The Emporium was compliant. He relayed that he noticed a lot of users of those facilities parking on the Woodbine dirt path that is proposed to be diagonal parking.

Assistant Director Martin understood that parking in the Right-of-Way was not allowed, so there was no formal agreement or easement approved by the City. She felt it was an enforcement issue. Commissioner Johnson requested the addition of bike parking to this proposal, especially as they discuss shared parking agreements. He mentioned a note for electrical charging, which Assistant Director Martin observed was now a requirement.

Commissioner Suesser echoed Commissioner Johnson's request for information on whether the expansion of the sidewalk would be possible in that location. She commented that just expanding the sidewalk would not be enough because of what they were trying to create within the area with green space on both sides of the sidewalk. She asked whether there was room for improvement of that sidewalk all along that corridor. She also requested information related to the Small Area Plan and what would be consistent with that Plan and what might conflict with it. She understood that there would be a road or additional sidewalks cut through along the road from Woodbine out to Bonanza. She felt it would be helpful to have a fuller picture of that site.

Commissioner Sigg requested a more definitive response from the City Engineer regarding parking in the Right-of-Way, especially along Woodbine Way and Munchkin Road. He felt a lot of that area was within close striking distance of access to these facilities. He observed that diagonal parking along Woodbine Way and any parking along Munchkin Road and Homestake Road could be an alternative to help accommodate some of the green belt concerns about the bike path along Kearns Boulevard. He felt that a reduced parking option might be more compliant with the transportation initiatives of reducing traffic and driving people toward mass transit.

Commissioner Sigg asked if the parking coming off of Homestake Road to the area of the patio was considered in the Parking Study. He clarified that this would involve the parking to the west of the structure. On behalf of the applicant, Gary Horton, Project Manager for WCG, explained that the parking counts did not include the public street along the west side. In response to Commissioner Sigg's further question regarding the area near the front of the entrance to the Kimball Arts Center, Project Manager Horton reported that was not considered in the Parking Study. That area was designated as an outdoor patio during COVID-19.

Commissioner Sigg noted the potential for stacked or concierge parking for circulation that could account for some count of vehicles. Project Manager Horton stated that at the time of their count, there was not anything there. Chair Hall stated that Commissioner Van Dine had submitted a comment for this application. Director Ward stated that the comment went to the second question. She read Commissioner Van Dine's comment as follows:

"I support parking reduction and a shared parking agreement for the properties. The bike parking needs to be in compliance with updated requirements. I would encourage the applicant to go beyond that as connectivity and the use of alternative modes of transportation is a major goal for the area. There should be

no increase in the current non-compliance of the site, including more parking in the Frontage Protection Zone, or adding the enclosed building to the Frontage Protection Zone.”

Chair Hall echoed the comments of Commissioners Johnson and Van Dine that the parking analysis should include the bicycle requirements.

With regard to Staff’s second question, Commissioner Frontero was generally supportive of a reduction of the parking requirement in most of the new projects coming before the Commission, and this was no exception. He favored seeing a proposal with a reduction in required parking for this project. He assumed that the applicant would present more details of the proposal with regards to adding the outdoor space, enclosed or otherwise. Applicant Michael Fisher responded that those details would be provided, as they wanted to hear from the Commission on the parking strategy before they dove into those details. He stated they would present modeling and a presentation for the Commission when they returned.

Commissioner Frontero asked the applicant to consider providing the Commission with some renderings from different angles so they could see how it would look from the road. It was noted that it would be important to see what it would look like from Kearns Boulevard.

Commissioner Shand was generally in agreement with the comments about limiting the expansion of parking. He also liked the concept of shared parking. Commissioner Suesser agreed would consider a reduction of required parking in this location. Commissioner Johnson noted that both properties were currently out of compliance, so he was in favor of a parking reduction; however, he wanted to fix the existing problem for the existing uses prior to adding an additional deficit of 33 parking spaces for the additional uses to Blind Dog. Chair Hall was generally supportive of parking reductions as long as they meet the criteria per the Code. She felt this application could meet those criteria.

With respect to the third question, Commissioner Frontero commented that one area of potential concern was that the Event Center currently had a tenant that used daytime parking. However, that tenant might be leaving soon, and there was concern that the new tenant would need to be a daytime-use tenant. If they added a tenant that used nighttime parking, then it would throw off the balance of the shared parking currently in place.

The Applicant, Michael Fisher, understood the concern and was not entirely sure what that impact would be until they know what type of use would move into that space and how much of that space would be used.

Commissioner Frontero asked if there was a scenario where either the Blind Dog or the Boneyard Saloon would move into that space. Applicant Michael Fisher responded that

potentially the Boneyard could move into that space down the road, but did not believe they would occupy the entire space. As they addressed shared parking, Commissioner Frontero suggested that potential be considered because it seemed the balance would become more towards nighttime parking.

Applicant Fisher thanked the Commission for its input. He reported that he worked with Philip Adams in the Engineering Department and already agreed to the 12-foot easement from Homestake Road to the entrance of Boneyard Saloon. The previous week the Board of Adjustment unanimously agreed to move the 19-foot sign at the City's expense to the east grass area so that the sidewalk could go through in that location. They were way down the road with all of the easements he was granting to the City and there would be a 12-foot sidewalk from Homestake Road across all of The Yard and The Emporium regardless of what happens with this application. He was not tying them together because he believed in the importance of that sidewalk.

As it related to the question regarding the area behind the Boneyard, which was now the Kimball Arts Center, Applicant Fisher reported that at the request of Mayor Beerman years ago, he granted the City a three-year lease with an 18-month extension. The City was now quite a ways into the extension and the lease would expire in April 2025, at which time it would become month-to-month. He would like to see Kimball Arts Center in that space until their new building is completed on the Five-Acre site if possible; however, he made it clear that there could be no negative implications on the parking on the property if they remain in that location because of the 40 spaces that the City granted to the Kimball Arts Center.

Applicant Fisher emphasized that the tenant was in that space at 25 – 30% of the ongoing lease rate as a favor to the Kimball Arts Center. He noted that there were only eight spots for them, however, the more likely scenario was that it would be a totally different application if and when they leave based on what he hopes is the new Code from the ongoing Bonanza Park Mixed Use Study. He stated that there was a high possibility that the back of that building would be removed and modernized. He made it clear that he was very aware that if the Kimball Arts Center vacated that space in the short term, the space could not be occupied due to parking. He was fine with that because it was that way for years before they occupied that space.

Commissioner Johnson understood that the easement for the City was actually 15 feet wide off of Kearns Boulevard, and wanted to ensure that the applicant was on the same page with the City. He suggested applicant confirm with the City. Applicant Fisher confirmed and stated that an agreement is already in place. He added that the agreements had been approved and were with Legal. Philip Adams from the Engineering Department was the City's contact person.

In response to the third question, Commissioner Johnson stated he felt there was a path wherein they could mitigate the existing parking deficiency based on the current uses and without the Blind Dog expansion. He noted that he loved Blind Dog, but when they are

dealing with an existing deficit, he would like to fix the existing problem before they add to it. Commissioner Suesser agreed and added that a further question was the impact of the proposed expansion on the FPZ. She stated that the parking issue and the FPZ issue were things she struggled with on this application.

Chair Hall commented that conceptually, she supported Shared Parking Agreements. She felt that overlapping a parking space with different uses and different times was a great mechanism. She added that it would be challenging with respect to additional parking in the FPZ. Applicant Fisher stated that they were aware that adding 11 parking spaces at The Emporium was a long shot. He understood the Commission's viewpoint and as a citizen of Park City, he understood it. He stated they would drop that part of the application when they return, and would instead focus on the shared parking and the Blind Dog enclosure. He mentioned that with respect to the Blind Dog enclosure, they were only able to use the outdoor deck for a maximum of 100 days per year. He commented that the parking worked perfectly fine, and the applicant was only seeking to mitigate the weather and the wind by enclosing the patio. He knows how to operate the property with the existing parking, and was hopeful that in a year or two the zone would reflect a more modern parking strategy. He requested the Commission keep an open mind with respect to enclosing that deck, because there were a lot of problems with wind and winter, and it would be helpful for their operations. The main restaurant would be opened only for dinner, whereas the deck area would also be opened for breakfast and lunch.

Applicant Fisher appreciated the Commission's input and agreed to continue to work with Planning Staff.

6. REGULAR AGENDA

- A. 176 Main Street – Plat Amendment** – The Applicant Proposes to Create One Lot from a Metes and Bounds Parcel in the Historic Residential – 2 Zoning District. PL-24-06085.

The above application was withdrawn.

- B. Applicant Proposes to Construct a New Single-Family Dwelling on a Steep Slope** in the Historic Residential – 1 Zoning District. PL-24-06187.

City Planner, Lillian Zollinger reported that 86 Prospect Avenue was located in the Historic Residential – 1 ("HR-1") Zoning District. The applicant proposed a new Single-Family Dwelling on the site. The slope on the Lot was approximately 51% at the rear. The applicant provided their Slope Analysis just prior to the meeting, and Planner Zollinger included it in her presentation to the Commission. As outlined in the Staff Report, due to the Steep Slopes on the property, a Steep Slope Conditional Use Permit ("SSCUP") was required.

Planner Zollinger reported that the proposed Single-Family Dwelling was compliant with Setbacks, Maximum Building Footprint, and parking requirements as outlined in the Staff Report. The proposed dwelling was also compliant in terms of Building Height and roof pitch. She noted a Condition of Approval where the roof pitch would need to be modified to comply at the Historic District Design Review (“HDDR”) stage. Staff found the structure compliant with the SSCUP requirements wherein the location of the site, and the building location on the site were compliant with Setbacks and Building Height, as outlined in the Staff Report.

Planner Zollinger presented Visual Analysis images to the Commission. In terms of access, she reported that the applicant would be required to record an Encroachment Agreement with the Engineering Department, and the applicant had chosen a less-steep portion of the Lot for the driveway. She presented additional images provided by the applicant. In terms of terracing, the applicant proposed only one retaining wall. She reported that a proposed Condition of Approval would require that any additional retaining walls would need to be reviewed and approved by the Planning Commission. She noted the applicant proposed retaining Final Grade within four feet which would be more naturally sloped rather than terraced.

Planner Zollinger presented an image of the Building Form, and observed that it was similar to the existing streetscape where the structures appear to be two stories from the roadway; from the rear view, the structures are actually three stories. She emphasized the proposed structure was stepped down and back as required. She referenced some of the Conditions of Approval recommended by Staff.

- Condition of Approval 17: Retaining walls cannot exceed the height approved as part of this SSCUP without modifying the SSCUP.
- Condition of Approval 18: The Applicant shall obtain an Encroachment Agreement for driveway access with the Engineering Department.
- Condition of Approval 19: Additional retaining walls, not approved under this permit require Planning Commission review and approval.
- Condition of Approval 20: The Applicant shall update the roof pitch to comply with the LMC. She noted this would be reviewed as part of the HDDR process.
- Condition of Approval 21: The Engineering Department requires the submittal of a storm drainage analysis.

Chair Hall asked if the applicant's representative was present. Planner Zollinger noted that applicant's representative Jonathan DeGray, AIA was present earlier.

Commissioner Suesser asked for the image that showed the side view of the building. She expressed that she was unclear about the extent of the excavation behind the final lowest patio and underneath the house. She asked if there would be a fourth level under the house. Planner Zollinger stated that the view presented showed three levels, and confirmed that the lowest patio was for the use of the owner. Commissioner Suesser asked if there would be any excavation under the home. Planner Zollinger confirmed that

the proposed home was three stories with an interior height of 31 feet. Applicant representative DeGray confirmed that the drop-down distance between the two patios was less than four feet.

In response to Commissioner Suesser's inquiry, Applicant representative DeGray referenced the building section on page 4 of the Report that showed slab on grade. He added that the dashed line right above the lowest level showed the grade of the existing site, which provided a sense of the excavation that would be needed. He noted there would be a minimal basement excavation at the wall closest to the street. He confirmed that there would not be a crawl space underneath the two patios and that it would just be retaining walls with soil that would pick up the stepping of the grade.

Commissioner Johnson thanked the applicant for giving the Commission an appropriate format for the photo simulations for the street level and the cross-canyon view. He felt that was extremely helpful as he could actually see ridgelines along that street level as well as comparisons with the surrounding properties. He expressed no concerns with those views and stated they helped him get across the line on the criterion set forth in LMC Section 15-2.2-6(B)(2). He asked that these images be passed on for the HDDR process, especially the cross-canyon view, as it would be helpful for the roof pitch and consistency with adjacent homes. With respect to criterion 3, he asked why a shared driveway was not proposed for the two properties. He felt it would minimize the grading and would further comply with this section.

Commissioner Johnson understood that the adjacent garage was on the downhill side of that property, but asked if the applicant had looked at the potential for a shared driveway. Applicant representative DeGray replied that as steep as Prospect Avenue is, there really would not be any way to create a shared driveway and maintain a sense of separate ownership. He stated they were fortunate with what they had for driveways on both properties coming off the street, but they would enter on the downhill side of both of those Lots in order to achieve those flat access points. He stated that the trouble point was where the driveway hits the streets, because there is so much cross-slope at Prospect Avenue there would be quite a bit of warp to make it happen.

Commissioner Johnson asked about the Building Form and Scale criterion and commented that he interpreted the section as encouraging buildings to be stepped down with the grade, and broken into smaller components. He referenced page 78 of the Packet and suggested that the Building Form looked boxy with very slight façade variations. He understood that the design of the structure would be part of the HDDR, however, the form and scale are part of the Commission's criteria. He asked if they could consider the patios as they relate to the form and scale since they have foundations and help step it down. Planner Zollinger stated that the applicant stepped down the patios with the slope rather than just building one large patio.

Commissioner Johnson was encouraged and felt that given this explanation the application complied, and he would rather have patios in those locations than additional

structures. He identified a typo on page A3.2 of the plans. The bottom footing elevation was incorrect and needed to be updated for HDDR review. Planner Zollinger stated she would follow up with Applicant's representative DeGray, and the typo would not affect the scale and was only one typo on one portion of the plans.

Director Ward sought confirmation that the glazing would be updated for the HDDR process. Planner Zollinger confirmed and noted there was a Condition of Approval. Commissioner Johnson wanted to ensure that the Building Department would review the geotechnical report from 2022 to make sure it was still relevant. He noticed some very minor variations in the elevation used in the report for the bottom footing.

Chair Hall opened the public hearing. There were no public comments. The public hearing was closed.

With regard to the terracing of the patios, Commissioner Shand liked the way they conformed to the hillside. The alternative would have been to increase the width and include vertical supports, which would have increased the visual impact. He understood that the patios were slab-on-grade as shown in some of the cross-section drawings.

Commissioner Johnson asked for clarification on Condition of Approval 9. He understood the current construction parking was onsite, and also included parking for the adjacent property. Applicant representative DeGray commented that there was not actually parking on this property; rather, they were staging materials onsite. The parking would be mostly at the top of Prospect Avenue in the small parking lot.

Commissioner Johnson asked if the parking at the top of Prospect Avenue was City-owned. He did not want to change the Condition of Approval, but he wanted to make sure that they addressed any trailhead parking issues and construction vehicle parking. He felt it would be challenging at the top of the hill, as some of the historic homes up there did not have onsite parking and might use that lot. Applicant representative DeGray mentioned that the applicant and contractor would be required to provide a Parking Plan. If the Commission wanted to ensure that the Parking Plan takes off-site parking into consideration and does not affect that parking lot that would be fine. Commissioner Johnson wanted to raise this issue and noted that he trusted the Building Department's review.

With respect to Condition of Approval 17, he noted the exact height of the approved walls was not specified and asked if it would be redundant to add anything in regard to height or by referencing the plans. Planner Zollinger stated it was up to the Commission if they wanted to cull out the retaining walls. Applicant-representative DeGray stated that at this point they were required to have retaining walls of no more than four feet in height, and they were aiming for less than four feet.

There was discussion about whether the retaining wall height should be included in Condition of Approval 17. Applicant-representative DeGray noted the Code stipulated a

height of four feet, and because it was already codified in the Code, including it in the Condition of Approval would be redundant.

MOTION: Commissioner Johnson moved to APPROVE 86 Prospect Avenue – Steep Slope Conditional Use Permit, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter as follows:

Findings of Fact

1. The Site is located at 86 Prospect Avenue and is Lot 2 of the Prospect Place Plat Amendment approved under Ordinance No. 2019-20 by the City Council on April 18, 2019.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. The Applicant proposes the construction of a new Single-Family Dwelling (SFD) on the vacant lot.
4. The new SFD proposes an excess of 200 square feet located on an existing Slope of thirty percent (30%) or greater, therefore, a SSCUP application is required.
5. In conjunction with the SSCUP, the Applicant submitted a Historic District Design Review (HDDR) Application (PL-24-06181). The HDDR Application approval is subject to the approval of this SSCUP.
6. The minimum Lot size in the HR-1 Zoning District is 1,875 square feet. The Lot is 2,908 square feet.
7. The maximum Lot size in the HR-1 Zoning District is 3,750 square feet. The Lot is 2,908 square feet.
8. The minimum Lot width in the HR-1 Zoning District is 25 feet. The Lot is 36' in width.
9. The maximum building footprint in the HR-1 Zoning District for a Lot that is 2,908 square feet is 1,235 square feet. The proposed Building Footprint is 1,232 square feet.
10. Minimum Front and Rear setbacks for Lots greater than 75' in depth in the HR-1 Zoning District is 12' or 13' each, for a total of 25'. The proposed SFD has a 12' Front Setback and 13' Rear Setback.

11. Minimum Side Setbacks for Lots up to 37.5' in width are three feet each in the HR-1 Zoning District. The proposed SFD meets a three-foot side setback for each side.
12. The maximum building height is 27 feet from the Existing grade in the HR-1 Zoning District. The proposed maximum building height is 27' from Existing Grade.
13. The HR-1 Zoning District requires a ten-foot minimum horizontal step in the downhill façade. The proposed SFD steps back at 10 feet at 23 feet from the lowest point of the existing grade.
14. The final Grade must be within four feet of the existing grade in the HR-1 Zoning District. The proposed final grade is within four feet of the Existing grade.
15. Structures cannot exceed 35 feet from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters in the HR-1 Zoning District. The proposal has an interior height of 31'-0 11/16" feet, as defined.
16. The roof pitch for the Contributing Roof Form must be between 7:12 and 12:12 in the HR-1 Zoning District and occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way. The proposed roof pitch is 7:12.
17. Per Land Management Code (LMC) § 15-2.2-6, SSCUP applications are subject to the following criteria:
 1. **LOCATION OF DEVELOPMENT** – Development is located and designed to reduce visual and environmental impacts of the Structure.

Complies: The proposed SFD is compliant with the 1,235-square-foot building footprint, required Setbacks, step-back, and height. The slope of the site is steepest at the rear, and the SFD has been designed to step down the hillside, in a similar pattern to the rest of the street. Facing the structure from the Prospect Right-of-Way (ROW), the structure looks to be two stories.

2. **VISUAL ANALYSIS** – The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points: To determine potential impacts of the proposed Access, and Building mass and design; and to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

Complies: The Applicant provided the following photo, taken from Sampson Avenue, showing the rear of the SFD at a highly visible point in the City. Properties below Sampson Avenue will not be able to view the SFD as much due to the change in elevation, existing structures, and vegetation.

3. **ACCESS** – Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Shared Driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.

See Condition of Approval 18: The proposed Site is located off Prospect Avenue, with the Front Property Line approximately 16 feet from the road. The Applicant shall record an encroachment agreement with the City for the 10' heated driveway access to the site. The proposed garage location is less impactful to the existing topography than a side garage would be because the site slopes down more steeply in the rear and would require additional retaining methods.

4. **TERRACING** – The project may include terraced retaining Structures if necessary to regain Natural Grade.

Condition of Approval 19: The Applicant proposes one retaining wall on the south side, to be within four feet of the Existing Grade. Additional retaining walls require Planning Commission review and approval prior to construction.

5. **BUILDING LOCATION** – Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, minimize driveway and Parking Areas, and provide variation of the Front Yard.

See Condition of Approval 18: The Lot was previously improved, but currently stands vacant and slopes steeply towards the rear of the property. The proposed SFD is centered on the Lot, is similar in location to the adjacent Lot (78 Prospect Avenue), and compliant with the maximum allowed Building Footprint. The SFD will be accessed off Prospect Avenue and requires an Encroachment Agreement with the Engineering Department for the heated driveway. The 12-foot Front Setback brings the SFD as close to the front of the property as possible, and further out of the steeper, rear portion of the property.

6. **BUILDING FORM AND SCALE** – Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

Complies: The proposed structure steps down with the grade and has a shorter portion at the rear, where the slope is steepest. The structure is broken up into two masses, with three stories at its tallest point. The single-car garage is subordinate to the structure and set back just over one foot from the pedestrian entrance.

7. **SETBACKS** – The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

Complies: The proposed structure is compliant with the required Setbacks of the HR-1 Zoning District, as analyzed above. The proposed SFD sets back from Prospect ROW in a distance similar to adjacent properties and to reduce excavation at the rear where the slope is steepest.

8. **DWELLING VOLUME** – The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

Complies: As seen from Prospect Avenue, the proposed SFD looks more like a two-story structure. The proposed volume is compliant with the HR-1 Zoning District Lot and Site requirements as analyzed above.

9. **BUILDING HEIGHT | STEEP SLOPE** – The Zone Height in HR-1 is 27' for Structures and is restricted as stated above in Section 15-2.2-5. The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood's existing residential Structures. The proposed SFD height is 27'. The

tallest portion of the structure is at the front of the Lot, near the ROW, and steps down on the hillside, similar to the adjacent properties.

18. LMC § 15-3-6(A) requires two parking spaces for an SFD. The proposed SFD has two parking spaces, in tandem. LMC § 15-3-4(A)(1) requires a parking space in a single garage of 11' wide by 20' deep. LMC § 15-3-3(F)(1) requires parking spaces to be nine feet wide by 18 feet deep. One proposed space is in the garage and is 11' by 20'. The second space is partially in the Front Setback, as an allowed exception pursuant to LMC § 15-2.2-3(G)(6), and nine feet by 18 feet.
19. Staff published notice on the City's website and posted notice to the property on August 14, 2024. Staff mailed courtesy notice to property owners within 300 feet and posted notice to the property on August 14, 2024. The Park Record published notice on August 14, 2024.

Conclusions of Law

1. The proposal complies with the LMC requirements pursuant to Chapter 15-2.2, Historic Residential – 1 (HR-1) District.
2. The proposal complies with the LMC requirements pursuant to Chapter 15-2.2-6, Development on Steep Slopes in the HR-1 District.
3. The proposal complies with the LMC requirements pursuant to Chapter 15-3, Off-Street Parking.

Conditions of Approval

1. Final building plans and construction details shall reflect compliance with the plans reviewed on August 28, 2024, by the Planning Commission, pending design modifications required for Historic District Design Review compliance. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. The Applicant shall receive approval of a Historic District Design Review prior to submitting a Building Permit application.
3. If the Applicant does not obtain a complete building permit within one year of the date of this approval, this SSCUP approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.

4. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
5. 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.
6. Residential fire sprinklers are required for all new or renovation construction on this lot, per the requirements of the Chief Building Official.
7. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste-impacted soils they must handle the material in accordance with State and Federal law.
8. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state. The Final Grade shall be within four feet of Existing Grade.
9. City approval of a Construction Mitigation Plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
10. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
11. All exterior lighting shall be down-directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Exterior lighting shall not exceed 3,000 degrees Kelvin and outdoor lighting fixtures shall be Fully Shielded. Final lighting details shall be reviewed by the Planning Staff prior to installation.
12. Construction waste should be diverted from landfill and recycled when possible.
13. The Applicant shall submit a geotechnical report and final slope stability prior to submitting a building permit, subject to City Engineer approval.
14. The Applicant shall provide soil stabilization and drainage details documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.

15. The Applicant shall submit a landscape bond prior to the issuance of a building permit to ensure the stabilization and vegetation rehabilitation are complete prior to submission of a building permit.
16. Prior to submitting a building permit, the Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.
17. Retaining walls cannot exceed the height approved as part of this SSCUP without modifying the SSCUP.
18. The Applicant shall obtain an Encroachment Agreement for driveway access with the Engineering Department.
19. Additional retaining walls, not approved under this SSCUP, require Planning Commission review and approval prior to construction.
20. The Applicant shall update the roof pitch to comply with LMC § 15-2.2-5(C).
21. The Engineering Department requires the submittal of a storm drainage analysis. The storm drainage study must include the calculations showing the required storm drainage volume storage to match the pre and post-development conditions for a 100-year 24-hour event.
22. The Applicant shall update the proposal to comply with LMC §15-13-8(B)(2)(d).

Commissioner Shand seconded the motion.

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

Following a short recess, Chair Hall called the meeting back to order and confirmed the presence of all Commissioners in chambers.

- C. 1800 Park Avenue – Park and Kearns Master Planned Development –**
The Applicant Proposes Redevelopment of the Site with 174 Hotel/Condo Units, 60 Affordable Units, 8,143 Square Feet of Restaurant/Bar Uses, 4,750 Square Feet of Retail, 6,500 Square Feet of Office Spaces, and 16,047 Square Feet of Accessory Overlay Zone. PL-22-05476.

Director Ward stated this item involved consideration of the Park and Kearns Master Planned Development (“MPD”), specifically the request for a Building Height exception. She noted the Commission was very familiar with this project, and it had been before the Commission multiple times. She would provide a context of what is in the General Plan

and the LMC that would provide the lens of reviewing the Building Height for this project. The adopted General provides that,

“Due to the location along both of the entry corridors to Park City, the Bonanza Park and Snow Creek Neighborhood is geographically tied to the Park City entry experience. The scenic views that are currently afforded to those entering the City are a defining characteristic of our town and should be preserved and enhanced.”

She added that the General Plan called for protecting these entry corridors, buffering the entry corridors from development, and protecting mountain vistas to enhance the natural setting, quality of life, and visitor experience. The strategy of identifying these important view corridors and natural buffers that are a high priority for protection and enhancement included the entryways and highway corridors and ensuring the protection of these identified community assets.

With the Bonanza Park and Snow Creek Neighborhood, Director Ward noted that this protection was undertaken by restricting the location and height of structures in the FPZ. She explained that the FPZ was enacted in the early 1970s, and required that projects within these areas come before the Planning Commission for site-specific evaluation. When that Code was initially enacted, it involved a CUP and the criteria for CUPs; as development in the FPZ occurred over time, the Code was updated and strict standards were codified for the purposes of preserving Park City’s scenic view corridors, and preserving and enhancing the rural resort character of Park City’s entry corridor.

Director Ward reported that the Commission would be evaluating the Frontage Protection Zone CUP later on in the process of this application. That review would require an evaluation of the Building Mass, Bulk, Orientation, and Location of the buildings as well as the physical design and compatibility with surrounding structures to ensure they would be appropriately mitigated for this neighborhood. The request before the Commission at this meeting was to allow a Building Height exception through the MPD Code. For a Building Height exception, she reported that the applicant had the burden of proving compliance with the six criteria in the Code. Any Building Height exception was fully within the Planning Commission’s discretion based on site-specific review.

Director Ward explained that the applicant designed the project with the requested Building Height exceptions partially within the FPZ and the southeast corner of the parcel. The applicant located the portions of the buildings that are significantly below the zoning district height, ranging from 11 – 26 feet, outside of the FPZ. She presented a graphic that showed the applicant’s roof-over-topography exhibit. Staff highlighted the 100-foot FPZ Setback in orange. The portions of the buildings for which the applicants requested the Building Height exception were highlighted in orange, and the portion of the project massing that was well below the zoning district height was highlighted in green.

Director Ward referenced Elevation 3 from the applicant’s submittals and explained that it showed the center portion of the south project façade, which was significantly below

Building Height and was proposed to face the Fresh Market parking lot to the south. She added that this lower portion of the project would be outside the FPZ. She also presented Elevation 1 which showed the requested Building Height exceptions that would encroach into the FPZ along Kearns Boulevard. She reminded those present that as seen at the site visit, the lower portions between the structures would be set back behind the FPZ line. Elevation 4 was presented that showed the requested Building Height exceptions for Building B, and which would encroach into the FPZ along Park Avenue.

Director Ward outlined some of the purposes of the MPD process as follows:

- To allow for infill redevelopment with design flexibility for projects compatible with the surrounding neighborhood;
- Complement the nature features of the site;
- Ensure neighborhood compatibility;
- Strengthen the resort character of Park City; and
- Result in a net positive contribution of amenities to the community.

She explained that the design requirements of the MPD required that a project be designed to fit the site, not the site modified to fit the project. The design should also be clustered on the most developable and least visually sensitive portions of the site.

Director Ward reiterated that the applicant had the burden of proving to the Commission that the six criteria were met. She presented the six criteria to the Commission. She also noted that the Building Height exception was within the Commission's discretion, based on a site-specific review.

For the applicant to meet the six criteria, they would have to show,

1. There would be no increase in square footage or building volume.
2. The buildings would be positioned to minimize visual impacts on adjacent structures.
3. Adequate landscaping and buffering from adjacent properties and uses.
4. There are increased Setbacks and separations from adjacent projects.
5. The additional height would result in more publicly accessible open space.
6. The building would be designed in a manner that provides transition and roof elements.

Director Ward reported that the applicant's team was present to address the six criteria along with the proposed plans. Staff recommended the Commission thereafter open a

public hearing, take a vote on the Building Height, and then continue this item to September 11, 2024.

On behalf of the applicant, Peter Tomai introduced himself as a member of the development team. He also introduced Craig Elliott and Carla Lehigh from Elliott Workgroup, and several members of the Singerman Real Estate team including Pam Grayson, who has been an owner of The Yarrow since 2013. He acknowledged the Commission's time and efforts in evaluating this application and visiting the site. He stated that all were familiar with the comprehensive community planning process led by the City known as the Bonanza Park Small Area Plan ("BOPA"). He expressed that the Plan revealed broad consensus on the community's aspirations for the area surrounding The Yarrow. These include mixed-use, local, user-friendly, inclusive, green, and cultural.

Applicant representative Tomai mentioned that The Yarrow was identified as a catalyst property for the future of Bonanza Park. He submitted that Merriam-Webster defined "opportunity" as "a favorable juncture of circumstances. A good chance for the advancement or progress." He stated that today they were presented with a favorable juncture of circumstances.

Applicant representative Tomai stressed that they were fortunate to have an 11-year owner who shared the aspirations for BOPA. He stated that the development team has the capacity, experience, and talent to transform this significant piece of private property to better serve the economic needs of a thriving local resort economy and to provide massive public benefit through private investment. There was a healthy local market and an operating hotel that would become free from a long-term franchise agreement this year. He observed that there was a locally based development team that shared the aspirations contained in BOPA's Small Area Plan. He argued that collectively, these circumstances represented a true opportunity and their best chance for advancement of these long-sought aspirations.

Applicant representative Tomai stated that the MPD/CUP application before the Commission met all of the objective criteria to approve the requested Building Height exception. He urged the Commission to capture the opportunity before them to take the first step toward a livable, walkable, connected, and sustainable inclusive community for current and future Parkites of all ages.

On behalf of the applicant, Craig Elliott AIA introduced himself, one of his business partners, Carla Lehigh, and E. J. Elliott. He stressed the importance of understanding that many others were working on this project. He reported that he would discuss how they approached the project and go through the history of the project prior to discussing the requested Building Height exception. He apologized for not having previously addressed that issue in a way that was understandable.

Architect Elliott stated that Staff discussions on this project began in 2021, prior to his involvement in the project. After a meeting in May 2022, the project was re-evaluated

and the decision was made to go in a different direction. The applicant then retained Elliott Workgroup, who came up with a solution that was presented in the first series of meetings. He noted that significant revisions had been made. The project started with 341,000 square feet, 3.85 million cubic feet, and a 59-foot maximum roof height up to the Setbacks of the no-build zone.

Currently, the project is at 251,860 square feet, 2.7 million cubic feet, and a 45-foot maximum roof height. This represented a 26% reduction in the floor area, an almost 29% reduction in the building volume, and a 23.7% reduction in Building Height.

Architect Elliott stated it was important to understand the existing conditions. He presented images of the site to the Commission and highlighted the brand-new Transit Center. He commented that looking at the existing conditions meant looking at the Frontage Protection Zone. He explained there was a 30-foot no-build Setback, and a 100-foot Setback, and it was everything in between that was the focus of this discussion. He presented images that showed the current condition of the FPZ. He presented an aerial image that showed State Route ("SR") 224 on the left, and the site in the middle. The green lines on the image represented the 30-foot buffer. Architect Elliott commented that the 30-foot buffer was a huge part of the FPZ, and it virtually did not exist in Bonanza Park. He mentioned a small stretch next to The Yard, a small space next to Homestake Apartments, and a section along the Christian Center that was part of Poison Creek. Otherwise, the FPZ was non-existent.

Architect Elliott presented additional images of some of the properties in that area and described the location of the 30-foot no-build zone on each property. He noted that at Holiday Village, the 30-foot no-build zone was all parking lot and buildings, with a small strip of grass and a few trees in front of the parking lot. He noted that Homestake Apartments was actually built out in the no-build zone. At Blind Dog, there was an outdoor space, but the building came out in front, and then on the other side was a parking lot. He also presented an image of The Emporium and mentioned that the 30-foot Setback was all parking, while the FPZ had parking and buildings. He also presented an image of the church that showed all parking lots within the FPZ. Architect Elliott stated the same could be said for the properties along Park Avenue, and he presented images showing parking lots within the FPZ.

Commissioner Johnson asked if any of the buildings shown exceeded the current zone height. Architect Elliott answered in the negative but stated they were all built in front of or in the FPZ. He acknowledged he did not know about the building height at Jans. Architect Elliott stressed that the FPZ was essentially non-existent along Park Avenue and Kearns Boulevard. The applicant wanted to implement the FPZ and they were not trying to pave over paradise; rather, they wanted to plant over paving. He stressed that good examples of areas where the FPZ had been implemented coming in from the north on SR-224, right at The Peaks Hotel. Successive images were presented to the Commission, and Architect Elliott commented that these images showed what it meant to have a view corridor, particularly if there is a landscape buffer. He commented that the

landscape buffer helped to create the rural character, and that was what they were trying to do with this project. He noted that the views created by the FPZ were corridor views of the mountains.

Architect Elliott stated they would continue these kinds of views with this project along Park Avenue, and when coming into town on SR-224 along Kearns Boulevard. He presented further images that demonstrated the impact of the landscape buffers and stressed that the buildings did not become part of the visual.

Architect Elliott reported that they were trying to follow the guidelines and the purposes of the Frontage Protection Zone. He presented images showing buildings built into the FPZ. He mentioned Holiday Village and Jupiter Inn. At Holiday Village, the building is 31.5 feet, and the roof cantilevers out into the no-build zone, which is allowed.

The Findings of Fact for the Holiday Village Mall stated that “this proposal required a Conditional Use Permit because a portion of the reconstruction is located within the Frontage Protection Zone. The Conditional Use Permit is also required for relocating the drive-up window.” The Planning Commission at that time reviewed and approved the project and that building, at that height in that location, which is immediately adjacent to the applicant’s property.

With regard to the Jupiter Inn, there were two buildings angled similar to this proposal, with underground parking. The setbacks for the Jupiter Inn were 50 feet, not counting the canopies or the columns that go into the FPZ and did not account for the spa building located at 32 feet.

In response to an inquiry, Architect Elliott stated the zoning for Jupiter Inn was Residential Development – Medium Density (“RDM”) and the zone height was 28 feet, plus five feet. He believed the Jupiter Inn was the maximum building height for the RDM zone.

Architect Elliott stressed that the landscape buffer at the Jupiter Inn accomplished its purpose. He commented that the project before the Commission would be similar in depth and Setback as the Jupiter Inn, and they planned to fully plant the FPZ to create the same type of character and hopefully jump-start it for Bonanza Park. He reiterated that the goal was to create the entire buffer around Bonanza Park and then move people into it. When the FPZ was created, a lot of it was trying to stop areas from becoming a State Street in Salt Lake City. Presently, the property was on a General Commercial street, and a failed General Commercial street because it was also an arterial.

Therefore, the goal was to get people into the property and jump-start this development throughout Bonanza Park.

Architect Elliott also stated that the Ordinance states “the purpose of the FPZ is to provide a significant landscape buffer between development and highway uses,” and that was what this proposal sought to accomplish.

He presented a listing of the purposes of the FPZ as follows:

- Preserve the view corridors;
- Preserve and enhance the resort, rural character ;
- Minimize curb cuts and driveways; and
- Allow for future pedestrian and vehicular improvements.

Architect Elliott urged that all of these would be accomplished in this project.

Commissioner Johnson asked if there was any project where the Planning Commission granted a height exception in an area that adjoins the FPZ. He stated that Hotel Park City's height exception was outside the 100-foot buffer. Architect Elliott stated there were no projects built within the FPZ, and noted that Hotel Park City was 80 feet from the property line. Commissioner Johnson observed that the portion of the building within the FPZ complied with the underlying zone, and the highest point that steps up was actually outside of the FPZ.

Commissioner Johnson was looking for examples where the Planning Commission granted a height exception within the FPZ. Architect Elliott remarked there were really no projects within the FPZ, and the best place to do that would be Bonanza Park.

Commissioner Suesser asked how far east the FPZ running along the south side of Kearns Boulevard extended. Architect Elliott stated it went out to Doc Holliday Road, and then it changed and goes to the larger 100-foot Setback. Attorney Justin Keyes responded that the expanse between Doc Holliday Road to Bonanza had a 150-foot Setback as that was part of the Entry Corridor Protection Overlay Zone. He reminded me that Setback applied to the Studio Crossing area, which was a slightly wider and more staggered step than the FPZ.

Architect Elliott commented that what they were talking about was how they implement the FPZ on this project, and what would be a good example of how it is implemented. Commissioner Suesser observed that a good example of how the FPZ had been implemented was along SR-248 from Doc Holliday Road to Bonanza. Architect Elliott stated that the stretch was good on the south side of the road, but once you get past the elementary school and to the high school, it did not exist. It then shows up again at the Wells Fargo building. He referenced the image on the screen and stressed that the FPZ did not exist on the north side of that stretch of road. He acknowledged this project was on the south side, and as you travel down the road you can see a fully matured landscape buffer that softens the space between a very busy road and a lot of residential development. He stated they want to make that happen in the Bonanza Park area.

Commissioner Suesser noted the FPZ also came across the Prospector commercial zone, and there was a large buffer on both sides. Architect Elliott agreed that the FPZ was implemented on the south side, but not on the north side. Architect Elliott next

presented a diagram of the FPZ over the existing property. He noted the building was within the 100-foot zone along both sides.

In terms of the design, they specifically thought about how they could break up the mass and not create a wall effect. They also considered how they could bring sunlight to that side during the winter; if they created a wall on the south side of the project that would block the sun from getting into this property. He opined that this design followed the intent of the Small Area Plan in terms of the 50-foot no-build zone. The areas he highlighted in yellow were areas in the FPZ and outside of the zone height. Those areas were 42 feet above grade.

Architect Elliott stated that there was an exception in the Code that allowed buildings up to 40 feet for pitched roofs. Although this project would not have a pitched roof, they stepped the building back, which is essentially the same as having a pitched roof. He explained the development was required to have 30% Open Space, and this design would have 38.1 percent.

Building A would be the condominiums and hotel over the lobby and services, and would contain the hotel drop-off. Condominium and hotel units would also be in Buildings B, C, and D, and the linkages between those would be one-story spaces. There are units on both sides between Buildings B and C, and there would be units on the interior court between Buildings C and D.

The service area would be located between Buildings D and E, and there would be affordable housing amenities in between them on the roof deck of the dock area. The retail, commercial, and office would be around Building E on the east and to the south. He also noted the restaurant use, meeting space use, and the connection to the hotel drop-off.

With regard to a reduction in parking parapets, which must be reviewed, this design eliminated two that were the most problematic. They aligned the one on Kearns Boulevard with the easternmost entrance to the Jess Reed Building and maintained the existing curb cut on the south side along Park Avenue.

Architect Elliott stated that they worked through how all of these elements could come together. There would be great access to a new Transit Center, which is one of the busiest Transit Centers in town, and adjacent to the Transit Center, there is a Summit bike share. He added that there would be a 12-foot wide path that would connect through the entire property. He mentioned the enhanced access point on Kearns Boulevard and Park Avenue, and at that location, they hoped to bring in public art. He further mentioned some discussions about bringing in a component for the 2034 Olympics across the street from the 2002 Olympic component. There was also the future tunnel connection towards Snow Creek, along with sidewalks along the south and east sides to all the commercial and restaurant spaces.

Architect Elliott stated that the building at Holiday Village was 31.5 feet. They tried to create a building mass that was similar in size and scale to Holiday Village and would be set back 20 feet farther than Holiday Village. They also angled Block C and B so that coming into town on SR-248, there would be the 30-foot Setback for Holiday Village, 50 feet for Block D, and then because of the angles of Blocks B and C, the views to the mountains would be opened.

Architect Elliott next addressed the FPZ Setback and Building Height. He presented a section view of the peak of the existing Yarrow Hotel which is just under 35 feet at that location. The orange dashed line on the graphic represented the 30-foot Setback, and the horizontal line represented the 35-foot height limit for the building sections perceived to be in the FPZ. The smaller dashed line represented the five-foot exception for sloped roofs. He showed a similar section for Holiday Village and the proposed project. He pointed out that the 35-foot height was just above the parapet of the three stories, and then the building stepped back 10 feet where it goes to 42 feet high. He pointed out how these sections overlapped.

Architect Elliott explained that the pictures he presented earlier tried to show what a 30-foot Setback with a 35-foot high building would look like to one driving into town. He explained that this proposal would set the building back 50 feet or more, which would provide more of a view than a 35-foot tall building at the 30-foot Setback. In addition due to the angled buildings, the farther one goes away from the property, the greater the expanse of the view could be seen.

He next addressed views from the sidewalk across the street and presented graphics that compared the views with a 35-foot high building at the 30-foot Setback versus the proposed building built at 50 feet back. As the proposed building steps away, visual interest would be created whether one was walking, biking, or driving into town.

Architect Elliott next presented the view shed from the opposite direction. He stated that the underlying Code requirements state that if they could build 35 feet, that would be the restriction and the sight line. However, this proposal would have less impact than the underlying zone requirement. He stated the height was a number, but the impact was different. The Small Area Plan did not bind the applicant, but they believed the Small Area Plan was important because this project provided an opportunity to be the kickoff for the Plan. He went through some of the aspects of the Small Area Plan and commented that this project checked all of the boxes. The Frontage Protection area of this project was 44.2% of the total property on the site.

Looking at corner sites where the FPZ occupies a majority or a significant portion of the developable area, he felt that 44.2% was a significant portion of the property. In looking at the required trail and sidewalk amenities in the first 30 feet of the FPZ, this project would have 50+ feet. There would be large open areas between the building masses that will allow the sunlight to come into the project and will allow people to have gathering spaces.

In terms of arts and culture, Architect Elliott stated there was a space in the plaza that would accommodate arts and culture. There was also an opportunity to work with this City on this, and he mentioned one of the common comments in the open houses was what this project could do to make a statement for Park City. He noted that this project hits all of these components.

Commissioner Johnson agreed with the concept that the proposal was checking all of these boxes and asked how the applicant would address restricting Building Height to 35 feet in the FPZ to protect views within the Bonanza Park Small Area Plan. Architect Elliott responded that they were requesting a Height exception through the MPD, and referenced the illustrations that showed how the impacts would be very minimal. He stressed that this project was not bound by the Small Area Plan based on the timing of the submittal, but they were trying to meet the intentions of the Small Area Plan. He argued that this proposal was very consistent with the Bonanza Park Small Area Plan and would be really good for the community. He stressed that by this proposal, the buildings would not start until 50 feet, and at that point, the buildings were lower than the height shown on the Plan. The step-backs along Kearns Boulevard would be nothing but snow for half of the year. The roofs would be covered in shade and push people into long buildings along that Setback. The opportunity to create a larger green space by setting the buildings further back was incredibly valuable.

Architect Elliott referenced another graphic that showed the Bonanza Park Small Area Plan's proposal regarding the Setbacks and the setbacks of the buildings. He took the same angle for the proposed buildings and highlighted the difference for the Height exception, which he described as minimal. He stressed that the difference was less than a degree of angle, and moving down the building the view would be significantly better from the center of the road. From the pedestrian sidewalk, the difference was 1.2 degrees. For what they were asking, the difference in the impact would be minimal because they moved the buildings back so far. The view would actually be better for someone driving eastbound in the first lane.

Architect Elliott also noted that this proposal would have 20 feet of additional landscape buffer over and above that proposed by the Small Area Plan. In terms of community benefits, he stated that this proposal checks all the boxes. He stated this project would have 60 deed-restricted affordable housing units, with a range of affordable for households with incomes between 50 and 80% of the Average Median Income ("AMI"). Commissioner Suesser mentioned that community benefits were not one of the criteria for the Building Height exception in the MPD.

Architect Elliott continued by stating that outdoor community space would comprise over 1.7 acres. Additionally, there would be over 1,500 feet of new 12-foot wide multi-use paths, as well as bike share stations. He stated this project would replace the sea of parking with 258 underground spaces, with 30+ spaces on the surface.

Given the proximity to the new Transit Center, he emphasized that this could be very valuable to the City in the future as the City submits its plans for Bus Rapid Transit (“BRT”) to the State. He stated that this project could actually become the answer. He also mentioned that this project would provide several million dollars in public infrastructure created at private expense. The transit stop improvements were added because of the new pathways. Additionally, this project will be an Energy Star project with low energy use intensity and all-electric residential, which would eliminate residential unit CO₂ emissions. The entire project would consume less energy than the existing property.

Architect Elliott next addressed the analysis of the Building Height exception under the MPD Code. The increase in Building Height would not result in an increase in square footage or building volume. He commented that the Building Volumes were the 30-foot FPZ line, but they also showed the 100-foot FPZ line and this design was well under those numbers, which he listed as 3.1 cubic feet and 2.7 million cubic feet. He stated that the design would have 269,749 square feet if it was three stories. He guaranteed they could design a 3-½ story building for this project. They could also include garden apartments, but they showed it at 3 stories, which was significantly less at 251,000 square feet.

In terms of architectural variation, Architect Elliott opined that they created one building with many different components of massing to break up the mass along the street, break down the scale, and provide sunlight and air to the landscape buffer and the community spaces in between the buildings. He stated that they need to make sure the design would not cause shadows, loss of solar access, or loss of air circulation. They submitted Shade Studies based on the equinox and solstice and concluded that this would not really affect any of the adjacent properties. On the graphic presented to the Commission, he explained that the gray areas represented the mountains creating shade, as they designed the mass with the mountains in the background.

Architect Elliott reported that they were also required to provide adequate landscaping and buffering. He presented the applicant’s Landscape Plan and explained that it would use bio-swales, native vegetation, and some manicured green space. He stressed that it would constitute 38.1% of the total site, which is significantly more than the required 30 percent. He explained that the MPD requires an increased Setback over what is required under the underlying zoning. The underlying zoning Setbacks are 10 feet on the side and rear yards and 20 feet on the front yards, and this proposal would have a significantly greater Setback than the underlying zone requirement, and larger than the rear yards. In an MPD, the applicant could request a reduction of Setback back to the original zone, which the applicant had not done. At the closest point, they would be at 25 feet, but on the majority of the project, it would step back from that along the sides. The project would be over 20 feet along most of the Kearns Boulevard side and significantly more on the Park Avenue side.

Architect Elliott reiterated that the additional Building Height would result in more than the minimum required Open Space, and would result in Open Space that is publicly accessible. He stated that the space in between the Building Blocks should be well

programmed, and much easier to access by bike and walking. He informed the Commission that they had already had discussions with Mountain Town Music, who is interested in helping in the programming of this space. With the smaller public space, he would like to see public art and sculpture work. He imagined creating different pods of use: one that would be more quiet and contemplative, and one that would be more active. Having both types of uses would provide a huge respite for people coming through, staying, or coming to the site.

Commissioner Suesser sought clarification of the Open Space calculation of 38.1% and noted that for the height exception, the applicant must increase the amount of Open Space. Architect Elliott explained that they increased the Open Space from the required 30% to 38.1 percent. He noted that the proposed Open Space was approximately 20% more than the baseline. Commissioner Suesser noted the minimum Open Space was 30%, and this proposal contained 38.1 percent for the Building Height exception.

Architect Elliott stated that under the MPD, they were also required to have transition and roof elements. He presented a rendering of one building that would have a significant amount of variation in the roof heights. He explained there were 21-foot height changes in different places, 30-foot height changes, and 20-foot height changes with large sections in between. He stated that this proposal met the criteria for the changes in roof forms.

He presented further images to help the Commission understand how the project would fit on the site. Focus was directed to the area where they could have public art, and he added that they would like to work with the City as a statement coming into town. When they looked at this project, he stated that you could start to see the beginnings of the Bonanza Park area, and the opportunity to start this long-term Plan for the City. There is the opportunity for green space all around Bonanza Park, which was envisioned in the FPZ.

Pam Grayson reported that she is an owner of The Yarrow/Doubletree Hotel and the Asset Manager for the partnership. She is also a hospitality professional and has spent 30 years of her career specializing in the hotel business and hotel investments. Much of that experience was spent on mixed-use projects, including a condo hotel. She has been personally invested in The Yarrow since it was acquired in 2013 and has been present every step of the way. She knows every nook of the hotel and every team member who works there, and it is part of her extended family. Applicant Grayson also stressed that she has been part of the Park City community since 2011 when she and her family moved here and purchased a home in Park Meadows. Her daughter had her first ski experience at Park City Mountain when she was 18 months old. Applicant Grayson stated they have many decades of happy memories ahead of them. She expressed that they love Park City and the countless things that make it special. She has been a dedicated supporter of the Park City Community Foundation, the Women's Giving Fund, and KPCW, among others. She also encouraged ways in which The Yarrow could be of service to the community.

Applicant Grayson stated that she cares deeply about the future of Park City, and that includes the future of The Yarrow. She appreciated that the Commission cared as well. She expressed pride at the amount of work the applicant's team had done on the presentation, and she was proud to be associated with Singerman Real Estate. She commented that Singerman Real Estate has integrity and has been a strong supporter of the local community for the last 11 years. She truly believed that this would be a great step forward for the future of Park City, and was proud to be part of a project that her daughter could be proud of for many years to come.

Chair Hall thanked Staff and the applicant for their presentations. She invited clarifying questions from the Commissioners.

Commissioner Shand referenced Applicant representative Tomai's opening statement that the project would be free from a long-term Operating Agreement and asked him to explain that statement. Applicant representative Tomai stated that The Yarrow was subject to a franchise agreement with Hilton Corporation for a period of 10 years as the result of a large and significant investment in the property in 2013 that resulted in bringing the property to Hilton's brand standard. These types of agreements are typically anywhere from 10 to 20 years in duration because properties do not like to frequently change their flag. They were at the anniversary date of the franchise agreement for this property this year. This would unencumber this property, and he explained that trying to cancel such an agreement would result in an exit fee that would be many years of income for the property essentially rendering it encumbered for development or name change. Applicant representative Tomai stressed that there was a window of time before some franchise agreement is renegotiated for another 10, 15, or 20 years.

Chair Hall commented that since the vote tonight related solely to Building Height, the Commission should prioritize the CUP for the Building Height exception. Commissioner Shand noted that he asked the question for clarification, and was not intending to discuss it further at this meeting. Chair Hall also noted for purposes of public comment, the Commission would only be voting tonight on the issue of Building Height. She noted the two elements of focus for this meeting were the CUP elements for the FPZ and the underlying General Commercial zone height.

Commissioner Johnson asked why the Commission was only voting on the Building Height exception, especially given that they referenced the community benefits. He felt there were a lot of great components, and they should be looking at the project as a whole as part of the MPD process.

Applicant's attorney Justin Keyes explained that they are at a critical juncture because for the applicant it is a threshold inquiry. He noted the process was a constant pushback and forth in terms of what a developer could give to meet the community goals, which is the public benefit encapsulated through the Code. Added to that is the question of whether the developer can make the project pencil. They started with the presentation because the Staff Report made it sound as if this started this year. His first meeting with

Staff was in November 2021, and the original proposal that was not submitted was 65 feet, so the design had come down in size and height while still adding more benefits.

Attorney Keyes stressed that they had to crunch the numbers, and he commented that they were at an inflection point. The applicant's team has looked at this long and hard, and this is as low as they can drop the density while still providing the public benefits that are merited in this location given the goals of the Bonanza Park Small Area Plan. He added that landscaping is expensive, and 38% of Open Space in this location was incredibly expensive. He stressed that this is very valuable real estate and was a very expensive location to develop. It was incredibly expensive to park below grade, and he stated it was around \$80,000 to \$90,000 per stall to create the parking. However, that is what they need in this location.

Attorney Keyes argued that to get that, this developer has to have height as that is the only way this would work. It is the reason that the City's independent consultants advise that the way to get what needs to be done in this area to make it work and get more affordable housing is to go taller. He remarked that Architect Elliott did an excellent job of creating a project that adds height without obstructing views and still creates a usable project that gets southern exposure.

Attorney Keyes reiterated that they were at an inflection point, and the conversation when they left this meeting was that they were going to be able to drop more floors; rather, it's this proposal or potentially nothing. The Yarrow would likely not be a Doubletree next time around because of the investment it would take; rather, it would be a downgraded brand. He added that would be the trajectory without a substantial investment. He requested a separate vote on Building Height because he knows it is a tough issue for both sides. He asked if the Commission was willing to grant a height exception of 8 ½ feet in the FPZ. The Staff Report stated that the Commission has that discretion, and the applicant wanted to walk out of this meeting knowing how the Commission would exercise that discretion.

Attorney Keyes stated that if the Commission voted "yes," it would serve as a catalyst for the Bonanza Park Small Area Plan. He has talked to the owners of almost every property in the area, and they were all watching, and many have submitted comments. He assured the Commission that the applicant was not trying to imply that a different standard applied. They were just saying that the project in 2021 was a catalyst for that study to be done. This proposal sparked that conversation and he was glad it did because it needed to be had. Commissioner Johnson expressed curiosity because of the many components the Commission must evaluate aside from Building Height, and they play off each other. He appreciated Attorney Keyes' response.

With regard to the comment that the Staff Report stated the Commission had the discretionary authority to grant the height exception, Commissioner Suesser stated the Staff Report did not make that claim. Rather, the Staff Report stated that the Commission must apply the Code and determine whether the application complied with the Code.

Senior City Attorney, Mark Harrington reported that Attorney Keyes' point was that the Commission *may* grant the exception; it did not say the Commission could not grant the exception. Commissioner Suesser responded that Attorney Keyes phrased his comment as though the Staff Report found that the Commission could find in favor of this, but it was in the Commission's discretion. She felt it involved more Code analysis by the Commission. City Attorney Harrington commented that the criteria gave the Commission discretion because it says, "may." Commissioner Suesser stated that for the MPD height exception, the Commission must find that it complied with the six criteria to grant the height exception.

City Attorney Harrington clarified that to grant the height exception, the Commission must find the six criteria; however, it is discretionary in that the Commission still *may*, and the Staff Report pointed out that the Commission may or may not even if it met those criteria. The Commission cannot grant the exception unless it meets the six criteria.

Chair Hall added that the Commission must find that the proposal meets all six criteria. Commissioner Suesser understood that the first step was that the Commission must find that this proposal met the criteria, and then the discretion comes in on whether to grant the exception. Attorney Keyes agreed.

With respect to the workforce housing and the 60 units, Commissioner Sigg asked if the proposal was for 60 physical units or 60 unit equivalents ("UEs"). Architect Elliott responded that the proposal was for 60 physical units.

Commissioner Sigg asked about the UEs, and whether that was consistent with the prior analysis. Architect Elliott stated the UEs are greater than the minimum requirement.

Commissioner Sigg asked about the Building Heights for HOPA, and whether the developer was inside the 100 feet. Director Ward explained that HOPA was an Affordable Master Planned Development ("AMPD") that is not in the Bonanza Park neighborhood. In that project, the applicant stayed outside of the 100-foot FPZ.

Chair Hall opened the public hearing and noted that the vote would only be on the Building Height exception.

Tim Bittel lives in the Park Avenue Condominiums directly across the street from this property. He is a trustee of the Homeowners' Association ("HOA"). He stated the HOA had attended before, and the HOA President, Cory Hardy, had previously submitted a letter raising some questions about this development. He requested to submit a new letter from the HOA President supporting this project and removing any prior concerns. Speaker Bittel stated that the HOA represented 132 property owners, and they supported this project with no concern regarding the Building Height. He spent 50 years as a lawyer, focusing on construction and heavy development, and he was very familiar with old masonry buildings. With regard to the discussion about the 10-year contract, Speaker

Bittel stated he was very familiar with these types of old properties, and the HOA members own properties of a similar vintage, so he knows what they go through to maintain the masonry. As a neighbor and a 14-year resident of this community, the applicant's property could go nowhere but downhill. If this application were not approved, he submitted that the property would physically degrade and it is at the most visible entry to this community.

Tony Moody reported that he is the General Manager of the Doubletree and has held that position for almost three years. He echoed the comments of Speaker Bittel as far as the building is concerned. On behalf of the associates at the Doubletree, he stated they wholeheartedly support the 1800 Park Plan to redevelop this site. He had a list of associates who already requested to work for this incredible ownership again after the new complex was completed. He read the following from one of their significant partners, Nathan Rafferty, President and CEO of Ski Utah:

"Dear Members of the Park City Planning Commission:

I am writing to express my enthusiastic support for the proposed redevelopment of The Yarrow Doubletree Hotel site at Park and Kearns, a pivotal component of the Bonanza Park District transformation. As a stakeholder in this community, I am particularly impressed with the project's commitment to create a mixed-use destination that prioritizes walkability, connectivity, livability and inclusivity. This project promises to revitalize an underutilized area by introducing a diverse mix of uses that cater to both residents and visitors, significantly enhancing the Bonanza Park experience.

The integration of over 1.7 acres of public space, 1,500 feet of new multi-use paths, and underground parking are commendable efforts in transforming the current landscape into a vibrant pedestrian-friendly environment. Moreover, the development plan includes 60 units of deed-restricted affordable housing, crucial for supporting our local workforce and ensuring that Park City remains an inclusive community for all income levels. The thoughtful incorporation of energy efficient designs and sustainable practices further underscores the project's long-term benefits to the community and environment.

In light of these substantial community benefits, I respectfully urge the Commission to approve the requested 10-foot height exception necessary for the realization of this project. This exception is not merely a procedural formality, but a critical element in delivering a project that exceeds standard requirements in Open Space, Setbacks and affordable housing, setting a high standard for future development in our beloved City. Thank you for considering this transformative project which will undoubtedly serve as a benchmark for thoughtful and community-focused urban development in Park City. Sincerely, Nathan Rafferty, Ski Utah President and CEO."

Jocelyn Scudder identified herself as the Director of the Arts Council for Park City and Summit County and also a resident of Old Town. She expressed support for the redevelopment of this project and the Building Height exception. She felt the proposal was very thoughtful and there were many community benefits. She felt the presentation was well thought out and the team has been working on this project for quite some time. Personally and professionally, she liked their consideration of Open Spaces. The fact that the applicant connected with local organizations like Mountain Town Music to think about public gathering spaces and connecting the community through art and public art was very thoughtful. She commented that the project seems like a great upgrade and a great value-add for the community.

Steve Miner identified himself as the Senior Vice President of Associated Food Stores in Salt Lake City, which owns and operates the Fresh Market. They have been in this region for 84 years and supply about 470 stores and operate about 37 corporate stores. Associated Food Stores has been observing this proposal closely as an interested party and adjoining property owner. On a general level, they have come to very strongly support this proposal and have a comfort level with this project. It would likely induce them to choose wisely when they decide to reinvest back into this community if they know that there is an opportunity to redevelop not only The Yarrow property but also some of the adjoining properties. Associated Foods reviewed the six criteria on the height issues and did not see that it would have an adverse effect on particularly, the Fresh Market. They felt this could be a real catalyst for Associated Food Stores to continue to invest in the community. He thanked Park City for the community support of their two stores in town.

Mark Sletten stated that he has been driving by this site every day for over 30 years, and the articulation of the buildings in addition to the landscaping would really enhance the view corridors in both places. He felt that was self-evident in the materials before the Commission. He addressed public comments made during the last public hearing on this application. The comments from Mark Fisher resonated with him because this is a once-in-a-lifetime deal. From a financial standpoint, the applicant would have to move forward with some sort of license agreement, and it would postpone any further projects at this site for at least 10 years, maybe longer.

Secondly, there were comments from Bill Coleman, who served on both the Planning Commission and City Council in the 1970s. With regard to the 25-foot height exception, Mr. Coleman stated that was the tallest ladder that the Fire Department had at the time. Speaker Sletten wanted the Commission to take into account that things change. The Commission has the LMC and Utah law that it must adhere to but stressed that there would be many public benefits that far exceed the need for the applicant to be able to add height to make this building work financially.

Megan McKenna reported that she lives in the 84060 zip code and is the Housing Advocate for Mountainlands Community Housing Trust. She agreed with the prior speakers' comments. The disconnect and challenges as she rode her bike to the open

house from her office in Prospector, and could not help but think what a great opportunity this project was to serve as a model for the Bonanza Park area and for connectivity for the entire community. As she walked into the building, she recalled a lot of memories. Her 8th-grade prom was held at The Yarrow, and she recalled going to St. Mary's mass before the new church was built. The Yarrow was also her father's bar for several years. Speaker McKenna supported the redevelopment of the project and urged the Commission to think of the height exception as an investment in affordable housing. She noted that they recently had a presentation on the economic impact of affordable housing. That study and the presentation can be accessed on the Mountainlands website and spoke to the economic impact of investing in affordable housing.

Speaker McKenna was happy to talk with the Commissioners more and noted that the takeaway from the study was that investing in affordable housing, especially rentals, was an even greater return on investment. She noted the study found a 5.8 times return on investment on a \$100,000 public investment into affordable rentals. Investment in affordable rentals and affordable ownership opportunities comes back to the community. She mentioned some striking statistics from a Summit County Council Meeting that highlighted how beneficial 60 units of affordable housing would be for the community.

She stated that job growth has increased over the past two years, and almost doubled projected numbers. Summit County added 1,300 jobs last year and the year before, whereas the estimate was 800 new jobs. More than 200 people were lost from the community and the population in Summit County actually decreased by over 200 people in the last two years. While many people have moved here, more have been pushed out.

Speaker McKenna stated that this project was a good opportunity and presented an unmitigated employment generation. By adding 60 units of affordable housing, they would offset that employment generation by bringing more community benefits to the area. She commented that the height would be a small investment for that community benefit.

Bill Coleman appeared via Zoom but was unable to unmute.

Marian Crosby reported that speaker Coleman texted her several times and was trying to submit comments. He told her that if he was unable to connect, she should put him on her phone and hold it up to the microphone.

Speaker Coleman spoke at a prior meeting on this application. He stated it was rare to have the opportunity to take the number one corner in the community and dress it up and make it public. He stated the Code gave the Commission discretion, and he liked City Attorney Harrington's statement that the Commission *may* make this change which seemed to be blocking a few of the Commissioners. He hoped the Commission could find a way to say all of this was so much more in favor of having this project than letting it get away from us. Speaker Coleman agreed this was an inflection point and he did not want a missed opportunity for the community. He commented that there was something

built into the Code to let the Commission approve it, and he hoped the Commission could find its way to move this forward. He felt it would be ideal to move the entire project forward instead of just this small portion. Speaker Coleman felt the importance of this issue was overstated compared to the massive benefits and joy that this corner could bring to all of the community.

Chair Hall closed the public hearing. She invited a return to Commission comments and questions, with a focus on the height. She asked Staff to present the criteria for the Commission.

Director Ward clarified that the Staff Report drew from the adopted General Plan and the LMC currently in place. She noted the applicant addressed the Bonanza Park Small Area Plan, which did not apply to this project given the timing of the submission of the application. She stated that the Small Area Plan recommended no height exceptions within the 100-foot FPZ. Director Ward presented the six criteria outlined in the LMC for MPD height exceptions.

Commissioner Suesser felt it would also be helpful to have an image of the proposed project. Commissioner Johnson suggested using Staff's image with the red lines. Commissioner Suesser liked the image on page 6 of the Staff Report.

Following a brief recess, Chair Hall called the meeting back to order and confirmed that all Commissioners were present.

Commissioner Suesser noted the Commission would focus its analysis on the MPD exception for building height. She began by stating that she fully supported granting a height exception for this project. However, she did not find that the buildings were clustered to create the least visual impact. Pushing the density toward the center of the project would increase the required landscape buffer, increase the required Setbacks, and increase the amount of Open Space.

Commissioner Suesser observed that the lowest buildings in the project were outside the 100-foot FPZ and on the interior of the project rather than on the exterior of the project where it would create less visual impact. She explained that the MPD contained six criteria, which the Commission must meet to grant a Building Height exception. She felt the application failed to meet criteria 3, 4 and 5. Criterion 3 requires adequate landscaping and buffering from adjacent properties and uses, and she stated the buildings that exceed the 35-foot underlying zone height were in the FPZ.

Commissioner Suesser also found that the proposed required perimeter landscaping along the east and south boundaries in particular would inadequately buffer adjacent properties impacted by the 45-foot building. This was especially true at the southeast corner where there is no step back on the building. She stated that pushing the density to the center of the project would increase the much-needed landscape buffer around the project.

Commissioner Suesser pointed out that there was Open Space in the center of the project which was proposed to be an amenity space for the unit owners. That interior courtyard would not be visible to the public and would not be accessible to the public. She submitted that pushing buildings toward the center and relocating that amenity space would provide more Open Space, more Setbacks, and more landscaping buffer around the project.

With respect to Criterion 4, she stated the requirement for a height exception was not only that the project met the minimum Setbacks, but have increased Setbacks. She opined that the application failed because the proposed Setbacks on the east and south sides were inadequate to meet this criterion. She reiterated that pushing the density to the center would increase the Setbacks around the project, which was required for the height exception.

She noted that Criterion 5 required that the additional Building Height would result in more than the minimum Open Space and Open Space that is publicly accessible. A minimum amount of Open Space for this project would be 30%, and the applicant requested a Building Height exception that requires additional Open Space. The applicant's proposal included an 8% increase, and she noted that they typically required a significant increase in Open Space when granting a height exception, and she considered this a very minor addition to the Open Space.

She noted the Commission's discretion to determine a particular mix of Open Space. She reiterated that the interior courtyard would not be visible and would not be publicly accessible. Pushing the buildings toward the center of the project would create more Open Space that would be publicly accessible and visible.

Commissioner Suesser found that the proposal failed to meet three of the six criteria required for granting a height exception. She emphasized that this was an appropriate place for additional height, but felt the configuration and location of the buildings on the site could be better managed. The Building Height should be clustered toward the center of the project away from the perimeter and out of the FPZ.

She also had comments regarding the objectives of the General Plan and the FPZ CUP requirements but reserved those for later.

Commissioner Sigg thanked the applicant for their good work on this application. He stated this was a challenging, but important corner. He expressed that he could also support increased height in this area, but questioned the increased Setbacks on the east side of the project, as it did not seem to show any real increase.

Secondly, the Open Space requirement mandates Open Space that is publicly accessible. He appreciated the fact that there would be large gathering areas and Mountain Town might play there, but he stated he would not cross the interchange at SR-224 and SR-248. Commissioner Sigg pointed out that this was sort of an end zone in

that it would be great for the development, but it would not be like City Park where people can travel from all areas. He appreciated the space for a potential tunnel, but the tunnel does not exist today. Commissioner Sigg opined that the tunnel would make that Open Space significantly more community-centric and not as much development-centric. Right now, to travel there was like traveling to the existing commemorative post for the Winter Sports Park at the Road House; it is a great little community park, but no one can get there easily.

As it relates to Building Height, Commissioner Sigg noted that the Findings of Fact and Conclusions of Law bound the Commission, and he would not want to divert from Section (F). He highlighted Section 15-6-6(G) and stated that one of the things the Commission must find is that the project must be designed to fit the site. He echoed Commissioner Suesser's comments that much of the requested exception was within the 100-foot zone. The referenced section of the MPD mandates that the Commission must find that it does not interfere with any relevant overlay zoning, which is the FPZ.

He struggled with the fact that the shortest buildings were placed in the area where they could build, and the requested exceptions were for buildings in areas where they could not build. He recognized the potential consensus in support of increased height in this area and improvement of this area but felt it would be logical to put more of those buildings where they could accomplish similar massing in the zone where it is permitted.

Commissioner Sigg reiterated that Section 15-6-6(G) states that for the Commission to make these findings, the development must be in the most developable and least visually sensitive portion of the site. He commented that that spoke to why the FPZ exists. He appreciated the corridors and argued that based on the existing grade the buildings would actually be taller at the street because they would be measured from the existing grade. He understood the paradigm of parking and less excavation with better earthwork practices. However, Commissioner Sigg struggled with the fact that the Commission was bound by the Findings of Fact and Conclusions of Law, and the fact that the application was contrary to Section 15-6-6(G).

Otherwise, he lauded the effort at improving this corner but was not convinced that this was the last chance for this project. Commissioner Sigg understood that a lot of work had gone into this specific concept, and suggested that it could be refined so that the Commission could meet the required Findings of Fact and Conclusions of Law set forth in the Code.

Commissioner Shand referenced page 10 of the Staff Report. He expressed appreciation for the site visit and stated that the Commission had struggled with the issue of the Building Height exception. He felt that the applicant met the six criteria for the Building Height exception. Commissioner Shand opined that the Open Space was increased by 27%, not 8 percent. He noted that some of the Open Space would not be accessible by the public, but he focused on the upper right-hand corner of what theoretically could be

built based on volume and the Code. He struggled with looking at that as compared to the renderings, and he liked what the applicant proposed.

Commissioner Shand liked the separation of the buildings. He questioned whether the buildings could be brought in a little bit more to lessen the impact on the FPZ, but nonetheless, he liked the project. He felt that the benefits to the community would be significant. He looked at what could be built in the upper right-hand corner per the Code, knowing that it complied with the LMC. He then compared that with the renderings, knowing that it did not technically comply with the LMC, and focused on the disconnect. Commissioner Shand believed the LMC was in place to protect against the massing of buildings that are too tall and too close to the road.

Commissioner Shand stated that the applicant worked hard to mitigate mass that is close to the road and act as a visible barrier to driving into town. He reiterated that he found good cause and that the proposal met the six criteria, and felt that the community benefits and the architectural interest of the buildings outweighed the requested height exception. He expressed support for the project and its' design and commented that if the applicant went strictly by the Code it could result in a boring-looking building that was not architecturally significant.

He felt that the applicant tried to create a good blend of community benefits with a project that would pencil financially for the developer, which it has to do otherwise it would not get developed.

Commissioner Frontero found that the project met four of the six criteria, including the Open Space requirement, which he felt was clearly met. He also agreed there was adequate landscape buffering on 2 ½ of the sides; however, he felt the southeast corner was very light in terms of providing landscaping and buffering. He would be more comfortable with criterion 3 if that were improved.

In terms of Criterion 4, Commissioner Frontero wanted to see more increase and felt the proposal was very minimal. He stated he could make a reasonable argument that the proposal did not increase the Setback in enough areas. He noted that Criterion 4 states that the Setback needs to be increased, and in certain areas of the proposal it did increase.

Based on the six criteria, Commissioner Frontero found at least two that were questionable. He referenced the diagram before the Commission and stated the red-highlighted buildings in the FPZ were a challenge. He favored adding additional density and height to make the project pencil. He listened to the community speak about this exact issue during three open houses in Bonanza Park, and he understood the consensus was that there was movement toward approving height.

Commissioner Frontero was in favor of Building Height, but there seemed to be room to move some of the density inward and not outward. He expressed concern about Building

B and noted that would be the first thing seen driving into town. He found that Building B was well within the FPZ at a very important corner of the town, and that particular building was of concern to him in getting over the hump on this project.

If Building B were pushed back a significant amount, Commissioner Frontero could likely become more comfortable with this project and the request for additional height.

Chair Hall noted that Commissioner Van Dine submitted a short comment. Director Ward read this comment as follows:

"I completely support redevelopment of the Bonanza Park area in the coming years to better serve and reflect the goals of our community moving forward. However, the Park and Kearns MPD application does not comply with current zone restrictions and criteria for height exemption, especially when that exemption is requested in the Frontage Protection Zone. The Code and the General Plan clearly outline the importance of the Entry Corridor and the Frontage Protection Zone to preserve the character of Park City as outlined in the Staff Report. I do not think that the application has met the criteria for Conditional Use in the Frontage Protection Zone and thus do not support approval of the application."

Chair Hall agreed with many of the prior comments. She agreed with Commissioner Frontero that Building B was by far her biggest issue with granting a height exception, because of the height exception in excess of the underlying zone height in two roads for the Frontage Protection Zone. She echoed the comments of other Commissioners and that a 45-foot height with a 25-foot Setback in the southeast corner presented an issue for her. Chair Hall would like to see more of an increased Setback with more landscaping and buffering.

The biggest issue for her was the Frontage Protection Zone height. She understood the need to make this project pencil because she would like to see this project done and redevelopment in this location. She agreed with the idea of pushing the buildings at the forefront of the Entry Corridor back, as suggested by Commissioner Suesser and Commissioner Sigg. By doing this, the applicant could get their density and make the project pencil, while still meeting the criteria of the Code.

Commissioner Johnson echoed many of the expressed concerns. He felt the request for height exceptions in the FPZ was the major problem. He felt the Commission was willing to grant height exceptions, but doing so within the FPZ they could look at the criteria and go in either direction. He found that the proposal did not comply with Section 15-6-5(F)(4), and on top of that, he did not find that a height exception within the FPZ complied with Section 15-2.20-4. If they had the discretion to grant the height exception, the Commission must look at their guiding documents outside of the LMC. He stated if they looked at the Bonanza Park Neighborhood section of the General Plan, Section 3.6 clearly stated, "The FPZ helps to preserve scenic view corridors by providing a significant

landscape buffer between development and highway uses by restricting the location and height of the structures in the zone.”

Commissioner Johnson also referenced the Natural Settings section of the General Plan, Goal 4, Objective 4(B): “Buffer Entry Corridors from development and protection mountain vistas to enhance the natural setting quality of life.” Regardless of whether it is relevant to this application, Commissioner Johnson noted that the Bonanza Park Small Area Plan clearly set out that 35 feet within the FPZ were restricted. He noted they just went through an extremely long exercise over two years to get to that point, and the Planning Commission and City Council adopted it. He felt that disregarding that so soon after its adoption seemed disingenuous.

Chair Hall agreed with Commissioner Johnson’s last statement as stated that was the crux of the issue for her as well.

City Attorney Harrington reminded the Commission that the Bonanza Park Small Area Plan was not the crux of the decision. He acknowledged the applicant raised it, so it was fair game for the Commission response; however, it was not the controlling document. Instead, the Commission was controlled by the six criteria at issue. Chair Hall noted that some Commissioner’s comments specifically referenced the six criteria. Commissioner Suesser suggested summarizing each Commissioner’s response to which of the six criteria the application either met or did not meet.

City Attorney Harrington looked to the applicant in terms of how much clarity they wanted and noted that the Commission had given them a straw poll. He asked if the applicant wanted to just take the feedback and regroup.

Attorney Keyes understood the feedback and what it really came down to was the Commission was not comfortable with the height, particularly in the FPZ. He stated there was a lot of discretion in terms of how the Commission interpreted the six criteria that were purposefully drafted loosely. He pointed to increased Setbacks and what that meant. He acknowledged that the Commission wanted to see more Setbacks on the south and east sides.

Architect Elliott expressed that the Code referenced increased Setbacks, but it did not say that all Setbacks be increased. The intention of the south and east side was to set it up for what the Bonanza Park area would become, which is a mixed-use area with sidewalks, retail, and commercial along that side. He stated that the proposal included very large sidewalks, and plantings along there with the intention of tying into the long-term plans of Bonanza Park. He stressed that they really tried to focus on the increase in Setbacks along Park Avenue and Kearns Boulevard, and stated the design was not intended to try and get away from anything, but rather to embrace the City’s goals.

Attorney Keyes also noted that they had more than 120 feet in other areas. He stated that one of the benefits of this design was that there were areas that would exceed the

100-foot Setback, and that should not be missed. He referenced page 13 of the Staff Report, wherein Staff did a great job of lining that out. He referenced criterion 2, which asks whether the buildings are positioned to minimize visual impact, and argued that it was not just visual impacts; it was visual impacts on adjacent structures. He stated he could argue this design would minimize visual impacts to adjacent structures because there were really no adjacent structures.

Attorney Keyes stated it was rare for community members to not oppose a height exception, and noted that they proactively minimized that concern. He stated the Commission was clear that it was comfortable with height, but not within the FPZ, and that if the applicant could find somewhere else to put the height the Commission might be okay with it and then look back at the six criteria. He lauded Architect Elliott for the reasons behind the design but felt it was not worth going over that at this meeting.

Attorney Keyes felt that the applicant got the feedback they needed. Chair Hall agreed with Attorney Keyes' summary of the Commission's general consensus.

Commissioner Sigg added that the Commission applauded the applicant's effort and an improvement to this corner was tantamount, and they just needed to find a way that the Commission could approve it per the Code. He opined that there was a way to keep things outside the 100-foot boundary. He commented that the Commission liked the separation of the buildings, and they want this to be successful. They just need to find a way within the Code that would allow the Commission to approve this application.

Architect Elliott understood that they were not prohibited from putting buildings in the FPZ, but the Commission's real concern was the height of those buildings in the FPZ. Commissioner Johnson agreed and suggested it align with the Bonanza Park Small Area Plan that states 35 feet within the FPZ.

Attorney Keyes asked if 45 feet would be the cap outside of the FPZ, noting that there was no limit on the height exception that could be granted under the MPD. He noted that the Commission granted a height exception of up to 60 feet at Studio Crossing, and at the right location increased height was a tool they had. They tried to stay under 45 feet based on Commission feedback from prior meetings. It would be helpful when they shift the mass around the site if they knew that a height above 45 feet would be supported.

Commissioner Frontero commented that if some of the massing was removed from the FPZ, he would consider approving an additional floor at the south where they had the affordable building and restaurant building.

Architect Elliott stated they discussed this in the past, and the reason they did it this way was to get light into the whole project and through to the FPZ. The idea of putting the height on the south side and blocking the sun from the rest of the project was a challenge in terms of sustainability. He stated they would revisit that before returning. He presented an image and demonstrated his understanding of Commissioner Frontero's suggestion.

Commissioner Frontero stated he could be more comfortable with additional height in areas A and E if they returned with a design where the height was removed from the FPZ.

Architect Elliott stated there were a number of different solutions, and he could appreciate that as an option.

Commissioner Johnson understood in going through the Bonanza Park exercise that there was a little flexibility with the height, but it spoke to looking at the project as a whole. It was written that if they were to go above 45 feet, there must be significant community benefit.

Commissioner Suesser stated that relocating the height out of the FPZ and to other buildings was a great suggestion, but it did not address the additional Open Space, the additional Setbacks, and additional landscaping, which are three of the criteria in the MPD Code. She asked the applicant to consider that as well.

Attorney Keyes stated they would consider that, and noted that he felt the plan provided significant Open Space. The 38% was just the public Open Space and did not count the internal space. He was sensitive to Commissioner Sigg's comment that at the current stage, there was not a lot of connectivity, but the plan was to create connectivity and perhaps this would become a key venue for the Olympics. He stressed that 38% was a lot in this location and was 27% more than they were required to provide; therefore he struggled with the notion that this design did not meet those criteria. He reminded the Commission that there was a minimum density they must meet, otherwise this project would not work, and would not work for any other redevelopment in the Bonanza Park Small Area Plan unless there is a certain density. Commissioner Sigg suggested that with the value of the land, the applicant go taller than one story.

Chair Hall hoped that the applicant would return and they could have a productive meeting. The consensus was that the Commission wanted redevelopment and enhance the FPZ so the application meets the criteria of the Code.

Director Ward mentioned that this item would be continued to September 11, 2024.

MOTION: Commissioner Johnson moved to CONTINUE 1800 Park Avenue – Park and Kearns Master Planned Development and the public hearing thereon to September 11, 2024. Commissioner Shand seconded the motion.

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

7. ADJOURNMENT

MOTION: Commissioner Suesser moved to adjourn.

The meeting adjourned at approximately 9:15 P.M.

CORIE HARDEE

1861 CAPTAIN MOLLY DRIVE, PARK CITY, UT 84060

Dear Park City Planning Commission,

Since June 26th 2024 both I and other Board members from Park Avenue Condominiums have met with Peter Tomai to discuss the development of "The Yarrow". Our Association represents 132 individual residential properties located directly across from the proposed development. Mr. Tomai and his group have been very responsive to our PACA's concerns. Any objection stated in my letter to the Commission, dated June 26 2024 is withdrawn. Tim Bittel, a member of the PACA Board will attend the Commission's meeting on 28 August 24, 2024 and reaffirm our support of the Yarrow proposed redevelopment.

Corie Hardee

Corie Hardee

President

Park Avenue Condominiums HOA

28 August, 2024



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Aug. 27, 2024

Park City Planning Commission
445 Marsac Avenue
Park City, UT 84060

Dear Members of the Park City Planning Commission,

I am writing to express my enthusiastic support for the proposed redevelopment of the Yarrow/DoubleTree Hotel site at Park & Kearns, a pivotal component of the Bonanza Park district transformation. As a stakeholder in the community, I am particularly impressed with the project's commitment to creating a mixed-use destination that prioritizes walkability, connectivity, livability, and inclusivity.

This project promises to revitalize an underutilized area by introducing a diverse mix of uses that cater to both residents and visitors, significantly enhancing the Bonanza Park experience. The integration of over 1.7 acres of public open space, 1500 feet of new multi-use paths, and underground parking are commendable efforts in transforming the current landscape into a vibrant, pedestrian-friendly environment.

Moreover, the development plan includes 60 units of deed-restricted affordable housing, crucial for supporting our local workforce and ensuring that Park City remains an inclusive community for all income levels. The thoughtful incorporation of energy-efficient designs and sustainable practices further underscores the project's long-term benefits to the community and environment.

In light of these substantial community benefits, I respectfully urge the Commission to approve the requested 10-foot height exception necessary for the realization of this project. This exception is not merely a procedural formality but a critical element in delivering a project that exceeds standard requirements in open space, setbacks, and affordable housing, setting a high standard for future developments in our beloved city.

Thank you for considering this transformative project which will undoubtedly serve as a benchmark for thoughtful and community-focused urban development in Park City.

Sincerely,

Nathan Rafferty

Ski Utah | President & C.E.O.

Partners in Promoting Utah's Winter Sports Industry

