



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

WORK SESSION – Discussion only, no action will be taken *pg*

Montage – Possible changes to construction hours
Informational

ROLL CALL

ADOPTION OF MINUTES OF JANUARY 13, 2010

ADOPTION OF MINUTES OF JANUARY 20, 2010

ADOPTION OF MINUTES OF FEBRUARY 10, 2010

ADOPTION OF MINUTES OF FEBRUARY 24, 2010

PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

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

1053 Iron Horse Drive – Consideration for an aluminum siding product exception per Land Management Code section 15-5-5(B)(10) 99
Possible action

2060 Snow Creek Drive, Snow Creek Cottages – Subdivision PL-10-00894 101
Public hearing and possible recommendation to City Council on 3/11/10

2060 Snow Creek Drive, Snow Creek Cottages – Condominiums Plat PL-10-00919 109
Public hearing and possible recommendation to City Council on 3/11/10

North Silver Lake – Conditional Use Permit PL-08-00392 121
Public hearing and possible action

ADJOURN

Items listed on the Regular Meeting may have been continued from a previous meeting and may not have been published on the Legal Notice for this meeting. For further information, please call the Planning Department at (435) 615-5060.

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.
Planning Commission - March 10, 2010



Park City Vicinity & Zoning Map



March 10, 2010
Planning Commission Meeting

2060 Snow Creek Drive, Snow Creek Cottages
Subdivision & Condominium Plat

1053 Iron Horse Drive
Consideration of Aluminum Siding

North Silver Lake
Conditional Use Permit



WORK SESSION NOTES – JANUARY 13, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
January 13, 2010**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Adam Strachan, Thomas Eddington, Brooks Robinson, Kayla Sintz, Polly Samuels McLean

WORK SESSION ITEMS

North Silver Lake - Conditional Use Permit
(Application #PL-08-00392)

Planning Director Thomas Eddington reported that the North Silver Lake project had been remanded back to the Planning Commission. On December 9th the Commissioners heard from the applicants for the first time since the remand. The applicants had returned this evening with an overview and information update on the project to date. Director Eddington noted that the applicants had prepared a massing model that would be presented this evening. The information in the Staff report reflected the information that was presented by the applicant and addressed the reduction in massing of the North Building.

Chair Wintzer clarified that the discussion should focus only on the North Building and that all other elements of the project remained the same. Director Eddington replied that this was correct.

Doug Clyde, representing the applicant, stated that during the meeting in December the Planning Commission requested to see information that directly compares the previous plan with the currently proposed plan. The requested information was included in the Staff report. Mr. Clyde requested feedback from the Planning Commission after hearing supplement information provided in their presentation this evening.

John Shirley, the project architect, reviewed the model. He stated that it was very schematic, but showed the advantages of splitting the building apart in the new orientation. Mr. Shirley believed the height, mass and scale was more compatible with the three condominiums on the interior of the project. Stepping the facades is more exaggerated on the new scheme, which helps break down the scale. Mr. Shirley remarked that the trees on the model represented three different levels of tree planting; existing trees, new trees and trees that would be added with this new proposal. He pointed out that placing a greater portion of the massing over the street created more open space. In addition, it allowed them to create the porte cochere underneath. It also puts a large portion of the massing behind the homes. Mr. Shirley stated that architecture itself is compatible with the rest of the project. The color and materials would be the same as originally proposed.

Mr. Clyde clarified that the open space calculation had not yet been done; therefore, the number could vary slightly.

The Commissioners left the dias to look at the model.

Mr. Shirley reiterated that the model was a very schematic massing study. The objective this evening was to hear feedback from the Planning Commission before moving forward to the next step.

Assistant City Attorney, Polly Samuels McLean, noted that the Planning Staff had not had the opportunity to analyze the model presented. The Planning Commission could give their initial reaction with the caveat that they do not have a full Staff analysis. Mr. Clyde stated that they were fully aware of that fact. The presentation this evening was to respond to the comments from the last meeting.

Chair Wintzer requested some type of overlay over the old plan to show how the new plan has moved on the site. He believed the massing was reduced and the building is more interesting. Chair Wintzer thought the design was moving in the right direction.

Commissioner Peek concurred with Commissioner Wintzer. At the last meeting he had mentioned a wildland urban interface report and recalled that Mr. Clyde had indicated that he might have a report for this meeting. Mr. Clyde stated that the report was prepared and submitted to the Building Department and to Planner Cattan for review. They basically agreed with the conclusions and requested that five or six small trees be removed that were up against the building. Mr. Clyde remarked that the direction was consistent with the information that was supplied prior to the approval. The conclusion was that there would be no impact on the visual analysis of the project. Commissioner Peek assumed that future landscape plans would reflect the updated results. Mr. Clyde offered to illustrate it on the landscape plan.

Commissioner Strachan referred to the chart on page 8 of the Staff report, which compared the square footage of the previous and current designs. He wanted to know how those numbers were calculated.

John Shirley pointed out that the numbers are preliminary because they were based on the preliminary massing. He explained how the areas of the different floors were calculated. Mr. Shirley anticipated the numbers would shift slightly as the floor plan is defined.

Commissioner Strachan referred to pages 2 and 3 in the packet and noted that there were discrepancies in the numbers. The numbers on page 3 identify the square footages for the northeast building and the northwest building. The two numbers added together total 52,705 square feet. However on page 2, adding the square footage for those same buildings total 72,927 square feet. Mr. Shirley replied that 52,705 is the above grade square footage. Mr. Shirley stated that the most flexible square footage is below grade, and include the back of house services, kitchen, mechanical, etc., which is underground between the parking structure and the lower level of the building. That is still being refined and he expected to see additional shift in that number.

Commissioner Strachan was concerned with the below grade square footage. He was torn between reducing the above ground square footage and increasing the below grade square footage, and deciding which one was the better of two evils. He asked if there was an architectural way to reduce the amount of square footage both above and below grade.

Mr. Shirley pointed out that the above grade square footage basically concerns the for-sale residential space. The below grade square footage is support facilities. Commissioner Strachan clarified that his only concern with the below grade area is the amount of excavation that would be required. Generally, he felt the reduction in mass was moving in the right direction. Commissioner Strachan applauded their efforts. In the future, as the floor designs are defined, he would like to continue to see the same chart to track the square footage with each iteration of the plan. He was

most interested in always seeing the saleable area line item.

Commissioner Pettit stated that she was not at the last meeting and had not had the opportunity see what direction the applicants received from the City Council. Commissioner Pettit echoed the comments of the other Commissioners. She believed the changes in the massing were significant, particularly from the entry area. Commissioner Pettit was more comfortable with the current design versus the one originally proposed.

Commissioner Hontz stated that the evolution of the building was going in the right direction. She appreciated how the applicants had responded to their comments and questions from the last meeting. Commissioner Hontz concurred with her fellow Commissioners.

Mr. Clyde believed they had sufficient direction to move forward.

The work session was adjourned.

MINUTES – JANUARY 13, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 13, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Julia Pettit, Adam Strachan,

EX OFFICIO:

Planning Director, Thomas Eddington; Principal Planner, Brooks Robinson; Planner Kayla Sintz;
Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:30 p.m. and noted that all Commissioners were present except Commissioner Luskin, who was excused.

II ADOPTION OF MINUTES

MOTION: Commissioner Peek moved to APPROVE the minutes of December 9th, 2009. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMENT

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Planning Director, Thomas Eddington, reported that the application for 637 Woodside had been withdrawn by the new property owner, Zions Bank. Therefore, the Planning Commission would not be hearing that appeal.

Director Eddington stated that Treasure Hill was tentatively scheduled to come before the Planning Commission on February 10th. Commissioner Pettit stated that she would not be able to attend the February 10th meeting.

Director Eddington reported that the City Council held a visioning session on January 11th and 12th and a few of the Commissioners had attended. The General Plan was discussed with the City Council. Director Eddington stated that a packet was emailed to the Commissioners so they could see what the Staff had proposed with regard to the General Plan.

Director Eddington noted that the Staff still proposed to meet with the Planning Commission on the second meeting of the month to discuss long range planning ideas. Commissioner Pettit asked if the Planning Commission would continue to focus one meeting a month on the General Plan. She commented on the amount of work that needs to be done based on the list of task elements in the proposal. Director Eddington replied that the intent is to dedicate one meeting per month for long range planning. However, there may be times when that is changed to every other month.

Director Eddington stated that the Staff may ask the Planning Commission to discuss establishing sub-committees that could work with the Staff on General Plan elements. Commissioner Pettit stated that she and Commissioner Hontz have had discussions about structure for the General Plan. If they could have an outline for designing the General Plan, it would help the Planning Commission digest input as information comes in from the fact gathering. Director Eddington remarked that during the second meeting in December they initially talked about building off of the four elements in the Community Vision statement. Based on information received at that meeting, the Staff may base it on the six vision statements included in that document. Currently, the Staff is looking at data collection and analysis based on elements, since that is the only way to understand the research component of the General Plan. As they get further into the process, he believed that could lean more towards the six vision statements.

City Council member, Liza Simpson, introduced, Alex Butwinski as the new City Council liaison. Council member Simpson stated that she would be the alternate liaison when Council member Butwinski is unable to attend.

Council member Simpson thanked the Commissioners who attended the Visioning Session. It was a productive conversation and she hoped they would have many more.

Chair Wintzer stated that it was one of the better visioning sessions he has attended.

Principal Planner Brooks Robinson noted that the appeal for 505 Woodside Avenue had been withdrawn and would not be heard this evening.

Election of Vice-Chair

MOTION: Commissioner Pettit moved to elect Commissioner Peek as the vice-chair. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

CONTINUATIONS AND PUBLIC HEARINGS

Land Management Code - Amendments to Chapters 2.3 (HR-2 District); 5, 6, 10 and 11, regarding the Master Planned Development within HR-2 District and the application and appeal process of the Historic Design Review (Application #PL-09-00787)

Chair Wintzer opened the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the Land Management Code Amendments to January 20, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

16 Sampson Avenue - Steep Slope CUP
(Application #PL-08-00572)

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE 16 Sampson Avenue Steep Slope CUP to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS

1. **1200 Little Kate Road, Racquet Club - Master Planned Development**
(Application #PL-09-00785)

Commissioner Wintzer recused himself due to a potential business conflict and left the room. Vice-Chair Peek assumed the Chair.

Planner Kayla Sintz introduced Selesia Carson and Brent Tippetts with VCBO Architecture, Ken Fisher, Park City Recreation Manager, and Steve Brown, the project manager from Millcreek Consulting and Development. At the request of Planner Sintz, Mr. Brown provided a brief background of his credentials and the projects he has been involved with in the area.

Planner Sintz reported that the Racquet Club project was before the Planning Commission on December 9th, at which time the Commissioners provided significant feedback. The Staff report contained a summary of their comments, as well as a list of elements that were changed to address those issues. The Staff was pleased with the direction of the modifications.

Planner Sintz clarified that the Staff and applicant were looking for additional comments on the general architecture and construction mitigation, and to hear public comment. The applicants would return on January 20th for a full MPD review and possible action.

Commissioner Pettit was uncomfortable setting a precedent for discussing applications at the General Plan meeting and for making a special exception for this project.

Director Eddington explained that the Staff was also requesting that some of the Land Management Code amendments be continued to January 20th. Since Treasure Hill was scheduled for February 10th, the Staff preferred that the Planning Commission take action on the Racquet Club prior to February. Director Eddington anticipated a shorter General Plan discussion on January 20th and he believed there would be time to discuss the Racquet Club.

Vice-Chair Peek was willing to share the General Plan meeting with other applications, as long as the meetings would not go too late. Director Eddington remarked that action on projects have been delayed because meeting schedules were changed to accommodate the holidays and Sundance. He did not expect to have this same problem for future General Plan meetings.

Commissioner Pettit clarified that her only concern was making special exceptions for certain applicants. In addition, if they continue to use the General Plan meeting for overflow projects, it could affect their progress on the General Plan. She recalled a previous discussion about having a special meeting for Treasure Hill.

Commissioner Strachan remarked that when the idea of a special meeting for Treasure Hill was discussed, the Planning Commission decided against it because of the precedence issue and to avoid the perception of special treatment for certain applicants. He was comfortable addressing the Racquet Club at the General Plan meeting if it helped alleviate a back log situation going in to the winter months.

Planner Sintz reviewed the concerns expressed at the last meeting regarding the master planned development for the Park City Racquet Club, as outlined in the Staff report.

The first concern related to the proposed architecture, specifically the entry element not being compatible with the neighborhood. Specific comments addressed the gray color of the metal panels. Planner Sintz reported that the applicant and the architect modified the color selection and had prepared a color and materials board to present this evening. The new color proposed for the metal panels was a bronze-brown. Planner Sintz pointed out that the color serves a function in dividing up the different masses that occur in the facade. The Staff believed the color worked well with the other earth tones proposed.

Planner Sintz reviewed the elevations and the roof forms. She noted that height was not an item for discussion this evening. However, she pointed out the height in relation to how it affects the different roof elements. Planner Sintz explained how the entry element was changed to be more pedestrian friendly. Another major change was a re-design of the clerestory elements.

Planner Sintz commented on changes made to the parking. She noted that 148 parking stalls are proposed. The applicant would have a parking plan available next week that shows where the 148 parking spaces are located. An exhibit identified the snow storage as required by Chapter 15-4 of the LMC. It also showed the different light pole locations in relation to the overall site plan. Those meet the City requirements for foot candles in a parking lot. Regarding a request for additional landscaping, Planner Sintz noted that the applicant was proposing to add additional mature trees in the existing pocket park.

Planner Sintz addressed construction mitigation. She noted that the conditions proposed by the applicant were directly related to public input and Commissioner comments. The first condition proposed was to limit the work hours between 7:00 a.m. to 6:00 p.m., Monday through Saturday. This would include the start-up time for any equipment. Delivery of materials would also occur within that same time frame. A caveat would be added to allow exceptions for special circumstances that would be worked out with the Chief Building Official to allow for deliveries that might occur outside of the specified time frame.

Planner Sintz remarked that a second condition clarified that staging would occur on the existing hard-surface parking lot on site. The placement of porta-pottys would be done in consideration of the neighbors.

A third condition addressed transportation of labor to and from the job site. Planner Sintz noted that this item would be a condition of the construction contract. On-site parking would be restricted to authorized personnel and controlled by the project superintendent.

A fourth condition requires that the construction mitigation submitted to the City by the General Contractor include appropriate contact information for the neighbors to log complaints and concerns.

Vice-Chair Peek opened the public hearing.

Andre Schoumatoff, Vice-President of the Homeowners Association, stated that their annual Board meeting conflicted with tonight's Planning Commission meeting. For that reason there would be a lack of public input this evening. Mr. Schoumatoff thanked the applicants and the Planning Commission for the process and he believed most everyone would be pleased with the compromises that were made. Mr. Schoumatoff anticipated additional public comment at the next meeting. He would be chairing the HOA annual meeting and would provide an update to the homeowners. He would also instruct his members to forward their comments to Planner Sintz to be forwarded to the Planning Commission.

Lisa Wilson commented on the importance of having a USTA regulation court. She has been playing tennis for 10 years and is a 3.5 player. Ms. Wilson pointed out the difficulties of playing on shorter, non-regulation courts.

Rhonda Schlager supported a USTA-length court. She noted that a regulation tennis court is just as important as a regulation basketball court or football field for those who play tennis.

Len Bowss stated that he is a 4.5 player and he played in the Men's 45 and over tournament. People come from everywhere to play in tournaments and it is important to have the width and length to have a USTA sanctioned tournament come to Park City. Mr. Bowss stated that national tournaments pull people in and it benefits Park City.

Vic White was opposed to the Racquet Club project as proposed. After listening to the previous speakers, he did not believe they were looking at the unintended consequences. He understood that the height was not being discussed this evening, but increasing the height inside also increases

the height outside. Mr. White believes the increased height would not fit with the neighborhood. He had written a letter to the editor where he stated that building the Racquet Club as proposed would be like trying to hide an elephant in short grass. It does not work. The building would end up being six stories high, eight feet per story in a residential area. Mr. White stated that the facility is for the residents and families and not the elite players. If Park City wants a facility for elite players and elite events, they should build it at an appropriate venue and not in the middle of a neighborhood. Trying to bring in major events would only create additional impacts for the neighbors in terms of traffic, people, and parking. Mr. White did not dispute that the Racquet Club needed to be refurbished, but he was opposed to the extent of the renovation in a residential area.

Meeche White stated that she does not play tennis but she is a member of the Recreation Advisory Board. Ms. White believes that an important part of this project is not necessarily to create a world-class tennis facility, but to have a tennis facility that meets regulation play. Ms. White remarked that another important factor with this renovation is that the facility would be made ADA compliant, which did not occur with the last renovation.

Vice-Chair Peek continued the public hearing.

Planner Hontz stated that after reviewing the drawings and the materials board, she was comfortable that her issue regarding color had been addressed. She liked the revisions and believed the facade fits better with the neighborhood. Planner Hontz appreciated the color change on the exterior materials. She felt that all her issues had been addressed and she was comfortable with the information presented.

Commissioner Pettit echoed Commissioner Hontz. The design changes addressed her previous concerns. She endorsed the construction mitigation as outlined and felt the hours proposed was a reasonable work schedule in a residential area. Commissioner Pettit felt it was important for the public in the area to understand the conditions and who they should contact if those conditions are violated. She thanked the applicant for specifying that in the construction mitigation plan.

Commissioner Strachan echoed the comments of his fellow Commissioners. He was comfortable with the architecture and pointed out that he did not have issues with the original proposal. Commissioner Strachan still had issues with the construction mitigation plan, particularly the 7:00 a.m.- 6:00 p.m. construction hours. He understood the practicality of starting at 7:00 a.m., however, if that start time is necessary, he questioned whether construction needed to occur on Saturday. Monday through Friday is a typical work week and he thought that was reasonable. Commissioner Strachan suggested that the construction hours be changed to 7:00 a.m. to 6:00 p.m. Monday through Friday and that no construction occur on the weekend. Aside from that one issue, he was comfortable with the project.

Vice-Chair Peek agreed with his fellow Commissioners. He requested adding "and the idling of any vehicles" to the condition that prohibits the start-up of heavy equipment prior to 7:00 a.m. This would prohibit workers from sitting in their vehicles waiting for 7:00 a.m.

Planner Sintz asked about the City's idling policy. City Council Member, Liza Simpson, explained that the City has looked at a new city-wide idling policy; however it is not an ordinance. They are asking people to understand that idling is bad for the environment and to personally take measures to stop idling their vehicles. That message is being communicated through Parking Enforcement. If

idling problems occur at the Racquet Club job site, it would be addressed through Building Code Enforcement. Council Member Simpson believed the Planning Commission could reiterate “no idling” in their direction for construction mitigation.

Commissioner Pettit stated that since this is a City project, the General Contractor needs to be made aware of the City’s “no-idling” policy and adhere to that policy.

Steve Brown stated that he polled a number of potential General Contractors when he was trying to write a response to the construction mitigation issues, and he was very specific about the 7:00 a.m. start time. Mr. Brown pointed out that 7:00 a.m. - 3:00 p.m. is industry standard and typical labor hours. However, labor hours are staggered to allow the first trade to do their part so the second trade can follow. Staggering the second trade carries over to the 6:00 p.m. hour. Mr. Brown stated that he was very specific on the vehicle start up time to emphasize that someone could not start their equipment and let it warm up prior to 7:00 a.m. He believed the same would apply to idling and he did not anticipate a problem. Mr. Brown offered to talk to a variety of contractor to make certain they are aware of the idling policy. He pointed out that once equipment is turned on, contractors do not like to turn off their equipment because it is harder on starter motors. However, because they want to be responsive to the noise ordinance of the City and clean air, he believed they could include idling language in the construction mitigation plan.

Mr. Brown noted that labor would be transported off-site and the only people who would bring in vehicles are the project superintendents and the Staff. He expected tight criteria for who comes and when they come.

Vice-Chair Peek requested that auxiliary job-site lighting be restricted to the hours of operation. He would like that specifically addressed in the construction mitigation plan.

Vice-Chair Peek remarked that the findings of fact in the last Staff report relate everything to an interpolated grade. He requested that the Staff put a hard USGS number on those items. Planner Sintz offered to add those numbers. Planner Sintz explained that the height exception was determined from interpolated grade. Therefore, the markers shown on the December 9th packet included an associated interpolated grade marker. The numbers they will show at the next meeting will tie to those interpolated markers.

Vice-Chair Peek requested a schematic drawing. Planner Sintz offered to provide the necessary graphics to show how the Staff interpreted the height.

MOTION: Commissioner Pettit moved to CONTINUE the 1200 Little Kate Road, Racquet Club MPD to January 20th, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 7:00 p.m.

Planning Commission Meeting
January 13, 2010
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Approved by Planning Commission _____

WORK SESSION NOTES – JANUARY 20, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION
January 20, 2010**

PRESENT: Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean

WORK SESSION ITEMS

Legal Training

Assistant City Attorney, Polly Samuels McLean, reported that the Planning Commission is required to have annual training on the Open and Public Meetings Act. The Planning Commission had their training last year and she would highlight the basics this evening.

Assistant City Attorney McLean stated that she would have training prepared on certain matters to present to the Planning Commission on rare occasions when their meetings are short. She encouraged the Commissioners to email her with legal questions that can be addressed as a work session item or during a break. Ms. McLean stated that she was always available to answer questions one-on-one.

Ms. McLean explained that the spirit of the Open and Public Meetings Act is to act openly, make decisions openly and to deliberate openly. She clarified that "open" means in front of the public in a setting that allows the public the opportunity to hear their deliberations.

In terms of defining a meeting, Ms. McLean stated that a quorum is four Planning Commission members, including the Chair for computation purposes. The language reads, "The majority of the appointed members". Due to the vacant seat left by Evan Russack, the Planning Commission currently has six members and the majority is still four. If they were to lose another member, they would have a majority with three. Ms. McLean explained that no business can be conducted during a meeting unless a quorum is present. That also includes work session.

Chair Wintzer asked if the Planning Commission should dismiss themselves from conducting a meeting if they do not have a quorum. Ms. McLean replied that this was correct.

Ms. McLean remarked that the Chair cannot vote. However, the vice-chair or any Commissioner acting as a Chair, still maintains his or her vote.

Ms. McLean explained that "convening" means a situation where they are all scheduled to be at the same place. Attending a holiday party or coincidentally meeting at a store is not considered a meeting. However, if they attend a function where they might be talking about issues that might come before the Planning Commission, that would be considered a meeting.

Ms. McLean commented on emails and noted that if a Commissioner was sending substantive information to all the Commissioners, that could also be viewed as a meeting and would violate the intent of the Act. She informed the Planning Commission that their emails may be public record under GRAMMA. Therefore, if emails are sent among the Commissioners, those could be discoverable to the public. Ms. McLean encouraged the Planning Commission to keep their communication on substantive matters in front of the public.

Commissioner Pettit asked if the Planning Commission had a record retention policy for email communications and whether they should not delete those emails. Ms. McLean was unsure and offered to check the City's retention schedule regarding emails. She believed it was a one year

time frame. Commissioner Peek suggested that if the Planning Commission was bound by the retention policy, they should be issued email addresses.

Ms. McLean thought that was a good point and offered to look in to it.

Regarding meeting locations, Ms. McLean stated that the Act requires a regularly scheduled meeting at a regularly scheduled meeting location. She noted that the Planning Commission already follows that procedure. Site visits are allowed, as well as emergency circumstances. Ms. McLean commented on electronic meetings and questioned whether the City had adopted an electronic meeting resolution. Commissioner Peek recalled that a resolution had been adopted. Ms. McLean offered to follow up on that issue. If there is not a resolution in place, they would need to have one before an electronic meeting could occur.

Commissioner Pettit recalled that during a previous joint meeting with the City Council and the HPB, an HPB member was unable to attend and requested to participate telephonically. A resolution was passed to allow that member to participate; however, the technology did not work well and there was no cue for when he should speak. Commissioner Pettit remarked that it is not uncommon in other jurisdictions to allow the ability for a member to participate telephonically. She realized that the Planning Commission has changed since the initial discussion, but at that time everyone felt it was important to have the people involved participate personally.

Chair Wintzer recalled concerns about handouts and how the person participating telephonically would not have the benefit of visual information. For that reason, he remembered that most people were not interested in allowing electronic participation. Ms. McLean offered to research the minutes and provide a summary of that discussion. She would also talk to the IT Department to see if there is better technology.

Commissioner Pettit stated that her biggest issue relates to major, substantive matters with significant public comment. The minutes do not reflect the actual sense or feel for the full discussion from all the Commissioners. If a Commissioner cannot attend a meeting but would like to understand an important application, they should have the ability to listen in, even if they cannot make comments themselves. Ms. McLean did not think that allowing someone to listen to the discussion without participating would be considered an electronic meeting. She would look into it further and report back.

Ms. McLean commented on noticing and explained that the City has its own noticing requirements. Under the Open and Public Meetings Act, the only requirement is to notice a meeting 24 hours prior. Following those requirements, the Planning Commission would be able to discuss a last minute item during work session as long as it could be noticed 24 hours before the meeting. Ms. McLean stated that "public comment and open" means that people are entitled to see the process. It does not mean that the public has to participate. For instance, during a work session the public has the right to hear their discussion, but the Planning Commission can decide whether or not they want to take public input.

Ms. McLean remarked that the Chair is in charge of the proceedings and disruptions do not have to be tolerated. The public time belongs to the entire public and it is appropriate for the Chair to keep people on point.

Ms. McLean noted that minutes are required for each meeting. She emphasized that the minutes, under State law, are the official record and represent what happened legally in the meeting. If the minutes are wrong, it is important to make corrections before they are approved. She believed the Planning Commission was diligent about making sure the minutes are correct. Ms. McLean clarified that the Planning Commission could correct something they said that was reflected incorrectly in the minutes; however, it must be something they actually said and not what they wished they had said. She pointed out that if there was ever a discrepancy, it could be checked against the recording.

Regarding emergency meetings, Ms. McLean noted that members are notified as quickly as possible. She stated that there was very little reason for the Planning Commission to have an emergency meeting.

Ms. McLean stated that if for any reason the Open and Public Meetings Act is violated, any action taken in the meeting is voidable. Ms. McLean noted that because Park City wants the community to be involved, it errs on the side of additional noticing or not holding a meeting due to noticing issues.

Commissioner Pettit referred to an email the Commissioners received earlier in the week regarding correspondence between Ron Ivie and David Smith, with Talisker. It was the subject of action that the Planning Commission took during a meeting. She noted that the email was not included in the packet and wondered how it becomes part of the file to be on record. Commissioner Pettit pointed out that the email was not available to the public at the time the Planning Commission made their decision.

Commissioner Peek believed that the intent of the email was to update the Planning Commission regarding a negotiated settlement between the two parties. Ms. McLean offered to find out the specifics of the email and what it means in the context of making it part of the record.

Commissioner Pettit thought it was important to have checks and balances on those types of issues.

General Plan Discussion

In the interest of time, the Planning Commission postponed this discussion.

Director Eddington noted that the intent this week was to review the goals from the previous General Plan and to present the City Council's priority goals. He offered to provide the Planning Commission with the power point package that was to be presented this evening so they would be ready to move forward at the next General Plan meeting on February 24th.

The work session was adjourned.

MINUTES – JANUARY 20, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 20, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brook Hontz, Richard Luskin, Dick Peek, Julia Pettit

EX OFFICIO:

Planning Director, Thomas Eddington; Brooks Robinson, Principal Planner; Kirsten Whetstone, Planner; Kayla Sintz, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Thomas called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Strachan, who was excused.

II ADOPTION OF MINUTES OF OCTOBER 22, 2008

MOTION: Commissioner Peek moved to APPROVE the minutes of December 16, 2009 as written. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS

Planning Director, Thomas Eddington, stated that Treasure Hill would come before the Planning Commission on February 10th. The applicants were creating a model of the site and asked if it would be appropriate to present that model during the February 10th meeting. The Commissioners were interested in seeing the model.

Chair Wintzer asked if the applicants would only present the model or talk about the project. Director Eddington stated that in addition to the model, the applicants intend to key up the project. Planner Cattan would prepare a Staff report and address the issues, which were similar to the issues outlined in the last report.

Assistant City Attorney, Polly Samuels McLean, recommended that the Planning Commission conduct a public hearing for Treasure Hill on February 10th. The Planning Commission could decide whether to have the model presented during work session and schedule a public hearing for the regular meeting, or whether it was better to do it all at the regular meeting.

Chair Wintzer was concerned about the adequate time needed for Treasure Hill versus other projects on the agenda. Director Eddington assumed that a couple of hours would be dedicated to Treasure Hill.

Commissioner Peek recalled that in the past the Planning Commission held a work session with public input. Chair Wintzer was concerned about seeing the model for the first time and expecting people to comment without having the opportunity to think about it. He suggested that it might be better to have one meeting where the Planning Commission and the public could see the model and hear the presentation and then have the public come back for comment.

Commissioner Pettit stated that she would be unable to attend the February 10th meeting, but requested the opportunity to view the model. Director Eddington stated that he would ask the applicants to make the model available for display either before or after the February 10th meeting.

Commissioner Pettit noted that in the past, specific elements of the Treasure Hill project have been discussed at certain meetings. She was concerned that the public comments on February 10th would be too broad and open up areas that the Planning Commission was not ready to address. Commissioner Pettit felt they should find a way to set parameters for the public hearing.

Assistant City Attorney McLean suggested that the Planning Commission provide their comments immediately after the presentation of the model to give their initial view prior to the public hearing. In addition, the Planning Commission could take public comment and ask that input be limited to specific topics being discussed that evening. If people stray from those topics, the Chair should bring them back to the discussion points and let them know there would be other opportunities to comment on different issues.

Chair Wintzer thought it was best to let the Staff determine the structure for Treasure Hill on February 10th.

To avoid possible quorum issues, Assistant City Attorney McLean requested that other Commissioners contact the Staff if they cannot attend the February 10th meeting, since Commissioner Pettit would be gone.

Commissioner Pettit asked about potential timing for when the City Council would fill the vacant seat left by Commissioner Russack. Director Eddington replied that the posting for applications was open until the end of January. They would not know until then how many applications are received. He would keep the Planning Commission updated on the process.

Planner Sintz updated the Planning Commission on the Planning Department's involvement with Sundance. The Staff has been actively reviewing and approving conditional use permits for any tag-on business that comes in just for Sundance. That also includes a permit that might be triggered from a business use change. In addition, the Staff reviews any signs associated with those changes to make sure temporary signs uphold the requirements of the regular sign code.

Planner Sintz noted that there are approximately 26 different tag-on addresses this year, which is the same amount as last year. Permits are approved right up to the minimum legal noticing date. Several in the Planning Department are involved throughout Sundance to go out with Code Enforcement to make sure the conditions of the approval are being followed.

Chair Wintzer disclosed that he would be recusing himself from the Racquet Club item, due to a potential business conflict if the application is approved.

REGULAR AGENDA/PUBLIC HEARINGS

1200 Little Kate Road, Racquet Club - Master Planned Development

Chair Wintzer recused himself from this item. Vice-Chair Peek assumed the Chair.

Planner Kay Sintz introduced Ken Fisher, the Park City Recreation Manager, Selesia Carson and Brent Tippets, with VCBO Architects, Steve Brown with Millcreek Consulting, and Matt Twombly, the project manager.

Planner Sintz reported that at the last meeting, the applicants provided updates on the architectural changes, which included facade modifications and building footprint changes, as well as materials and color changes. At that time construction mitigation concerns were also addressed. Planner Sintz noted that direct responses to their concerns were included in the Staff report.

Planner Sintz stated that during the last meeting, a couple of items were added to construction mitigation, which included no idling or start-up of vehicles and no site lighting prior to the 7:00 a.m. start time. Planner Sintz reported that Commissioner Strachan had suggested eliminating Saturdays from the construction work schedule and Commissioner Pettit felt the neighborhood should be kept notified of the process as the project moves forward.

Planner Sintz remarked that in response to the suggestions from the Planning Commission, the applicant added, no idling or start up of vehicles prior to the 7:00 a.m. and included auxillary lighting. Conditions of approval were added to address that issue. In regards to the request to eliminate work on Saturday, the applicants believe that allowing work on Saturday is important to keep current with the project schedule. Eliminating Saturdays would prolong the length of construction. As a compromise, the applicants offered a 9:00 a.m start time on Saturday.

Planner Sintz noted that Commissioner Peek had requested a graphic showing the interpolated grade and that graphic was included in the Staff report.

Planner Sintz stated that additional items addressed this week and included in the Staff report was discussion about the required volume for tennis play and questions on how the mechanical and duct layout affected the height exceptions being requested. Planner Sintz pointed out that VCBO has designed over 100 facilities and based on their experience with USTA requirements, they have designed a facility that has been proven to work. Planner Sintz stated that based on comments from the last meeting, the applicant re-looked at arranging the courts to minimize the affects of the mechanical system and came back with a reduction from the last layout. Exhibits were included in the Staff report.

Planner Sintz stated that another issue raised by Commissioner Strachan was a review of

Conclusion of Law #9 regarding affordable housing. She noted that a condition was added to indicate that affordable housing requirements were being met based on the number of employees. If the number of employees increase at the time of Certificate of Occupancy, the project would be subject to the conditions of the Housing Ordinance.

Planner Sintz noted that at the last meeting they talked about the architecture in relation to the facade, the new entry feature, the clerestory and changes to the exterior. Planner Sintz stated that height information was withheld to allow the Staff to verify the height and provide a clear description for the Planning Commission. She pointed out that the entry feature was reduced 6'7" over interpolated grade. The tennis ridge was reduced two feet from the last iteration. The existing tennis ridge height is 37'9". Planner Sintz stated that height exceptions are based on interpolated grade. The new tennis ridge will be two feet over the existing tennis ridge.

Planner Sintz reviewed the height exception analysis. She noted that the main tennis ridge is looking for a 5" height exception over the 1977 approval of 40 feet. The applicant is requesting different height exceptions for the north clerestory and south clerestory because interpolated grade falls from south to north. Therefore, the clerestories on the south appear lower than the north clerestories. The clerestory to the north is a 9" height exception and the clerestory to the south is a 1" height exception over the previously approved 40 foot height. Planner Sintz pointed out that the front entry is the tallest feature in the building and the request is for a 2'8" height exception over the previously approved 40 foot height.

Planner Sintz noted that a parking analysis was included in previous discussions and that 148 stalls was being proposed.

Planner Sintz reported on an increase in footprint and building square footage area in response to public comment and facade variation requirements.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the proposal and approve the Park City Racquet Club Master Planned Development based on the findings of fact, conclusions of law and conditions of approval included in the Staff report.

Commissioner Pettit noted that condition of approval 16 states that the Planning Commission would evaluate future phases. She wanted to know the process for that review and asked if future uses would be based on the same criteria used to evaluate this MPD. Planner Sintz replied that future phases would be subject to review criteria in Chapter 15-6-4 as indicated in the condition of approval.

Commissioner Luskin recalled a previous discussion about shortening the Saturday work day to 3:00 p.m., similar to construction hours in Old Town, as a convenience to the residents. Planner Sintz stated that Commissioner Strachan had requested completely eliminating construction on Saturday. The applicant has indicated that not working on Saturday was not acceptable given the time frame for building the project. She reiterated that the applicant had offered the compromise of a 9:00 a.m. start time on Saturday but still ending at 6:00 p.m. The Planning Commission could decide whether or not to accept that compromise.

Commissioner Luskin stated that he lived in another neighborhood during a construction project and he is sensitive to the impacts that Saturday construction has on a neighborhood.

Vice-Chair Peek believed that a 9:00 a.m. to 3:00 p.m. work day would be inefficient.

Steve Brown stated that he had addressed the question raised by Commissioner Strachan to a number of General Contractors. The basic response was that the more the hours of operation are restricted, the more risk mitigation they need to address. If the hours are reduced on Saturday, they would want to attach additional time to the length of the contract. Mr. Brown did not believe that would be palatable to the Planning Commission. The intent is to complete the project as quickly as possible to be sensitive to the neighborhood. Mr. Brown pointed out that the 9:00 start time was an attempt to keep noise to a minimum in the early hours on a Saturday. He noted that Saturday is typically a catch up day in the construction industry. He was not opposed to asking the contractors for a shorter work day, but he assumed they would ask for additional time on the length of the project overall.

Commissioner Luskin asked for an estimate of the overall construction period. Mr. Brown anticipated no longer than 18 months. Language would be written in the bid documents indicating that the shortest construction time would be a significant decision criteria. They would not know a realistic time until the bids come back from the General Contractors.

Commissioner Pettit wanted to know the Code requirement with respect to holidays. Director Eddington was unsure of the Code language, but the Planning Commission could stipulate that a holiday be treated as a weekend. Commissioner Pettit stated that she has personally experienced the impacts of people working on a construction site on Thanksgiving and Christmas. She felt it was incumbent upon the Planning Commission to insure that holidays are a day for family and friends and that the neighbors do not have to endure construction impacts.

Mr. Brown requested that the Planning Commission identify specific holidays so they could be added to the contract. Planner Sintz suggested using the same holidays that the City observes.

Vice-Chair Peek opened the public hearing.

Amanda Halsee, a resident at 1391 Little Kate, stated that she is a direct neighbor to the Racquet Club. Proximity to the Racquet Club was one reason why she purchased her home in that location and she and her family use the Club on a regular basis. Ms. Halsee was surprised to hear through this process that the facility does not meet USTA standards. She asked the Planning Commission to consider that they have one shot to do this right. Ms. Halsee was comfortable with the height exception, especially since the height exception is primarily the front entrance, which is what her home directly faces. Ms. Halsee expressed her personal preference to have people on the job site as long as possible Monday through Saturday to get the project completed quickly. Ms. Halsee believes an attractive, updated facility that no longer needs constant repair and meets the needs of the community would also help neighboring real estate values.

Scooter Mastain stated that he is a USTA Certified Tennis Pro and taught at the Racquet for 2-1/2 years. He was also the Boy's Tennis Coach for three years and has a personal interest in the Racquet Club situation. He understood that some people objected to the height increase and on behalf of his family he read a prepared statement. Their family includes four passionate tennis players and lifetime USTA members and tournament players, as well as tennis season pass holders at the Racquet Club for over fifteen years. The Park City Racquet Club has been a central focus, not only amongst countless tennis players, but also a facility for numerous revenue generating National USTA tournaments. To deprive an entire tennis playing community of the opportunity to engage in competitive play at their home club would be a travesty. Additionally, the City would reap the benefits generated by these National Tournaments, not only at the club but also in terms of lodging, food and shopping. Mr. Mastain and his family strongly urged the Planning Commission to very seriously consider the enormous negative impact caused by a ridiculous height restriction of a few feet.

Tom Odin, a resident of the Racquet Club Condos asked Planner Sintz to put up the slide that showed the mountain view from the parking lot. Mr. Odin remarked that building time and Saturday construction is a red herring because the neighborhood has endured construction projects since he's lived at the Racquet Club. Mr. Odin remarked that the second statement of the Park City Mission Statement talks about open space, mountain views, functional pathways and trails. He believes that is significant and some of his neighbors share that same view. He understood that the open space provided is still within Code, but the number has gone from 55.9% to 44.7%. In his opinion, that is a significant reduction. Mr. Odin appreciated the design but he was concerned about the increased footprint in a residential area. He believed this was an important element because it reduces their open space and affects their views. The building extends an additional 68 feet and puts the Racquet Club 20 feet closer to his home. Mr. Odin encouraged the applicants to keep the design within the existing footprint.

Vic White stated that he commented at previous public hearings and he commended the Planning Commission, the Staff and the architects for listening to the concerns and reducing the height. It is impossible to please everyone and felt that the height reduction proposed was a good compromise. Mr. White stated until today he had not realized that adjusting the tennis courts would extend the building 20 feet further to the north. That Impacts the view of the mountains from the north looking south. In addition, the proposal also expands the building to the east 68 feet. Mr. White noted that it would put the building into the white tent that was recently erected for Sundance. He stated that his previous remark was that the City was trying to hide an elephant in short grass. After understanding the full size of the Racquet Club as proposed, he has changed that to hiding a Brontosaurus in short grass. The size is enormous and he could not understand why they would consider allowing a structure that size in a residential area. Mr. White stated that the Racquet Club is a family facility for everyone of all ages. It is not a place for National USTA tournaments. If the City wants that type of facility, they should find another place to build it where it is not in a residential neighborhood. Mr. White agreed that the Racquet Club should be improved and refurbished, but the problem is the size and it is too big.

Chris Ruen, a resident on American Sadler, asked if the current design meets USTA standards

or if the setbacks between the tennis courts were narrowed down.

Planner Sintz noted that the Staff report talks about a compromise on the baseline of the last row of lighting. Ken Fisher explained that per USTA standards the lights must be 20 plus feet off the court. The last bank of three lights would be lower, but he was unsure of the exact height. Mr. Fisher was comfortable with that based on the idea that if a tennis ball hits the light, it will not go over.

Mr. Ruen thought the re-design was beautiful and he commended the architects on a great facility. He noted that construction delays always occur and he suggested that they create incentives to get the building constructed in the shortest time possible. Mr. Ruen has been a resident in the area for 3-1/2 years and he joined the Club as an annual tennis member within two weeks of moving there. He and his family all play tennis. He opposed the suggestion of returning to the same size tennis courts because without the proper setbacks players get injured. Mr. Ruen urged the Planning Commission not to push for further restrictions on the tennis courts.

Jeff Lonn stated that he lives in one of the Racquet Club condos directly to the east parking lot. At the last meeting he provided a history of the Racquet Club from his point of view over the past 25 years. Mr. Lonn felt this project was being pushed through quickly and he wondered if all the alternatives had been considered. He referred to a letter someone had written to the Planning Commission suggesting the possibility of building a new facility at Quinn's. Mr. Lonn stated that at his request, Ken Fisher provided him with the 2006 Park City Recreation Survey. In that survey 53% favored renovating the Racquet Club over all other options. However, he was unsure of those in favor intended for it to be turned into a world-class facility in a residential neighborhood. He remarked that the Racquet Club is the most used workout facility in Park City and 80% rated the facility as good to excellent. Ten percent rated it fair and only 1% rated it poor. Mr. Lonn stated that 40% of the people feel the need for outdoor tennis courts and 28% surveyed wanted indoor tennis courts. Of that 28%, 70% said the present courts meet their needs and ten percent would like larger, regulation tennis courts. Mr. Lonn did not dispute that Park City should have regulations tennis courts, but it is not worth the impacts on the neighborhood to provide regulation courts at the Racquet Club. He noted that world-class is popular buzz word. He was unsure exactly what it means, but he was fairly certain that it has little bearing on the quality of life or the livability of a town. In order to obtain a world-class tennis facility, the Racquet Club needs to be expanded, which will only increase the number of events and impact the lives of the Racquet Club condo residents. Mr. Lonn believed the question was how to meet the needs of the tennis players without greatly impacting the lives of the neighbors. He suggested that one option would be to have three indoor regulation tennis courts within the current footprint and put bubbles over the outdoor regulation courts in the winter. Mr. Lonn stated that if it is important to build a world-class facility, it should be built next to the Ice Rink at Quinn's Junction.

Mr. Lonn commented on construction mitigation. He was certain that construction staging would occur 50 feet from his condo like it has in the past. During the sidewalk construction last Fall they worked 7:00 a.m-9:00 p.m. six days a week for four months. Mr. Lonn stated that during the public meeting in December at the Racquet Club, he was assured that strict limits would be

placed on construction because it is a residential neighborhood. He requested that the Planning Commission consider limiting construction from 7:00 a.m.-5:00 p.m. Monday through Friday, which is a 50 hour work. The residents should not have to endure anything more than that.

Glenda White stated that as a tennis player she uses the Racquet Club year-round. In the afternoon the courts are being used by children taking lessons and they do not need huge regulation courts. She was concerned about the comments from people encouraging regulations courts because of the number of tournaments and other events sit would attract. This is a residential area and not an area for tournaments. Ms. White stated that the Racquet Club should be upgraded and remain a neighborhood facility. A world-class USTA regulation facility needs to be at Quinn's Junction or Kimball Junction.

Lucy Depler, stated that she was speaking on behalf of tennis players in favor of bringing the facility up to USTA standards. She had played tennis for over 75 years and has played tournaments in Europe and throughout the United States. Ms. Depler stated that Park City is a classy city with high standard ski areas and it is time they do the same with the Racquet Club and bring the tennis courts up to standards.

Charles Lloyd, a resident in American Flag, stated that he is a tennis player and uses the Racquet Club throughout the summer. He believes indoor courts are necessary even in the summer because the weather is unpredictable. The current courts are small and it would be nice to have USTA regulation courts. He plays on a weekly basis at the Eccles Tennis Center at the University of Utah where the courts are regulation size. There is a big difference between playing at Eccles and playing at the Racquet Club because of the space between the sidelines and the room behind the courts. Mr. Lloyd understood that the local residents would be affected by both construction and the size of the structure, but he believed the Staff had done a good job of trying to fit the design within the available footprint and still providing more open space that required by Code. Mr. Lloyd stated that while the height of the building may affect some view corridors, the impacts are considerably less than they would be with the 37' allowed height that could be built along the setback. In terms of construction impacts, as someone who lived with the Empire Pass construction traffic for three years, he understands that it is something you deal with until the project is completed. Regarding the construction hours, he believed it was better to get the project built as quickly as possible.

Vic White wondered if the last two people who spoke would change their mind if this building was built in their backyards. He pointed out that this is not the place for world-class facilities and they do not have the traffic patterns, infrastructure or services to accommodate world-class facilities. Park City has other places that can accommodate world-class facilities, but the Racquet Club is not the place.

Michele Dietrich, a resident in the Racquet Club condos appreciated the concern from the Planning Commission regarding construction work hours. She requested that the Planning Commission push for no construction on Saturday. Since the estimated length of construction is so long, a two day break at the end of the week would be much appreciated. Ms. Dietrich was also concerned about increasing rates for those who use the Racquet Club, due to the

price tag on the renovation. In an effort to build a world-class facility, she worried that the everyday user would be priced out of the Club.

Len Bowss stated that he is a tennis player and he has lived in the area for 20 years. He noted that tournaments bring in a lot of visitors to Park City. In response to the question of having it in his backyard, he would love to have this facility in his backyard. He believes that the Racquet Club will raise property values surrounding it. Mr. Bowss believed regulations courts are necessary, not only for national competitors, but also for the juniors who are learning to play because they will have the advantage of playing on regulation courts. Mr. Bowss commented on the difference in playing under a bubble, noting that the bubble limits the height. He encouraged the City to keep the four indoor courts and bring them to USTA standards.

Meeche White, stated that she is a 25 year resident of Park City and a user of the Racquet Club. She is excited about the design of the facility and believes it fits well within the neighborhood. Ms. White felt the Racquet Club was unfairly given the name world-class because it is not a world-class design. It is a community based facility design. A world-class design would have stadium seating and other features. Ms. White stated that she is a professional in the recreation field and while regulation courts are great for tennis players in terms of how they play, it is also very important for safety. She believed that building a \$12 million facility but not upgrading the tennis courts to regulation size would be a waste of taxpayer dollars. Ms. White was sympathetic to the construction concerns, but from personal experience, she believed it was best to get it done as quickly as possible. She supported reasonable Saturday hours.

Cameron Chin, a resident on Little Kate Road, stated that he was not a tennis player but he supported the regulation size tennis courts. He has been involved in other sports and knows the importance of having a regulation facility.

Vice-Chair Peek closed the public hearing.

Vice-Chair Peek expressed his appreciation for the modifications in the height. In looking at the section showing the mechanical, he asked if the interior shaded element was the regulation envelope. Planner Sintz answered yes. Vice-Chair Peek asked about the horizontal member that the regulation element runs in to. Brent Tippetts replied that the dark gray area represents the mechanical, and that runs between the courts. Vice-Chair Peek thought that the gable ridge of the lower tennis envelope appeared to be restricted by a horizontal element. Mr. Tippetts explained that vertically the mechanical equipment is within the envelope, but it was moved outside of the tennis play area to the out-of-bounds area.

Vice-Chair Peek wanted to know what would keep the bottom cord of the rafter trusses from touching the top line of the tennis envelope. Planner Sintz pointed out a girder at the top.

Commissioner Luskin complimented the applicants on the revisions. He thought they did a great job adjusting the height and changing the architectural appearance. Commissioner Luskin felt people used the term world-class fairly freely. He believes that like himself, most people live in Park City for the quality of life. Commissioner Luskin pointed out that at the last meeting

Commissioner Strachan felt strongly about keeping Saturday free from construction so the residents could enjoy their homes. He agreed with Commissioner Strachan that Saturdays and Sundays are important days for unwinding from the week. After listening to the comments this evening, he realized it was a difficult balance because it could prolong the project. Commissioner Luskin did not have an answer, but since Commissioner Strachan was not present this evening, he thought it was important to consider how strongly he felt about stopping work on Saturdays. Commissioner Luskin asked if there was a solution that would keep the matter open ended. He would feel guilty if in six months the entire neighborhood was complaining about their weekends being ruined. Commissioner Luskin acknowledged that construction occurs all over Park City and everyone lives through it. However, most people want a quality of life and not "world class".

Steve Brown wanted it clear that the term "world-class" came from the public hearings and not from them. He agreed with Meeche White that a world class design would look considerably different and the cost would be significantly higher. Mr. Brown stated that the Racquet Club as proposed would remain a family-friendly facility.

Regarding the construction issue, Mr. Brown pointed out that there had been no resistance to eliminating Sunday work completely. However, if they take away Saturday, he was fearful it would extend and prolong the overall nature of construction and that the overall cost would potentially rise. It could present a difficult situation when the bids are returned. Mr. Brown did not feel he was in a position to respond to the question about leaving it open-ended because contractors respond to open-ended issues with risk mitigation. Mr. Brown remarked that the Saturday scenario could become a major roadblock. He proposed adding language in the bid documents that would ask the contractors to attempt to quantify their Saturday work hours. As a criteria for bid selection, they could consider those who could minimize work on Saturday.

Commissioner Luskin asked if Saturday hours of 9:00 a.m.-3:00 p.m. were too restrictive. Mr. Brown was hesitant to impose that on the contractors without first hearing their feedback.

Commissioner Hontz preferred a shorter construction duration for the entire project rather than eliminating Saturday work. No one can control the weather and it is impossible to know what the contractors will face in terms of construction conditions within the next year to 18 months. Commissioner Hontz has lived through construction and she prefers a shorter time frame.

Vice-Chair Peek agreed with a shorter construction period. However, as a concession to local residents, he suggested special considerations for certain holidays so the residents can enjoy a long weekend without construction. For example, Labor Day falls on a Monday and there would be no construction on that Saturday. If a holiday falls on the weekend there would be no construction on that Friday or Monday, which ever day the holiday is observed.

Planner Sintz stated that during their discussion she had drafted a condition of approval to address holidays. She read, "Work days would be restricted on City-related observed holidays and actual holidays when it falls on a Saturday".

Commissioner Pettit agreed with Commissioners Hontz and Peek in their preference for a

quicker construction period. However, she felt strongly about stressing “no work” on holidays. She also favored the idea of adding language in the bid that would encourage minimizing Saturday construction hours. Commissioner Pettit was comfortable with the 9:00 a.m. start time. The question was with the stop time. Mr. Brown stated that an important criteria in the bid selection would be the length of the construction schedule and concessions for Saturday work.

After hearing their comments, Commissioner Luskin deferred to his fellow Commissioners on the preference for a shorter construction time period. Commissioner Pettit stated that the LMC that governs the process of evaluating the master planned development and includes criteria that guides their review. She recognized that the process began with the Recreation Board and a lot of work was done to identify the needs and wants of the community. Based on that information, the City moved forward with a proposal. Commissioner Pettit clarified that the job of the Planning Commission is look at the criteria in the Land Management Code that addresses density, open space, building footprint and related issues. While she struggled with where to draw the line on expanding the facility 20,000 square feet to provide additional amenities for the tennis courts and whether or not it was necessary, the fact is, the proposal falls within the criteria outlined in the MPD section of the Land Management Code. Commissioner Pettit noted that the applicants had responded to their comments by reducing the height to a more reasonable level and she was leaning in favor of making findings of compliance with the MPD criteria. The project is where it needs to be and the applicant had met its burden.

Commissioner Hontz stated that the budget and price tag of the project are outside of Planning Commission purview and is not something they review. She agreed that the projects meets the Land Management Code and the MPD criteria and she was pleased with the changes to the facade and height and the overall architecture. Commissioner Hontz also favored the changes made in the conditions of approval for the construction hours. She was prepared to move forward this evening.

Vice-Chair Peek referred to the site plan and asked if the dumpster could be moved to a location on the west end, away from the residents. Mr. Tippetts offered to work with Staff to find another location if possible. Vice-Chair Peek was unsure of the on-site parking needs during construction, but suggested parking on the east property line to lessen impacts to the neighbors.

Mr. Brown stated that the intent is to be sensitive to the neighbors to the east in terms of staging. Related language would be included in the bid documents.

To address Saturday work hours and holidays, Planner Sintz revised Condition of Approval #10 to read, “Work is restricted to Monday through Friday 7 a.m to 6 p.m. Saturday start time is 9 am to 6:00 p.m. Work would not be allowed on City observed holidays and actual holidays falling on a Saturday. This would include the time for start up of heavy equipment and start up of any vehicles. Idling of vehicles will not be allowed. Auxillary lighting will also be restricted to these hours.”

Mr. Brown requested that the Planning Commission identify specific holidays for clarification.

Assistant City Attorney McLean recommended that specific holidays could be included as part of the development agreement. The Planning Commission will ratify the development agreement and could make changes at that time. Based on that recommendation, the reference to holidays was eliminated from the revised Condition #10. Vice-Chair Peek pointed out that the added 6:00 stop time should remain to specify the Saturday hours as 9 a.m. to 6 p.m.

Commissioner Pettit asked if the development agreement should also include language that addresses the issue of creating bid language that encourages a shorter construction period. Mr. Brown remarked that the language would be drafted in the bid prior to the development agreement. Commissioner Pettit suggested adding that as a condition of approval to make sure it carries over to the development agreement. Ms. McLean suggested that the Planning Commission keep things general rather than specific to allow the Staff the opportunity to draft language that reflects their intention.

Vice-Chair Peek wanted to know who the development agreement would be with. Ms. McLean replied that it is an agreement with the applicant. Vice-Chair Peek pointed out that the City is the building owner, which is the City Council. Mr. Brown requested the drafted language as early as possible so he could provide it to the contractors.

Commissioner Pettit asked if it was appropriate to add a condition stating that, "Proposed language for the bid addressing minimization of Saturday construction shall be approved by the Planning Commission".

Matt Twombly stated that because it is a public bid, the Planning Commission does not have the jurisdiction approve a bid. Ms. McLean agreed, but thought it was appropriate to include language in the document indicating the importance of minimizing work on Saturday. Mr. Twombly made it clear that the language written in the development agreement with regards to the bid would not apply to the selection of the bidder. As a public agency, they need to select the lowest bidder.

Ms. McLean recommended that the Planning Commission set clear parameters for Saturday work and separate parameters for specific holidays. She pointed out that if a City observed holiday falls on a weekend, they are off either Friday or Monday. Vice-Chair Peek believed that following that practice would be sufficient to satisfy their intent for a quiet, long weekend. Ms. McLean suggested specifying that work could not occur on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas. The Commissioners concurred with those holidays and suggested that they be named in Condition #10.

MOTION: Commissioner Pettit moved to APPROVE the MPD application for the Racquet Club at 1200 Little Kate Road, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval, with Condition of Approval #10 to be amended to read, "Work is restricted to Monday through Friday 7 am to 6 pm. Saturday work is restricted to 9 am to 6 pm. Work shall not occur on New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas". The remainder of Condition #10 would remain as written. Commissioner

Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Racquet Club

1. The Racquet Club Master Planned Development is located on Lot 1 of the Racquet Club Subdivision. Lot 1 consists of 7.5 acres. The lot is sufficient area to accommodate the 85,015 s.f. (Gross area), 66,030 s.f. (footprint) public recreation facility, circulation, parking, future phases, and provide the minimum required minimum 30% open space for redeveloped areas.
2. The proposed facility open space is 44.7% and includes exterior tennis and pools as well as future phases.
3. The total proposed building footprint is 66,030 s.f. and gross square footage is 85,015.
4. The property is located in the Residential Development (RD) zoning district.
5. The Racquet Club received a Conditional Use Permit in 1977 for Recreation Commercial which granted an overall 40 foot building height.
6. The property is subject to the Racquet Club subdivision plat and any conditions of approval of that plat.
7. The maximum Building Height in the Residential Development (RD) zoning district is 28 feet (33 feet with a pitched roof). Previous CUP approval granted a 40 foot building height for a public recreation facility. The application includes a height exception request (per interpolated grade) for 2'8" (over previous CUP approval) of additional building height for the entry feature, 5" of additional building height for the main tennis ridge, 1" of additional height for the south clerestories and 9" of additional height for the north clerestories.
8. The existing Racquet Club contains 155 parking spaces.
9. A reduction in parking is requested at 148 parking spaces. A bicycle rack will be provided adjacent to the main entrance.
10. Setbacks within the Residential Development (RD) are twenty feet (20') in the front, fifteen feet (15') in the rear, and twelve feet (12') on the sides. The MPD requires twenty-five (25') foot setbacks from all sides. The building complies with these setback requirements. The parking area which is being restriped and reoriented, and not expanded, does not meet the front yard setback and an exception has been requested to maintain the existing six feet (6') in the front yard.
11. The Analysis section of this staff report is incorporated herein.

Conclusions of Law - Racquet Club

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is compatible in use, scale and mass with adjacent properties, and promotes neighborhood compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD is not subject to the Sensitive Lands requirements of the land Management Code. The project has been designed to place Development on the most developable land use lease visually obtrusive portions of the site.
11. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections by the location on a proposed bus route. Bicycle parking racks will be provided.
12. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval - Racquet Club

1. All standard conditions of approval apply to this MPD.
2. All applicable conditions of approval of the Racquet Club subdivision shall apply to this MPD.
3. A final water efficient landscape and irrigation plan that indicates snow storage areas

and native drought tolerant plant materials appropriate to this area, is required prior to building permit issuance.

4. All exterior lights must conform to the City lighting ordinance. Parking lot and security lighting shall be minimal and approved by Planning Staff prior to issuance of a certificate of occupancy.
5. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
6. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on January 20, 2010, and shall be approved by Staff prior to building permit issuance. Materials shall not be reflective and colors shall be warm, earth tones that blend with the natural colors of the area.
7. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on January 20, 2010.
8. The City Engineer prior to Building Permit issuance must approve utility, storm water systems and grading plans, including all public improvements.
9. Staff must approve the Construction Mitigation Plan to issuance of any building permits and shall include appropriate contact information as required. Signs posted on site will indicate emergency contacts.
10. Work is restricted to Monday through Friday 7:00 am to 6:00 p.m. Saturday work is restricted to 9:00 am to 6:00 p.m. This would include the time for start up of heavy equipment and start up of any vehicles. Work shall not occur on New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas. Idling of vehicles will not be allowed. Auxiliary lighting will also be restricted to these hours.
11. Lay down and staging area will be restricted to existing parking lots and disturbed construction area. Applicant will minimize placement adjacent to housing units as much as possible.
12. Transportation of labor to and from the job site from an off-site parking location shall be a condition of the construction contract. On site parking shall be restricted to those authorized and controlled by the project superintendent in coordination with Recreation Center Officials.
13. The applicant will notify all affected property owners within 300 feet prior to construction commencing of conditioned work hours, contact information and general project description.

14. A limit of disturbance area will be identified during the building permit review.
15. The applicant shall submit a total employee count at time of building permit. Prior to Certificate of Occupancy, the applicant shall provide verification that the employee count has not increased. Should there be an increase in the total employee count the applicant shall be subject to the terms and conditions of Housing Resolution 20-07; Section E Redevelopment.
16. Future phases of Natatorium, Restaurant and Gymnasium expansion are included in this master plan and would be subject to an Amendment to this MPD. The Development Agreement will stipulate per 1-(l) the amendment will not justify a review of the entire master plan. Future phases will be subject to minimum open space requirements of 30%.
17. An internal parking review will occur one year after Certificate of Occupancy (or the facility is fully operational) to analyze parking load and demand.
2. Land Management Code - Amendments to Chapter 2.3 (HR-2 District), Chapter 5, Chapter 6, Chapter 10 and Chapter 11 regarding the Master Planned Development within HR-2 District and the application and appeal process of the Historic Design Review (Application PL-09-00784)

Chair Wintzer resumed the Chair.

Planner Kirsten Whetstone noted that the Planning Commission previously discussed these amendments on November 11th. Minutes from that meeting were included in the Staff report.

Planner Whetstone remarked that four general issues were before the Planning Commission this evening for a public hearing and recommendation to the City Council.

The first issue was Chapter 10, regarding the time frame for appeals and making the 45 day time frame consistent for the Board of Adjustments and the Planning Commission.

The second issue was Chapter 11, Historic Preservation, and the modification to streamline the Historic District Design Review process for projects and applications.

The third issue was a continued discussion on Upper Park Avenue to allow innovative design solutions within the transition area between the Main Street commercial and the Park Avenue residential neighborhood. Also for consideration were proposed amendments to Chapter 6, the Master Planned Development.

The fourth issue were amendments to clarify how the 5% support commercial and meeting space square footages are calculated within a master planned development.

Planner Whetstone commented on Chapter 11, the Historic Design Review process, noting that

the amendment was a result of having approximately eight pre-applications submitted. She explained that the Design Review process takes approximately 45 days and includes time for two notifications for the pre-application, as well as the application process. Planner Whetstone stated that some applications are relatively minor with little or no impact on the Historic District or the neighbors. She noted that currently routine maintenance is the only thing allowed in the Historic District that does not require a design review process. Due to the minor nature of some of the applications, the Staff proposed language that would allow the Planning Director or his designee, upon review of the application, determine whether the scope of the project requires a full Historic District or Historic Site Design Review process as outlined in LMC Section 15-11-12(B). Any project that the Planning Director or his designee would determine is not minor would go through the full review. Planner Whetstone read the proposed language included on page 152 of the Staff report.

Commissioner Peek asked if the HDDR fee would be waived on projects that are determined to be minor and not require a full review. Planner Whetstone believed the fee would be waived. She clarified that all projects would still need to comply with the Historic District Design Guidelines. The only change being proposed was the process for minor projects based on the Planning Director's determination.

Commissioner Pettit asked for clarification on who would actually make the determination. Planner Whetstone replied that the decision would be made by the Planning Director. Commissioner Pettit felt strongly that the determination should be made by one person for continuity and consistency since it is a subjective decision. Planner Whetstone pointed out that the language stating, "the Planning Director's designee" would be another Staff member who would be asked to make that determination in the absence of the Planning Director for times such as vacations.

Planner Whetstone reported that the Staff has internally discussed creating a list of items that have not gone through the full process. For example, a hot tub, rear deck, or change of landscaping on a non-historic house. She read language from Chapter 15-11-12 stating that, "The design review application in any allowed or conditional use associated with a building permit, to build, locate, construct, remodel, alter or modify any building, accessory building structure or other visible element located within the Park City Historic Districts or Historic Sites". She noted that signs, lighting fixtures and fences were deleted from the original language. Signs have their own process and in some cases lighting and fences could be considered minor work.

Commissioner Pettit referred to paragraph 2, which identifies certain types of applications for non-historic and historic structures. In connection with creating a model for ordinances that talk about the application for solar panels on historic structures, she was concerned about solar panels falling outside of the scope of design review, particularly since the installation of the panels could create an alteration of the view of a historic structure. Director Eddington remarked that the design guidelines address solar panels and require that solar panels installed on a roof and visible from a public right-of-way must be flush mounted.

Commissioner Pettit understood that best practices were being debated and discussed within

the historic preservation community in terms of how to implement the installation of solar panels on a building adjacent to a historic structure. She felt that was a critical component in terms of implementing these practices on historic structures. Commissioner Pettit cautioned against giving the impression that solar panels would not have to go through a design review process for that type of application. Director Eddington agreed. Planner Whetstone pointed out that solar panels would require a pre-application.

Assistant City Attorney McLean understood that Commissioner Pettit was suggesting that solar panels be removed from the list of items in Paragraph 2 that would circumvent the full review process.

Commissioner Peek suggesting language stating, "solar panels on the primary facade of historic structures" to identify those that would require a full review. Director Eddington stated that if the Commissioners shared this concern, he preferred to write up solar panels as a full design review to avoid confusion. Commissioner Pettit felt it was important at this stage to put solar panels through the practical process. Director Eddington noted that during the re-write of the Historic Design Review Guidelines, the National Park Service and the Department of Interior were looking at different standards and new Code language for solar panels. At that time the language was not fully complete in the State of Utah. Director Eddington and he thought it would be good to update the Planning Commission and the HPB on the final results.

Chair Wintzer suggested the idea of setting aside one meeting for a green review in the Historic District. Everyone wants to go green but still preserve the history of their town, and they need to explore how that could be accomplished. Director Eddington stated that ideally Old Town should not be the experimental ground for solar panels and other green elements. Hopefully it would occur in other areas with larger yards and roof coverage.

After further discussion, the Planning Commission and Staff concurred that solar panels should be subject to a full design review.

Planner Whetstone explained the proposed changes in the HR-2 zone, Chapter 15-2.3 regarding Upper Park Avenue neighborhood planning. She noted that specific purpose statements were added to address the HR-2 neighborhood. Planner Whetstone reviewed the changes to Sub-Zone A as outlined on page 15-2.3-14 of Exhibit A.

Commissioner Peek asked if Planner Whetstone was referring to page numbers and not the Section number. Director Eddington pointed out that the page numbers for Exhibit A were identified in the top right hand corner of the page. Planner Whetstone noted that the page numbers look like section numbers.

Planner Whetstone summarized that the changes were primarily purpose statements, site and lot requirements, and added language regarding Master Planned Developments.

Commissioner Peek noted that Section 15-2.3-8 previously said "special requirements for Sub-Zone A." He asked if they were eliminating all the allowed uses by modifying that sentence, as reflected on page 15-2.3-14. Planner Whetstone replied that the section of allowed uses did not

refer readers to this section. Therefore, an allowed use is subject to special requirements. She noted that previously all the conditional uses had a footnote that referred the reader to Sub-Zone B, which is a general sub zone, or to Sub-zone A only if they meet the requirements.

Director Eddington explained that page 15-2.3-14, Section 15-2.3-8 only addresses the Staff's proposal for master planned developments and conditional uses; not allowed uses.

Planner Whetstone referred to page 15-2.3-16, and noted that a 13th criteria was added to the list of criteria, which states, "The maximum facade width on Park Avenue shall be 40 feet". She noted that a duplex could be built on a 50 foot wide lot with a 5 foot setback. To date, consistent with the HR-1 or HR-2 allowed use, someone could construct a 40 foot wide structure. Based on the discussion, Director Eddington revised the language to read, "The maximum front facade length of any structure is limited to 40 feet." Commissioner Peek asked if they were talking about building width or facade. He noted that if the building is articulated, it could result in a much wider building. He was concerned about forcing creative retaining solutions to create an underground element.

Director Eddington stated that when the language was drafted the Staff was not concerned with subterranean sections below ground. That language could be changed if the Commissioners had concerns. Commissioner Peek wanted to know what would separate the building elements from the below ground elements. He asked if the policy of returning the finished grade within four feet of existing grade applied to the HR-2 District Sub-Zone A. Director Eddington explained that returning to grade was applicable for a steep slope CUP, not for the HR-2.

The Staff and the Commissioners discussed height and scenarios relative to the 4' final grade rule. Chair Wintzer stated that he had previous concerns with height exceptions and expressed his concern to Director Eddington. Director Eddington spent time explaining that height exceptions allow variation in architecture to avoid having everything look the same. Chair Wintzer remarked that after hearing the explanation he understood the reason and was more willing to look at height exceptions.

Planner Whetstone pointed out that page 107 of the Staff report outlined proposed modifications to the language on height exceptions is an effort to allow incentives and better designs for the east side of Park Avenue. Planner Whetstone referred to a bullet point stating that no height exceptions are allowed through the MPD process. She noted that the bullet point should be struck for now because the Staff wanted input and direction from the Planning Commission on that matter.

Planner Whetstone referred to Page 124 of the Staff report and read the proposed changes under the Building Height section. Director Eddington stated that the intent was to add additional criteria that gives the Planning Commission the ability to look at a proposed height exception and determine whether it is compatible with the neighborhood. If it is not compatible, the Planning Commission has the ability to say no.

Chair Winter pointed out that the language may say "compatible with adjacent structures". However, even if it is compatible, sometimes those are structures they would not want

duplicated. Director Eddington stated that the proposed language allows the Planning Commission to look at compatibility with the fabric of the entire neighborhood as opposed to one or two structures.

Commissioner Pettit did not think the language was clear in indicating that it was the entire fabric of the neighborhood. The Commissioners concurred that the word "neighboring" should be changed to "neighborhood" for clarification.

Commissioner Peek asked if there were pending applications that would go to the Board of Adjustment if a height limitation was included in the language. Director Eddington replied that none of the current applications would be affected.

Planner Whetstone showed slides that demonstrated the proposed versus the existing zoning on specific properties and what could be built. Commissioner Peek pointed out that technically four stories could be built on the Park Avenue side. Director Eddington replied that a height exception would be required to go beyond three stories. Commissioner Peek clarified that the only way to get a height exception is through an MPD. Director Eddington replied that this was correct.

Planner Whetstone referred to page 129 of the Staff report and reviewed the proposed changes for calculating floor area for support commercial and meeting space within residential master planned developments.

The Staff recommended that the Planning Commission conduct a public hearing, consider any input, and forward a positive recommendation to the City Council for the Code amendments outlined in the Staff report and discussed this evening.

Commissioner Peek referred to 15-2.43-9, Special Requirements for Sub-Zone B; #4, Historic District Design Guidelines and suggested that "Historic District Design Guidelines" be removed, since that language was eliminated from other sections. Planner Whetstone agreed, noting that they are now called Historic Sites and Historic District Guidelines.

Commissioner Peek requested further discussion on the language regarding the four-foot backfill issue. Chair Wintzer noted that the Staff had requested input on each of the bullet items listed on page 107 of the Staff report.

Chair Wintzer opened the public hearing.

Craig Elliott suggested further discussion on the solar panels. As a user of the process and a representative of property owners, he noted that the Historic District Design Process would take 90 to 120 days. If someone submits a request in May to put in a solar hot water heater, they would not have approval until the end of the summer. He asked if that scenario or something similar could be considered in the process to allow the Planning Director the opportunity to make that decision subjectively. He believed it would have some value to the owners. Mr. Elliott understood the concerns regarding giant solar panels on small houses, but he doubted that could occur without going through the HDDR process.

Doug Stephens referred to Section 15-2.3-5, existing historic structures, and asked for clarification on detached single car garages. He asked if that language applied only to historic structures or to all of the HR-2 District.

Planner Whetstone explained that it was existing language for historic structures with added language stating that "detached single car garages that do not contain habitable Floor area. She noted that the language was primarily to require basements under a structure to meet certain setbacks. Planner Whetstone remarked that the language was added to address the possibility of a detached single car garage as an exception with a required conditional use permit, as long as the garage does not contain habitable floor area.

Mr. Stephens understood that the exception was for setbacks. He asked if there were also exceptions for the building footprint.

Director Eddington replied that building footprint was addressed in a different section of the Code. Planner Whetstone recalled language regarding accessory structures and whether they are counted as floor area.

Mr. Stephens remarked that the language Planner Whetstone referred to related to historic accessory structures and those would be counted towards floor area. Mr. Stephens pointed out that if he had a building footprint of 850 square feet and he lost 240 square feet for a garage, he would not do it. He felt they should relook at the formula to see how they could encourage flexibility in design, because no one would do that with a garage and they will never change that position.

Mr. Elliott had sketched a drawing of a house and garage to support Mr. Stephens comments for allowing creativity with garages.

Planner Whetstone offered to discuss it further with the Staff and come back with possible changes to the language.

Ruth Meintsma stated that when she walks around Old Town and sees a single detached garage on the street with no setbacks, she finds it more attractive than a car sitting in a driveway.

Commissioner Peek suggested that they promote detached garages to help address the parking requirements and snow storage easements required by the City. Director Eddington stated that during the design guidelines discussion, they looked at ways to incentivize doing that, but the issue was always the same. It detracts from the footprint. If they put a garage in the house, they still have a story above and a story below, which is three times the volume in the same footprint. He believed they would need to find an incentive greater than putting it in to the house. If they want to incentivize this type of historic re-creation, there needs to be a give and take, and they have not yet done that. Director Eddington noted that the historic guidelines encourage detached single-car garages, but economically no one will do it if they have to give up a story above and a story below. The Staff would need to draft language and bring it back to

the Planning Commission.

Commissioner Pettit felt the issue goes back to the conversation regarding the Crested Butte City Tour. That community helped create financial incentives for historic preservation by allowing accessory units that could also be used as affordable housing. Commissioner Pettit believed there are ways to create incentives that help people maintain their historic structures. She suggested that the Staff revisit the language.

Chair Wintzer closed the public hearing.

Commissioner Pettit asked if the Planning Commission should parse out the amendments they were comfortable with and take action on those this evening. Director Eddington replied that they could take that approach or they could keep all the amendments together and forward them as a package once the Staff has an opportunity to address the issues raised this evening.

Commissioner Peek summarized the issues that needed further review, which included the building footprint, the detached garage, and the backfill issue of existing grade versus finished grade.

Chair Wintzer requested discussion on the private residence club. He also noted that some of the language indicates the ability to enter a parking structure from Main Street. He was concerned that doing so would preclude the ability to ever close Main Street to traffic.

Commissioner Pettit concurred. She recalled previous discussions for making Main Street more vibrant by pulling away the cars and creating outdoor experiences that would vitalize the area and make it more attractive to visitors. If they start to create access situations on or off Main Street, it eliminates the likelihood of changing Main Street.

Commissioner Peek asked if eliminating the auto on Park Avenue takes precedence over Main Street. Chair Wintzer stated that in the past Park City held a Winter Fest for two days each year where they they would close Main Street and have ski races on the street. He was concerned that connecting the access to Park Avenue would eliminate those possibilities.

Chair Wintzer believed the purpose statements for the HR-2 zone do a great job of requiring things to fit within the neighborhood. However, he did not think a private residence club fit within the purpose statements. He asked the Staff to relook at the language to make sure it would not allow private residence clubs.

The Staff and Planning Commission discussed parking access off Main Street. Chair Wintzer stated that parking that supports Park Avenue should enter off of Park Avenue. Director Eddington agreed that access should be off of Park Avenue for residential structures on Park Avenue. He believed that everyone else would do a payment in-lieu and find a parking garage rather than try to find parking on Main Street.

Planner Whetstone expressed her preference to keep the amendments together and forward them as one package to the City Council.

Commissioner Pettit stated that she understood the point Mr. Elliott had made regarding solar water tanks and the timing of the HDDR process. However, she needed to better understand how to implement green elements in the historic district before she was comfortable making any decisions. Commissioner Pettit favored the suggestion by Chair Wintzer to schedule time to have that conversation.

Chair Wintzer agreed with Mr. Elliott, that if the City makes it harder to go green, people will not do it. They need to find a way to feel comfortable that it fits within the zone and to make it easier. People should be rewarded for going green, not penalized. Chair Wintzer requested that the Staff come back with guidelines for green roofs, solar panels, etc. Chair Wintzer believed there would be trade-offs and that they may have to give away some preservation in order to become more green.

Commissioner Pettit needed time to think through the height exception discussion in the MPD section and whether they should include language that ties in to the HR-2 section of the Land Management Code. She offered to read through those sections and if necessary, provide language to the Staff prior to the next meeting.

Chair Wintzer encouraged the Commissioners to talk to the Staff outside of Planning Commission meetings if they have questions or concerns. He has personally done that and found it to be very helpful in terms of understanding things that may not be clear in the Staff report or during a meeting.

MOTION: Commissioner Pettit moved to CONTINUE the LMC Amendments for Chapters 2.3, 5, 6,10 and 11 to February 24, 2010. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____

MINUTES – FEBRUARY 10, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 10, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Principle Planner, Brooks Robinson; Katie Cattan, Planner; Francisco Astorga, Planner; Jacque Mauer, Planner; Polly Samuels McLean, Assistant City Attorney; Michael Kovacs, Assistant City Manager

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REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

Vice-Chair Russack called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except for Commissioner Pettit who was excused.

II. APPROVAL OF MINUTES

Minutes of January 13, 2010

Commissioner Peek referred to page 41 of the Staff report and noted that Condition of Approval #10 for the Racquet Club needed to be corrected to reflect that construction would be restricted to 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays. The ending times as written showed 00.

Commissioner Peek also noted that Condition of Approval #13 needed to be corrected to reflect that affected property owners within 300 feet would be notified by the applicant prior to construction commencing of conditioned work hours, for contact information and general project description. The notification area as written showed 00.

Commissioner Luskin thought the Saturday hours had been reduced to 7:00 a.m. to 3:00 p.m. Commissioner Peek recalled that the Planning Commission had discussed that a 3:00 p.m. stop time would be inefficient for the contractor. He did not believe that the 3:00 p.m. restriction was included in the motion.

Commissioner Luskin disputed that this was the case. Commissioner Peek asked if the Staff could re-listen to the recording to verify the motion.

MOTION: Commissioner Peek moved to CONTINUE the minutes of January 13, 2010 to the next meeting pending verification of the Saturday construction hours. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Minutes of January 20, 2010

Commissioner Strachan noted that he would be abstaining from the vote since he had not attended that meeting.

MOTION: Commissioner Hontz moved to APPROVE the minutes of January 20, 2010. Commissioner Luskin seconded the motion.

Assistant City Attorney, Polly Samuels McLean noted that the corrections made by Commissioner Peek were actually in the January 20, 2010 minutes. Planner Sintz pointed out that the actual approval for the Racquet Club occurred at the January 20th meeting.

Commissioner Hontz amended her motion to CONTINUE the minutes of January 20, 2010 to February 24th. Commissioner Luskin seconded the amended motion.

VOTE: The motion passed unanimously by the voting Commissioners. Commissioner Strachan abstained.

II. PUBLIC COMMUNICATIONS

There was no comment.

III. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Planning Director, Thomas Eddington, reported that the Planning Commission would discuss the General Plan, as well as the HR-2/HCB zoning amendments at the February 24th meeting.

Planner Sintz reported that on February 25th the City Council would be hearing the 1440 Empire CUP appeal. She thought it would be helpful if at least one Planning Commissioner could attend. Commissioner Strachan offered to attend the City Council meeting on February 25th.

Principal Planner, Brooks Robinson, reported that the project for 692 Main Street was noticed as a special meeting for discussion and public input. After further discussion between the Legal Department and Planning Department it was determined that it was not necessary for the Planning Commission to discuss the application. Therefore, the Planning Commission would not need to move for a continuance.

REGULAR AGENDA/PUBLIC HEARINGS

3. Treasure Hill - Conditional Use Permit
(Application #PL-08-00310)

Planner Katie Cattan noted that the applicant had prepared a model and a presentation for this

evening. The applicant was requesting direction from the Planning Commission regarding the conditional use permit criteria, specifically criteria 8, 11 and 15, addressing compatibility, mass and scale, and the existing slope retention.

Pat Sweeney, the applicant, reported that four months ago they asked the Elliott Workgroup to use their raw information to prepare a computer model and a physical model.

Chair Wintzer asked if the drawings provided were represented in the model. Mr. Sweeney answered yes. Chair Wintzer clarified that nothing had changed and the drawings were still the same. Mr. Sweeney replied that this was correct.

Craig Elliott, principle of the Elliott Workgroup, introduce Dallas Davis and Carla Lehi from his office. He noted that this was the first time his firm was asked to make a presentation for this project. Mr. Elliott remarked that the model presented was an effort to recreate a design that was planned before he was involved. He pointed out that everything the Planning Commission has seen in the past were represented in the computer model and the physical model.

Mr. Elliott provided a quick overview of the presentation he would be giving that evening. He has worked with the Sweeney's for a number of years on various projects and in various capacities, and he shares their values and their desire to create value for Park City.

Mr. Elliott explained that the Sweeney's have an agreement with the City that describes and defines what they can and cannot do on their property. The agreement also defines the parameters within which the City would evaluate the proposed development. Mr. Elliott felt it was important to understand this information to understand the reasons why the City was looking at this project.

Commissioner Luskin asked if the agreement Mr. Elliott referred to was the Sweeney Properties Master Plan approval summary that the applicant had submitted. Mr. Elliott clarified that it was a past agreement that was made with the City. Commissioner Luskin asked if the Sweeney Properties Master Plan approval summary was the agreement that Mr. Elliott had worked with to prepare the models. Mr. Elliot replied that he had worked from the parameters defined in the master plan approval.

Mr. Elliott explained that they used survey data, USGS data, aerial photography, Google Earth and Street View to create the physical model. This helped them associate and create over 200 buildings in Old Town that were shown on the physical model. They used that same information to locate the existing types of vegetation for the model. Mr. Elliott explained the materials used to make the model and noted that each layer stacked represented five feet of grade change. The model was at 1:40 scale and it represented half of the town and half of the mountain. Mr. Elliott stated that approximately a fifth of the Sweeney property was shown on the model.

Mr. Elliott explained that he would begin with a power point presentation. Following that presentation, he would describe the model, which was in several pieces. The model would start with the existing terrain and show a mass that defines the parameters the Sweeney's were required to work within. Mr. Elliott stated that the model would be taken apart and put back

together, showing the revised ski lifts and the proposed buildings and designs to date. He noted that the Planning Commission and the public would have the opportunity to see the existing definitions of the parameters and be able to compare that with the proposed project.

Mr. Elliott stated that the model was oriented so it is true to the world. North represents itself to the street and to Marsac.

Chair Wintzer stated that once Mr. Elliott completes his presentation, the Planning Commission would take a short recess to closely look at the model and to give the public an opportunity to look at the model. Once that had occurred, the meeting would be reconvened.

Mr. Elliott stated that the applicant was looking for constructive criticism from the Planning Commission this evening. They were also interested in hearing public comment and a response to the physical model.

Mr. Elliott gave the power point presentation. He presented a cut-out of the terrain showing the project area. Red boxes represented the parameters within which the Sweeney's have been working. He indicated the different heights based on the diagram they have been working within, starting at 15 feet and stepping to 75 feet above existing terrain. Above that was a flat section that is defined by a specific elevation. He indicated the preparation and excavation that would occur on the hillside. It fits within the parameters of the buildings that have been proposed to date and within the parameters of the existing height.

Commissioner Peek asked if the pink colored boundary was the development perimeter. Mr. Elliott replied that it was the box they had to work within.

Chair Wintzer indicated the area between two pink boxes and asked if the terrain at the back of the hill was altered. Mr. Elliott replied that it was shown as altered because of the excavation. He believed the primary reason was to allow the second lift access due to a change in the traditional geometry for that lift. Mr. Elliott showed the existing terrain and then removed it to show the revised terrain with the buildings on it.

Mr. Elliott presented a couple of the images that were previously presented, however, they had re-inserted a more accurate representation showing the cut. He then pasted in the buildings to show how the transition occurs.

Mr. Elliott presented an aerial photograph to show the areas from which they built the physical model. He noted that they used Google Earth and other means to go up and down the street and look at different building sizes. That information was used to create the physical model and the existing infrastructure of over 200 buildings.

Mr. Elliott uncovered the physical model and the Commissioners left the podium to see it up close.

Planner Cattan stated that once the Planning Commission had completed their review of the model, the model would be turned around and the public would have the opportunity to review it.

She requested that no more than five or six people come up to the model at one time. A public hearing would be held once everyone had an opportunity to see the model.

The Planning Commission recessed and reconvened the meeting at 6:45 p.m. Chair Wintzer requested that the public comments focus on the model, mass, scale and appropriate criteria.

Planner Cattan reviewed the three criteria for discussion this evening as follows:

Criteria 8 - Building mass, bulk and orientation and location of buildings on the site, including orientation to buildings on adjoining lots.

Criteria 11 - Physical design and compatibility with the surrounding structures in mass, scale, style, design and architectural detailing.

Criteria 15 - Within the adjoining site impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

Planner Cattan noted that public comment should be directed to the Planning Commission. No questions would be answered during the public comment portion of the meeting. Planner Cattan stated that she would write down all the questions and the applicant and Staff would respond after the public hearing.

Chair Wintzer opened the public hearing.

Richard Hughes, 11 Thaynes Canyon, thought the model should be in a different color because it would be helpful in defining the exact project.

Neal Krasnick and Old Town resident, noted that this entire large project is being built in a drainage. He asked if a third-party study had been done to assess the existing drainage compared to the amount of drainage once the project has been excavated. Mr. Krasnick thought the study should also address what would need to be done to mitigate the increased amount of runoff. Mr. Krasnick wanted to know what would be done with the snow that would be moved from the entrance way to the driveway. He stated that he took part in a survey of the Park City area in 1997 and most of the trees are only 70-80 feet tall. He believed the project would block many 100 year old trees and the runoff would drain through the top soil and subsoil. Mr. Krasnick wanted to know how the applicants would handle the drainage runoff during construction and after the project is built. He also wanted to know how the applicants plan to take care of the amount of sewage generated and the amount of reflective heat that would come off of the buildings.

Jane Toly, a resident at 1017 Empire, and she looked up to see what it would look like if she was standing in front of her house or driving up her street. Ms. Toly stated that if the project is built, all she would see is buildings. That is the only view she has left because houses were built behind her. Ms. Toly remarked that the houses on Empire and Lowell are more dense than what was displayed on the model. She can not longer see the mountains behind her because

of the size of the homes and it was sad to have her view taken away. When she drives past the resort she cannot see the mountains because of the large structures. Ms. Toly stated that the view at the end of Empire was all she had left and that will be ruined by this project. Ms. Toly remarked that a beautiful view is not contrived landscape or a big retaining wall. A beautiful view is a mountain hillside and she hoped the Planning Commission would take that into consideration.

Jim Porquette, stated he has owned property on Woodside Avenue a few blocks from the proposed project since 1968. Mr. Porquette thinks the design is nice but the project is in the wrong place. He suggested that the Treasure Hill project as designed would look great at the Canyons where this type of architecture is dominant. The mass and scale is wrong for the area in terms of everything that exists around it. Mr. Porquette stated that he was not qualified to comment on the environmental impacts but he assumed there would be many. He believed the color of the model made the project look smaller in scale.

Jennifer Steinwizel, stated that she spent her day looking at spaces in Old Town because she is a potential business owner in town. One reason for choosing to bring her business to Old Town is the small community feel. She would like the ability to renovate her space and she respects the guidelines. Ms. Steinwizel was surprised when she saw the magnitude of this project because it did not represent the small, quaint town she thought she was getting involved in. Mr. Steinwizel remarked that the project is too large and does not fit with the town. In addition, she lives on Empire Avenue and she and her dog go hiking in that area. She agreed with Mr. Toly that the beautiful landscape would be replaced by a monstrosity and that would be a loss for the town.

John Stafsholt, a resident at 633 Woodside Avenue, stated that his comments referred to the Treasure Hill project and not to the Sweeney family personally. Mr. Stafsholt stated that he researched back to the beginning in 1985 and none of this is new. He referred to CUP Criteria 8, building mass and bulk, and noted that as of December 18, 1985, the Planning Commission approval addressed scale. He read a number of excerpts verbatim. "Located in the historic district it is important for the project design to be compatible with the scale already established." "The focus throughout the review process has been to examine different ways of accommodating the development of the property while being mindful of and sensitive to the surrounding neighborhood." "The overriding design features on this site are buildings being consistent and oriented to allow for maximum heights through excavation of the existing hillside. The excavation is proposed at unprecedented volumes."

Mr. Stafsholt referred to Criteria 11, physical design, compatibility with surrounding structures. He read from the 1985 approval, "Style, design and architectural detail should be determined by the Historic District Design Guidelines." Mr. Stafsholt noted that this was required by the original Planning Commission approval dated December 18, 1985. "MPE, Inc., which is the developers, its successors or assigned, shall be bound by and obligated for the performance of the following." Mr. Stafsholt read number 3, item 6, "At the time of project review and approval, all building shall be reviewed for conformance with the historic district design guidelines and related architectural requirements." Mr. Stafsholt remarked that the Treasure Hill buildings shown on the model have not passed a review with the Historic District Design Guidelines. He could not understand why this requirement of the 1985 approval has been ignored.

Mr. Stafsholt referred to Criteria 15, Within and adjoining the site impacts on environmentally sensitive lands, slope retention, etc. He stated that the topography of the site should be respected by the proposed development and the cuts clearly show that the topography is not respected. Every tree, bush and blade of grass would be removed from the proposed site. This would destabilize all the soil in the project above Old Town. Mud and snow slides are known to have occurred on this site in the past. As far back as 1926, there is a law entitled "Protecting of Standing Timber on Treasure Hill, Dangerous Excavation". Mr. Stafsholt noted that tree cutting on Treasure Hill was punishable by a \$100 fine or up to 90 days in jail. Mr. Stafsholt stated that the developer's site planner from Alta Engineering called for approximately 960,000 cubic yards of excavation, which is equivalent to 80,000 single dump truck loads. Mr. Stafsholt pointed that the Montage development in Empire Pass excavated 780,000 square feet, and their original estimate was 50,000 cubic yards. He stated that Treasure Hill plans to move nearly 20 times as much dirt as the Montage planned to move.

Mr. Stafsholt remarked that the developers are adamant that the dirt would be relocated on the mountain and not removed from the site. He was unsure how this could be guaranteed when there are five mining sites within close proximity to the proposed development with elevated levels of lead and arsenic.

Mr. Stafsholt remarked that full geological and geotechnical data are not available as yet. According to the Alta Engineering document, it appears that the Treasure Hill building 4A sits directly on top of the Creole, which is a horizontal shaft that runs northwest to the Creole Mine shaft and beyond. If this is the case, the largest hotel building 4B, sit directly on top of the Creole. Mr. Stafsholt reiterated that additional data is needed to confirm this and to understand the depth and extent of the mining activity. As an example, the geo-tech study for the Montage found four mining operations. However during excavation, four additional mining operations were found. Mr. Stafsholt noted that there is no approved soil remediation plan in place for Treasure Hill. Their plan was to take the contaminated Creole soils up to the Creole Mine shaft and dump it down in to the shaft. Mr. Stafsholt pointed out that the shaft is also contaminated. He noted that the City rejected this plan outright and considered such placement of contaminated soil within the Creole Mine shaft as a potential pollution source for the Spiro drinking water protection zone.

Mr. Stafsholt stated that typically the developers are very willing to work with the City and the model is a good example. However, in terms of soils remediation and contaminated soils, the developers have argued the City's findings and not cooperated with the City at all. Mr. Stafsholt believed this is a big issue because geo-technical and environmental issues could be a future deal breaker for this project.

Steve Swanson, representing the THNC group stated that historically Treasure Hill has been mined, stripped and cut. It has witnessed the great fire, as well as the decay and decline of mining, and it has miraculously healed itself more than once. It is not right to deny the connection with the historic spirit of Park City. Mr. Swanson stated that he could talk at length about what they have lost historically to date and he named a number of lost structures and places. He remarked that it's the people who make Park City a special place and each time

they lose a living thread of history, each person loses a thread of connection. Mr. Swanson stated that THNC is here to inform, research facts, engage and elevate the dialogue. They do not believe they are stopping anything. They think of themselves as a resource to help guide the process. Mr. Swanson stated that We the People are from THNC and they here to help the Planning Commission as the government. They have 400 members and they are still growing. Mr. Swanson noted that the applicant argues that this project would put beds on Main Street. In response, THNC will say that it sets a new low for Park City guests. He asked the applicant if he would be willing to live in one of the back units. The applicant will say it is a tax benefit for the City and THNC would respond that the cost is too high and there is too much socialization of risk at the benefit of privatization of the profits. On the issue of vested rights and approval, Mr. Swanson remarked that in 1986 the project was poorly defined and this is literally not the same project. He believed THNC could raise serious doubts that Criteria 1-15 have been adequately addressed. To those who might say the mission is too big to stop, his response is that the citizens have as much time as the applicants have money.

Brian Van Hecke, a resident at 1101 Empire Avenue stated that he is also with THNC. Mr. Van Hecke concurred with the comments that the Treasure Hill development needed to be a different color in the model to help people understand the project in comparison to what exists. He believed the massive cuts on the side of the hill were the most stunning things shown this evening. He wanted to make sure people understand those cuts through the model and through the slides. If the model is put on public display, the public should be able to see the cuts and not just the buildings. Mr. Brian Van Hecke pointed out that the cuts would be visible from anywhere in Park City and he would argue that Treasure Hill is the signature of Park City. Based on what was shown this evening, Treasure Hill would be forever changed, and changed for the worst.

Mr. Van Hecke asked for clarification on the penthouse and the height limitations. He appreciated that the applicants had spent the time and money on the model, because it helps the citizens better understand the significant impacts this development would have on everyone in Park City, including the tourists. Mr. Van Hecke wanted some assurance that the model was built true to scale. He understood that the Sweeney's have property rights, but their request to build over a million square feet in the heart of Old Town is excessive, unreasonable and intolerable. The size, mass and scale of the proposed project are completely incompatible with Old Town and would cause irreparable damage to the historic integrity of the town. Mr. Van Hecke questioned whether Park City would continue to maintain its historic designation if the Treasure Hill project was built. He pointed out that the applicant has failed to present any workable solution to mitigate the significant increase in traffic and safety issues that would result from this project. Traffic and safety issues already exist and present significant challenges in Old Town and this project would severely worsen the problem. Mr. Van Hecke stated that the Treasure Hill project does not fit and it should not be approved.

Jack Campbell a resident in Park Meadows reiterated some of the points made by John Stafsholt concerning the number of dump trucks and the size, mass and scale of the project. Mr. Campbell commented on the parking and questioned whether the number of parking spaces proposed was adequate based on the number of residential units and hotel rooms. He requested that the Planning Commission consider these issues in their discussion. Mr.

Campbell felt it was inappropriate to allow a 20 foot retaining wall that backs up to some houses. He had looked at the employee housing and noted that he found one 440 square foot building that was labeled for employees. He was told that it was envisioned as dormitory housing and he wondered where those people would park. Mr. Campbell noted that two parallel roads come in to the property that go in to a couple of underground tunnels on the property. He was concerned about what would happen if the roads were closed due to a mud slide or water main break. He did not believe it was good design for a property of this scale to have two roads side by side within a 100 feet of each other as the only access to the property. Mr. Campbell ask the Planning Commission to look at the parking garage access for the same safety reasons.

Tina Smith, a resident at 423 Woodside noted that the City previously sent out a census and skiing was the number one answer for why people came to Park City. In contrast, unmanaged development was the number one answer to the question of what would make them leave Park City. Ms. Smith indicated a framed poster on the wall identifying the top priorities of the City Council for Park City. The number one priority was the preservation of Park City's character. She believes that people have the right to develop their property, but the Treasure Hill project as proposed would overwhelm and change the character of Park City.

Nylene O'Neal, a Main Street merchant, stated that it would benefit her business to have a five-star hotel that would help serve businesses on Main Street. She has seen the benefits from this at Deer Valley and the Canyons because it centralizes the people. Ms. O'Neal understood the fear of changing the character of Park City, but over time things have to change. She has been a merchant in Park City for fifteen years and she supports the projects and likes the design.

Ruth Meintsma, a resident at 305 Woodside, referred to Criteria #15 and asked how the Land Management Code applies to existing grade and final grade because it is extremely different in both the cut on the mountain and the building height.

Gary Knudsen, a resident on Empire Avenue, commented on the amount of traffic he encounters every morning when he backs out of his house to go down Empire. He asked the Planning Commission to realize that Empire is the only one way to approach the Resort and that same road would be used to reach the Treasure Hill project. Beyond the Resort parking lot, you would have to make a right up Manor Way to Lowell to continue to Treasure Hill. Mr. Knudsen identified traffic problems on the road during the winter when cars are parked, snow is piled up and garbage cans are put on the street on garbage day. He questioned the thinking of the traffic engineers and asked the Planning Commissioners to go up there themselves to visualize whether they think the traffic patterns could actually work.

Chair Wintzer told Mr. Knudsen that the Planning Commission would address traffic at the next meeting.

Lara Guercio stated that her husband and in-laws purchased a house on Park Avenue. Ms. Guercio remarked that her family has only been in Park City for the past five or six years, but they enjoy the area. She felt the model was extremely helpful in terms of visualization. Ms. Guercio did not understand how the project meets the criteria in terms of mass and bulk. She

thinks the applicant tried to do a good job in putting some of the larger buildings back in to the drainage, but she agreed with previously stated concerns about the runoff issues. Ms. Guercio had concerns with the amount of excavation and the size of the structures. She stated that the Treasure Hill project does not work with the site and it is not compatible with Old Town.

Elaine Stevens stated that the Sweeney's are good people and her comments were not directed to them personally. She believes they have a right to build on their property; however, they do not have the right to build the project shown on the model. Ms. Stevens stated that she had read the original agreement between the Sweeney's and the City. She understood that the only access to the project as proposed would come off of Lowell and Empire. Ms. Stevens pointed out that the original agreement says that the primary access would be from Lowell and Empire and she wanted to know why there would not be another access. She questioned whether only having one access violated the original agreement.

Annette Keller, a resident on Norfolk, stated that she is opposed to the Treasure Hill project for multiple reasons. A development of this magnitude would ruin the aesthetics in Old Town Park City. With many buildings over 90 feet tall looking over Creole Gulch, it would resemble Miami and spoil Old Town's charm and appearance. The sheer size of the project would destroy acres of open space, thousands of trees, hiking and biking trails, and ski runs. Ms. Keller stated that Park City is a recreation area and they need these open spaces to remain unspoiled. She remarked that increased population and density and the increased traffic would increase pollution and contribute to global warming, which is counter to the green efforts of Park City. Ms. Keller remarked that Park City has strict standards for the size and type of structures in Old Town. To allow the creation of a project of this size makes a mockery of these regulations and opens the door for challenges by future developers. She thinks the project is incompatible with existing buildings in both size and architecture. Ms. Keller believes the development would frighten people away from Main Street establishments. Ms. Keller stated that these were only a few of the reasons why she was strongly opposed to the Treasure Hill project. The vast majority of Park City citizens do not want this project forced upon them because it would reduce the ability for Old Town residents, Park City residents, and tourists to enjoy their surroundings and their quality of life.

Kate Geegan stated that she has lived in Park City for six years on Summer Cloud Drive, and this was the first time she felt the need to attend a meeting voice her concerns. After seeing the model Ms. Geegan echoed all the comments this evening about the scale versus compatibility with the rest of Old Town and the project not complying with the guidelines for maintaining the historic nature of Park City. Ms. Geegan was greatly concerned about the environmental impacts and agreed with earlier comments. She was concerned with how this project would change the Park City that draws the residents to live there and the tourists to visit. She expressed her request to make the project more in character with Old Town with regards to scale. Ms. Geegan wanted to know why they were talking about a million square feet when there was still some question regarding the 400,000 square feet identified in the 1985 agreement. She felt the City needed to look at the agreement and resolve the square footage issue before the applicants spend any more time and money to try and move this project forward.

Rich Wyman, a member of THNC, stated that his comments would address the issue of the size of the proposed project in the area. He noted that 771,824 square feet of occupied space in the building and 245,063 square feet of parking structures result in a total of 1,016,887 square feet. Mr. Wyman pointed out that 1 million square feet equals 2-1/2 city blocks in Salt Lake City. Twenty three acres equals the area of an eighteen hole golf course. It is equivalent in area to ten average Walmarts. Mr. Wyman stated that in comparison, the entire allowed build out at Newpark at Kimball Junction is 819,000 square feet, of which 579,000 square feet has been constructed to date. New Park and Redstone combined as currently constructed approach 1 million square feet.

Mr. Wyman read a quote from the September 23, 2009 Staff report, "The current design is very excessive in the amount of accessory space, storage and circulation, which is creating impacts on the overall massing and bulk of the buildings." Regarding Criteria 15, Mr. Wyman stated that the excavation requires 960,000 cubic yards of soil to be removed and relocated. He noted that the total volume of proposed new construction can be estimated by taking the area times the average heights of walls. Therefore, they are excavating twice as much volume as it being replaced by new building volume. He did not believe this was an efficient way to gain open space within a project.

Referring to Criteria 11 and 15, Mr. Wyman wanted to know why so many units are buried against the cliffs with no sun or view. He asked if the developers or their families would be willing to live in one of those units. He believed there was also a problem with the built up base adjoining Lowell/Empire which cannot be mitigated. Mr. Wyman noted that Criteria 8 and 11 address the layout of the buildings in relation to the base of the Treasure Hill project as supporting the infrastructure of Main Street. He remarked that the project overall is much too dense. The steep slope vertical offset buildings required a funicular to access the other side of the ski run. The relocated base of the Town Lift creates a new base for Park City Mountain Resort remote from Main Street. Mr. Wyman believed this could impact property values at the current base of the Town Lift.

He suggested the possibility that all this new density and square footage in the project would pull people up and away from Main Street.

Mr. Wyman remarked that Criteria 11 and 15 require that the historic context of the buildings are in relation to the surrounding neighborhoods and the larger historic districts. He wanted to know why no attempt was made to incorporate historic building forms from the Park City area. The building forms presented are more appropriate for urban areas. Creole Gulch, which is historically significant to the mining era and later as the first ski jump, should not be wiped out. This would result in a significant loss of a historic asset to the community. Mr. Wyman was unsure how the City could reconcile the massive scale and altered site relationships of the project in contrast with the surrounding historic neighborhoods.

Mr. Wyman noted that Criteria 11 and 15 address the excavation of the project, as well as the high density and visible development. This project is contrary to the letter and spirit of the City's General Plan and the community characteristic policies regarding compatible new developments that preserve the historic character and context with neighbors. Mr. Wyman stated that another important point is that the project is at 7200 foot contour level and the full height of twelve stories would be visible against the backdrop of the cut slope. He remarked

that colors, materials and glazing patterns on the towers are inharmonious and inappropriate for the location. The attempt to break up the masses by changes in color and materials makes it more chaotic. Much of the project, particularly the northwest quadrant are boxy and of terrific proportions. It appears that to maximize unit equivalents, the building mass is pushed in to the property corners and conflicts with the natural setting of the other side.

Mr. Wyman remarked that the project will excavate down to bring the buildings in under the height restriction. If the project is stopped or goes under, there is no way to restore what was lost in the way of natural soils, vegetation, habitat and aesthetic features. Mr. Wyman felt it was incumbent on the Planning Commission to carefully consider the proposed excavation of the natural hillside, which clearly violates the General Plan in this respect. Mr. Wyman read from the Utah Geologic and Mineral Survey Study, Engineering and Geology of Summit County, Utah from June 1984, "The map on page 24 shows soils analysis crossed by soils in the project area as medium and highly erodable with trees and vegetation removed". He noted that the study specifically recommends against developing steep hillsides where such soil types exist. He stated that the map shows at least a dozen mine surface features existing in and around the project site and underground workings could be uncovered by the excavation.

Joann Hall, a Main Street merchant, stated that over the years she has seen people come and go on Main Street and she heard stories this evening about a number of businesses that have closed in the past. Ms. Hall remarked that Park City is beautiful and Main Street is very important. For this reason she hoped they could find a way to come together to move this project forward in a way that would add to the ambience of Park City. She believed the Treasure Hill project would benefit the town.

Tom Fey, a Park Meadows resident, agreed with all the previous comments. In his opinion, the mass and scale of this project does not fit with the community in that location. He pointed out that people keep talking about the soil but there is mostly rock. In order to build the proposed project on that land, they will have to blast a significant amount of rock. Mr. Fey wanted to know how much of a bond would be necessary to protect the people in Old Town once the blasting begins. He was concerned that some of the fragile homes on Hillside would start sliding down the hill. Mr. Fey stated that if he lived in Old Town he would personally be concerned. Secondly, blasting where there are existing mine tumbles puts the water system in jeopardy if the blasting causes the tunnels to collapse.

Chair Wintzer closed the public hearing.

Planner Cattan reported that she had received a letter from Parsons Behle and Latimer, the applicant's attorney. She had also received two emails that day. One was given to the Planning Commission prior to the meeting. The second email was received later and she would make sure the Commissioners received that email as well. Planner Cattan noted that the administrative assistant would make sure those emails were included as part of the record. Chair Wintzer requested that the correspondence be included in the April 14th Staff report.

Commissioner Luskin agreed with the comments about making the development project a different color in the model. He asked if that could be done for future meetings or displays.

Chair Wintzer thanked the applicants for the model. He felt it did a good job of demonstrating the project. In looking at the plans, he thought the model was accurate. Commissioner Hontz believed there was a tie between the issues raised in the letter from Parsons Behle and Latimer and what they were trying to accomplish this evening. She referred to the first page of the letter which referenced the vesting analysis that was prepared by the attorney. The language stated that the Planning Commission has the duty to provide a full and fair review of the application, to which the applicant is entitled. Commissioner Hontz agreed with that statement and noted that whether this was 1986, 1996, or 2006 they would be going through this same exercise in the process.

Commissioner Hontz read from page 3 of the MPD approval, section 3, #1, "Allows for the Master Plan approval and establishes a general project and maximum density". She noted that it also established a respect for the CUP process, which is the process they are going through today. Commissioner Hontz referred to page 7 of the MPD, section 4, "The applicant will present only general development concepts that may be approved at this juncture. Final unit configuration and mix may be adjusted by future developers at the time of conditional use review." She pointed out that any word could be used for "future developers". Commissioner Hontz referred to page 9, section 6, major issues, "The master plan development procedure attempts to deal with the general concept of a proposed development and defers or relegates the very detailed project and new elements to the conditional use stage of review". Commissioner Hontz summarized that the language in the MPD supports this process and relegates review of the details to the Planning Commission. Regardless of when the development came forth, this was the process that needed to occur.

Commissioner Peek stated that on September 23, 2009 four Commissioners made specific comments that were in agreement with the Staff report. Five Commissioners wanted the applicant to prepare a rebuttal for the next meeting. Commissioner Peek noted that there were eight discussion points in that report. While the model attempts to address two discussion points from the last meeting; 1) providing additional streetscape; and 2) are the structures appropriate to the topography, it does not address the other significant discussion points of; a) excessive proposed support commercial; b) excess square footage; and c) efficiency of design. Commissioner Peek remarked that coming to an agreement on these points would certainly affect the mass and scale and, therefore, any model.

Commissioner Peek did not find that the applicants' proposal on points a, b or c comply with Criteria 8, 11 or 15.

Commissioner Peek stated that based on the excavation as demonstrated on the model, the project does not comply with Criteria 8 or 15. He deferred his comments on the mass and scale of the structures until he had time to digest the model and review what was presented this evening. Regarding the MPD, Commissioner Peek thanked Commissioner Hontz for pointing out the development parameters and conditions in Section 3 of the document. He noted that the final sentence on part 1 reads, "The Staff and Planning Commission shall review projects for compliance with the adopted Codes and ordinance in effect at the time. In addition, to insure conformance with the approved master plan." Commissioner Peek read a quote from the last

Staff report, "Staff analysis of the approved MPD and current CUP application found that the current application contains more total square footage and the modification to grade is more extensive than anticipated in the MPD. Additionally, excavation and permanently exposed site shoring for the Creole Gulch portion occurs in the recreation open space zone outside of the approved MPD development boundary." Commissioner Peek indicated the area he was referring to in the Creole portion that was outside of the development boundary.

Commissioner Peek did not find the project to be in compliance with the MPD.

Commissioner Peek felt the first step in the process was to reach agreement that the conditional use permit application complies with the underlying MPD. If the application contains elements that are not allowed in the MPD, it is unacceptable to discuss them as a conditional use. The elements that do not comply with the MPD should be removed from the application.

Chair Wintzer commented on the property lines behind the buildings that encroach on to open space. He did not believe anyone had anticipated going into open space, excavating material and taking out the trees, and then leaving it as a guide wall or cliffscape, which is not a natural open space setting. Chair Wintzer thought the buildings were sited in a way that excessively fights the grade. The amount of excavation and grading required would not meet Criteria 11 and 15. Chair Wintzer commented on the number of trees on site. He noted that on other sites that were developed through an MPD, the open space was not violated. In addition, the Planning Commission made those applicants retain some trees and natural grading within the developable area of the project. In this case, it appears that the applicants took every piece of vegetation out of the area and started over. Chair Wintzer was concerned about the excavation and toxic waste, since they have no idea how much toxic waste is involved. He did not believe either issue was compatible with Criteria 15.

Chair Wintzer commented on the amount of support commercial and questioned why they would consider anything over the 5% realm. If the applicant was really trying to mitigate traffic issues and mass and scale issues, they should be looking at less than 5%. Chair Wintzer did not think that part of the proposal was appropriate with Criteria 2, 8, 11 or 15. In looking at the project going up Lowell Avenue, Chair Wintzer was unsure how anyone could say that the project was compatible with the neighborhood in mass, scale, style and design. In his opinion, it does not work with Criteria 8 or 11.

Chair Wintzer commented on the efficiency of design and noted that in 2004 they received a design that was roughly 50,000 square feet. In that design 57% was residential units and he thought that was an inefficient design. Now they have a design that is over a million square feet and 39% of the area is residential units. He thought the project was going backwards in its efficiency rather than forward. The project now is 20% larger than it was when they began talking about mass and scale.

Chair Wintzer noted that the 1986 plan showed the development starting with natural grade and excavating only what was needed for the buildings. The buildings appeared to step up the mountain and then it went back to existing grade. Chair Wintzer stated that there was very little change between the existing grade and the finished grade. The proposed excavation and

grade change is a major contrast to the 1986 plan and he did not believe it was compatible with Criteria 8, 11 or 15. Chair Wintzer pointed out that the applicant had done nothing to reduce the parking requirement, including the commercial space. This was one reason why the project was lopsided on its efficiency.

Chair Wintzer commented on the mass and scale of Buildings 3A and 5A and suggested pushing those buildings further into Creole Gulch to keep them from looming over Empire and Lowell.

Commissioner Strachan asked if the plans provided were the final plans for the project. He assumed they were, since the plans are posted on their website and the model was based off those plans. Commissioner Strachan stated that if the plans were final, the Planning Commission needed to assess those plans and vote on them. In order to do that, the Staff needed to prepare all the documents, all the studies, and all the Staff reports so the Planning Commission could vote on the project. Commissioner Strachan noted that the letter from the Sweeney's attorney stated that they were in the midst of preparing an analysis of where they might compromise with Staff. He suggested that the document be provided to the Planning Commission prior to the April meeting. Commissioner Strachan believed the Planning Commission was ready to vote on this project. They have received a veiled threat from an attorney saying that the further they go down this road the more the applicant detrimentally relies on what the applicant is being told by Staff. Commissioner Strachan stated that the way to stop that detrimental reliance is to stop the Staff's analysis and vote on what appears to be the final plan.

Commissioner Strachan stated that if the applicant intends to change their plans substantially based on comments from the Planning Commission, the April meeting may not be a vote. However, unless there are substantial changes to the plans provided, the Planning Commission has the obligation to vote on the plan and stop the alleged detrimental reliance by the applicant. Commissioner Strachan fairly warned the applicant that April would be the deadline.

Commissioner Strachan asked the Staff to prepare the documents the Planning Commission would need to decide on this project. He had a long list of items that should be included and he read them aloud to give the other Commissioners the opportunity to add their own items. Commissioner Strachan outlined the items as follows:

1. The MPD, which includes the 1986 Staff report and the original plans.
2. Crowd, traffic and parking studies and all traffic and parking plans that have been generated by both the applicant and the City.
3. All mitigation plans in any form submitted by the applicant. All excavation plans submitted by the applicant. Any construction mitigation plans submitted by the applicant.
4. Any environmental studies by both the City and the applicant or any third party.

5. Applicable 1986 Code sections for both the LMC and the historic guidelines. If the current historic guidelines apply, those should be included and not the ones from 1986.

Assistant City Attorney noted that the guidelines that apply are the ones in force at the time of the application.

6. All legal opinion memoranda that has been submitted by both the applicant's attorney and by the outside counsel retained by the City.
7. Minutes from all the meetings since the time the DVD was given to the Planning Commission.

Commissioner Strachan requested input from the Commissioners on his comments and/or the documents to make sure they were all in agreement.

Chair Wintzer echoed the request to receive the information well in advance of the April meeting.

Commissioner Luskin noted that Item 6 in the original master plan was raised in public comment. The language states that, "All buildings shall be reviewed for conformance with the Historic District Design Guidelines and related architectural requirements". Commissioner Luskin felt it was important that the document be part of their packet. Commissioner Strachan pointed out that he had requested the guidelines in Item 5 of his list.

Commissioner Strachan echoed the comments made by Commissioners Peek and Wintzer in their entirety.

Commissioner Strachan wanted to know where in the MPD it says that the penthouses are exempt from the height limit because he could not find that language. Craig Elliott explained that penthouse is a term used for mechanical housing.

Commissioner Strachan stated that according to the applicant, there is a date certain when the MPD expires. That date was 2006, twenty years from the 1986 approval. Commissioner Strachan thought the 20 year deadline was a consideration that the Planning Commission should review if and when they decide to vote on the plans.

Commissioner Strachan clarified that he considered the MPD to be the December 18, 1985 revised Staff report, which includes 15 pages plus Exhibit A, which is the development parameters and conditions. It would also be the Sweeney Properties Master Plan density, the master plan phasing exhibit, all of the maps and drawings, and the City Council minutes from the final approval on October 16, 1986.

Commissioner Peek requested that they also include the December 18, 1985 Planning Commission minutes, development parameters and conditions. Commissioner Strachan pointed out that those were actually Exhibit A in the December 18, 1985 Staff report.

Commissioner Hontz noted that the MPD references average heights on pages 4, 9, 11 and again on page 6 of the conditions. She had looked through everything and could not find a breakdown of the average height. Commissioner Hontz requested that the Staff provide clarification on the average height.

Commissioner Hontz requested that the Staff run the numbers and prepare a comparison chart of similar developments to better understand the support commercial. She suggested using the Montage, St. Regis, and Stein's. The Commissioners concurred. Chair Wintzer pointed out that the commercial in the Sweeney Master Plan was not designed to attract people to the project. The other projects mentioned have commercial spaces that were designed to attract people. He wanted to know more about the projects in the comparison to understand their operation or business plan compared to the Sweeney Plan.

Commissioner Luskin requested that the materials include a copy of the geological study of Summit County that Rich Wyman had referenced.

Commissioner Peek referred to his previous comments regarding the permanent shoring and excavation outside of the approved development boundary, and asked for a Staff and legal opinion on whether that is appropriate in the ROS zone. He understood that the limits of disturbance for the construction site is going outside of what he would interpret to be the property line.

Commissioner Strachan pointed out that it was addressed on B-12 of the Sweeney submittal. Planner Cattan stated that typically development is supposed to occur within the property line as defined. She would review the MPD to make sure nothing different was allowed.

Chair Wintzer asked Planner Cattan to research the idea of entering into open space for construction purposes. In his opinion, it would not be allowed but he wanted clarification.

Commissioner Peek agreed with Commissioner Strachan that there was no reason for the Planning Commission to continue with this exercise if the project plans were not going to change.

Planner Cattan asked if there was consensus among the Commissioners that if the applicant was not willing to make changes, the Staff should prepare a Staff report for action in April. The Staff concurred that action should be taken in April if there were no changes to the proposal.

Chair Wintzer was unsure if the Commissioners had provided enough direction on the eight discussion points outlined in the last and current Staff reports. He suggested that the Commissioners respond to each point this evening.

Assistant City Attorney McLean noted that the purpose of this meeting was to discuss mass and scale in relationship to viewing the model. She stated that it was appropriate for the Planning Commission to say they were prepared to vote at the next meeting if the project has not changed; however, they should wait until the next meeting to provide direction on the eight

discussion points so it could be noticed. There would still be time to draft findings based on the vote and the comments.

Chair Wintzer stated that the questions were in the last two Staff reports and he could not remember if the Planning Commission had provided sufficient direction. Commissioner Peek noted that in the minutes of the last meeting, there was a consensus among the Commissioners for the opportunity to discuss and have a rebuttal at the next meeting. He believed the public record indicated their intent to have this discussion.

Mr. Elliott noted that the applicants were preparing a response to the Staff report. He thought the applicants would say whether or not they were willing to make changes based on comments this evening regarding the model. He expected that response to be available for the next meeting. Mr. Elliott stated that the applicants were waiting to hear the response to the model and the discussion so they could make that decision based on specific comments and questions.

Chair Wintzer stated that if the applicants intend to respond to the Staff report, he wanted to make sure they understand whether the Commissioners agree or disagree with the Staff's analysis.

Mr. Elliott requested a response from the Staff or the Planning Commission that the application was complete. He was concerned about opening up the discussion only to find that they do not have a complete application. Planner Cattan stated that there was no question regarding the completeness of the application.

Commissioner Strachan expected that the applicants would prepare a rebuttal to address the questions Planner Cattan raised in the Staff report. He requested that the applicants provide the Planning Commission with that rebuttal in advance of the April meeting so they could assess it. If at that point the Commissioners determine that they have made substantial changes to the plans, they can stop the vote and address the new plans.

The Planning Commission responded to the eight points outlined in the Staff report as follows:

- 1) Support Commercial. All the Commissioners concurred with the Staff's analysis.
- 2) The applicant's willingness to make changes. The Commissioners had already addressed this point in their comments.
- 3) Staff request for discussion and direction on additional square footage. The Commissioners had addressed this point in their comments.
- 4) Should the design be revised to become more efficient and comply with the limits of the MPD. The Commissioners concurred that the first step is to comply with the MPD.
- 5) Whether the Planning Commission wanted another streetscape of the project showing full elevations of the building. Chair Wintzer believed the model accomplished what

they needed to see. The Commissioners concurred. Commissioner Peek requested detailed photographs of the model for future reference. Commissioner Strachan thought it would be helpful to have GPS coordinates for the top parts of the buildings. He felt there needed to be an objective standard for measuring height about sea level. Chair Wintzer requested copies of the slides that Mr. Elliott had presented this evening.

6) Whether the Planning Commission had other concerns not identified by Staff. Commissioner Peek was interested in seeing an avalanches assessment due to the risks involved with the amount of excavation proposed and the slope retention.

7) Should a separate design review task force be created to evaluate style, design, architecture detailing of the project, and the HDDR. Commissioner Strachan felt the Historic Preservation Board was qualified and the MPD identifies the HPB as the body for review. Planner Cattan noted that the Historic District Design Review is usually conducted by Staff, but it could go before the HPB at the request of the Planning Commission. Commissioner Strachan believed the MPD envisioned a review by the HPB. Chair Wintzer noted that the Historic Review has changed since the time of the MPD and he preferred to have the HPB involved. Commissioner Peek commented on other projects where the City Council had designated a design review task force. He believed that the scale and impacts of this project would warrant a design review task force. The Commissioners concurred.

8) Are the proposed structures appropriate to the topography of the site. Chair Wintzer reiterated an earlier comment that the applicants have spent more time fitting things in to the site as opposed to fitting them on the site. He did not believe it was appropriate as proposed. Simply based on the excavation, Commissioner Peek did not think it was appropriate to the topography. Commissioner Hontz thought the model helped demonstrate the sprawl and excessive height, which was not appropriate for the site. Commissioner Strachan pointed out the absence of any stepping.

Planner Cattan asked for additional comments regarding the design.

Chair Wintzer stated that in reading the minutes of the MPD, he believed the intent was for the project to be hidden in the Gulch. At this point, that has not been accomplished. There is too much of the project out front and not enough in the Gulch. Chair Wintzer thought the buildings on the left side were appropriate, except for the cliffscape behind them that is outside of the limits of disturbance. In addition, the backdrop is altered so much that it changes the mass of the project. Chair Wintzer remarked that the buildings on the other side do not follow the topography of the hill.

Commissioner Luskin stated that the mass had changed in the project, and he was concerned that the appearance of the mass would be even greater once the project was excavated. He questioned whether the project as proposed should require a new MPD. He had additional concerns with the project that had not yet been addressed.

Mr. Elliott felt the Planning Commission had provided good comments and direction this

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evening. The applicants would take those comments, consider their options and provide a response as soon as possible regarding the next step to move forward.

MOTION: Commissioner Peek moved to CONTINUE the Treasure Hill project to April 14, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:45 p.m.

Approved by Planning Commission_____

WORK SESSION NOTES – FEBRUARY 24, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
FEBRUARY 24, 2010**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julie Pettit, Adam Strachan, Thomas Eddington, Kayla Sintz, Katie Cattan, Francisco Astorga, Jacque Mauer, Mark Harrington

Work Session Items

Round Table Discussion

Planning Director Eddington stated that the Staff had scheduled a round table discussion with the Planning Commission to discuss issues that were raised over the past few months. As some of the more complex projects come forward, he encouraged the Planning Commission to contact the Planning Department if they have questions or concerns or if one of them misses a meeting. The project planner has materials available in the office that are larger and more detailed than what can be provided in the Staff report.

Chair Wintzer asked if they could establish a policy where the Staff would be available during certain hours on the day of a Planning Commission meeting. The Staff favored that idea, since it would help with their scheduling. Commissioner Pettit felt they needed to be careful about having too many Commissioners in the Planning Department at one time to avoid a quorum situation. Director Eddington suggested that each Commissioner email the Staff if they plan to come into the office. If they receive four emails on a particular day, the time could be adjusted to accommodate everyone at different times.

Chair Wintzer suggested the possibility of the Tuesday before the meeting. Director Eddington replied that the Staff is available any day of the week and they do not need to specify one day. The Commissioner should contact the Project Planner to let him or her know they are coming and what it is they would like to discuss.

Director Eddington requested that the Planning Commission let the Staff know if they need additional information to make a decision or if something is consistently missing from the Staff report that they would like to have included.

Director Eddington stated that when a large project comes before the Planning Commission, the Commissioners should raise their issues and concerns in the first meeting, rather than waiting until the second or third meeting. It helps the Staff and the applicant if they can begin to address the concerns and provide appropriate information.

Chair Wintzer remarked that the applicants should understand that if questions are raised during the first meeting, the Planning Commission would still have additional questions and concerns throughout the review process. Commissioner Pettit suggested that it would be helpful if the Staff could provide a summary of the questions and concerns they heard during the discussion to make sure all the issues are included. Director Eddington stated that he intended to do a better of taking notes during the meeting to pick up all the pertinent issues and requests for information. At the end of the meeting he could recap his notes to make sure nothing was left out.

Director Eddington stated that the Commissioners have the responsibility to contact the Project Planner if they miss a meeting to get up to speed with the rest of the Planning Commission before the matter is heard again.

Director Eddington remarked that the goal of the above stated exercises is to eliminate continuations, since continuations are time consuming for both the Staff and the Planning Commission. Contacting the Staff ahead of time if additional information is needed to make a decision would expedite the process and possibly avoid a continuance.

Commissioner Strachan asked if the Staff was backed up on their workload because of continued projects. Director Eddington replied that it was not a problem now, but a few months earlier they were backed up. When several projects are continued it is difficult to get all the applicants on the agenda and still keep the meetings on a reasonable time frame.

Chair Wintzer thought the Planning Commission could help avoid continuations by asking the right questions and providing adequate direction. If they find the need to continue an item, the Commissioners should state specific reasons why it is being continued so the applicant can address their concerns at the next meeting. Director Eddington believed that a recap at the end of the discussion would help inform the applicant as to what issues need to be resolved.

Commissioner Pettit commented on the number of times the Planning Commission has requested information for the next meeting and the applicant fails to provide it. She agreed that in fairness to the applicant the Planning Commission needed to give better direction, but the applicant should also be held accountable if they do not honor a specific request. The applicant needs to be aware that if the requested information is not provided, the result would most likely be a continuance.

Commissioner Hontz felt the Staff and Planning Commission was doing a lot of hand holding by making checklists. If the Planning Commission requests information, the applicant should be responsible for taking notes and providing the material. The Staff should not have to remind the applicant.

Director Eddington asked the Planning Commission to help define what projects might be appropriate on a Consent Agenda. Commissioner Pettit stated that a steep slope CUP should not be on a Consent Agenda. Director Eddington requested that the Planning Commission let him know if they think anything can be consolidated on a Consent Agenda.

Chair Wintzer suggested that if a matter was continued for a smaller issue and the issue was resolved, the Staff could ask if the Planning Commission would be comfortable approving the matter on a Consent Agenda.

Commissioner Pettit commented on situations where the Planning Commission continues an item based on procedure, only because they want to see the changes before voting for approval. She suggested that something in that context could come back as a Consent Agenda item. If the Commissioners are not satisfied, it could be pulled off the Consent Agenda.

Commissioner Peek liked the idea of having someone outside of the conversation recapping the

discussion. The Commissioners concurred. Planner Cattan felt the Commissioners were good at stating concurrence if they agree with a point made by a fellow Commissioner. This helps move the discussion forward without repetitive comment.

Commissioner Luskin asked if the packets could be spiral bound. Director Eddington stated that spiral bound looks nice, but pages cannot be taken out or inserted. However, the City could use generic plastic binders if the Staff report is not too large. A suggestion was made to 3-hole punch the packet. Commissioner Strachan was not concerned with the format and he was willing to accept whatever the other Commissioners wanted. Chair Wintzer stated that he puts the packet in a binder and paperclips each project. This keeps the packet together but separates the projects. Commissioner Luskin reiterated his preference to have the packet spiral bound, unless everyone else had their own system. Commissioner Pettit preferred the 3-hole punch. When a matter is continued, she pulls it from the Staff report for future reference and recycles the rest of the packet.

Director Eddington reported that Patricia had researched basic laptops that are used for information. He asked if the Commissioners would like to have the Staff report on a computer. Commissioner Peek stated that he would only like it if they had software with the ability to make notes on the pages. He noted that a PDF document is useless for making notes or highlighting. Chair Wintzer stated that he needs to have the ability to read the report and make notes. Commissioner Strachan stated his preference for a paper report. He was not opposed to having an option for those who wanted the laptop, as long as there was also a paper option. He was not in favor of eliminating a printed Staff report.

Chair Wintzer remarked that microphones are a continual problem. He would prefer to have a round table discussion sitting around a table rather than on the podium. Chair Wintzer understood that the meeting needed to be recorded and asked if it was possible to look into a system that allows more flexibility. Director Eddington offered to look into it.

Commissioner Hontz thought that it would be helpful if the Planning Commission could be given a complete schedule of all the meetings dates so they can schedule it on their calendars, particularly special meetings or changes during the holidays and Sundance.

Commissioner Pettit stated that the Staff report and associated materials have greatly improved and she thanked the Staff for their efforts. Commissioner Strachan echoed her sentiment and noted that he rarely has problems with the reports. Commissioner Pettit remarked that the drawings are still a problem because the quality is diminished when the drawings are reduced. Director Eddington suggested that if the drawings are difficult to read in the 8-1/2 x 11 format they could try 11 x 17. The drawings would be slightly larger and they would still fit in the packet. The Staff and Planning Commission discussed ways to obtain more readable drawings.

Planner Sintz stated that if a Commissioner is not able to attend a meeting but has reviewed the information and wants their comments included, they should submit their comments in writing to the Planning Department with a request that it be shared with the Planning Commission and made part of the record.

General Plan Discussion

Director Eddington stated that the objective this evening was to present the goals the Staff had outlined to see if the Planning Commission felt they were on the right track. The Staff encouraged input or discussion from the Planning Commission on additional items. As a second issue, Director Eddington asked if the Planning Commission was interested in establishing a Planning Commissioner/Planning Staff relationship.

Regarding the goals, Director Eddington noted that the Staff report contained a goal strategy for each element of the General Plan. He stated that these were only the initial goals/strategies/actions the Staff had identified to begin a direction. They were still completing the data analysis.

Chair Wintzer wanted to see a stronger comment on the environment in an effort to become more pro-active.

Commissioner Hontz had researched general plans for other communities but she was unable to find anything that meets their goals. However, Aspen is in the process of doing their General Plan and she thought their model was valuable. She noted that Aspen started with an analysis and data section first and published that before they created their goals and strategies. Commissioner Hontz remarked that a majority of the issues mentioned in the Aspen model are the same things that Park City already has listed. She felt there was value in looking at what Aspen has done in their General Plan process. Commissioner Hontz stated that Aspen's Code, which is equivalent to the LMC, talks about development teams. They use different terminology but the content is fascinating and the data collected was astounding. Commissioner Hontz remarked that she has been thinking a lot about circulation and traffic and how people come into town. She spoke with Deer Valley on this issue and found out the percentage that comes from the Heber Highway 40 corridor. She pointed out that several things go along with that, such as a UDOT approved project for an extended parking lot, an underground connection with a transit system to get people to the Gondola, and expanding the use. Commissioner Hontz noted that those items were under Wasatch County purview. She thought it would be helpful to understand what Deer Valley projects in terms of how they want to utilize that corridor in the future. Once they have that information, Park City can determine if it will benefit SR224 and alleviate some of that traffic in the future. Commissioner Hontz stated that in thinking about this issue, her economic development side does not want Park City to lose dollars from ticket sales at the bottom of the Gondola. As they begin to layer these issues on top of each other, important factors need to be considered, such as where the traffic comes from for PCMR. Commissioner Hontz thought they needed to look at the bigger picture and suggested that they start the General Plan process further back from the strategies presented this evening.

Commissioner Pettit felt it was important to consider the skiers who patronize restaurants or establishments in Park City as they come in and out of town. If a portal takes the skiers directly to and from the mountain, those establishments would be bypassed and that would affect the economic factor. She believed there could be other creative ways for people to move into the community from a different portal that would provide access to a restaurant or store. That would be a discussion for the transit plan. Commissioner Pettit stated that the vehicle and the traffic issue is a huge deterrent and a major problem for those who come to enjoy the Park City setting. It is a balancing issue and they need to be careful that solving one problem would not create another

problem.

Director Eddington reported that Park City had spoken with Wasatch County regarding the connection and the City is aware that it would be a good entry to Deer Valley for those coming from Highway 40. Planner Cattan stated that the City Engineer, Matt Cassel, is working on a transportation master plan. Therefore, they are collecting raw data and figuring out trips and traffic patterns. She expected the master plan would be completed in 9 months to a year. At that point the City would have GIS data that identifies parking, which streets are most utilized, etc.

Commissioner Luskin remarked that this all predisposes a larger and more complicated question. He referred to the picture on page 30 of the Staff report and noted that this was Park City's jurisdiction and they were re-writing a General Plan primarily for that area. Commissioner Luskin stated that the entire valley, including Kimball Junction, Snyderville Basin and other outlying areas are all linked together, and whatever happens in those areas affects Park City. As the City goes through great efforts to re-write a General Plan, he wondered if they should interface with other agencies or bodies to achieve a unified plan or something that dovetails to make it all work together. Commissioner Luskin did not believe that harmony inside the community would be effective if it is not linked to the outside communities.

Director Eddington agreed that this was a major challenge, which is why the Staff keeps in contact with Wasatch and Summit Counties to work with them on the regional components. Commissioner Luskin felt the goal of the General Plan should be to interact with the adjacent counties.

Director Eddington reiterated that the Staff has had cursory meetings with the Planning Staff in Wasatch and Summit County, and the challenge is getting the counties to accept some of their beliefs. It is particularly difficult with Wasatch County, where tremendous growth occurred several years ago. He noted that Summit County is pursuing their own General Plan, which ties in with the timing for the Park City re-write.

Chair Wintzer requested that they try to incorporate the word "neighborhood" more frequently to emphasize the goal of trying to protect neighborhoods in the community. He felt they would be more successful if they look at the General Plan from the standpoint of neighborhoods rather than just zoning.

Commissioner Luskin remarked that when he first joined the Planning Commission, former Commissioner Jack Thomas recommended that he read the book Cityscapes. The term "Cityscapes" was used frequently and the book contained many pictures. The point was that in order to maintain a historic character, a visual character component is also needed. Commissioner Luskin did not think a visual character component was evident in the General Plan. He offered to bring the book to share with the Commissioners. Commissioner Luskin believed that a cityscape is important to preserve the existing character. He noted that character can mean a lot of things, but the visual impact is one aspect of the character.

Chair Wintzer agreed, noting that he has always stressed that more photos were needed in the General Plan to visually identify the character.

Commissioner Pettit commented on the number of pictures that were taken by the citizens and used during the visioning process. She suggested that the Planning Commission incorporate some of those photos for each of the General Plan elements. Commissioner Pettit stated that the citizens are the eyes and ears of the community and it would be beneficial to bring their inspiration and thoughts into the process. Commissioner Pettit liked the idea of moving away from the current goals and bringing the process more up-to-date and more in line with the visioning process. She suggested they should try to eliminate as much overlap as possible as they move through the process.

Director Eddington stated that as they work through individual data collecting, the goal is to create a different format than the element presentation. He asked if each Commissioner would be interested in working with a Planning Staff on a specific element. Seven elements were outlined in the Staff report.

Commissioner Luskin volunteered to work with Community Character & Historic Preservation. Commissioner Hontz volunteered for Community/Economic Development Commissioner Peek chose Land Use & Growth Management. Commissioner Pettit chose Environment/Conservation/Sustainable Development. Commissioner Strachan volunteered for Housing. He would also be involved in Open Space & Parks and Recreation until they have a new Commissioner. Chair Wintzer would work on Transportation and Community Facilities.

Director Eddington stated that the Staff typically reserves Monday and Friday afternoon to work on the General Plan. If the Commissioners are available on those days, he encouraged them to come in and participate in the discussion. Commissioner Strachan was interested in being involved whenever his time permitted. The Commissioners concurred that they would like to be invited to participate, even if they could not attend every meeting.

Director Eddington stated that when the Staff sets up discussion times, he would notify the Planning Commission. Commissioner Strachan felt the Staff should schedule meetings at their convenience and let the Planning Commission work around them. Director Eddington noted that meetings would be set up as they get further into the process and he would make sure that not more than three Commissioners attend at one time. He would email the schedule.

The Commissioners moved to the regular agenda to discuss LMC Amendments.

MINUTES – FEBRUARY 24, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 24, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Kayla Sintz, Planner; Katie Cattan, Planner; Mark Harrington, Assistant City Attorney

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REGULAR MEETING

I. ROLL CALL

Chair Thomas called the meeting to order at 6:42 p.m. and noted that all Commissioners were present.

III. PUBLIC COMMUNICATIONS

There were no comments.

IV STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Planner Cattan reported that a date was not set for when the Treasure Hill model would be displayed. The applicant is still in the process of building a protected cover around the model. Once that is done, the model will be displayed in the Planning Department. She would continue to update the Planning Commission on the matter.

Planner Cattan stated that the Staff was not a hundred percent certain on whether the Sweeney's were making changes to the plan. Currently the Staff and applicant are communicating back and forth and she would update the Planning Commission as soon as she has any information.

Commissioner Luskin asked if the Treasure Hill model would be located in the Planning Department or somewhere readily available to the public. Planner Cattan stated that because the model is very expensive, the Staff preferred to keep it in the Planning Department where they could keep a close eye on it. The public will have access and she is working on a possible schedule for times it could be viewed. Due to the controversial nature of the project, the Staff did not think the model should be displayed in the hallway.

Commissioner Pettit noted that she was unable to attend the last meeting and asked if she could make an appointment to see the model before it was displayed for the public. Planner Cattan replied that the model is currently at Craig Elliott's office and the Commissioners could contact Mr. Elliott to set an appointment to see the model.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. Land Management Code - Amendments to Chapter 2.3 (HR-2 District), Chapter 5, Chapter 6, Chapter 10, and Chapter 11 regarding the Master Planned Development within HR-2 District and the application and appeal process of the Historic Design Review (Application #PL-09-00784))

Planner Kirsten Whetstone reported that the Planning Commission previously discussed these amendments on January 20th, 2010, at which time three main issues were raised.

The first issue was the time frame for appeals. Language was amended in Chapter 10 to be consistent with Chapter 1, General Procedures. The revised language specifies that appeals shall be heard within 45 days for the Planning Commission and the Board of Adjustment. Planner Whetstone noted that this amendment had not changed since the last meeting.

The second group of LMC Amendments relate to Upper Park Avenue and the residential street for the HR-2 zone, and provides additional regulations for conditional use permits and Master Planned Developments within Subzone A.

The third set of amendments relate to Chapter 6, the MPD, and attempt to clarify how the calculations for the 5% Support Commercial floor area is calculated for Master Planned Developments. Changes also provide regulations for an MPD within the HR-2 Zoning District.

Planner Whetstone stated that additional revisions were being proposed based on comments from the Planning Commission at the January 20th meeting. She reviewed the new revisions as outlined in the Staff report. The revisions addressed the 40 foot maximum facade width as being the width of the entire house, excluding any structure located entirely below grade; flexibility in building height, final grade versus altered existing grade; and the intent to return final grade to within 4' of existing grade.

Planner Whetstone provided an insert to replace page 56 of the Staff report, showing deleted text from a previous revision. She reviewed the language which addressed building height in the HR-2 zone.

Director Eddington noted that the Planning Commission had discussed height exceptions at the last meeting. Based on that discussion, revised language would eliminate the height exception, even in an MPD. He referred to a diagonal line on the slide which represented existing grade on a 28% sloped lot. On the right hand side he assumed a scenario of a 25 foot high building with the middle line as the zone line. Each lot would be 75 feet deep. In looking at the left hand side in the HR-2 zone, the tallest part of the back side of the building would be 27' high. If it had the 10' indentation that is required as part of the new LMC language, the front end of the building would only be 17' feet tall. Director Eddington stated that it would be comparable to what currently exists on Park Avenue and what anyone could build right now in the HR-2 or HR-1 District.

Director Eddington pointed out that although the height exception was removed, the Staff was requesting a story exception. Three stories are currently permitted and the Staff would like the

flexibility to consider additional stories. Two stories below ground and fully subterranean would be able to be connected to a building on Main Street and used for storage, gallery, parking or other uses. The space would be subterranean, grade would be brought back to within four feet, and the space could only be used for commercial use benefitting a Main Street building.

Commissioner Peek asked if it was possible to require an egress core in the building on Park Avenue to avoid a situation like the No Name, where an exterior egress stairway comes up to Park Avenue. The Staff and Planning Commission discussed different possibilities for accomplishing appropriate egress. Director Eddington believed they could find a way to integrate emergency egress into the structure of the house.

Commissioner Pettit referred to page 73 of the Staff report and noted that reference to the height exception needed to be removed from Section 15-6, the MPD section.

Planner Whetstone noted that language on page 74 of the Staff report that talks about additional height being compatible with the neighborhood should also be removed.

Commissioner Pettit stated that if height exceptions were eliminated for MPDs in the HR-2 and the HR-1 zone, she wanted to know if height exceptions would be allowed for any MPDs in the HR Districts. She was told that the Sky Lodge may be an example where a height exception would be allowed.

Planner Whetstone referred to page 73 of the Staff report and added a portion of the language that was originally deleted. The revised added language would read, "Height would not be granted for master planned developments within the HR-1 and HR-2 zones".

Planner Whetstone stated that the discussion on Chapter 11, Historic District Design Review process, should be a separate process and was no longer a part of these amendments. She requested that Chapter 11 be continued to a date uncertain.

Planner Whetstone noted that "private residence club" was removed from the language based on comments from the last meeting. Language was revised to require "compatibility with residential neighborhoods" rather than "compatibility with adjacent structures". All references to "Historic District Guidelines" was replaced with "Design Guidelines for Historic Districts and Historic Sites", to be consistent with the title of the new Historic Design Guidelines. Language was added to clarify regulations for a setback exception for detached single car garages. Planner Whetstone reviewed the inserted language on page 51 of the Staff report. She explained that the existing language allows for new construction consistent with the Design Guidelines and allows the Planning Commission to grant an exception to the building setback and driveway location standards for additions to historic buildings. The new language expands that to include setback exceptions for a single car detached garage.

Commissioner Peek assumed the designer would be responsible for adequately addressing snow storage and other hurdles associated with a setback exception. Planner Whetstone replied that this was correct. Planner Whetstone remarked that another question is whether the garage should be part of the footprint. The Planning Commission would address that issue as part of the MPD review, based on the individual lot.

Chair Wintzer asked if the Planning Commission was comfortable voting on the amendments discussed to this point for Chapter 2.3.

Commissioner Strachan stated that if the Planning Commission grants themselves the flexibility to play with the height and setbacks, they should assume that the applicants would always request the maximum. That practice puts the Planning Commission in the position of having to say "no" to the applicant, who may also be a community member and a friend.

Chair Wintzer pointed out that the height exception was eliminated and it was no longer an issue. Commissioner Strachan agreed, but felt they would face the same issue with a setback exception. Chair Wintzer clarified that the setback exception was only to allow flexibility to build a detached garage. He explained that if the setback to the back yard was reduced by five feet, the front yard setback would have to increase to 15 feet. The exception is actually an offset, not a reduction.

Planner Whetstone clarified that the MPD would only come into play if a plat amendment removed the line between the zones. In that case, there would no longer be a setback.

Chair Wintzer remarked that the exception would shift the density and square footage on the lot, but it would not be an increase. He thought the exception would provide flexibility to achieve a better design. Director Eddington pointed out that the setback can only be decreased if it still maintains the character of the neighborhood.

The Planning Commission discussed amendments in Chapter 6, Master Planned Development. Planner Whetstone summarized that the amendments eliminate the height exception in an MPD for the HR-1 and HR-2 zones.

Planner Whetstone summarized changes in Chapters 10. She referred to page 81 of the Staff report, under Powers and Duties of the Board of Adjustment, and noted that language was added to include, "Appeals and call-ups of final action by Planning Commission at the request of the City Council. The language was consistent with Chapter 1, which allows the City Council to render a decision on whether an appeal or a call up would be heard by the Board of Adjustment. Planner Whetstone stated that she would work with the Legal Department prior to the next meeting to determine if that power of duty needs to be further described in the Chapter. Planner Whetstone noted that language was added to indicate that appeals are heard by the Planning Commission within 45 days of when the appeal is submitted.

Planner Whetstone recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council on the LMC amendments to Chapters 2.3, 6, 10 and 12; and to continue Chapter 11 to a date uncertain.

Commissioner Strachan recalled that Planner Whetstone had talked about changing the LMC to recalculate the amount of commercial space and back of house. Planner Whetstone replied that the change was addressed in Chapter 6 on page 78 of the Staff report. She noted that the change was made to clarify confusing language regarding gross floor area calculations. The language was changed to indicate that support commercial floor area may not exceed five percent of the total floor area of the residential unit equivalent of a master planned development.

Commissioner Pettit noted that “support commercial” was not defined in the definitions section of the LMC and she suggested that the definition be added. Planner Whetstone pointed out that support commercial was defined under the definition for commercial.

Commissioner Luskin referred to page 78 and the reference to support commercial units. He understood and agreed with the concept, but he felt the language was poorly written and difficult to understand. Commissioner Strachan agreed. Commissioner Luskin suggested that the language be re-written.

Commissioner Strachan wanted to know why support commercial uses are not counted against commercial unit equivalents. Planner Whetstone replied that historically 5% of the total residential area is allowed for a use that supports the development. Commissioner Strachan questioned why that area could not be counted against the commercial units and let the developer decide how to allot the commercial space. Commissioner Peek pointed out that commercial space creates more demand on parking, traffic, etc. Commissioner Strachan thought the impacts could be limited by granting a specific amount of commercial unit equivalents in the MPD process. The amount would be determined based on the impacts of those commercial unit equivalents. Commissioner Strachan could not understand why they would differentiate between commercial and support commercial.

Commissioner Peek remarked that the impacts are different with internal uses because people are already on site versus a restaurant or bar that attracts people from the outside. City Attorney, Mark Harrington, explained that the historic nemesis for the allowance stems from the hybrid uses caught between commercial and residential. They are add on uses such as ski storage, laundry facilities, and similar uses. In some cases they are independent of the HOA and other times they are related to the HOA. In the late 1990's the section was re-written and the caveat was added that put a limitation on the on-site owner uses only. Without the allowance and the commercial UE's, more traffic would be generated because people would need to frequent other places for these services.

Commissioner Strachan suggested eliminating the language, “support commercial floor area shall be dedicated to support commercial uses” because the language was redundant. Director Eddington agreed and read revised language he had drafted, “Within a hotel or nightly rental condominium projects, support commercial floor area may be allowed and may not exceed 5% of the total floor area of the residential unit equivalents. Support commercial floor area shall not count against any allotted commercial unit equivalents approved as part of the MPD. However, any support commercial uses in excess of the 5% will be counted as commercial unit equivalents”. Director Eddington had deleted the remaining language that was written. Commissioner Strachan believed the last sentence was necessary and should not be deleted. Commissioner Pettit agreed that the last sentence should remain for clarity. Commissioner Strachan stated that the last sentence answers the question of what happens if there are no commercial units.

Commissioner Pettit stated that one of the biggest issues she has seen in projects with the support commercial concept of the commercial unit equivalents is that the back of house area does not get calculated into the use of unit equivalents. She asked if there was a metric being used where they

could begin to measure or limit the back of house. Commissioner Pettit thought the list of uses that constitute back of house was vague and questionable.

Planner Whetstone stated that the Staff is looking into the standards and best practice for back of house uses. Commissioner Pettit believed this would continue to be an issue, particularly in the larger combination hotels/convention space projects.

Commissioner Strachan asked if it was possible to determine a percentage and say that the back of house shall not exceed that percentage of the total floor area. Commissioner Peek thought it might be possible if they could define an efficient design and draft language on that basis. Commissioner Strachan asked how they would determine whether a hotel could function if only 15% of its total space was dedicated to back of house. Planner Whetstone offered to research back of house spaces to help answer that question. Commissioner Strachan requested that they revisit the section and amend it.

Commissioner Pettit was not opposed to moving forward with the amendments proposed, but she agreed with Commissioner Strachan that the matter should be revisited.

Chair Wintzer opened the public hearing.

Ruth Meintsma, referred to page 34 of the Staff report under Summary of Revisions, and the revised language throughout Chapter 2.3 that changes "compatibility with adjacent structures" to "compatibility with the residential neighborhood". Ms. Meintsma stated that many applicants come in demonstrating compatibility with the residential neighborhood by using houses that were built in the last five years. She suggested revising the language to say, "compatible with the historic character of the surrounding residential neighborhood". Ms. Meintsma did not think "historic character" was mentioned often enough in the language. She cited several places in Chapter 2.3 where "historic character" should be inserted when talking about neighborhood compatibility.

Chair Wintzer suggested adding "surrounding historic residential neighborhoods" in the purpose statement for the HR-2 zone under Section (E), on page 42 of the Staff report. He believed that would address Ms. Meintsma's concerns about preserving the historic character of the neighborhood.

Ms. Meintsma referred to page 51 of the Staff report and commented on the amendment regarding the setback exception for detached single garages. She asked if the language only pertained to existing historic structures or if the exception would be allowed for new construction.

Planner Whetstone replied that it only applies to historic structures.

Ms. Meintsma referred to language on page 51 that an addition must comply with building footprint and asked if that language applied to historic structures. She pointed out that currently an existing accessory structure is not counted in the footprint.

Director Eddington explained that Ms. Meintsma was correct on the current policy. However, the proposed language requires a new detached garage to count towards the footprint. If an accessory structure is currently on the historic site inventory, it is not counted in the footprint.

Ms. Meintsma asked if it was possible that a new residential structure on Park Avenue could have a single-car garage in-lieu of a garage and a driveway. Planner Whetstone stated that the Staff would need to research the impacts before making that recommendation. Ms. Meintsma encouraged the Staff to consider the possibility.

Laura Guercio stated that her in-laws live at 331 Park Avenue. She and her father-in-law had concerns regarding the height exception and they were very pleased that it was removed. Ms. Guercio appreciated the discussion on the setback exception. Because her in-laws' house is directly across from the Mall, they oppose an exception to the front yard setback in the HR-2, which are the yards fronting on to Park Avenue. Ms. Guercio noted that her comments referred to language on pages 51 Item (L), "The Planning Commission may increase or decrease setbacks in accordance with the MPD provisions in 15-6-5." She pointed out that the language on page 71 talks about the potential to reduce the 25' setback. Ms. Guercio requested that the Planning Commission consider the impacts of changing the front yard setback because it would affect the street and the adjacent residents.

Ms. Guercio referred to the open space language on page 71, Item (D). In reading the language, she understood that re-development in the HR-2 zone would have a 30% minimum open space requirement. However, the language allows the Planning Commission too reduce the open space in exchange for project enhancement. She referred to a list of enhancement spelled out in the paragraph that may be considered. Ms. Guercio was uncomfortable with the language "may include but not limited to", because it is vague and open-ended and may include items that are not listed. She requested that the item for greater landscaping buffer along public ways and public/private pedestrian areas specifically identify Park Avenue in the language, as a requirement for reducing the open space. Ms. Guercio stated that if open space is exchanged for project enhancement, the open space should still be a minimum of 15%.

Ms. Guercio referred to page 70, Item (A) Density. She understood that in the HR-2 density is based on the lot. She specifically referred to language in the middle of the paragraph that talks about density transfers when a property is in more than one zoning district. She was concerned that the language created a loophole that should be closed to protect the residents in the HR-2 zone.

Ms. Guercio referred to Chapter 2.3, page 58 and discussed parking. She read the language in Item (H), and commented that a number of residential uses are allowed in the HCB and not just commercial. She understood the need for the residences that front Park Avenue to have a potential underground common parking structure, but it would greatly impact traffic on Park Avenue if all the residential HCB access parking off of Park Avenue. Ms. Guercio preferred to see an exclusion for all the HCB uses, including residential. She believed that uses on Park Avenue should access from Park Avenue and the HR-2 should service the HCB residential. Ms. Guercio referred to Mechanical Service on page 59, and the language "No free-standing outdoor mechanical equipment for

commercial use in the adjacent zoning districts is allowed in the HR-2. She requested that the language also include residential and not just commercial.

Ms. Guercio was pleased that the Private Residence Club was removed because it was not in keeping with the historic character of Park Avenue. She encouraged the Planning Commission to continue to carefully review and assess the need for proposed amendments in the HR-2 Zone and the MPD provisions in Chapter 6.

Ms. Guercio stated that Park Avenue is a one-way street in the winter time, but the proposed amendments should not be a one-way street for developers. Any amendments recommended to the City Council should carefully consider the likely and potential impacts of existing Park Avenue single-family residences. Any adopted amendment should represent a two-way street of balance and reciprocal give and take between the HR-2, HCB developers and the residents of Park Avenue.

Ralph Guercio, a resident at 371 Park Avenue, stated that one goal of the Mission Statement is to protect the spirit of Old Town in Park City. He believes the best way to protect Old Town is to make sure that when new development is brought in, the historic character of Park City and of Old Town, which is the core of Park City, is protected. Mr. Guercio. He stated that Ms. Guercio had mentioned specific elements that were important for the Planning Commission to consider. He did not favor density transfers and he thought setbacks should be consistent with the HR-1 zone. Mechanical services should not affect the HR-1 zone. Mr. Guercio believed there should be a buffer between the HCB, HR-2 and HR-1 to protect the character of Old Town as these amendments move forward.

Doug Stephens referred to page 44, 15-2.3-3 (E) that addressed parking requirements. He read, "The Planning Commission may waive parking requirements for Historic Structures and may consider in-lieu fees for all or a portion of parking." Mr. Stephens asked if the language referred to historic and non-historic structures.

Planner Whetstone replied that it was an in-lieu fee for parking requirement programs for master planned developments. Director Eddington pointed out that the remainder of the language was continued on page 45.

Mr. Stephens clarified that the in-lieu fee pertained to both existing and new structures. Planner Whetstone replied that this was correct.

Mr. Stephens read language on page 45 that addressed parking for historic structures. "The Planning Commission may allow on-street parallel parking adjacent to the front yard to count as parking for historic structures."

Planner Whetstone explained that it would only be allowed for existing structures.

Mr. Stephens asked if historic structures have a parking requirement. Director Eddington answered no. Mr. Stephens was unsure why that language was written if it only applied to historic structures.

Since there are only a few historic structures on the west side of Park Avenue, he thought the language should also apply to new construction. Based on the size of the vacant lots, Mr. Stephens believed the MPDs in the HR-2 would be on a smaller scale.

Planner Whetstone noted that it was existing language and the only change was to allow it within a master planned development. The language itself remained the same. Director Eddington pointed out that the current language has no meaning because parking is not required for historic structures. He understood that Mr. Stephens suggesting a change to allow some of that parking to count as parking for an MPD development. He offered to talk to Matt Cassel and Kent Cashel, since they are currently working on a transportation plan addressing Old Town. He would speak with them before making changes to that particularly section.

Commissioner Peek referred to the five level drawing and noted that the two levels of commercial uses coming off the HCB zone could exist under a historic structure. This could create a condominium that would create a parking demand and the Planning Commission could allow an in-lieu fee for parallel parking on the street. Planner Whetstone noted that parallel parking is not allowed on Park Avenue for a commercial use.

Mr. Stephens referred to page 51, Existing Historic Structures, Exception (A) with regards to detached single car garages, and understood that it only applies to historic buildings. He commented on the building patterns that exist in Park City. Some structures were built near the rear property lines with flat terrain in front and a detached garage in front. Another situation is where there is steep terrain on the uphill side, and existing house high above the street level with a garage down two street levels in the setbacks. Mr. Stephens noted that those situations do not exist with historic homes on the east side of Park Avenue. A home would have to be close to the rear property line before they could see a detached garage. Even though the language as written works, it could never occur on Park Avenue. Using Chair Wintzer's comment as an example of pushing the building back on the lot, Mr. Stephens believed that better designs could be achieved if they allow the opportunity to put a garage in the front yard setback. Regarding the issue of fire egress, Mr. Stephens stated that personally he would put his fire egress behind the garage, if he could move the garage forward.

Mr. Stephens referred to Page 57, Item 13, "The maximum building width above final grade is 40 feet." He stated that they have a tendency to let multiple building go through the design process that are the same width. He would not like to see people maximize a wide lot by allowing 40 foot wide buildings. It is rare to see multiple buildings on Park Avenue that are 40 feet wide. He believed those structures should be interspersed with typical 19 foot wide buildings. Mr. Stephens thought the issue could be handled through the design review process, but suggested that it might be worth writing into the language.

Chair Wintzer remarked that if an owner combines two lots and constructs a wider building, they could not restrict the neighboring owner from doing the same thing just because the previous owner did it first.

The Staff and Mr. Stephens discussed setbacks. Chair Wintzer understood from the language on page 51 that setbacks could not be increased or decreased in an MPD. Commissioner Pettit

pointed out that page 71 under the MPD indicates that the Planning Commission may decrease the required 25 foot setback. Commissioner Pettit referred to the language, "In some cases, that setback may be increased to retain existing significant vegetation or natural features or to create an adequate buffer to adjacent uses." She noted that this was the basis upon which setbacks could be increased, but the language does not talk about increasing the setbacks to maintain the general character in terms of mass and scale. Commissioner Pettit suggested adding language for when it is appropriate to increase the setbacks.

Regarding the buffer to adjacent uses, Commissioner Peek believed the City Engineer requires 18 feet from the garage face to back of curb. With that requirement they would not get the situation Mr. Stephens had described for a garage at the curb line.

Chair Wintzer closed the public hearing.

Chair Wintzer thanked the public for their great comments. Commissioner Peek suggested that some of the comments be included in the amendments. Chair Wintzer agreed.

Planner Whetstone reviewed the public comments. She believed questions regarding the setback exception had been clarified to address the concern for reducing the front yard setback. She did not believe there were language changes to the setbacks.

Commissioner Strachan pointed out that Commissioner Pettit had requested that language be added to allow the Planning Commission to increase the setbacks for certain elements. Director Eddington drafted language to say, "Or if appropriate to meet compatibility requirements." Commissioner Pettit was not comfortable with leaving the ability to increase setbacks only for existing significant vegetation, because an increase could be appropriate in that district for other reasons. Director Eddington suggested adding language to the end of the list of reasons for increasing a setback. The added language would read, "...or if appropriate to meet historic compatibility requirements." Commissioner Strachan requested that the beginning of the sentence be changed to indicate that setbacks can be "increased or decreased" for the stated reasons.

Commissioner Peek asked if the Staff analysis for the next meeting could include opinions and comments from the City Engineer on the issue of pulling cars off the street and/or clearing the curb.

On the public comments regarding open space, Planner Whetstone reported that in the HCB District, which would be part of the MPD in the HRC zone, there are zero lot line setbacks. Therefore, open space needs to be created in a different manner in the MPD. Director Eddington noted that a request was made for a minimum of 15% open space if the 30% requirement is reduced for project enhancement. He was unsure if that 15% minimum should be spelled out in the amendments, because the amendment alters the open space requirement for all MPDs in all zones. Director Eddington pointed that the setbacks in the HR-2 zone would provide some open space. He was concerned that specifying a 15% minimum could adversely affect open space in other zones. Director Eddington suggested leaving the open space requirement open-ended to protect the ability for good design.

Planner Whetstone noted that another public comment was to create landscaping buffer along public ways, especially on Park Avenue. She stated that it is not typical to see a boulevard landscape strip on a historic street and it does not meet the historic character of the zone. Commissioner Peek recalled that Park Avenue was historically a tree-lined street with large trees. He was unsure if that had been the case on upper Park Avenue. Commissioner Peek commented on the front porch area elements of three historic homes and the front porches on the Deer Valley Drive affordable housing project. He stated that people use those front porches and he would like to promote that same type of development.

Commissioner Strachan agreed with Commissioner Peek. If lots are small, people would not waste lot space on landscaping buffers. Commissioner Strachan did not think the language should be changed.

On concerns regarding density, Commissioner Strachan felt it was important to change the language. However, because the language was in the MPD section it applies citywide. Commissioner Strachan felt language should be added that specifically prohibits density transfers between HCB and HR-1. Planner Whetstone agreed that a carve-out made sense. Commissioner Strachan pointed out that the carved-out language should be in Paragraph A, and not in the exceptions. Director Eddington agreed. The Staff would draft the language.

Regarding comments on parking, Planner Whetstone referred to page 58 and noted that parking in the HR-2 is not intended to be used for any HCB uses. She suggested striking "commercial" from the language. The Planning Commission and Staff discussed language changes for the Mechanical Equipment on page 59 and determined that the language should remain as written.

Planner Whetstone asked for comments about adding "historic character" throughout Chapter 2.3 as suggested by Ms. Meintsma. Commissioner Strachan thought it was a valid point. The Commissioners concurred.

In terms of the detached single-car garage, Planner Whetstone offered to look into options as suggested by Mr. Stephens.

Commissioner Pettit referred to page 57, Item 13 and requested that the language be changed to read, "The maximum building width above final grade is up to 40 feet." She felt the language as written implies that 40 feet is a given width. Commissioner Pettit stated that in thinking about lot combinations and the comments regarding detached single-car garages, she wondered if they could create incentives for lot combinations to break up the 40 foot width. For instance, an incentive could be that the detached garage would not count as part of the footprint. Commissioner Pettit was interested in trying to create a pattern that is historically compatible and residential. She has always favored the idea of providing a parking structure that is separate from the house, because it is consistent with existing situations in town. Commissioner Pettit thought they should think about ways to meld the two together to provide flexibility and creativity.

Chair Wintzer stated that if they give owners an additional 200 square foot footprint in Old Town , they would see detached garages. If that were the case, he believed that would be compatible.

Commissioner Strachan clarified that Commissioner Pettit was suggesting that they provide incentives that would encourage detached garages. Commissioner Pettit thought the Planning Commission should at least think about it in terms of alternative design solutions. She was concerned about the pattern and series of 40 foot wide facades along the street, and whether they could incentivize people to break up the facade.

Chair Wintzer stated that if they do nothing they will have 40 foot wide structures all the way up the street, because people will combine lots to build a 40 foot wide house. He was unsure if any property on Park Avenue was large enough to allow the opportunity to break up the facade.

Commissioner Strachan assumed that the Planning Commission would have the power at both the MPD and the CUP stage to impose restrictions on an eight lot subdivision or a combination of two lots to avoid a 40 foot wide wall. If the Staff could find ways to address Commissioner Pettit's idea for incentives, he would support that suggestion. However, in terms of preventing a series of 40 foot facades, Commissioner Strachan felt the Planning Commission already had the necessary tools.

Commissioner Pettit was unsure if those tools were adequate to accomplish the goal. Chair Wintzer thought the Planning Commission had the tools, but they tend not to impose them.

Director Eddington stated that the Staff could further research Commissioner Pettit's suggestion. They could also take quick measurements of the majority of structures on that side of Park Avenue to see if the 40 feet number may need to be reduced. Commissioner Strachan offered another option of staggering the setbacks.

Commissioner Peek suggested that if they survey incentives for a detached single car garage, they should also survey to find the historic fabric of those structures.

MOTION: Commissioner Strachan made a motion to CONTINUE the amendments to the Land Management Code Chapters 2,3, 6,10, and 12 to March 24, 2010. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Peek moved to CONTINUE the LMC amendments for Chapter 11 to a date uncertain. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:45 p.m.

Planning Commission Meeting
February 10, 2010
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Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Memo



PLANNING DEPARTMENT

Subject: 1053 Iron Horse Drive
Author: Katie Cattan
Date: March 10, 2010
Type of Item: Special Request for LMC exception

Special Request

During the Planning Commission approval of the Conditional Use Permit at 1053 Iron Horse Drive, the Planning Commission had concern for the continuation of stucco on the addition on the front administration building. The Planning Commission added condition of approval #8 which states "The materials on the North East corner addition to existing Public Works Building must differ from adjoining stucco façade."

The building plans for the new public works and bus facility at 1053 Iron Horse Drive were submitted to City in January. Included in the plans is the application of an aluminum siding product. LMC Section 15-5-5(B) lists the prohibited siding materials. The tenth material listed is aluminum siding. Specifically LMC Section 15-5-5(B)(10) states:

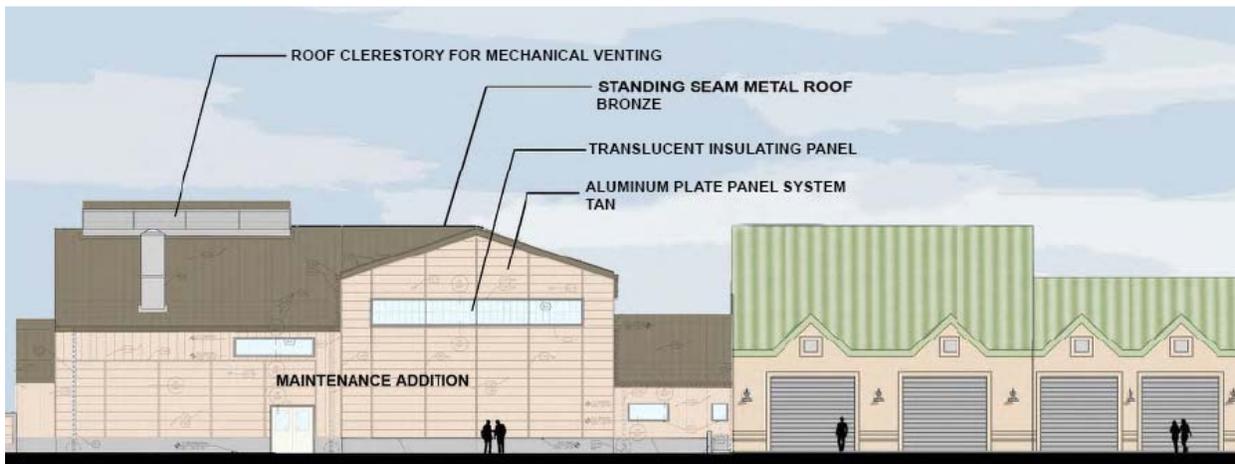
(10) Aluminum siding is generally not considered an appropriate material. The Planning Commission may, however, consider requests for the Use of aluminum siding. The design of the Structure shall be consistent with the Park City Design Guidelines. The Applicant will be required to bring a sample of the type and color of siding to be approved by the Planning Commission. When aluminum siding is approved by the Planning Commission, it shall have a minimum thickness of .019 inches and shall be backed or insulated with a minimum of 3/8 inch fiberboard of polystyrene foam;

The product being proposed is Dri-design. Dri-design comes in different gauges of thickness. The lower the number of the gauge the thicker the material. The material is

known to have a high performance finish system which is guaranteed for 10 years. The proposed product meets the requirement of minimum thickness of .019 inches.

The material utilized at the Summit County Public Health Center is a metal panel system. It is not the same as the Dri-design system. The Health Building panels have a “wavy” appearance which is referred to as “oil-canning”. The panel on the Health Building is 22 or 24 gauge material. This is much thinner than the Dri-design panels which at the greatest thickness com in a 14 gauge

The applicant will be bringing in a few samples for the Planning Commission meeting. Examples of Dri-design may be viewed at <http://www.dri-design.com>



Planning Commission Staff Report



Subject: 2060 Snowcreek Drive
Author: Katie Cattan
Application #: PL-10-00894
Date: March 10, 2010
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission review the plat amendment application, conduct a public hearing, and consider forwarding a positive recommendation to the City Council for the Snow Creek Crossing Lot No. 9B Subdivision according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

Topic

Applicant: Phyllis Robinson, PCMC Project Manager
Location: 2060 Snowcreek Drive
Zoning: Residential Development Medium Density (RDM)
Adjacent Land Uses: Residential and Commercial
Reason for Review: Plat amendment require Planning Commission review and City Council approval

Background

On January 22, 2010, the City received a completed application for a plat amendment for the existing property at 2060 Snowcreek Drive. The plat amendment subdivides existing lot 9b of the Snow Creek Crossing Subdivision into two (2) lots of record. Currently, the Police Station and the bike path exist on the the proposed lot 9b-1 and the Snow Creek Cottages are being build on the proposed lot 9b-2. The applicant is proposing to create two lots of record. The applicant has also submitted an application for a condominium conversion of lot 9b-2. The Snow Creek Cottages will be sold off individually and therefore, both a plat amendment and a condominium record of survey are required. The Snow Creek Cottages MPD was approved on July 9, 2008. The MPD is for thirteen (13) single family detached units.

The original Snow Creek Subdivision was approved on September 7, 1995 by the City Council. Lot 9 was created within the original subdivision plat. Lot 9 was further subdivided into Lots 9A and 9B on April 29, 1999 to create the approximately two (2) acre lot for the post office and the approximately eight (8) acre lot in which the Police Station and the snow creek cottages were built.

Analysis

The application is to create two lots of record from one lot of record within an existing subdivision. The plat amendment will allow the properties to be owned separately and will allow for the Snow Creek Cottage single family homes to be sold individually within a condominium plat.

The existing Lot 9b of the Snow Creek Crossing Lot No. 9 Subdivision will be divided into two separate lots of record. Lot 9b is 7.84 acres in area. The plat amendment creates Lot 9b-1 (Police Station) which will be 5.43 acres and Lot 9b-2 (Snow Creek Cottages) which will be 2.38 acres. The minimum lot size for a non-residential use is 14,000 square feet in the RDM zone. There is no minimum lot size for residential in the RDM zone. Lot 9b-1 exceeds the 14,000 square feet minimum requirement.

The following chart explains the site requirements for lots within the RDM zoning district and how the proposals comply with the zoning regulations:

	Lot 9b-1	Lot 9b-2
Density. The maximum density allowed is five units per acre. Developments reviewed and approved as a MPD may approach a maximum density of eight units per acre.	5 units per acre 5 x 5.4324 = 27 units Police station 24,000 sf Units utilized 24	5 units per acre 5 x 2.3803 = 11.9 MPD requirement for affordable housing 11.9 x 0.15 = 1.78 Total 13 units. Within the MPD 2 units of affordable housing are required which do not count toward density
Lot Size. For non-residential uses, the minimum lot size is 14,000 square feet with 1,000 square feet of land required or each 1,000 square feet of floor area. The maximum floor area ratio is one (1).	Police station 24,000 sf. Lot size 237,943 sf. Complies with floor area ratio.	Complies with 25' setback within the MPD
Front yard. The minimum front yard is twenty feet (20'). New front facing garages for single family dwellings must be 25' from front lot line.	Complies	Complies with 25' setback within the MPD
Rear yard. The minimum rear yard is ten feet (10')	Complies	Complies with the 25' setback within the MPD
Side yard. The minimum side yard is ten feet (10').	Complies	Complies with the 25' setback within the MPD.
Building Height. No structure may be erected greater than twenty-eight feet (28') from existing grade. Exception (1): gable, hip, and similar pitched roofs may extend up to five feet (5') above the zone height, if the roof pitch is 4:12 or greater.	Complies	Complies with Exception 1.

Planning Staff finds there is good cause for the plat amendment as it will create clean ownership boundaries between the properties. It will also allow for the sale of individual units within the Snow Creek Cottages. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be

reviewed for compliance with requisite Building and Land Management Code requirements.

Department Review

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at internal Staff meetings where representatives from local utilities and City Staff were in attendance. Issues which were brought up during the staff meeting have been resolved.

Notice

Notice of this hearing was sent to property owners within 300 feet. Legal notice was also placed in the Park Record.

Public Input

No comments have been received by staff at the date of this writing.

Alternatives

1. The Planning Commission may forward a positive recommendation to the City Council for the Snow Creek Crossing Lot No. 9B Subdivision as conditioned or amended; or
2. The Planning Commission may forward a negative recommendation to the City Council for the City Council for the Snow Creek Crossing Lot No. 9B Subdivision and direct staff to make Findings for this decision; or
3. The Planning Commission may continue the discussion on the City Council for the Snow Creek Crossing Lot No. 9B Subdivision.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The lot would remain as is and the Snow Creek Cottages could not be sold individually.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the City Council for the Snow Creek Crossing Lot No. 9B Subdivision and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Exhibits

Exhibit A – Proposed Ordinance

Exhibit B – Survey

Ordinance No. 09-

**AN ORDINANCE APPROVING THE SNOW CREEK CROSSING LOT NO. 9B
SUBDIVISION TWO LOT SUBDIVISION LOCATED WITHIN SECTIONS 8 & 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY UTAH**

WHEREAS, the owner of the properties known as Snow Creek Crossing Lot No. 9B Subdivision, has petitioned the City Council for approval of a plat amendment for the existing Lot 9B, Snow Creek Crossing Lot No. 9 Subdivision; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 10, 2010, to receive input on the Snow Creek Crossing Lot No. 9B Subdivision; and

WHEREAS, the Planning Commission, on March 10, 2010, forwarded a positive recommendation to the City Council; and

WHEREAS, on March 11, 2010, the City Council approved the Snow Creek Crossing Lot No. 9B Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Snow Creek Crossing Lot No. 9B Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL The above recitals are hereby incorporated as findings of fact. The Snow Creek Crossing Lot No. 9B Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2060 Park Avenue.
2. The lot area of lot 9b of the Snow Creek Crossing Lot No. 9 is 7.84 acres in area.
3. The plat amendment creates two lots of record from lot 9B of the Snow Creek Crossing Lot No. 9.
4. The plat amendment creates Lot 9b-1 (Police Station) which will be 5.43

- acres and Lot 9b-2 (Snow Creek Cottages) which will be 2.38 acres.
5. The Park City Police station exists on Lot 9b-1.
 6. The Snow Creek Cottages are being built on Lot 9B-2.
 7. The zone is Residential Development Medium Density (RDM).
 8. The two proposed lots and the existing buildings on the lots comply with the lot and site requirements for development in the RMD zone as explained within the analysis section of this report.
 9. The neighborhood is characterized multi-family condominium, public facilities, a bike trail, and commercial.
 10. All findings within the Analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 11th day of March 2009.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Engineering
 [Signature] [Date]

CITY PARKING COMMISSION
 [Signature] [Date]

CITY ENGINEER
 [Signature] [Date]

CITY COUNCIL APPROVAL
 [Signature] [Date]

APPROVAL AS TO FORM
 [Signature] [Date]

SPRINGVILLE BASIN M.S.D.
 [Signature] [Date]

RECORDED
 [Signature] [Date]

SNOW CREEK CROSSING
LOT NO. 98 SUBDIVISION
 A TWO LOT SUBDIVISION - PARCELS 4 & 5
 OF LANE ONE AND TWO OF PARK AVENUE (ROCKY HIGHWAY 240)

DEED

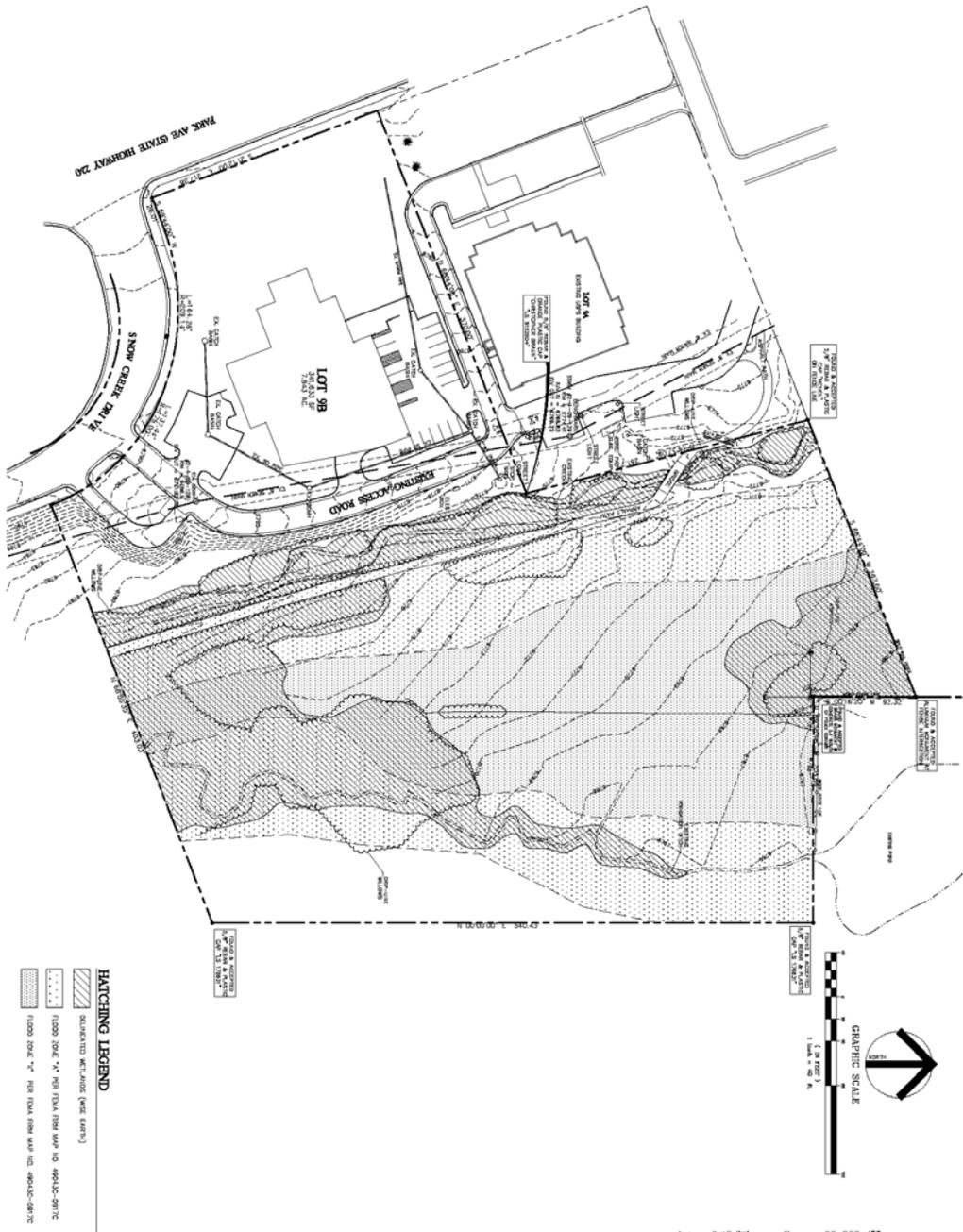
THIS DEED OF CONVEYANCE is made this _____ day of _____, 2010, by and between _____, the Grantor, and _____, the Grantee.

WHEREAS, the Grantor is the owner of the following described land, to-wit:

AND WHEREAS, the Grantor desires to convey the above described land to the Grantee, the parties have agreed upon the following terms and conditions:

IN WITNESS WHEREOF, the Grantor and Grantee have hereunto set their hands and seals the day and date first above written.

Exhibit B. Existing Conditions Survey



HATCHING LEGEND

	WETLANDS (PER 600-0-1)
	FLOOD ZONE "X" PER FEMA FIRM MAP NO. 80042C-0871C
	FLOOD ZONE "V" PER FEMA FIRM MAP NO. 80042C-0871C



SURVEYORS CERTIFICATE
 I, the undersigned, being duly qualified and licensed as a Professional Engineer in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the client, and that the same was made by me or under my direct supervision and in accordance with the laws and regulations of the State of Utah.



LEGAL DESCRIPTION
 The above described land is situated in the County of Salt Lake, State of Utah, and is more particularly described as follows:

NARRATIVE
 This survey was made for the purpose of showing the location of the proposed Snow Creek Cottages and the location of the existing Snow Creek Drive and the proposed Snow Creek Drive Extension. The survey was made on the 15th day of March, 2010, and the results are shown on the attached plan.

Evergreen Engineering, Inc.
 201 Park Avenue
 Park City, Utah 84098
 Phone: (435) 644-0000
 Fax: (435) 644-0001
 Website: www.evergreeneng.com

ELLIOTT WORKGROUP
 ARCHITECTURE

Snow Creek Cottages
 201 Park Avenue
 Park City, Utah 84098

EXISTING CONDITIONS PLAN

C-103

CONVERTED BY ELLIOTT WORKGROUP, LLC

Planning Commission Staff Report



Subject: Snow Creek Cottages
Author: Katie Cattan
Application #: PL-10-00919
Date: March 10, 2010
Type of Item: Administrative – Condominium Plat

Summary Recommendations

Staff recommends that the Planning Commission review the Condominium Plat for the Snow Creek Cottages Condominiums, conduct a public hearing and consider forwarding a positive recommendation to the City Council for the Condominium Plat for the Snow Creek Cottages Condominiums according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

Topic

Applicant: Phyllis Robinson, PCMC Project Manager
Location: 2060 Snowcreek Drive
Zoning: Residential Development Medium Density (RDM)
Adjacent Land Uses: Residential and Commercial
Reason for Review: Condominium Plats require Planning Commission review and City Council approval

Background

On January 22, 2010, the City received a completed application for the Condominium Plat for the Snow Creek Cottages Condominiums for the new detached homes at 2060 Snowcreek Drive. The Snow Creek Cottages are currently owned by the City. By creating a condominium plat, the detached single family homes will be able to be sold separately and a Home Owners Association (HOA) will be created to manage those tasks outlined within the codes, covenants, and restrictions (CC&Rs) documents.

The original Snow Creek Subdivision was approved on September 7, 1995 by the City Council. Lot 9 was created within the original subdivision plat. Lot 9 was further subdivided into Lots 9A and 9B on April 29, 1999 to create the approximately two (2) acre lot for the post office and the approximately eight (8) acre lot on which the Police Station and the snow creek cottages were built. The applicant has also applied for a plat amendment to create two (2) separate lots of record within lot 9B. Without prior approval of the plat amendment, this application cannot be reviewed. Staff is processing the two (2) applications simultaneously.

Analysis

The application is to create a condominium plat for the Snow Creek Cottages Master Planned Development (MPD). The Snow Creek Cottages MPD was approved on July 9, 2008. The condominium plat will identify ownership of all existing conditions and allow the detached homes to be sold separately and the common areas to be managed by the HOA.

The proposed record of survey reflects the MPD approval. All Land Management Code (LMC) requirements for an MPD within the RMD zoning district are in compliance as found within the MPD approval.

Planning Staff finds there is good cause for the condominium plat as it will allow for the sale of individual units within the Snow Creek Cottages. Staff finds that the condominium plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code.

Department Review

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the condominium plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at internal Staff meetings where representatives from local utilities and City Staff were in attendance. Issues which were brought up during the staff meeting have been resolved.

Notice

Notice of this hearing was sent to property owners within 300'. Legal notice was also put in the Park Record.

Public Input

No comments have been received by staff at the date of this writing.

Alternatives

1. The Planning Commission may forward a positive recommendation to the City Council for the Condominium Plat for the Snow Creek Cottages Condominiums as conditioned or amended; or
2. The Planning Commission may forward a negative recommendation to the City Council for the City Council for the Condominium Plat for the Snow Creek Cottages Condominiums and direct staff to make Findings for this decision; or
3. The Planning Commission may continue the discussion on the City Council for the Condominium Plat for the Snow Creek Cottages Condominiums.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The Snow Creek Cottages could not be sold individually.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Condominium Plat for the Snow Creek Cottages Condominiums and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Exhibits

Exhibit A – Proposed Ordinance

Ordinance No. 10-

AN ORDINANCE APPROVING THE CONDOMINIUM PLAT FOR THE SNOW CREEK COTTAGES CONDOMINIUMS, LOCATED WITHIN SECTIONS 8 & 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY UTAH

WHEREAS, the owner of the properties known as Snow Creek Crossing Lot No. 9B Subdivision, has petitioned the City Council for approval of a Condominium Plat for the Snow Creek Cottages Condominiums; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 10, 2010, to receive input on the Condominium Plat for the Snow Creek Cottages Condominiums; and

WHEREAS, the Planning Commission, on March 10, 2010, forwarded a positive recommendation to the City Council; and

WHEREAS, on March 11, 2010, the City Council approved the Condominium Plat for the Snow Creek Cottages Condominiums; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Condominium Plat for the Snow Creek Cottages Condominiums.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL The above recitals are hereby incorporated as findings of fact. The Condominium Plat for the Snow Creek Cottages Condominiums as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2060 Park Avenue.
2. The Condominium Plat for the Snow Creek Cottages Condominiums is located on the proposed lot 9b-2 of the Snow Creek Crossing Lot No. 9B Subdivision.
3. Lot No. 9b-2 is 2.3803 acres.
4. The Condominium Plat for the Snow Creek Cottages Condominiums contains thirteen (13) detached single family homes.
5. The Condominium Plat reflects the MPD approval of the Snow Creek Cottages as approved by the Planning Commission on July 9, 2008.
6. The zone is Residential Development Medium Density (RDM).

7. The neighborhood is characterized multi-family condominium, public facilities, a bike trail, and commercial.
8. All findings within the Analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. As conditioned the condominium plat is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the condominium plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. The applicant will record the Snow Creek Crossing Lot No.9B Subdivision prior to or at the same time as the Condominium Plat.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 11th day of March 2009.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

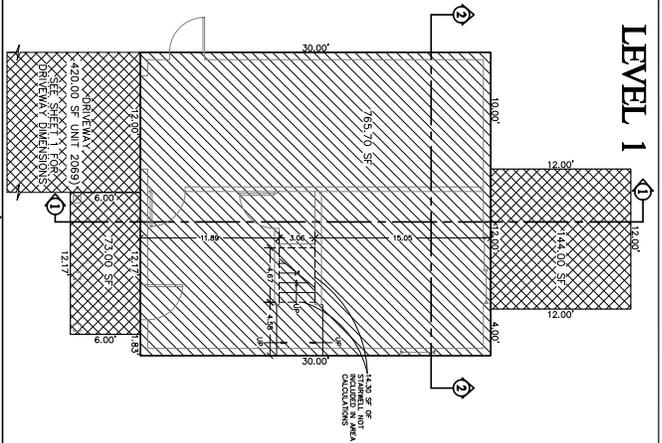
Janet M. Scott, City Recorder

Approved as to form:

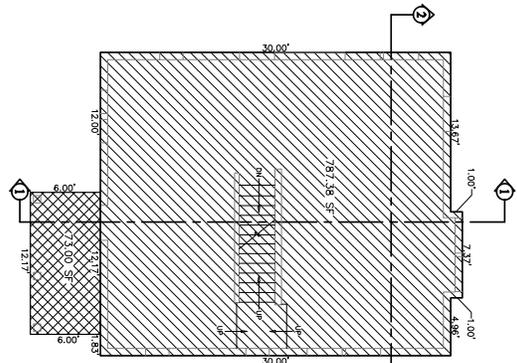
Mark D. Harrington, City Attorney

UNIT 2068 ("MOOSE" - MIRRORED)

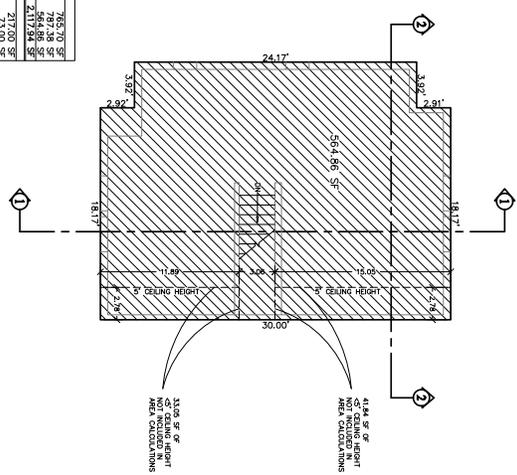
LEVEL 1



LEVEL 2



LEVEL 3

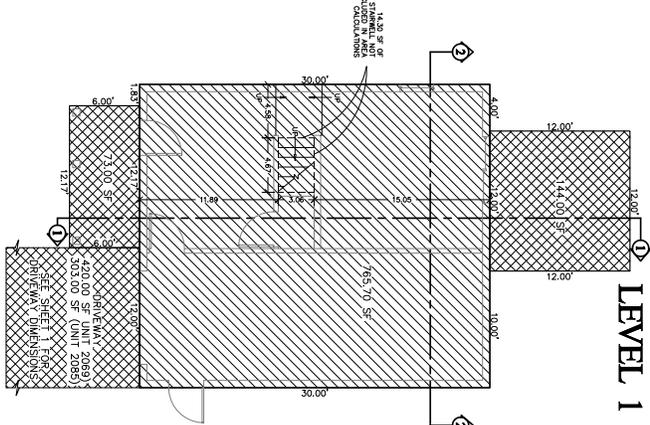


UNIT AREAS

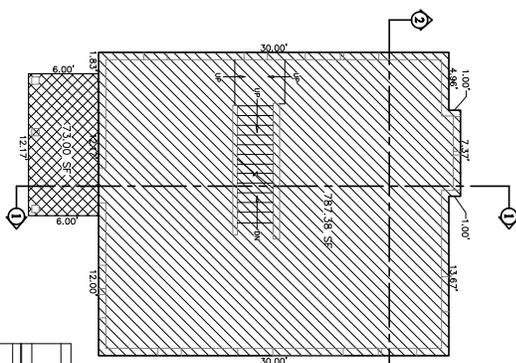
PRIVATE DRIVEWAY AREA	765.70 SF
LEVEL 1	767.48 SF
LEVEL 2	787.28 SF
SUBTOTAL (PRIVATE)	2177.94 SF
DRIVEWAY COMMON AREA	217.00 SF
LEVEL 1	217.00 SF
LEVEL 2	280.00 SF
LEVEL 3	280.00 SF
SUBTOTAL (LIMITED COMMON)	787.00 SF
TOTAL AREA	2964.94 SF

UNITS 2069, 2085 ("MOOSE")

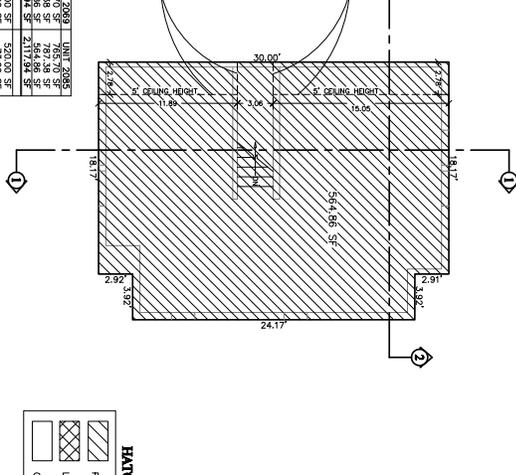
LEVEL 1



LEVEL 2



LEVEL 3



UNIT AREAS

PRIVATE DRIVEWAY AREA	765.70 SF	TOTAL AREAS
LEVEL 1	767.48 SF	765.70 SF
LEVEL 2	787.28 SF	787.28 SF
SUBTOTAL (PRIVATE)	2177.94 SF	2177.94 SF
DRIVEWAY COMMON AREA	217.00 SF	217.00 SF
LEVEL 1	217.00 SF	217.00 SF
LEVEL 2	280.00 SF	280.00 SF
LEVEL 3	280.00 SF	280.00 SF
SUBTOTAL (LIMITED COMMON)	787.00 SF	787.00 SF
TOTAL AREA	2964.94 SF	2964.94 SF

HATCHING LEGEND

	PRIVATE AREA
	LIMITED COMMON AREA
	COMMON AREA

PLOTTED FEBRUARY 14, 2010

SNOW CREEK COTTAGES CONDOMINIUMS

FLOORPLANS - "MOOSE" & MIRRORED "MOOSE"

Planning Commission March 10, 2010
UNITS 2068, 2069, 2085

FOR PARK CITY MUNICIPAL CORPORATION

PROJECT: SC20-FLOORPLANS

JOB NO: 0744

DESIGNED BY:
DRAWN BY:
CHECKED BY:
DATE: 02/10/10
REV/ADM



REVISIONS

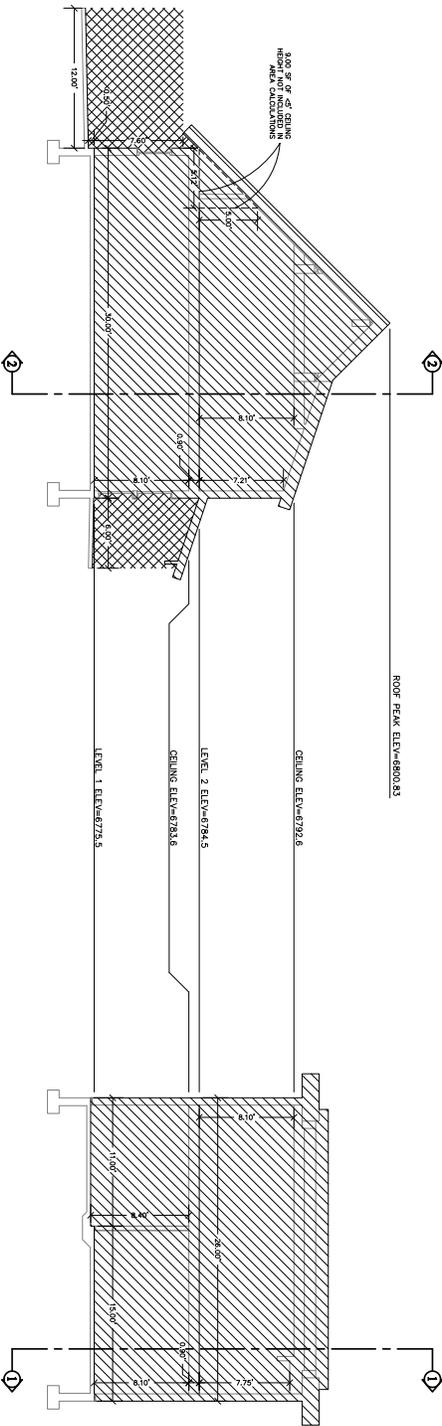
DATE	BY	COMMENTS

Evergreen Engineering, Inc.

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P.O. Box 2881 • Park City • Utah • 84302
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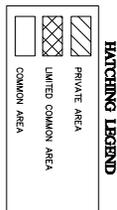


**UNIT 2064
(FOX - MIRRORED)**

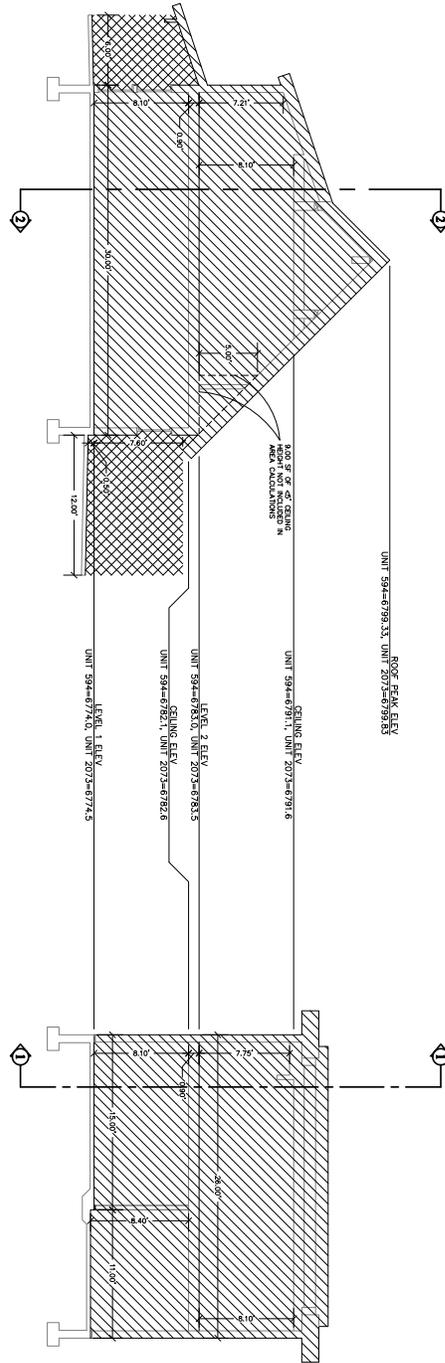


SECTION 1

SECTION 2



**UNITS 594, 2073
(FOX)**



SECTION 1

SECTION 2

PLOTTED FEBRUARY 14, 2010

**SNOW CREEK COTTAGES CONDOMINIUMS
BUILDING SECTIONS - "FOX"**

Planning Commission March 10, 2010
UNITS 594, 2064, 2073

FOR **PARK CITY MUNICIPAL CORPORATION**

PROJECT: **SCCB-SECTIONS**

JOB NO.: **0744**

DESIGNED BY:
DRAWN BY:
CHECKED BY:
CREW/ADM:



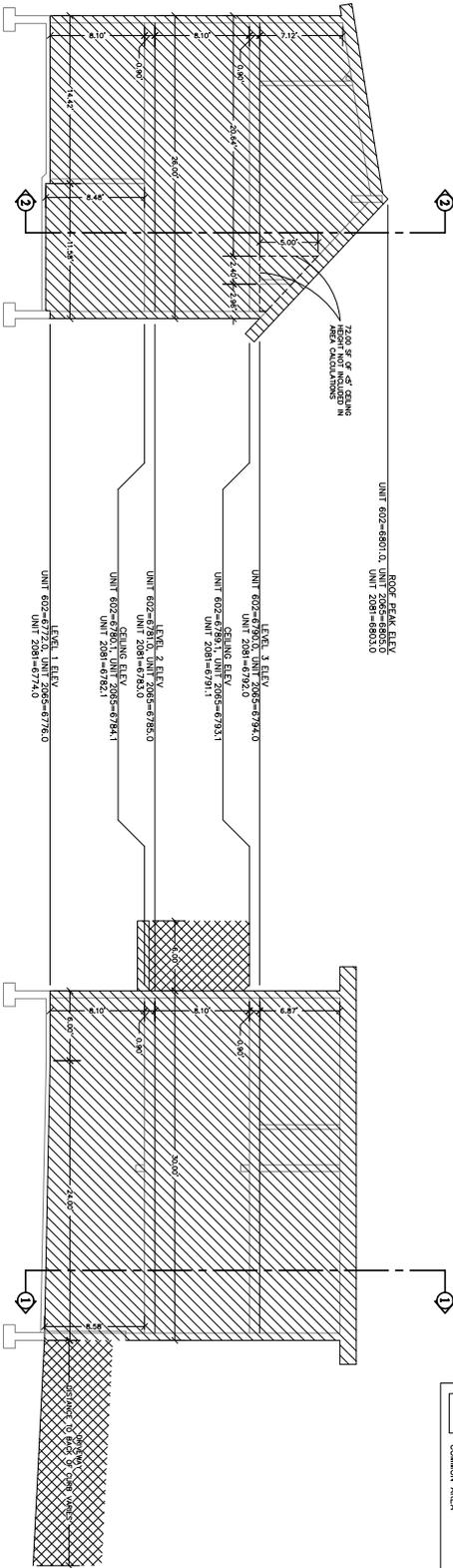
REVISIONS	
DATE	COMMENTS

**Evergreen
Engineering, Inc.**

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P.O. Box 2861 • Park City • Utah • 84060
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E-mail: office@evergreen-eng.com

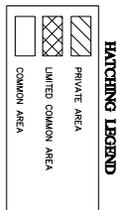


UNITS 602, 2065, 2081
(ELK)

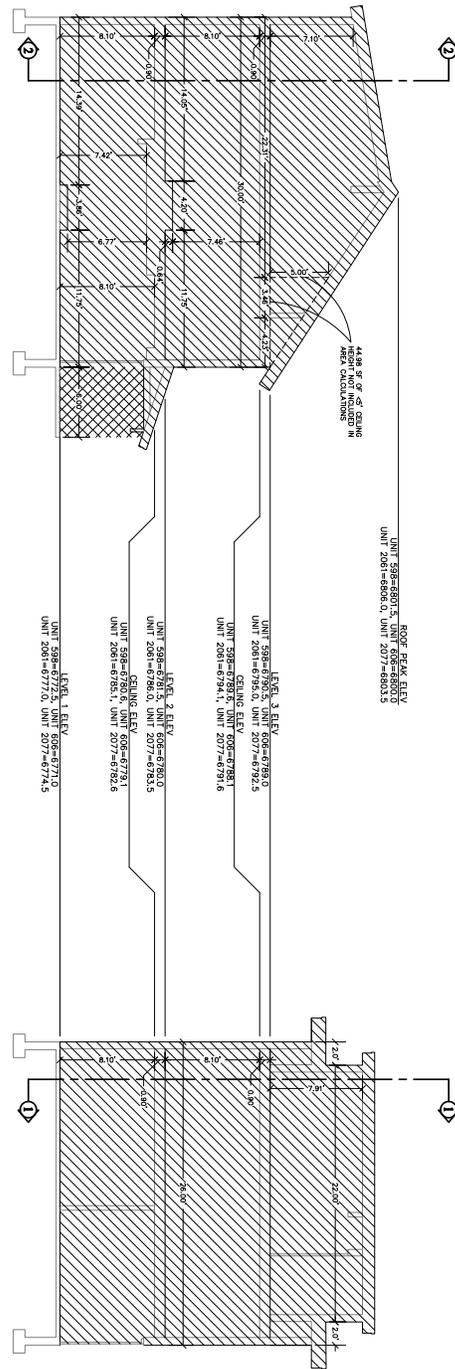


SECTION 1

SECTION 2



UNITS 598, 606, 2061, 2077
(DEER)



SECTION 1

SECTION 2

PLOTTED: FEBRUARY 14, 2009

SNOW CREEK COTTAGES CONDOMINIUMS
BUILDING SECTIONS - "DEER" & "ELK"
 UNITS 598, 602, 606, 1906, 2061, 2065, 2077, 2081
 FOR PARK CITY MUNICIPAL CORPORATION

DESIGNED BY:
 ELLIOTT WORKGROUP
 DRAWN BY:
 CHECKED BY:
 CREW/ADM



REVISIONS	
DATE	BY COMMENTS

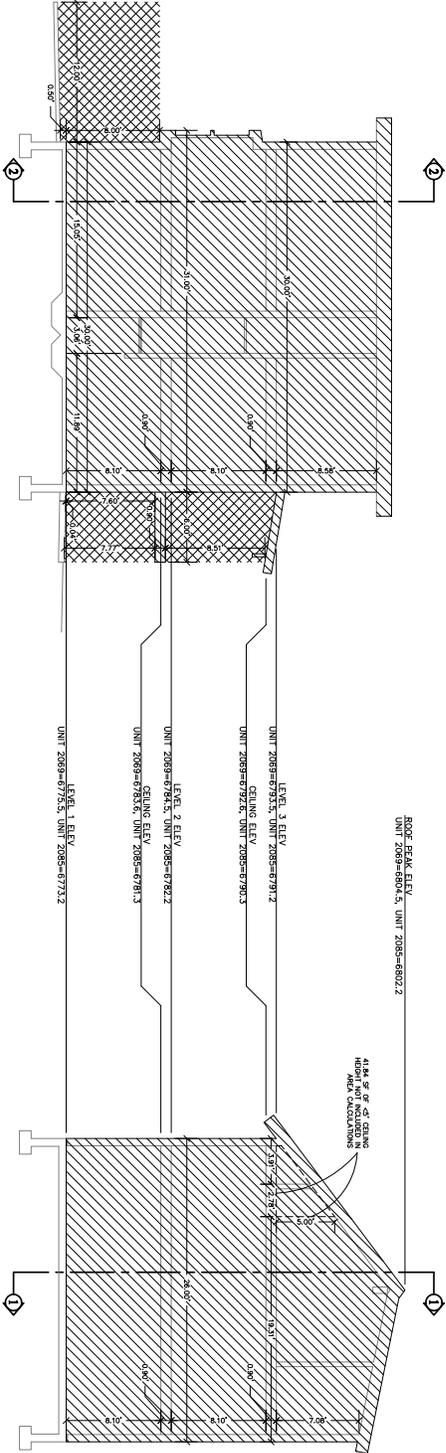
Evergreen Engineering, Inc.
 Page 119 of 124
 Civil Engineering • Land Surveying • Planning
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 P.O. Box 2851 • Park City • Utah • 84399
 Phone: (435) 649-4667 • Fax: (435) 649-9219
 E-mail: office@evergreen-eng.com

SHEET 8 OF 7

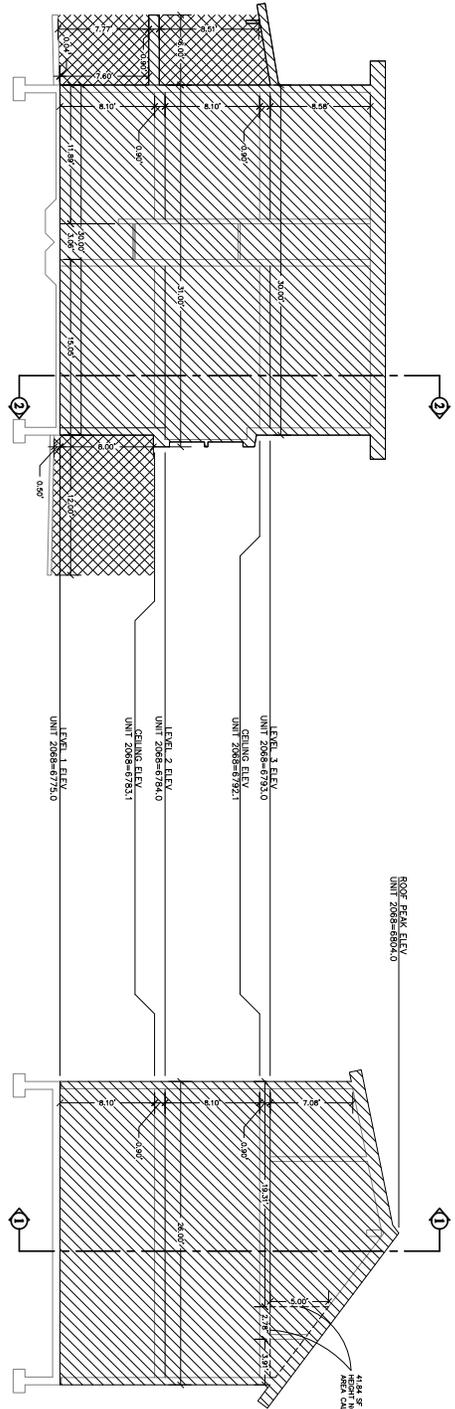
JOB NO. 0744
 SC90-SECTIONS

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**UNITS 2069, 2085
(MOOSE)**



**UNIT 2068
(MOOSE - MIRRORED)**



PLOTTED: FEBRUARY 14, 2009

**SNOW CREEK COTTAGES CONDOMINIUMS
BUILDING SECTIONS - "MOOSE"**

Planning Commission 02/26/09
UNITS 2068, 2069, 2085

FOR **PARK CITY MUNICIPAL CORPORATION** PROJECT NO. **SC70-SECTIONS** JOB NO. **0744**

DESIGNED BY:
DRAWN BY:
CHECKED BY:
CREW/ADMIN



REVISIONS	
DATE	COMMENTS

Evergreen Engineering, Inc.
Page 120 of 124

Off: Engineering • Land Records
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Phone: (435) 648-4667 • Fax: (435) 648-9219
E-mail: office@evergreen-eng.com



Planning Commission Staff Report



Subject: North Silver Lake Lodges
Author: Katie Cattan
Application # PL-08-00392
Date: March 10, 2010
Type of Item: Administrative - Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the CUP application for the North Silver Lake Lodges, conduct a public hearing and provide the staff and applicant with direction regarding the questions raised in the staff report. Staff would also like direction of whether or not the Planning Commission would like staff to return with full analysis of the 15 criteria in preparation for a vote.

Topic

Applicant: North Silver Lake Lodge, LLC
Location: Lot 2B Subdivision of Lot 2, North Silver Lake
Zoning: Residential Development (RD)
Adjacent Land Use: Ski resort area and residential
Reason for Review: Conditional Use Permit is required per the Deer Valley MPD

Background

On May 15, 2008, the applicant submitted a complete application for a Conditional Use Permit (CUP) to develop the North Silver Lake Subdivision Lot 2B. Under the Deer Valley Resort Master Plan the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space. The Deer Valley MPD requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.

The current CUP application has been before Planning Commission on five different occasions (August 13, 2008, October 22, 2008, February 25, 2009, and May 27, 2009, July 8, 2009). During the last review by the Planning Commission on July 8, 2009, the Planning Commission approved the application with a 3 – 2 vote.

On July 17, 2009, the appellant submitted an appeal for the Conditional Use Permit (CUP) approval of the North Silver Lake Subdivision Lot 2B. The City Council reviewed the appeal on October 15, 2009. During this meeting the City Council asked staff and the applicant for more information and continued the appeal to November 12, 2009. The City Council requested staff to review the open space calculation for accuracy. The Council also requested that the applicant return with a clearer visual analysis. During the November 12, 2009 meeting, the City Council remanded the CUP application to the

Planning Commission with specific items included in the order to be addressed (Order: Exhibit A).

The final Order from the appeal stated “The appeal is granted in part and denied in part. The CUP is remanded to the Planning Commission for further consideration of only the following matters:

1. The height, scale, mass and bulk of Building 3 shall be further reduced to meet the Compatibility standard;
2. Further specificity regarding a final landscape plan and bond with consideration for Wild Land Interface regulations shall be reviewed and/or further conditioned; and
3. Construction phasing and additional bonding beyond public improvement guarantee shall be required.”

1. The height, scale, mass and bulk of Building 3 shall be further reduced to meet the Compatibility standard. The City Council adopted the following findings of fact:

#23 In determining Compatibility, the Deer Valley MPD does create a baseline for the area plan but specific neighborhood impacts must still be mitigated with as built conditions.

#24 The height of Building 3 is incompatible because the maximum MPD height (45') used at a site location that steps down the hill magnifies the scale of the resulting façade (nearly 79') as compared to adjacent uses (33') and designated view points.

#25 The impacts of the incompatible height, scale, bulk and massing of Building 3 have not been mitigated because of its site location on the most exposed area, maximized height due to stepping downhill and 220' long façade that is disproportionate in scale to the neighborhood. The proposed vegetation will not screen the façade to the same degree as the other structures within or near the project based upon the View Analysis provided.

#26 Comparison of internal unit size is not an objective evaluation of Compatibility with adjacent uses or the neighborhood as such bears little relation to external scale and massing.

2. Further specificity regarding a final landscape plan and bond with consideration for Wild Land Interface regulations shall be reviewed and/or further conditioned. The City Council adopted the following finding:

#29 Wild Land Interface Regulations will likely further limit proposed mitigation by requiring the elimination of vegetation proposed to screen various portions of the project.

3. Construction phasing and additional bonding beyond public improvement guarantee shall be required. The City Council adopted the following finding:

#28 Construction phasing and bonding is necessary to mitigate visual and construction impacts that would result if the external ring of units were allowed to be completed without the central structures and parking due to disproportionate site exposure of the interior of the site.

The applicant has been on two Planning Commission work sessions on November 11, 2009 and January 13, 2010 to address the order and findings of the City Council. (Minutes: Exhibit B) During the two work sessions, the applicant introduced a new design and floor for Building 3. (Floor Plans and Elevations: Exhibit C) There is a full sized set of plans in the Planning Department. To set up an appointment to review the full size set please contact kcattan@parkcity.org. The design decreased the overall square footage of the building and created two interconnected buildings of smaller scale and size than the original single building.

Analysis

The height, scale, mass and bulk of Building 3 shall be further reduced to meet the Compatibility standard.

Compatibility is defined in the LMC (Section 15-15-1.55) as “Characteristics of different uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding area or neighborhood. Elements affecting compatibility include, but are not limited to, height, scale, mass and bulk of building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive areas, and building patterns.”

The applicant has split Building 3 into two smaller buildings which are connected through the basement floor and an above ground hallway connecting each level. The original design had a front façade of 220 feet. The current design creates a differentiation between two portions of the revised Building 3. Building 3A is 65 feet wide at the widest point. Building 3B is 82 feet wide at the greatest point. The section between the two buildings is 30 feet wide. This middle section is a hallway connection between the two buildings. It is set back 65 feet from the northern façade of Building 3A and 3B facing north. The entire building including 3A, 3B, and the hallway is 195 feet wide. This is 25 feet less than the original design and includes the 30 feet wide hallway that is set 65 feet back. The overall massing and scale as perceived from the north façade has been reduced.

City Council made the finding of fact #24 that states “The height of Building 3 is incompatible because the maximum MPD height (45’) used at a site location that steps down the hill magnifies the scale of the resulting façade (nearly 79’) as compared to adjacent uses (33’) and designated view points.” The current application steps with the existing grade down the hill, but does so in greater increments than the previous design. The basement level is visible only in the center of the building. The three stories above the basement introduce decks at varying depths. The fourth story steps back 13 feet from the third story. The fifth story steps 35 feet back from the fourth story. This creates a four story building from the internal road of the project and a six story building from the north façade, albeit stepped.

1. *Staff would like direction from the Planning Commission to whether or not the new design has addressed the City Council finding #24.*

The City Council also adopted finding of fact #25 that states “The impacts of the incompatible height, scale, bulk and massing of Building 3 have not been mitigated because of its site location on the most exposed area, maximized height due to stepping downhill and 220’ long façade that is disproportionate in scale to the neighborhood. The proposed vegetation will not screen the façade to the same degree as the other structures within or near the project based upon the View Analysis provided.” As previously discussed the revisions continue to step with the grade but the building has been bifurcated into two smaller sections. There is no longer a façade width of 220’ which was found to be disproportionate in scale to the neighborhood. The applicant has submitted an updated view analysis based on the current design. The large scale view point analysis is available in the Planning Department. A smaller version has been added within Exhibit E.

In regards to landscaping as screening the façade, the landscape plan has been revised. The original plan saved 17 existing trees in the area in front of the Building 3. The original landscape plan added 6 large specimen trees to be planted in front of Building 3. The current plan saves the 17 existing trees and introduces 46 large specimen trees to be planted. The addition trees have been placed to help buffer the view of the Building 3 from Main Street and Heber Ave.

2. *Staff would like direction from the Planning Commission to whether or not the new design has addressed the City Council finding #25.*

Further specificity regarding a final landscape plan and bond with consideration for Wild Land Interface regulations shall be reviewed and/or further conditioned; and

During the City Council review, members of the public raised the concern that the landscape plan had not been reviewed for Wild Land Interface regulations compliance and therefore, more trees may have to be removed. The City Council clearly ordered that the final landscape plan be reviewed for compliance with the Wild Land Interface regulations. The building department has reviewed the proposed landscape plan for compliance with the Wild Land Interface regulations. During the review, six trees were

identified which must be removed due to fire risk and proximity to the proposed buildings. The mitigation plan proposed by the applicant replaced each high quality tree with two 20'-30' trees and all second tier trees at a ratio of 1.5 20'-30' trees to 1 second tier tree. This is consistent with the Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009.

During the prior approval, Staff created Condition of Approval #4 which stated that "The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan." Staff will also include a new condition of approval to create a bond to cover the cost of finalizing the landscape plan. This new condition will state "A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved by the Planning Commission on (date to be added)."

- 3. Has staff adequately addressed all concerns regarding the Wild Land Interface regulations and landscape bonding?*

Construction phasing and additional bonding beyond public improvement guarantee shall be required.

The building department has reviewed the applicants phasing plan (Exhibit D). The phasing plan is a three step plan which first builds the below ground parking lot. The second phase is the construction of Building 3 as well as a few of the perimeter homes. The third phase is to build the three central buildings and the final perimeter homes. The following conditions of approval will be added to ensure that the phasing plan is followed and a restoration of the site is bonded:

New condition: A phasing and bonding plan beyond a public improvement guarantee must be approved by the Building Department in which phasing shall ensure site restoration with re-vegetation including the existing disturbance to mitigate visual and construction impacts within each phase of construction.

- 4. Does the proposed phasing plan and conditions of approval address the City Council concerns?*

Open Space

The open space calculation has changed from the previous review by the Planning Commission and City Council. At the time of Planning Commission review the open space was calculated by the applicant to be 74%. During the appeal process, the City Council requested that staff re-evaluate the calculation for accuracy. The staff came within 150 square feet of the building footprints. Next staff calculated the roads, driveways, and private patio space. Staff found that the applicants calculation were

accurate except that they included the private patios of the homes within the calculation. The 4280 square feet of patio space decreased the open space from 74% to 72.9%.

The applicant has submitted a new site plan showing the areas utilized in the calculation of open space. The applicant has calculated 70.6% open space in the new plan. Staff has reviewed the site plan and found that the applicant's calculation is accurate.

Process

The applicant must receive approval of a Conditional Use Permit from the Planning Commission to receive a building permit for the development. If a Conditional Use Permit is granted, the applicant must submit building plans in order to develop the land. A building permit must be applied for within the time limit set by the Planning Commission otherwise the Conditional Use Permit will become void. Final building plans are reviewed by the Planning Staff and must comply with the architectural review section of the Land Management Code. The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is publicly noticed by the posting of the Building Permit on the property.. A condominium record of survey will be required in the future in order for individual units to be sold. That process includes noticed public hearings with the Planning Commission and City Council.

Department Review

This project has gone through several interdepartmental reviews. The Building, Engineering, and Planning Departments have reviewed the current site plan and have not identified any outstanding issues.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

At the time of writing this report, no new letters of concern were received by Staff. Previous letters addressed concern for existing vegetation, density of new development is too high, maximizing unit count and square footage count, height impacts of center buildings, the view from Main Street, and impacts on wildlife. During the previous Planning Commission there has been a mix of support and opposition from the public on the proposed project.

Significant Impacts

There are no significant fiscal or environmental impacts that have not been previously identified from this application.

Recommendation

Staff recommends that the Planning Commission review the Conditional Use Permit, hold a public hearing, and provide the applicant and staff with direction concerning the four questions raised by staff.

Exhibits

Exhibit A: City Council Remand and Findings

Exhibit B: Minutes from previous Planning Commission work sessions

Exhibit C: Floor Plans and Elevations of Building 3

Exhibit D: Staging Plan

Exhibit E: Letter from Applicant

Exhibit E: Submitted exhibits by Applicant

City Council Staff Report



Subject: North Silver Lake Cottages
Author: Katie Cattan
Date: November 19, 2009
Type of Item: Quasi-Judicial - Appeal of CUP Application

Summary Recommendation

Staff requests that the City Council review the draft findings of fact, conclusions of law and order remanding the Conditional Use Permit (CUP) for North Silver Lake Lot 2B to the Planning Commission.

Topic

Appellant: Robert Dillon and Eric Lee, Attorneys representing adjacent property owners
Location: Lot 2B Subdivision of Lot 2, North Silver Lake
Zoning: Residential Development (RD)
Adjacent Land Use: Ski resort area and residential
Reason for review: Written findings must be adopted within 15 days

Background

On July 17, 2009, the appellant submitted a complete appeal for the Conditional Use Permit (CUP) approval of the North Silver Lake Subdivision Lot 2B. The Planning Commission approved the CUP on July 8, 2009 according to the findings of fact, conclusions of law, and amended conditions of approval. The Land Management Code (LMC) section 15-1-18 requires that final action by the Planning Commission on CUPs be appealed to the City Council within ten calendar days of the final action. The appellant submitted the appeal on July 17, 2009, within ten calendar days of final action. The CUP application was reviewed by the Planning Commission on five different occasions (August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009). On July 8, 2009, the Planning Commission approved the CUP.

The City Council reviewed the appeal on October 15, 2009. During this meeting the City Council asked staff and the applicant for more information and continued the appeal to November 12, 2009. The City Council requested staff to review the open space calculation for accuracy. The Council also requested that the applicant return with a clearer visual analysis. On November 12, the Council voted unanimously to remand the CUP to the Planning Commission for additional consideration of three areas and directed staff to prepare Findings, Conclusions and an Order consistent with Councilmember comments and the motion. The Council should review the draft findings to make sure they reflect the Council's decision and modify as necessary.

Findings of Fact, Conclusions of Law and Order re: North Silver Lake CUP

On November 12, 2009, having been duly advised, the City Council hereby modifies the Planning Commission Findings of Fact and adopts the new Conclusions of Law and Order as follows:

Findings of Fact

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5102 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Plan requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.
8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Bellemont Subdivision utilized ¼ acre of the Lot 2B parcel to comply with the open space requirement.
10. The current application site plan contains 72.9% of open space on the site including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance, with the exception of Building 3 as stated below.

13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit, with the exception of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.
15. The Planning Commission held public hearings on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009.
16. The Planning Commission approved the CUP on July 8, 2009.
17. An appeal of the CUP approval was received July 17, 2009 within ten days per LMC 15-1-18.
18. The City Council reviewed the appeal of North Silver Lake lot 2B on October 15, 2009 and on November 12, 2009.
19. During the Council appeal, argument was heard by counsel for both Appellants and the Applicant, and the public hearing was re-opened.
20. During the Council appeal, Planning Commissioners Strachan, Peek and Windsor provided testimony regarding the Planning Commission consideration of the application.
21. No violations of specific zone standards (setbacks, etc.) were alleged, although questions regarding open space calculations were made.
22. The Council finds the staff calculations as modified in the November 12, 2009 staff report are correct, specifically the Landscaped Open Space calculations including ski runs as noted.
23. In determining Compatibility, the Deer Valley MPD does create a baseline for the area plan but specific neighborhood impacts must still be mitigated with as built conditions.
24. The height of Building 3 is incompatible because the maximum MPD height (45') used at a site location that steps down the hill magnifies the scale of the resulting façade (nearly 70') as compared to adjacent uses (33') and designated view points.
25. The impacts of the incompatible height, scale, bulk and massing of Building 3 have not been mitigated because of its site location on the most exposed area, maximized height due to stepping downhill and 420' long façade that is disproportionate in scale to the neighborhood. The proposed vegetation will not screen the façade to the same degree as the other structures within or near the project based upon the View Analysis provided.
26. Comparison of internal unit size is not an objective evaluation of Compatibility with adjacent uses or the neighborhood as such bears little relation to external scale and massing.
27. Improvements to the site plan from the 2001 approval and therefore its relevance as having mitigated impacts are discounted by testimony regarding square footage misrepresentations and alleged changes made at the staff level subsequent to Planning Commission approval.
28. Construction phasing and bonding is necessary to mitigate visual and construction impacts that would result if the external ring of units were

allowed to be completed without the central structures and parking due to disproportionate site exposure of the interior of the site.

29. Wild Land Interface regulations will likely further limit proposed mitigation by requiring the elimination of vegetation proposed to screen various portions of the project.

Conclusions of Law

1. With the exception of items 1-3 in the Order below, the Planning Commission's approval on July 8, 2009 was consistent with the Deer Valley Master Planned Development, the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits, and the General Plan.
2. The Planning Commission erred in applying LMC § 15-1-10(D)(2 and 4) and LMC § 15-1-10(E)(7, 8, and 11) by failing to mitigate the height, scale, mass and bulk of Building 3 to ensure compatibility and maintain or enhance the context of the neighborhood, failing to consider a specific landscape plan in relation to restrictions of Wild Land Interface to better separate the Use from adjoining sites, and failing to mitigate visual and construction impacts by requiring a specific construction phasing plan.
3. Neither Appellants nor the public provided evidence demonstrating that the Planning Commission erred on matters relating to open space calculation, the Commission's standard of review as it related to vesting under the Deer Valley Master Plan and LMC, or the overall site plan's Compatibility.

Order:

The appeal is granted in part and denied in part. The CUP is remanded to the Planning Commission for further consideration of only the following matters:

1. The height, scale, mass and bulk of Building 3 shall be further reduced to meet the Compatibility standard;
2. Further specificity regarding a final landscape plan and bond with consideration for Wild Land Interface regulations shall be reviewed and/or further conditioned; and
3. Construction phasing and additional bonding beyond public improvement guarantee shall be required.

Adopted November 19, 2009

Dana Williams, Mayor

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
December 9, 2009**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Evan Russack, Adam Strachan, Thomas Eddington, Brooks Robinson, Polly Samuels McLean

Commissioner Pettit was excused from the work session and would attend the regular meeting.

WORK SESSION ITEMS

North Silver Lake - Conditional Use Permit
(Application #PL-08-00292)

Doug Clyde, representing the applicant, noted that the North Silver Lake project was remanded back to the Planning Commission by the City Council. Since that time the applicants have met with Staff to make sure that the Staff, the Legal Department and the applicant's design team have interpreted the remand in the same way. Mr. Clyde believed the interpretation was clear and that they were all in agreement.

Mr. Clyde stated that the appeal of the approved CUP was granted in part and denied in part for three items, which were outlined in the Staff report. He believed two of the items were perfunctory in nature and would be addressed with Staff. Mr. Clyde did not intend to address those items with the Planning Commission this evening.

Mr. Clyde stated that his presentation would focus on the first of the three items remanded back to the Planning Commission, which is the bulk and mass of Building 3 and how they are beginning to respond to the comments from the City Council. Mr. Clyde noted that they are still in the preliminary stages, but they wanted to present some of the preliminary information to hear feedback from the Planning Commission on whether they are moving in the right direction.

John Shirley, the architect for Building 3, provide an update on the direction they are taking with a completely new design. They spent the last few weeks looking at several different concepts and the one presented this evening is the concept they settled on.

Mr. Clyde clarified that the plan on the screen was the old plan and they would toggle back and forth between both plans to identify the changes.

Mr. Shirley showed the footprint of Building 3 and explained how they had completely remassed the building and split it in half. By pulling the building apart, they believe they can create two structures that are more in equality with the massing of the existing condominiums on the interior of the project. The orientation of the building was also changed. Mr. Shirley pointed out that the northwestern ring of the building has turned and gone down the hill, which has several advantages over the original plan. By pushing the building down the hill they were able to open up areas that can potentially create interior landscaping and screening between the homes and Building #3, as well as the twelve-plex to the south. Mr. Shirley stated that it also allows them to take what was the lower level of the building, which had the fitness center, spa and lockers, and make it a subterranean pedestal for the buildings.

Mr. Clyde noted that shifting the building allows for the planting of more trees to visibly shield the view of the building from Main Street.

Mr. Shirley reviewed massing studies of the various floors to show how the building was reconfigured. Twelve units are still located in the building, but approximately 10% of the square footage is lost within the units themselves. Underneath the lobby area would be the restaurant and food facilities. Mr. Shirley stated that the restaurant and bar would look out on to a garden area plaza. He noted that 20% of the perimeter of the lowest level is opened up for a swimming pool and the remainder of that level would be below grade. Levels three through five would have a glazed-in breezeway that connects the two buildings. This allows for the most efficient use of elevators and vertical circulation to minimize the circulation and footprints on the site. On level three, the face of the building is approximately 25 feet shorter in length than the original proposal.

Mr. Shirley presented rough sections through the building to show how the height of the building works on the site. One portion of the original building was six stories high and that was found to be very offensive. They are trying carefully to mitigate that situation with this new plan. Mr. Shirley pointed out that both the original building and the new building plan meets the 45 foot height. Because the new building was pushed further down the hill, they can create more of a terracing with the levels of the condominiums. Mr. Shirley stated that they also took the lower part of the building and brought the grade up in to the height. Therefore, instead of a five or six story exposure on the downhill side, they are maximizing a four foot exposure to the terrace space. The lower levels are basically hidden so the overall appearance of the building would be one to two stories lower from grade than what was seen in the previous building.

Mr. Clyde remarked that in the previous plan, the basement levels were full of daylight, which contributed significantly to the overhead facade line. Mr. Shirley noted that the glazed-in breezeway in section two between the two buildings would be defined by the porte cochere. In section one, the westernmost building, units were placed over the road to create an extension of that porte cochere to help reduce the mass of the building. Mr. Shirley stated that two-thirds of the building mass is hidden behind homes 9-12, which means less of the building would be exposed to the open space looking to the north.

Mr. Shirley provided a rough sketch of the massing superimposed over the model of the project. Mr. Shirley stated that landscaping would be a very important part of the solution because the intent is to have the lower level disappear and for the grades to warp up over and on to the plaza.

Mr. Clyde remarked that the current plan allows them to work with the trees and to plant additional trees higher to provide better visual screening.

Mr. Shirley stated that the exterior fenestration and materials would be consistent with the rest of the project.

Chair Wintzer clarified that Building 3 is the only building that is being changed and the rest of the project stays the same. Mr. Shirley replied that this was correct. Chair Wintzer was concerned about reflectivity from the breezeway. Mr. Shirley stated that reflectivity could be managed through

low-reflective glass or other methods. As they work through the details, the breezeway could be reconsidered. Mr. Shirley intended to come back with a three-dimensional model.

Commissioner Peek asked if the applicants had calculated open space numbers on the revised plan. Mr. Clyde stated that new numbers had not been calculated but he did not believe the open space would change significantly. Commissioner Peek requested a Staff analysis of the wildland urban interface study at each step. Mr. Clyde expected to have a certified report from the Building Department before the next Planning Commission meeting.

Commissioner Russack wanted to know how the City Council concluded that Building 3 was incompatible. Assistant City Attorney, Polly Samuels McLean, stated that findings of fact 24 and 25 addresses why the building is incompatible.

Commissioner Luskin asked if it was possible to get a different rendering that shows the scale from the view points the City Council was concerned about in finding #24. Mr. Clyde offered to also provide a viewpoint from the ski trail, which is where most people would see this building. Commissioner Luskin asked if the funicular is still part of the plan. Mr. Clyde replied that the funicular had been eliminated.

Commissioner Strachan asked for the size of the new Building 3 compared to the existing Buildings 1 and 2. Mr. Shirley stated that the square footage is still preliminary, but he believed it was approximately 15% smaller on the residential. The common area was harder to pinpoint because so much is subterranean. He was not prepared to give a firm number.

Commissioner Hontz asked if Mr. Shirley could give a size range for the residential units. Mr. Shirley replied that the size varies but he did not have a firm number. The addition of all the massing is approximately 15% less than what was originally proposed.

Commissioner Strachan noted that the City Council found that the other buildings were not incompatible. To the extent that the applicant could match Building 3 with the buildings that were not found incompatible, he believed they would be on the right track.

Commissioner Russack stated that in order to evaluate the changes based on the remand from the City Council, he requested that the applicants come back with the new design and the original design and illustrate how they addressed findings of fact 24 and 25 and how they are making this building more compatible by reducing the height, scale, bulk and massing. Commissioner Russack thought it appeared the applicant was heading in the right direction, but he could not say for certain without the benefit of seeing the old plan versus the new. Mr. Clyde agreed and offered to provide more comparisons. He believed where they were headed with the original plan was shown on the first slide this evening.

Commissioner Peek asked if Findings of Fact 24, 25 and 26 have as much bearing as the LMC when reviewing the remanded application. Ms. McLean stated that the Land Management Code still applies; but the City Council gave the Planning Commission specific direction as to what needs to be remedied. Based on the plans reviewed, the City Council found specific findings of fact that give the Planning Commission guidance and direction. Commissioner Peek clarified that the Planning Commission needed to take a fresh look at the design based on the new findings of facts. Ms. McLean replied that this was correct.

Work Session Notes
December 9, 2009
Page 4

Commissioner Strachan asked if the Planning Commission would address the bond issue. Ms. McLean replied that the bond issue would come before the Planning Commission at a later time.

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
January 13, 2010**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Adam Strachan, Thomas Eddington, Brooks Robinson, Kayla Sintz, Polly Samuels McLean

WORK SESSION ITEMS

North Silver Lake - Conditional Use Permit
(Application #PL-08-00392)

Planning Director Thomas Eddington reported that the North Silver Lake project had been remanded back to the Planning Commission. On December 9th the Commissioners heard from the applicants for the first time since the remand. The applicants had returned this evening with an overview and information update on the project to date. Director Eddington noted that the applicants had prepared a massing model that would be presented this evening. The information in the Staff report reflected the information that was presented by the applicant and addressed the reduction in massing of the North Building.

Chair Wintzer clarified that the discussion should focus only on the North Building and that all other elements of the project remained the same. Director Eddington replied that this was correct.

Doug Clyde, representing the applicant, stated that during the meeting in December the Planning Commission requested to see information that directly compares the previous plan with the currently proposed plan. The requested information was included in the Staff report. Mr. Clyde requested feedback from the Planning Commission after hearing supplement information provided in their presentation this evening.

John Shirley, the project architect, reviewed the model. He stated that it was very schematic, but showed the advantages of splitting the building apart in the new orientation. Mr. Shirley believed the height, mass and scale was more compatible with the three condominiums on the interior of the project. Stepping the facades is more exaggerated on the new scheme, which helps break down the scale. Mr. Shirley remarked that the trees on the model represented three different levels of tree planting; existing trees, new trees and trees that would be added with this new proposal. He pointed out that placing a greater portion of the massing over the street created more open space. In addition, it allowed them to create the porte cochere underneath. It also puts a large portion of the massing behind the homes. Mr. Shirley stated that architecture itself is compatible with the rest of the project. The color and materials would be the same as originally proposed.

Mr. Clyde clarified that the open space calculation had not yet been done; therefore, the number could vary slightly.

The Commissioners left the dias to look at the model.

Mr. Shirley reiterated that the model was a very schematic massing study. The objective this evening was to hear feedback from the Planning Commission before moving forward to the next step.

Assistant City Attorney, Polly Samuels McLean, noted that the Planning Staff had not had the opportunity to analyze the model presented. The Planning Commission could give their initial reaction with the caveat that they do not have a full Staff analysis. Mr. Clyde stated that they were fully aware of that fact. The presentation this evening was to respond to the comments from the last meeting.

Chair Wintzer requested some type of overlay over the old plan to show how the new plan has moved on the site. He believed the massing was reduced and the building is more interesting. Chair Wintzer thought the design was moving in the right direction.

Commissioner Peek concurred with Commissioner Wintzer. At the last meeting he had mentioned a wildland urban interface report and recalled that Mr. Clyde had indicated that he might have a report for this meeting. Mr. Clyde stated that the report was prepared and submitted to the Building Department and to Planner Cattan for review. They basically agreed with the conclusions and requested that five or six small trees be removed that were up against the building. Mr. Clyde remarked that the direction was consistent with the information that was supplied prior to the approval. The conclusion was that there would be no impact on the visual analysis of the project. Commissioner Peek assumed that future landscape plans would reflect the updated results. Mr. Clyde offered to illustrate it on the landscape plan.

Commissioner Strachan referred to the chart on page 8 of the Staff report, which compared the square footage of the previous and current designs. He wanted to know how those numbers were calculated.

John Shirley pointed out that the numbers are preliminary because they were based on the preliminary massing. He explained how the areas of the different floors were calculated. Mr. Shirley anticipated the numbers would shift slightly as the floor plan is defined.

Commissioner Strachan referred to pages 2 and 3 in the packet and noted that there were discrepancies in the numbers. The numbers on page 3 identify the square footages for the northeast building and the northwest building. The two numbers added together total 52,705 square feet. However on page 2, adding the square footage for those same buildings total 72,927 square feet. Mr. Shirley replied that 52,705 is the above grade square footage. Mr. Shirley stated that the most flexible square footage is below grade, and include the back of house services, kitchen, mechanical, etc., which is underground between the parking structure and the lower level of the building. That is still being refined and he expected to see additional shift in that number.

Commissioner Strachan was concerned with the below grade square footage. He was torn between reducing the above ground square footage and increasing the below grade square footage, and deciding which one was the better of two evils. He asked if there was an architectural way to reduce the amount of square footage both above and below grade.

Mr. Shirley pointed out that the above grade square footage basically concerns the for-sale residential space. The below grade square footage is support facilities. Commissioner Strachan clarified that his only concern with the below grade area is the amount of excavation that would be required. Generally, he felt the reduction in mass was moving in the right direction. Commissioner Strachan applauded their efforts. In the future, as the floor designs are defined, he would like to continue to see the same chart to track the square footage with each iteration of the plan. He was

most interested in always seeing the saleable area line item.

Commissioner Pettit stated that she was not at the last meeting and had not had the opportunity see what direction the applicants received from the City Council. Commissioner Pettit echoed the comments of the other Commissioners. She believed the changes in the massing were significant, particularly from the entry area. Commissioner Pettit was more comfortable with the current design versus the one originally proposed.

Commissioner Hontz stated that the evolution of the building was going in the right direction. She appreciated how the applicants had responded to their comments and questions from the last meeting. Commissioner Hontz concurred with her fellow Commissioners.

Mr. Clyde believed they had sufficient direction to move forward.

The work session was adjourned.



CONSULTANT

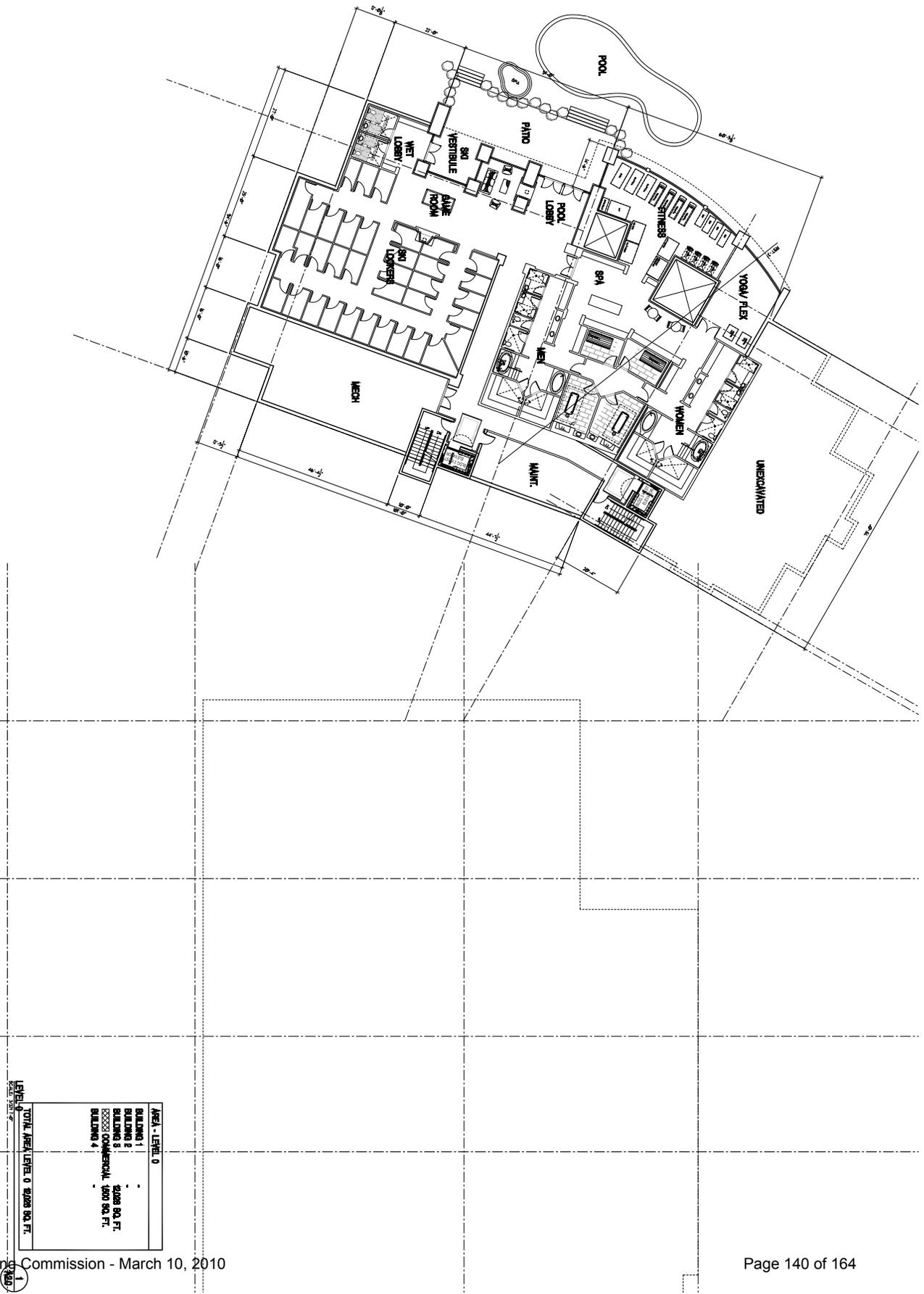
NORTH SILVER LAKE LODGE

NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, URM

CLIENT
 REGENT PROPERTIES
 11990 SAN VICENTE, SUITE 200
 LOS ANGELES, CA 90049
 310.806.9827

PROJECT
 OFFICIAL PLAN
 FOR CELEBRATING
 100TH BIRTHDAY OF
 CALIFORNIA
 2000

SCHEMATIC PLAN
 LEVEL 00
 SD2.0



AREA - LEVEL 00	
BUILDINGS 1	•
BUILDINGS 2	•
BUILDINGS 3	•
BUILDINGS 4	•
TOTAL AREA LEVEL 00 24,228 SQ. FT.	





CONSULTANT

NORTH SILVER LAKE LODGE

NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UPH

OWNER

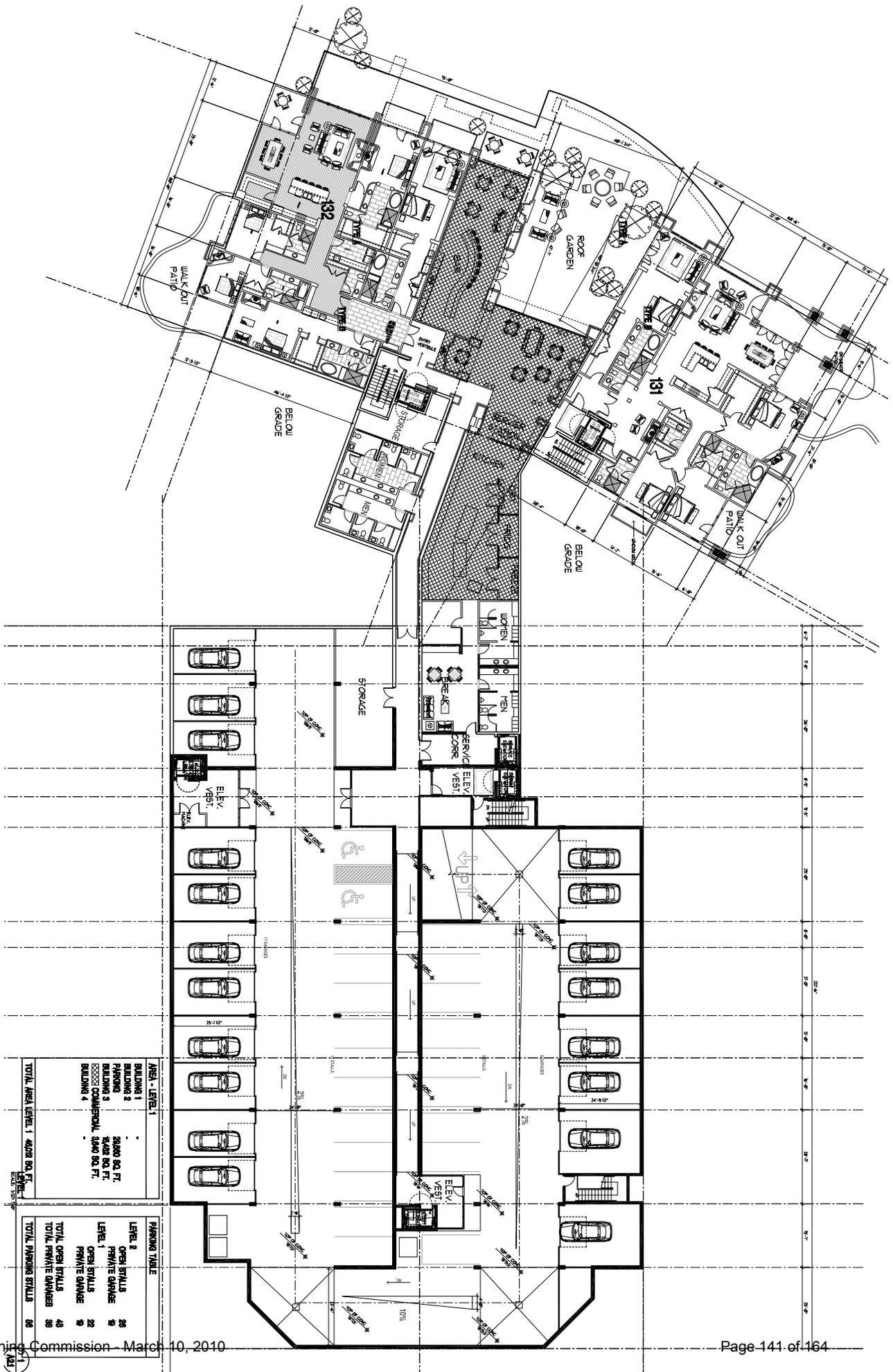
REGENT PROPERTIES
11990 SAN VICENTE, SUITE 200
LOS ANGELES, CA 90049
310.806.9827

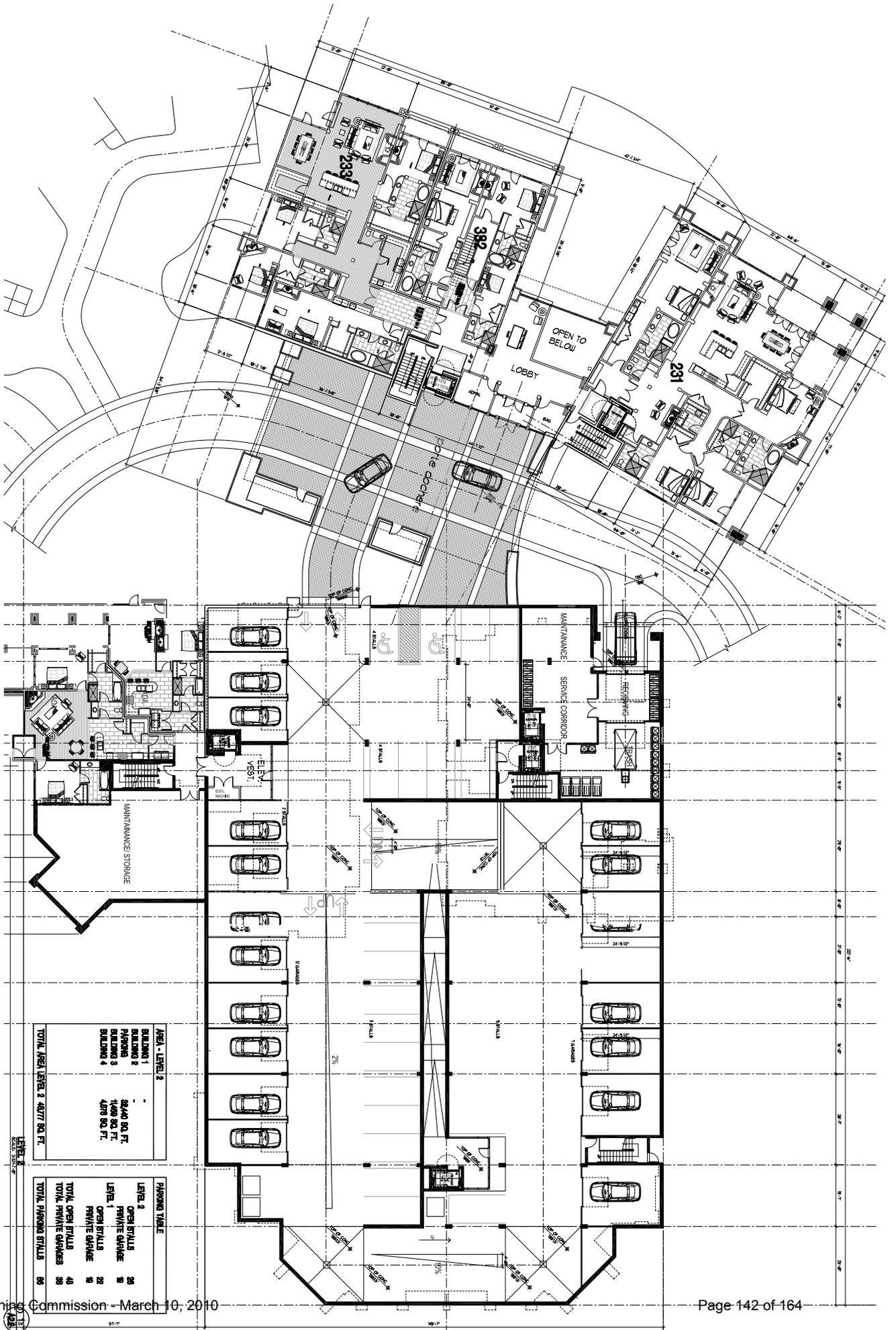
DESIGNER

ARCHITECTURAL
FIRM
1000
1000

SCHEMATIC PLAN
LEVEL 01

SD2.1





AREA - LEVEL 2	
BUILDING 1	-
BUILDING 2	8240 SQ. FT.
PARKING	1488 SQ. FT.
BUILDING 3	4878 SQ. FT.
BUILDING 4	-
TOTAL AREA LEVEL 2	14,606 SQ. FT.

PARKING TABLE	
LEVEL 2	26
LEVEL 1	22
TOTAL OPEN STALLS	48
TOTAL PRIVATE GARAGES	38
TOTAL PARKING STALLS	86



CONSULTANT
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NORTH SILVER LAKE LODGE

CLIENT
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 11990 SAN VICENTE, SUITE 200
 LOS ANGELES, CA 90049
 310.806.9827

PROJECT
 SCHEMATIC PLAN
 LEVEL 02
 DATE: 03/10/2010
 DRAWN BY: J&R ARCHITECTURE
 CHECKED BY: J&R ARCHITECTURE

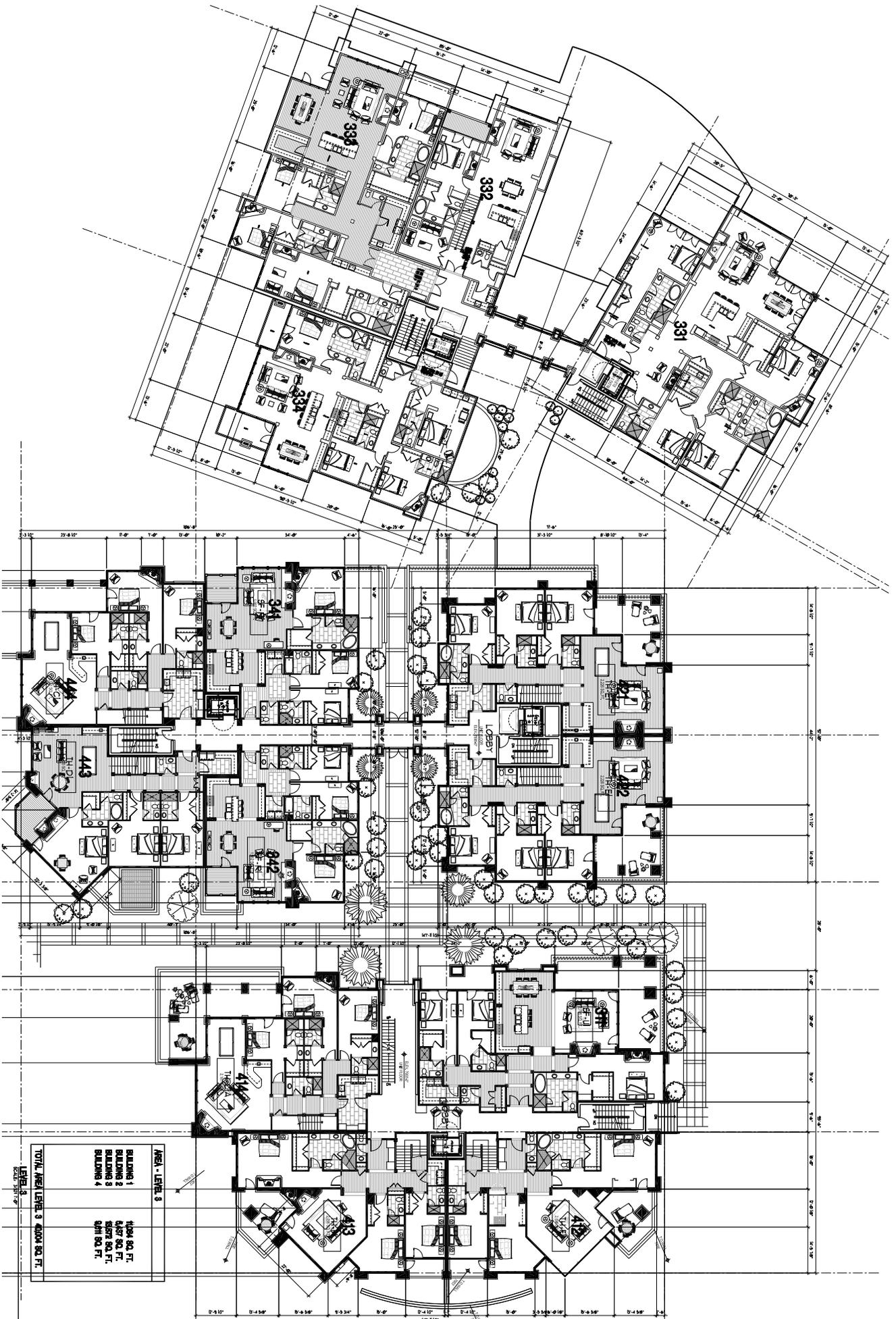
SD2.2



CONSULTANT

NORTH SILVER LAKE LODGE

NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UTAH



AREA - LEVEL 03	
BUILDING 1	4194 SQ. FT.
BUILDING 2	4187 SQ. FT.
BUILDING 3	5157 SQ. FT.
BUILDING 4	5411 SQ. FT.
TOTAL AREA LEVEL 03 19049 SQ. FT.	

CLIENT
 REGENT PROPERTIES
 11990 SAN VICENTE, SUITE 200
 LOS ANGELES, CA 90049
 310.806.9827

PROJECT
 OFFSHIRE HILL
 PARK DEVELOPMENT
 10000 100TH STREET
 SHERMAN OAKS, CA 91066
 310.806.9827

SCHEMATIC PLAN
 LEVEL 03
 SD2.3



CONSULTANT

NORTH SILVER LAKE LODGE

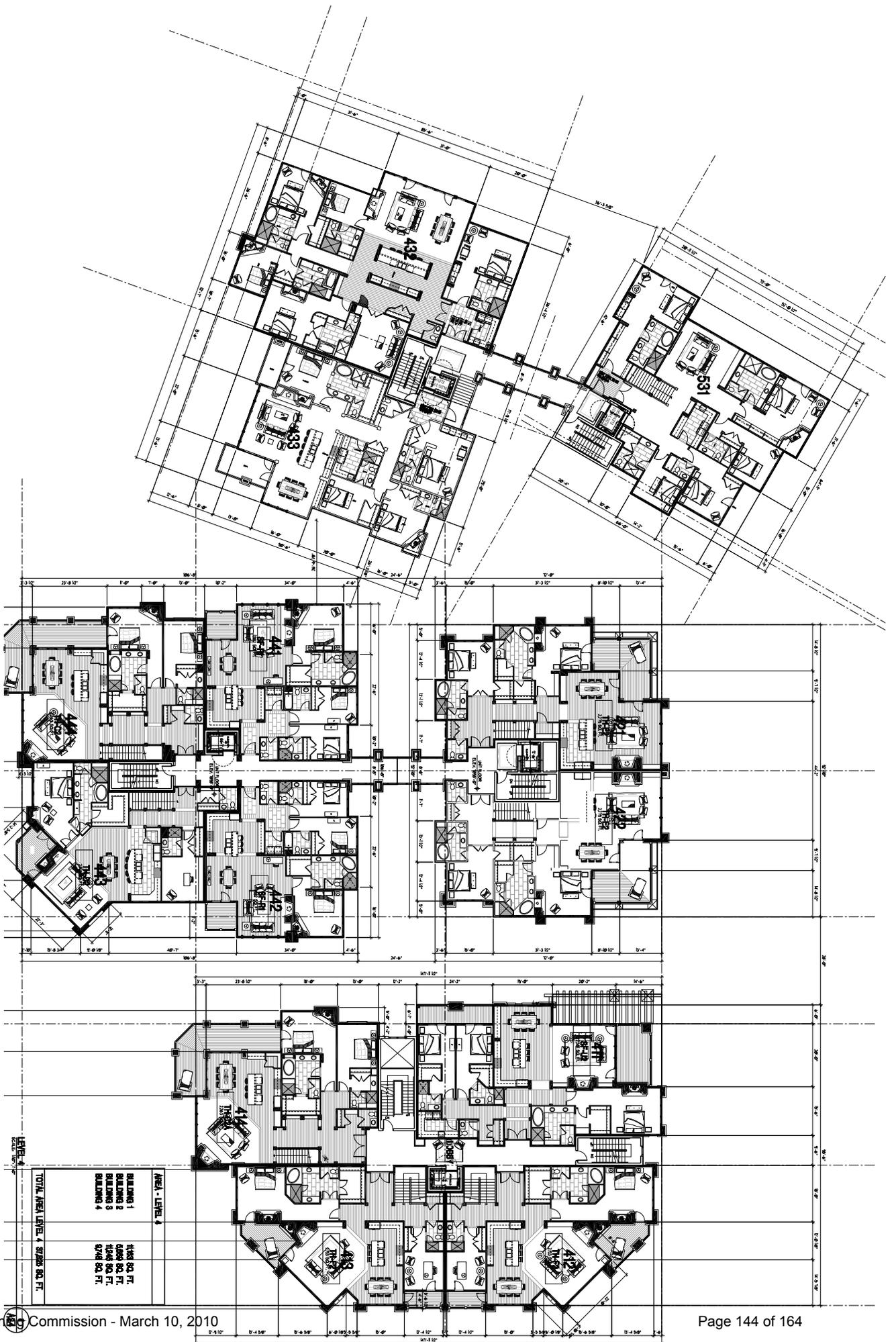
NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UJPH

CLIENT
 REGENT PROPERTIES
 11990 SAN VICENTE SUITE 200
 LOS ANGELES, CA 90049
 310.806.9827

PROJECT
 OFF-SITE FINAL SET
 PARK DEVELOPMENT
 SUBMITTED TO CPD DEPARTMENT
 03/10/2010

SCHEMATIC PLAN
 LEVEL 04

SD2.4





CONSULTANT

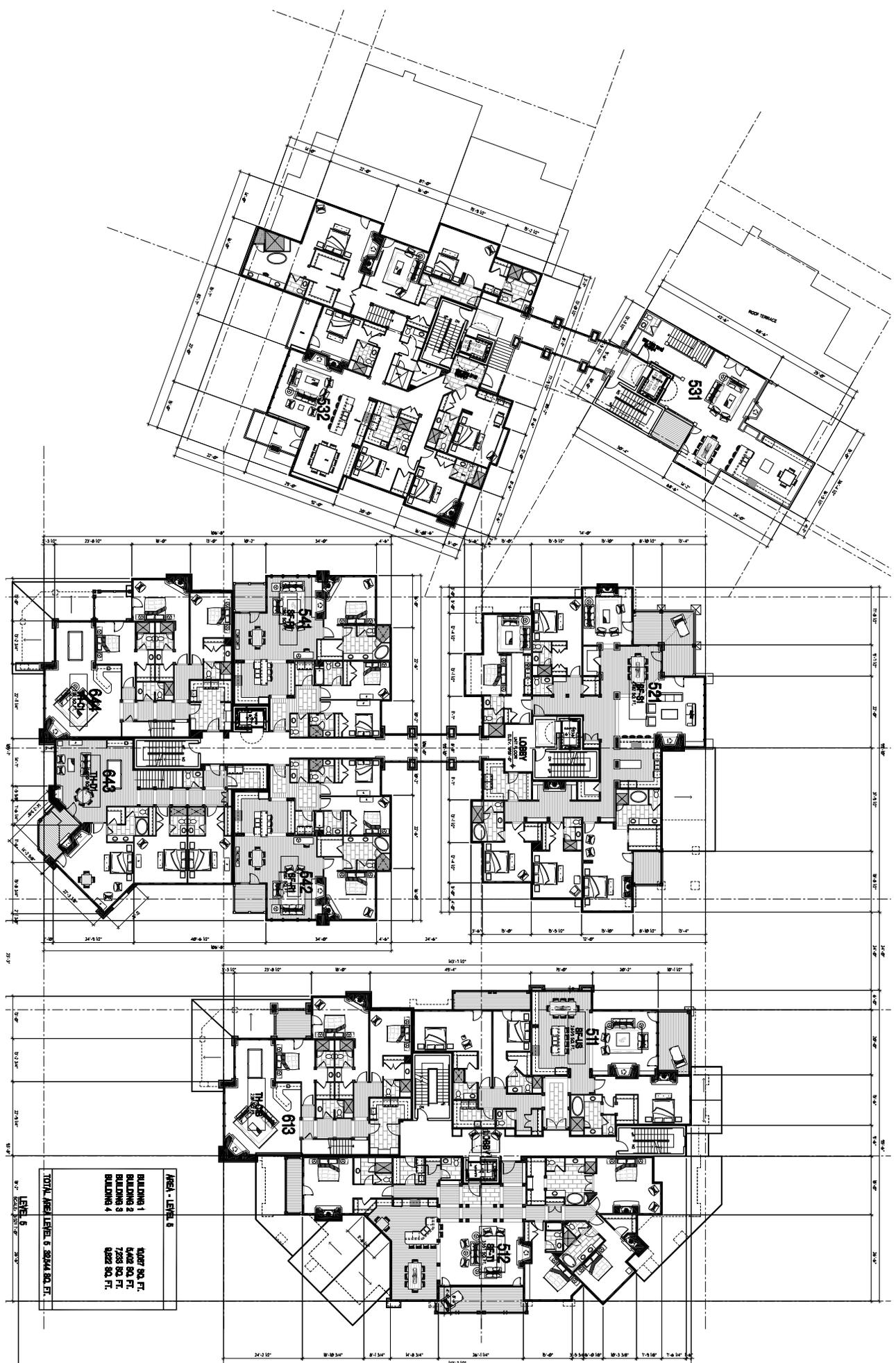
NORTH SILVER LAKE LODGE

NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UHAI

CLIENT
 REGENT PROPERTIES
 11990 SAN VICENTE SUITE 200
 LOS ANGELES, CA 90049
 310.806.9827

PROJECT
 OFF-SITE/IN-SITE
 PARK CERTIFYING
 SUBMITTED TO CPD/SPR/PLA
 PROJECT NO. 0827

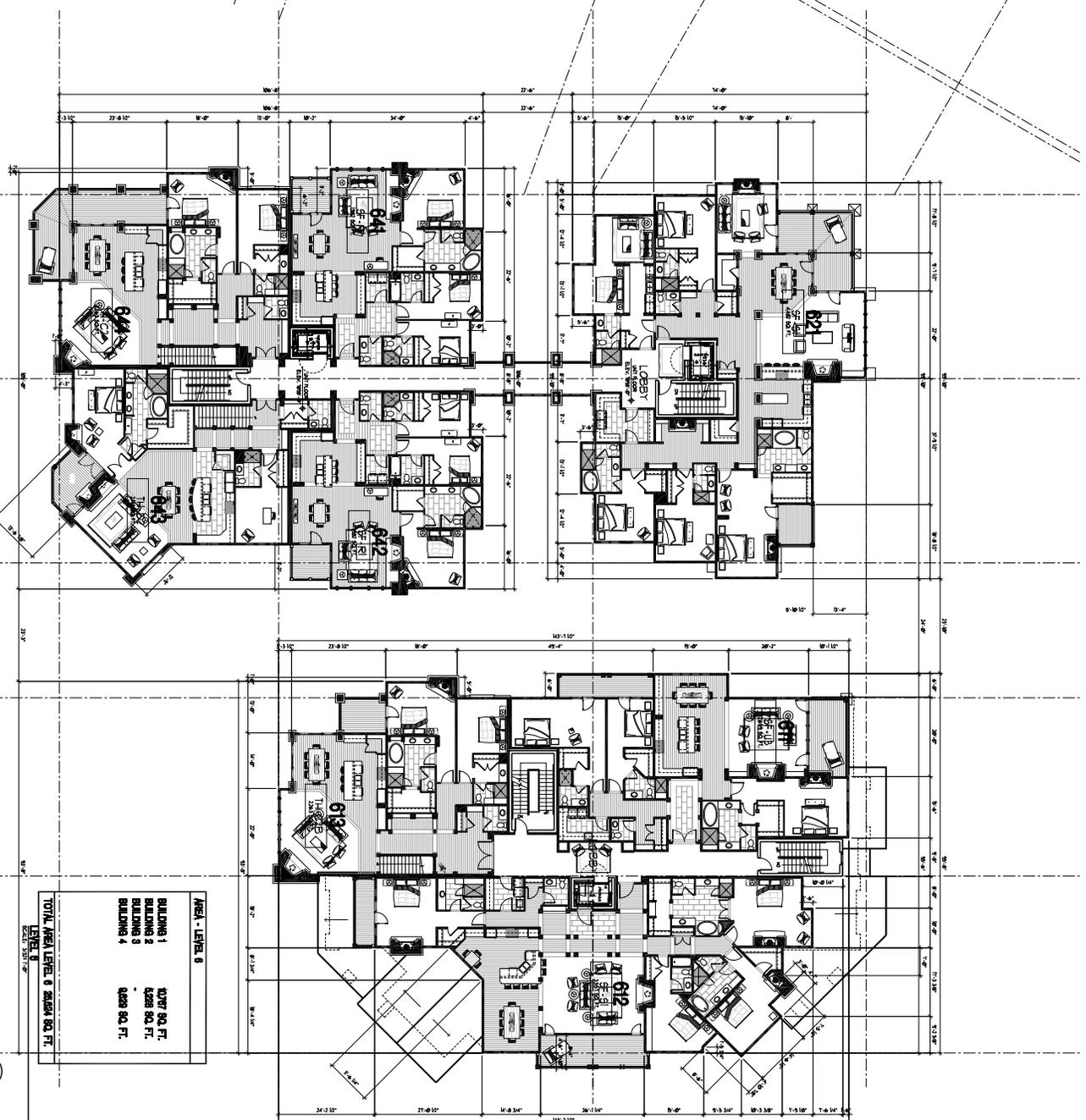
SCHEMATIC PLAN
 LEVEL 05
 SD2.5



AREA - LEVEL 05	AREA - LEVEL 05
BUILDING 1	1007 SQ. FT.
BUILDING 2	642 SQ. FT.
BUILDING 3	7283 SQ. FT.
BUILDING 4	9222 SQ. FT.
TOTAL AREA LEVEL 05	20044 SQ. FT.



NORTH BUILDINGS
S4 AND S8 BELOW



NORTH SILVER LAKE LODGE

NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UPHI

OWNER:
REGENT PROPERTIES
11990 SAN VICENTE, SUITE 200
LOS ANGELES, CA 90049
310.806.9827

DESIGNER:
COPPER HILL BET
PARK DESIGN INC.
3000 WILSON AVENUE
LOS ANGELES, CA 90012
(310) 407-0077

SCHEMATIC PLAN
LEVEL 06
SD2.6

CONSULTANT:



J&S ARCHITECTS
12401 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90210
Tel: 310.274.2200 Fax: 310.274.2201
www.jands.com 5450 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90210





7100 South Redwood Road, Suite 100
 Littleton, Colorado 80120
 Phone: (303) 751-2800
 Fax: (303) 751-2801
 Website: www.jsaarchitects.com

CONSULTANTS:

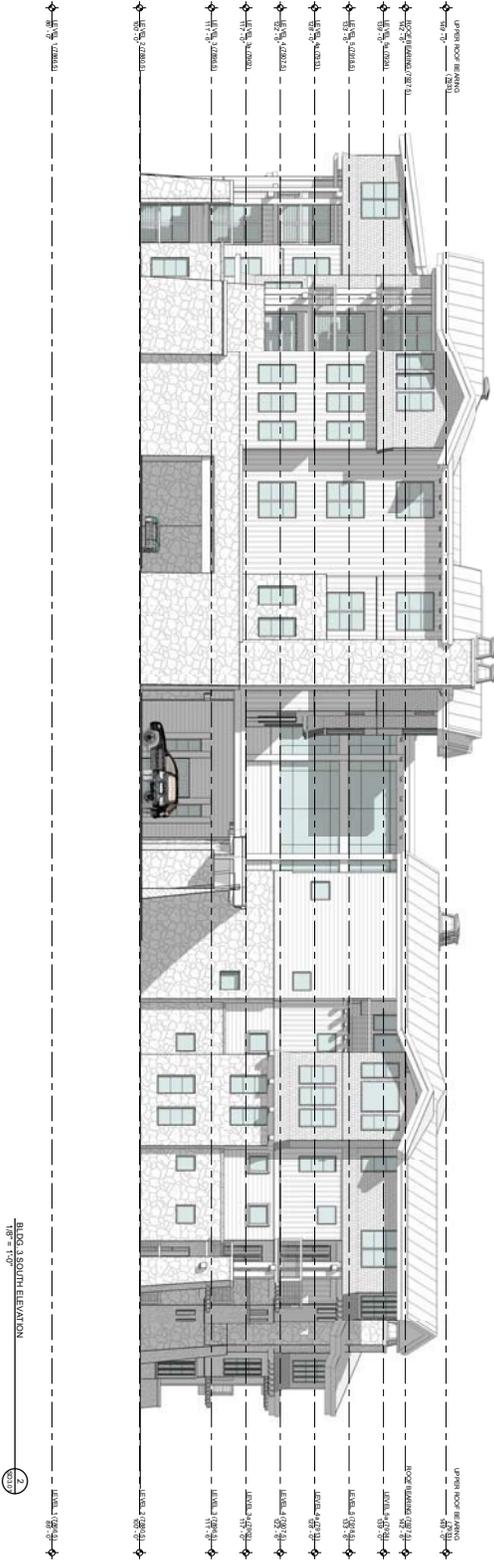
NORTH SILVER LAKE LODGE

CLIENT
 REGENT PROPERTIES

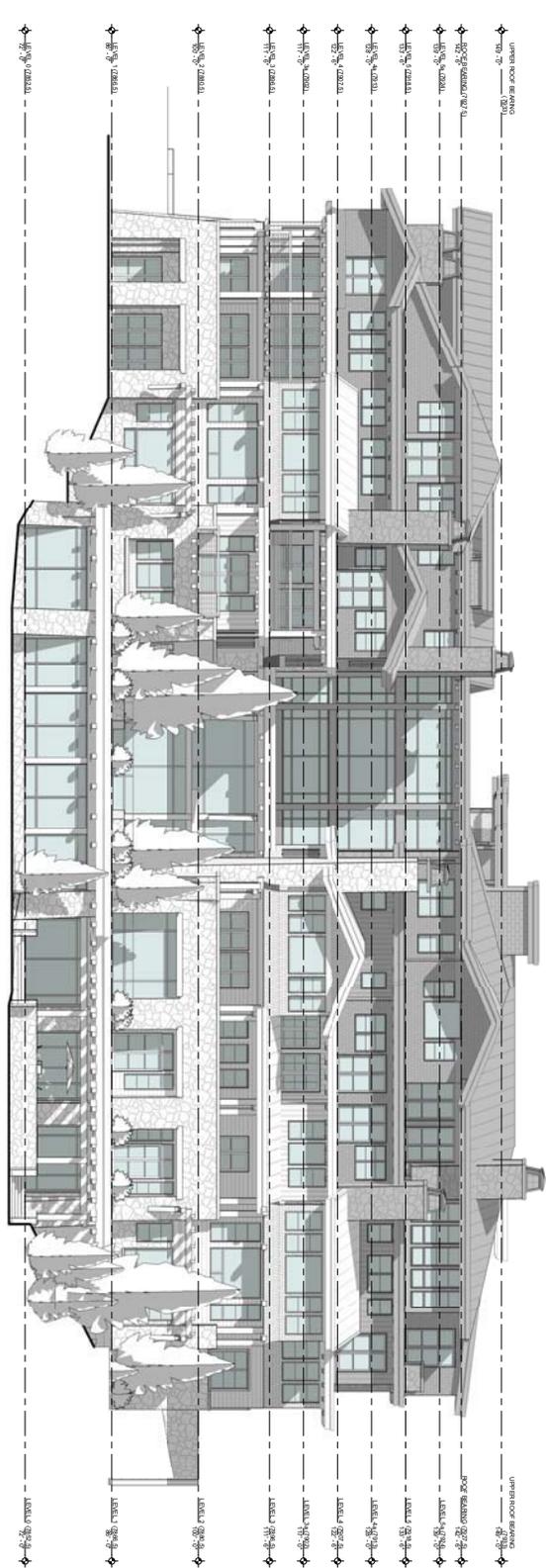
NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UTAH

PROJECT
 CHARTERED

DATE: 12/28/2009
 PROJECT NO: 07087



RUDO, 1 SOUTH ELEVATION
 1/8" = 1'-0"

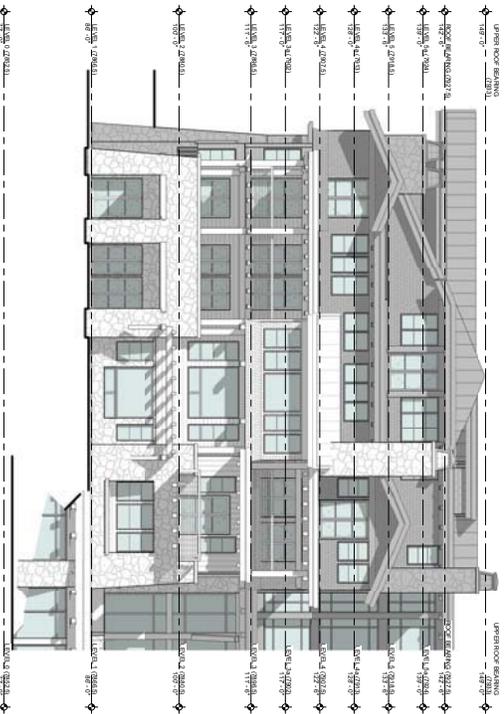


RUDO, 1 NORTH ELEVATION
 1/8" = 1'-0"





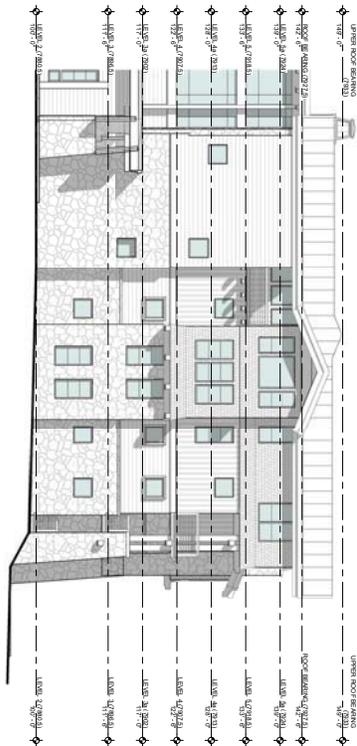
WEST FACADE ELEVATION
1/8" = 1'-0"



EAST FACADE ELEVATION
1/8" = 1'-0"



SOUTH FACADE ELEVATION
1/8" = 1'-0"



NORTH FACADE ELEVATION
1/8" = 1'-0"



CONSULTANTS:

NORTH SILVER LAKE LODGE

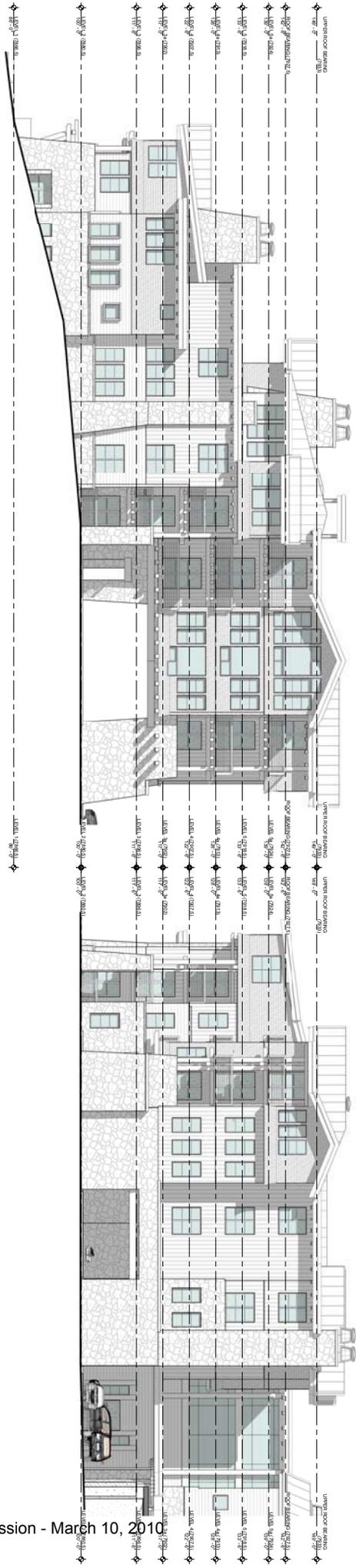
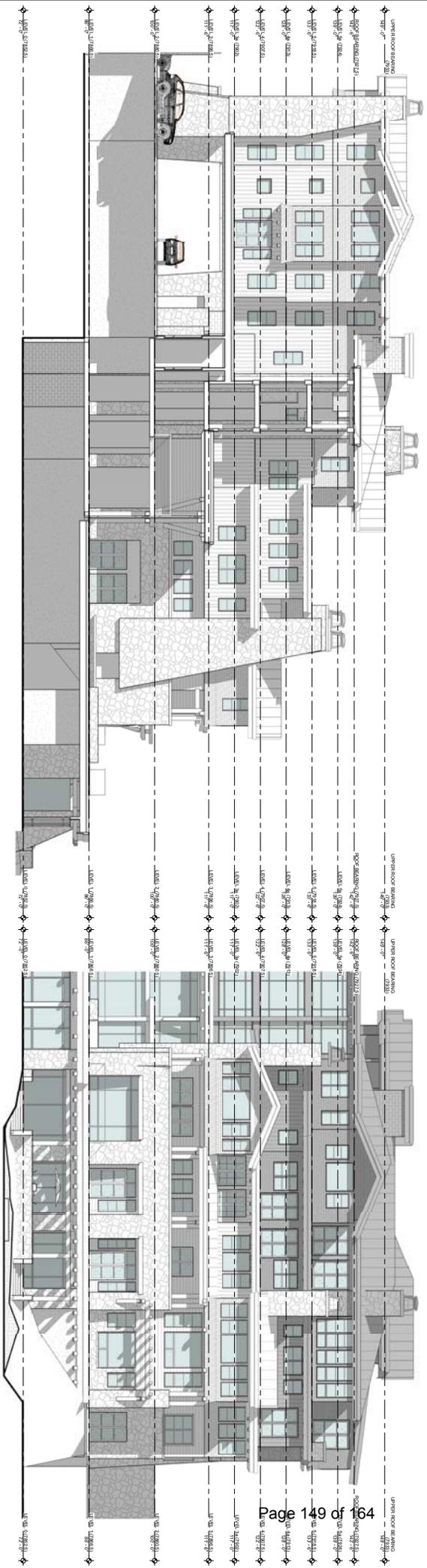
CLIENT
REGENT PROPERTIES

NORTH SILVER LAKE SUBDIVISION, LOT 2B, DEER VALLEY, UTAH

PURPOSE:
CITY REVIEW

DATE: 12/28/2009
PROJECT NO: 0787

BUILDING ELEVATIONS
SD3.02



NORTH SILVER LAKE LODGE

NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UTAH

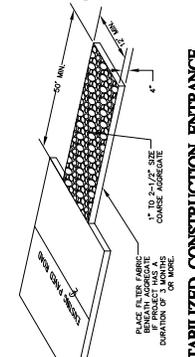
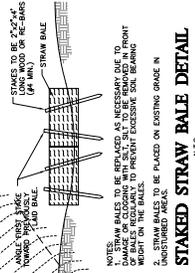
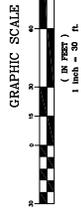
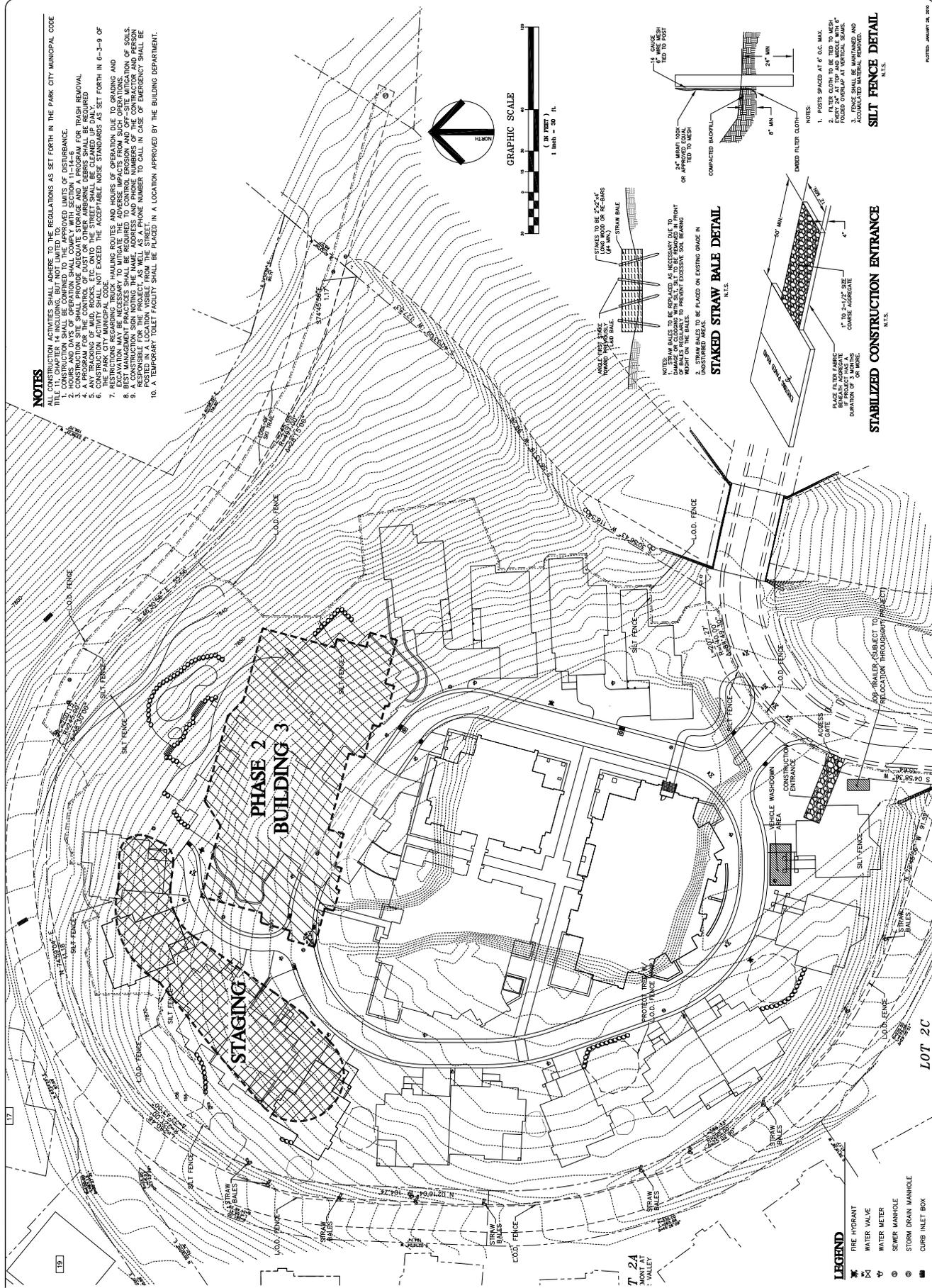


CONSULTANTS:

CLIENT
REGENT PROPERTIES

PURPOSE: BUILDING ELEVATIONS
 DATE: 12/28/2009
 PROJECT NO.: 07097
 SD3.03

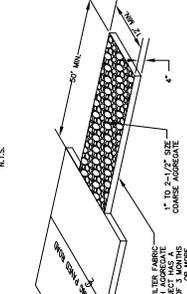
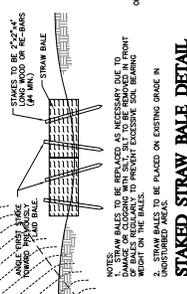
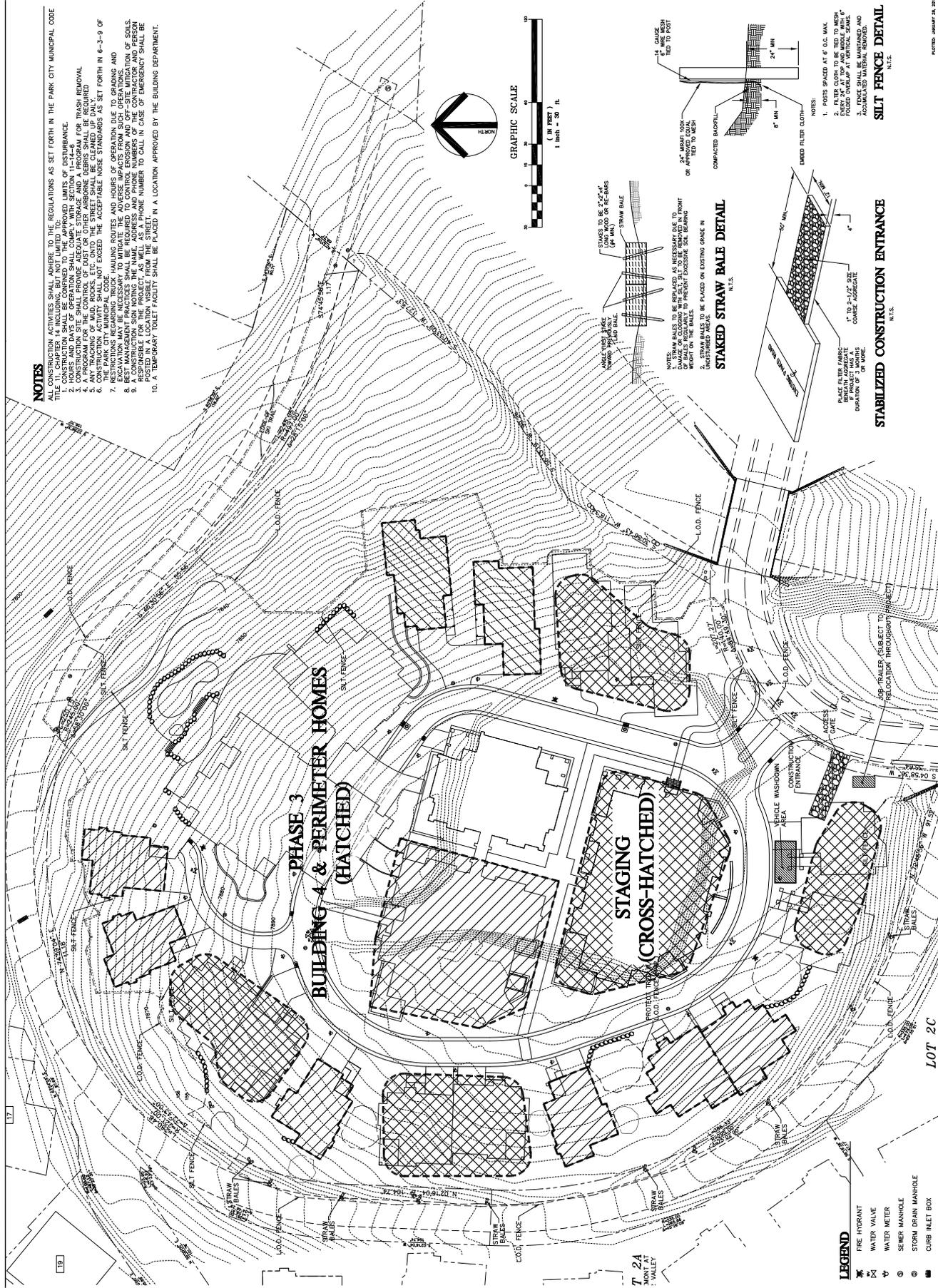
- NOTES**
- ALL CONSTRUCTION ACTIVITIES SHALL ADHERE TO THE REGULATIONS AS SET FORTH IN THE PARK CITY MUNICIPAL CODE.
 - THE CONSTRUCTION SHALL BE LIMITED TO THE APPROVED LIMITS OF DISTURBANCE.
 - HOURS AND DAYS OF OPERATION SHALL COMPLY WITH SECTION 11-14-6 PCS - GRASS REMOVAL.
 - A PROGRAM FOR THE CONTROL OF DUST OR OTHER AIRBORNE DEBRIS SHALL BE REQUIRED.
 - AN APPROPRIATE SLOPE PROTECTION SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
 - ADMINISTRATIVE RECORDS SHALL BE MAINTAINED THROUGHOUT THE PROJECT AS SET FORTH IN 6-3-9 OF THE PARK CITY MUNICIPAL CODE.
 - EXCAVATION MAY BE NECESSARY TO MITIGATE THE ADVERSE IMPACTS FROM SUCH OPERATIONS, AND SUCH OPERATIONS SHALL BE APPROVED BY THE BUILDING DEPARTMENT.
 - BEST MANAGEMENT PRACTICES SHALL BE REQUIRED TO CONTROL EROSION AND OFF-SITE MITIGATION OF SOILS.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROJECT, AS WELL AS A PHONE NUMBER TO CALL IN CASE OF EMERGENCY SHALL BE PROVIDED TO THE BUILDING DEPARTMENT.
 - A TEMPORARY TOILET FACILITY SHALL BE PLACED IN A LOCATION APPROVED BY THE BUILDING DEPARTMENT.



LEGEND

⊗	FIRE HYDRANT
⊕	WATER VALVE
⊖	WATER METER
⊙	SEWER MANHOLE
⊚	STORM DRAIN MANHOLE
⊛	CURB INLET BOX

- NOTES**
- ALL CONSTRUCTION ACTIVITIES SHALL ADHERE TO THE REGULATIONS AS SET FORTH IN THE PARK CITY MUNICIPAL CODE.
 - THE CONSTRUCTION SHALL BE LIMITED TO THE APPROVED LIMITS OF DISTURBANCE.
 - HOURS AND DAYS OF OPERATION SHALL COMPLY WITH SECTION 11-14-6 PER GRASS REMOVAL.
 - A PROGRAM FOR THE CONTROL OF DUST OR OTHER AIRBORNE DEBRIS SHALL BE REQUIRED.
 - ANY TRACKING OF MUD, ROCKS, ETC. ONTO THE STREET SHALL BE CLEANED UP DAILY.
 - ADDITIONAL EROSION CONTROL MEASURES SHALL BE REQUIRED AS NECESSARY TO PREVENT EROSION TO THE PARK CITY MUNICIPAL CODE.
 - EXCAVATION MAY BE NECESSARY TO MITIGATE THE ADVERSE IMPACTS FROM SUCH OPERATIONS, AND BEST MANAGEMENT PRACTICES SHALL BE REQUIRED TO CONTROL EROSION AND OFF-SITE MITIGATION OF SOILS.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROJECT, AS WELL AS A PHONE NUMBER TO CALL IN CASE OF EMERGENCY SHALL BE PROVIDED TO THE LOCAL EMERGENCY SERVICES.
 - A TEMPORARY TOILET FACILITY SHALL BE PLACED IN A LOCATION APPROVED BY THE BUILDING DEPARTMENT.



LEGEND

☒	FIRE HYDRANT
⊕	WATER VALVE
⊕	WATER METER
⊕	SEWER MANHOLE
⊕	STORM DRAIN MANHOLE
⊕	CURB INLET BOX



DOUGLAS CLYDE
Mountain Resort Consulting Services, LLC

P.O. Box 561
5258 N. New Lane
Oakley, UT 84055

March 1, 2010

Park City Planning Commission
445 Marsac Avenue (P.O. Box 1480), Park City,
UT, 84060.

Re: North Silver Lake Lodge

Dear Commissioners:

Enclosed is a packet of materials submitted on behalf of North Silver Lake Lodge, LLC for consideration by the Planning Commission at its meeting on March 10, 2010. Consistent with the direction of the City Council in its decision to partially remand the CUP approved by the Planning Commission on July 8, 2009, we have only made modifications to Building 3 and surrounding landscaping. The balance of the site is unchanged, and remains as approved by the Planning Commission and affirmed by the City Council.

Our focus and objective in making these revisions was to reduce the height, scale, mass and bulk of Building 3. We have done this by making the following modifications:

1. Building 3 has been broken up into two separate buildings (Building 3A on the Northeast and Building 3B on the Northwest), to break up and reduce the northern façade and reduce the building mass. This resulted in the north-facing façade being reduced in both length and height. While the original Building 3 had a 220 foot northern façade, the revised Building 3A has a 65-foot northern -façade and Building 3B has an 87-foot façade.
2. A portion of Building 3B has been extended south over the internal road. This reduces the impact of the building when viewed from Park City because this portion of the building is effectively screened by Homes 9-12.
3. The smaller Building 3A has been rotated to the west for better screening by existing and added vegetation.

Mountain Resort Consulting Services, LLC
Douglas Clyde its Managing Member
Phone: 435-333-8001 - Fax: 435-783-5687 - email: dcl Clyde@allwest.net

4. Additional trees and other vegetation have been included in the landscaping plan to more effectively screen the buildings from neighborhood and Main St. vantage points.

5. The visual impact of the north façade has been further reduced by: (a) pushing the lowest floor below grade so that the above-grade portion of the buildings is reduced by one story, and (b) significantly stepping back the top two floors so that the unbroken front façade is only three to four stories high, rather than five and six stories of unbroken façade in the prior plan.

6. The surface ski lift was eliminated, making it possible to retain natural grade up to the north façade of the buildings, and allowing the lowest floor level to be screened by the natural grade. This also reduces the amount of excavation of the site.

7. Even though Building 3 has been replaced by two buildings, the combined above-grade square footage of Buildings 3A and 3B is 18,506 square feet (24.94%) less than the prior Building 3. Even greater below-grade reductions were made, and the total square footage of Buildings 3A and 3B is 25,194 square feet (26.37%) less than prior Building 3.

8. The reduction in height, mass and scale of Building 3, together with the rotation in the orientation of the buildings and the addition of more trees, significantly reduce the visual impact of the project from Main Street. This is shown on the revised visual simulations from the Main St. vantage point that are included on page 4 of the materials.

In addition to these significant modifications of the Building 3 plan, we have revised the landscaping plan to provide greater specificity and satisfy the requirements of the Wild Land Interface Regulations, as required by the City Council's partial remand. The final requirement of the City Council, which was to address construction phasing and bonding for site restoration, has resulted in a bonding plan acceptable to the Chief Building Official and Planning Department Staff.

We look forward to meeting with you on March 10 to discuss these revisions to Building 3 and respond to any questions or comments you may have.

Respectfully submitted,

cc: Thomas Eddington
Katie Cattan



SILVER LAKE LODGES
SUPPLEMENTAL SUBMISSION
PLANNING COMMISSION
2010.03.10

PROJECT ANALYSIS

DETACHED HOMES

- 16 HOMES
- (2) UPHILL
- (14) DOWNHILL
- 32 GARAGES

CONDO HOMES

- 38 HOMES
- (11) TOWNHOMES
- (27) FLATS
- 86 PARKING STALLS

54 TOTAL HOMES

- 118 PARKING STALLS

Two accessible units to be owned and maintained by the home owners association.

- ● ● Area of change



NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH

MASTER SITE PLAN

REGENT PROPERTIES
2010.02.18
1



SITE PLAN 2009.07.06 APPROVAL

- Site Goals:
1. Scale Down Massing through height scale and bulk of exposed area.
 2. Shorten Exposed North Facade height and length.



SITE PLAN PROPOSED

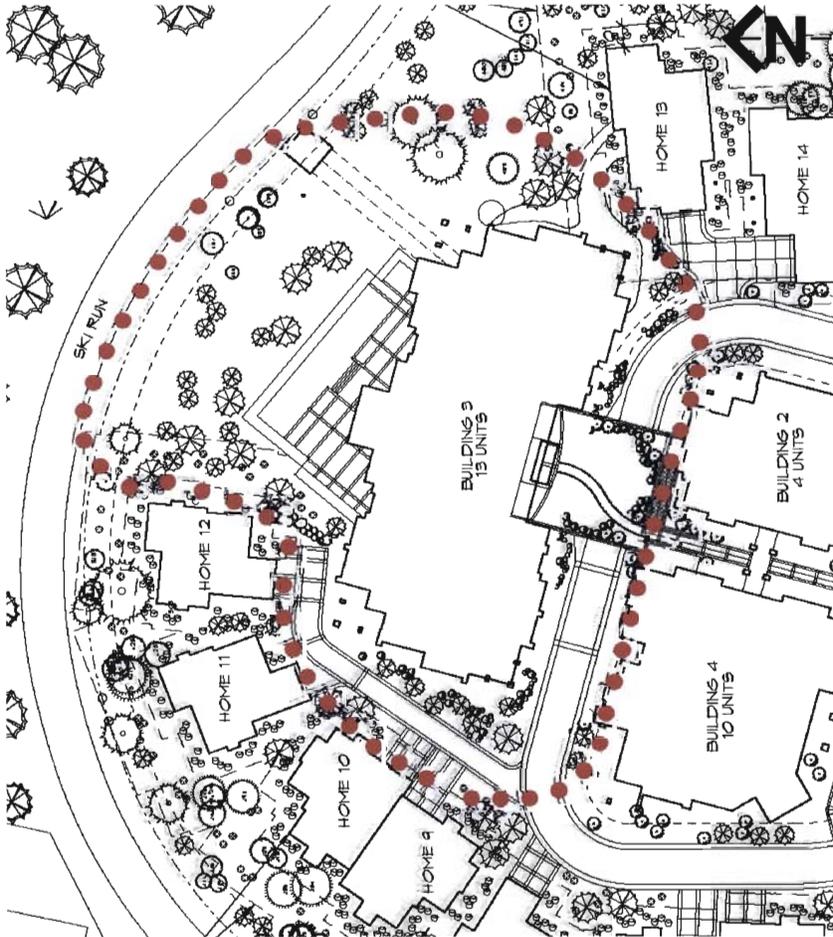
Building Modification Result:

1. Separated building into two massings, shortening facade length and bulk.
2. Moved massing over internal road and behind Homes 9-12 to screen bulk.
3. Rotated smaller North East Mass towards home 13 to screen building behind existing vegetation.
4. Terraced Massing to step back at height compatible to neighboring homes to shorten facade height along exposed area.
5. Allowed for a roof top garden terrace along connecting basement level.
6. Eliminated Ski Lift allowing natural grade to remain up to building facade.
7. Shrunk building area above grade by ~25%.
8. Given the decreased size, scale and mass of the building, coupled with the shift in orientation and planting of additional trees, there is less visibility to Main Street.



NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH

SITE PLAN COMPARISON
REGENT PROPERTIES
2010.02.18
2



LANDSCAPE PLAN 2009.07.08 APPROVAL

Goals:

1. Increase Vegetation to screen various portions of the project, particularly the Main Street View



LANDSCAPE PLAN PROPOSED

Vegetation Modification Results:

1. Created vegetation screen between buildings North, West and Main Street view.
2. Increased vegetation screen along Northern open space
3. Pool and patios terrace along natural grade to blend into vegetation.

 = Areas of increased vegetation

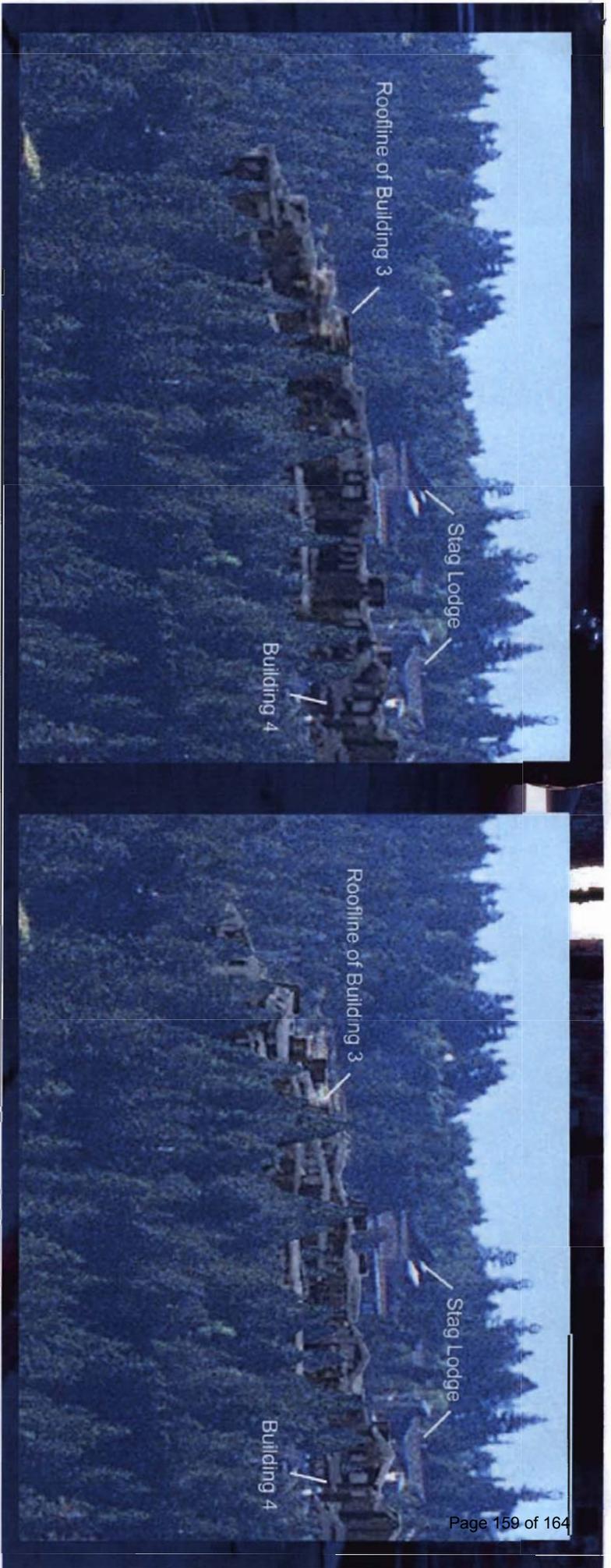


NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH

LANDSCAPE COMPARISON



REGENT PROPERTIES
2010.02.18
3

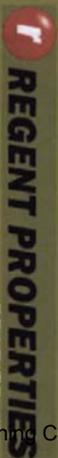


MAIN STREET VIEW 2009.07.08 APPROVED

MAIN STREET VIEW PROPOSED

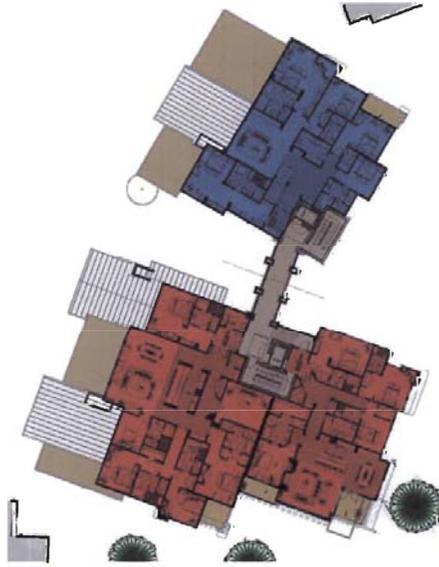


NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH



VIEW STUDY COMPARISON

2010.02.11



Current North Building Design



Previous Buildings Design

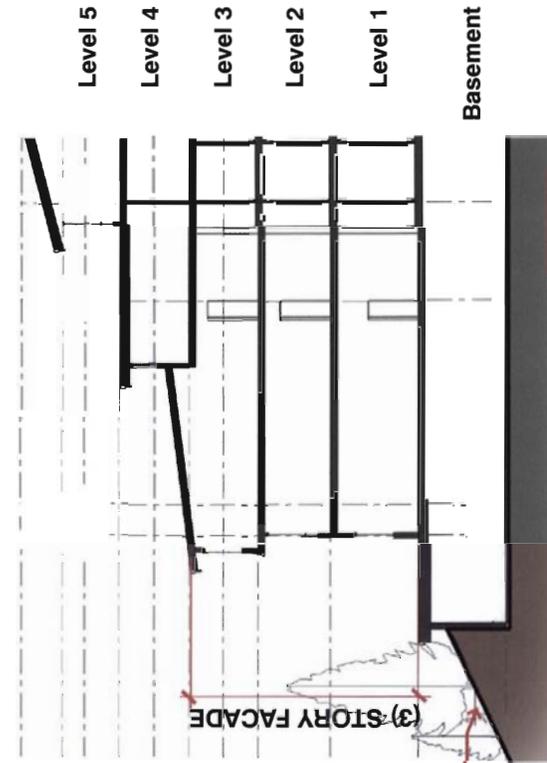
Comparison of 4th Floor Footprint

	Previous Design	Current Design	Percent of Change
7/8/2009		3/10/2009	
Square Footage	40,197	22,104	-45.01%
Common Area	18,859	7,454	-60.48%
Above ground subtotal	21,338	14,650	-31.34%
Below ground subtotal			
Seilable Area	55,355	48,254	-12.83%
Total Above grade	74,214	55,708	-24.94%
Total Building	95,552	70,358	-26.37%
Façade Height			
North	62.0'	43.5'	-29.84%
Façade height measured at tallest continuous façade with minimum 10' offset from next building plane			



NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH

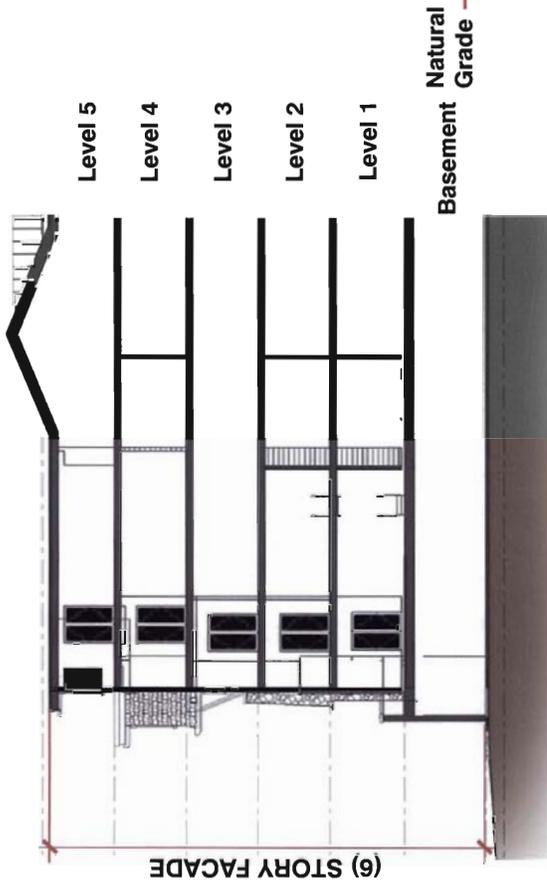
NORTH BUILDING AREA COMPARISON
REGENT PROPERTIES
2010.02.18
5



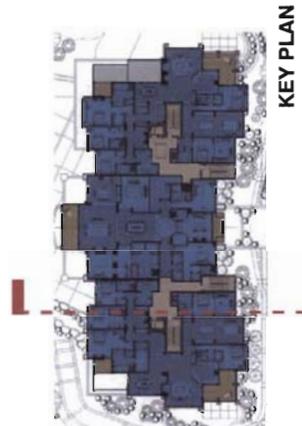
CURRENT DESIGN



KEY PLAN



PREVIOUS DESIGN



KEY PLAN

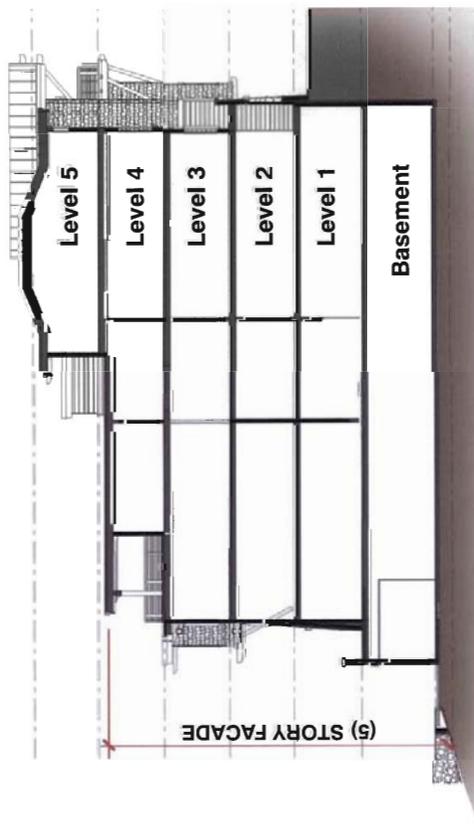
COMPARISON SECTIONS



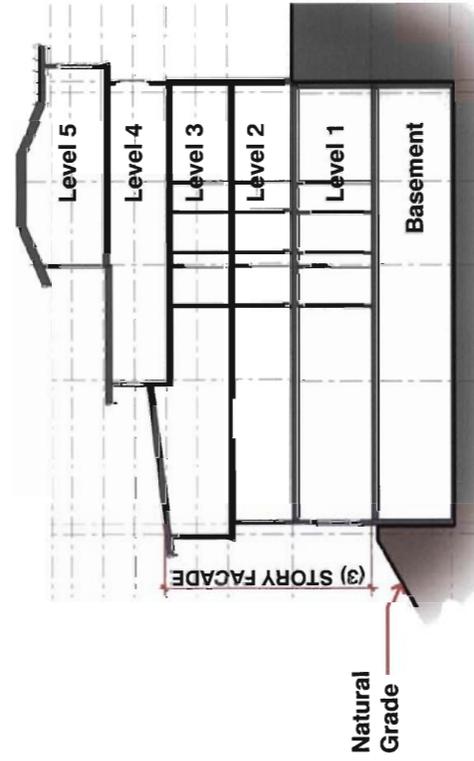
NORTH SILVER LAKE LODGE
 DEER VALLEY, UTAH



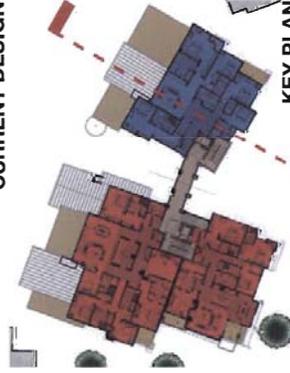
REGENT PROPERTIES
 2010.02.18
 6



PREVIOUS DESIGN



CURRENT DESIGN



COMPARISON SECTIONS



NORTH SILVER LAKE LODGE
 DEER VALLEY, UTAH



REGENT PROPERTIES
 2010.02.18
 7



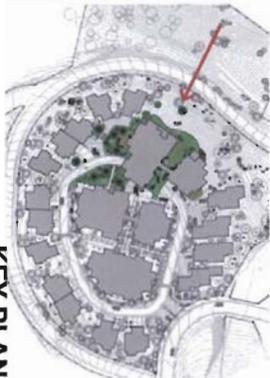
NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH



PREVIOUS DESIGN



CURRENT DESIGN



KEY PLAN

COMPARISON TO PREVIOUS DESIGN

REGENT PROPERTIES

2010.02.18

8



NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH



REGENT PROPERTIES
2010.02.18
9

VIEW FROM NORTH