

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 12, 2017

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Steve Joyce, Preston Campbell, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Makena Hawley, Planner; Tippe Morlan, Planner; Polly Samuels McLean, Assistant City Attorney, Jody Burnett, Outside Counsel

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REGULAR MEETING

ROLL CALL

Vice-Chair Joyce called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Strachan and Band, who were excused.

ADOPTION OF MINUTES

March 22, 2017

MOTION: Commissioner Thimm moved to APPROVE the minutes of March 22, 2017 as written. Commissioner Suesser seconded the motion. Commissioner Joyce abstained since he was absent from the March 22nd meeting.

PUBLIC COMMUNICATIONS

Rob Harris stated that he was building a home on King Road. He was in the process of Design Review and he was willing to comply with all the current LMC requirements. However, he was confused about the green roof. The LMC requires 1500 square feet of sod that has to be irrigated and maintained. As the Planning Commission moves forward, he would like the LMC to allow other things such as better insulation or a cistern, which would be more green than a sod roof that needs to be watered.

Vice-Chair Joyce noted that green roofs were on the list of LMC changes that would eventually come to the Planning Commission for review and input.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that Commissioner Suesser would not be attending the meeting on April 26th and Commissioner Joyce would miss the meeting on May 10th. He wanted to

make sure that the other Commissioners would be attending those meetings so they would have a quorum.

Commissioner Phillips disclosed that he would be recusing himself from the Alice Claim subdivision and Plat Amendment item on the agenda this evening due to a prior working relationship with the applicant.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 1302 Norfolk Avenue – Appeal of a building permit (BD-17-23686) denial based upon the Community Development Director’s determination that there was already an active land use application for a Determination of Significance (DOS). (Application PL-17-03487)

Director Erickson reported that this item is an appeal of the Planning Director’s determination on an active land use permit on a Determination of Significance. The Appellant had requested that the Planning Commission continue this item to July 26, 2017.

Director Erickson requested that the Planning Commission conduct a public hearing and continue this item to July 26th.

Vice-chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Suesser moved to CONTINUE the quasi-judicial appeal regarding 1302 Norfolk Avenue to July 26, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. Land Management Code (LMC) amendments - Administrative and substantive amendments to the Park City Development Code, specifically amending Land Management Code Chapter 15-2.7 Recreation and Open Space (ROS) District; 15-2.13 Residential Development (RD) District; 15-6 Master Planned Developments; and Chapter 15-15 Defined Terms

Director Erickson stated that the Staff was proceeding with additional revisions to the MPD Section for affordable housing and essential public facilities. The revisions were currently being reviewed by other City departments to make sure the system will be efficient for affordable housing. In addition, the distinction in the residential District and the Open

Space District for essential public facilities makes a distinction between essential facilities and, for example, recreation facilities. Once the reports are back the Staff will bring the revisions to the Planning Commission for review and input.

Vice-chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE the Land Management Code Amendments to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **2467 Iron Mountain Drive –The applicant is proposing to adjust dimensions of the Building Pad on Lot 43 Iron Canyon Subdivision without increasing the 4,000 sf. allowed area. (Application PL-17-03478)**

Planner Makena Hawley reviewed the proposed plat amendment to adjust the dimensions of the building pad on Lot 43, 2467 Iron Mountain Drive. The Staff finds that the allowed square footage of 4,000 square feet remains the same, and it is consistent with the development in the neighborhood. A condition of approval requires compliance with all other Iron Canyon subdivision requirements.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

Steve Schuler with Summit Engineering, representing the applicant, noted that the square footage of the original building will remain exactly the same at 4,000 square feet. This proposal only rearranges the square footage to reflect the new architecture proposed for the lot.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council for the Iron Canyon Subdivision building pad adjustment for Lot 43, based on

the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2467 Iron Mountain Drive

1. The property is located at 2467 Iron Mountain Drive.
2. The property is in the Single Family (SF) District.
3. Adjacent land uses are single family residential.
4. The subject property consists of Lot 43 of the Iron Canyon Subdivision, approved in 1983.
5. The plat amendment changes small portions of the “Building Pad” area shown on the Iron Canyon Subdivision plat (recorded in 1983) to adapt to the current proposed design of the new residence.
6. The building pad is proposed to be the same square footage as the platted building pad (4,000 sf.) and in the same general location.
7. The entire site contains a total area of 3.1308 acres.
8. On February 16, 2017, the City received a Plat Amendment application for the Iron Canyon Subdivision Amendment to Lot 43; the application was deemed complete on February 27, 2016.
9. Four (4) lots within the Iron Canyon Subdivision have completed similar building pad adjustments including the following: Lots 4, 5, 11 and 29.
10. Staff finds that the proposed plat amendment results in a building pad that is consistent with the pattern of development in the neighborhood.
11. Per the existing plat, the maximum building pad is 4,000 sf. and this plat amendment results in a building pad that is not greater than 4,000 sf.
12. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 2467 Iron Mountain Drive

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 2467 Iron Mountain Drive

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement along the frontage of Iron Mountain Drive shall be shown on the plat.
4. Modified 13-D sprinklers are required by the Chief Building Official for new construction at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. New construction shall comply with Land Management Code Section 15-2.2 regarding setbacks, building height, building envelope, building pad, etc.
6. All other conditions of approval and platted requirements for the Iron Canyon Subdivision continue to apply and shall be noted on the plat.

2. **2700 Deer Valley Drive B101 – A condominium plat amendment requesting to convert the existing common attic area into private area for Unit B101. (Application PL-16-03208)**

Planner Tippe Morlan reviewed the request to amend the existing Courchevel Condos at Deer Valley condominium plat, specifically Unit B101. The applicant would like to convert the existing common attic area of 314 square feet above the unit into private area for Unit

B101, with the intention of converting it into an additional bedroom and bathroom. A new window in that area will be required to be shown on the building plans.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council. Planner Morlan stated that there was good cause since it does not increase the building footprint, and all of the construction will be done within an existing building. Additional parking will not be required beyond what is currently provided. The proposal is consistent with the provisions for the Deer Valley Master Plan.

Mike Johnson from Summit Engineering, representing the applicant, was present to answer questions.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council with regard to the Sixth Amendment to the Courchevel Condominiums at Deer Valley plat amending Unit B101, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2700 Deer Valley Drive – B101

1. The property is located at 2700 Deer Valley Drive East.
2. The Courchevel Condominium at Deer Valley plat was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.
3. The Courchevel Condominiums at Deer Valley plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage.
4. There are two (2) access driveways from the garage to Deer Valley Drive East.
5. In November of 1989, an amended plat was approved and recorded increasing the

number of residential condominium units to forty-one (41).

6. In February of 2012, a second plat amendment was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area.

7. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed.

8. The second amendment reflected that Building A was not built and removed it from the plat.

9. In December of 2012, a third plat amendment was recorded. This third amendment converted 470 square feet of common attic area above Unit B304 to private area.

10. In January of 2013, a fourth plat amendment was recorded. This fourth amendment converted 608 square feet of common attic area above Unit B202 to private area.

11. In January of 2013, a fifth plat amendment was recorded. This fifth amendment converted 139 square feet of common space to private area for Unit C301.

12. Currently there are 27 condominium units and 31 underground parking spaces.

13. Each existing condominium unit contains 759 square feet, except for Units B301, B303, and B304, which contain a total of 1,367 square feet, Unit B202 which contains 1,229 square feet, and Unit C301 which contains 898 square feet. Unit B101, if approved, will contain 1073.4 square feet.

14. The property is subject to requirements and restrictions of the Deer Valley Resort 12th Amended and Restated Large Scale MPD.

15. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel.

16. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property.

17. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet. The existing residential square footage for the 27 condominium units is 23,240.4 square feet, including the pending 314.4 square feet for Unit B101 subject

to approval of the Sixth Amendment.

18. On June 9, 2016, the City received a completed application for a Sixth Amendment to the Courchevel Condominiums at Deer Valley plat requesting conversion of 314.4 square feet of common attic space above Unit B101 to private area.

19. Unit B101 is located on the second floor of Building B.

20. In February 2017, Courchevel Condominium owner's association voted unanimously (with more than 2/3rds of members voting) to approve the conversion of 314.4 square feet of common attic space to private area for Unit B101.

21. There are no exterior changes proposed.

22. The proposed amendment is consistent with the purpose statements of the district.

23. Unit B101 would increase by 314.4 square feet from 759 square feet to 1,073.4 square feet, and the total floor area would become 23,240.4 square feet.

24. The total proposed UEs for the project, including the pending Sixth Amendment, would be 11.62 UEs.

25. The current Deer Valley MPD allows 13.5 UE for Courchevel Condominiums. If this amendment is approved and recorded there will be 3,759 square feet (1.88 UEs) of floor area remaining for future conversion of common area to private area. An additional 0.5 parking space would be required for each unit that exceeds 1,000 square feet, unless a parking exception is approved by the Planning Commission per LMC Section 15-3-7.

26. The building does not exceed the allowable 35' building height and there are no nonconforming setback issues.

27. All construction is proposed within the existing building envelope.

28. The current LMC requires one and a half (1.5) spaces for each unit greater than 1,000 square feet and less than 2,000 square feet. The proposed Sixth Amendment complies with this requirement.

29. Twenty-nine and a half (29.5) parking spaces will be required and thirty-one (31) spaces will exist with approval of the Sixth Amendment.

30. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route.

31. The expanded unit would comply with the current parking code.

Conclusions of Law – 2700 Deer Valley Drive – B101

1. There is good cause for this amendment to the plat.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended plat is consistent with the 12th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 2700 Deer Valley Drive – B101

1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the 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 for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Deer Valley Resort 12th Amended and Restated Large Scale MPD and the amended Courchevel Condominiums at Deer Valley plats shall continue to apply.
4. The applicant may submit an application for a building permit according to City procedures after this plat amendment has been recorded.

NOTE: The Treasure Hill portion of the Minutes is a verbatim transcript.

1. **Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan (Application PL-08-00370)**

Planner

Astorga: Francisco Astorga for the Planning Department. We have before you the Treasure Conditional Use Permit. To start out my portion, my presentation, I'd simply like to say that we do not have a traffic and transportation study in front of us that we're showing you because we haven't received it yet. The applicant is still working on that. I'll let them explain the, the delay.

I personally do not want to advertise that we're going to go ahead and bring it forth on May 10th, during the next meeting, just because we've tried doing that for several meetings. So our commitment is that once we receive it---it, it's obviously public record. And as soon as we receive it we'll place it on the next agenda that we will be reviewing the Treasure Conditional Use Permit. I, I would like to move forward with, with that.

As requested by the applicant, we'd like to have an introduction to conditional use permit criteria 7, 9, 10 and 12. Criteria 7 is Fencing, Screening and Landscaping to separate the use from adjoining uses, on page 106 of your Staff report. The applicant suggested that we review two sheets; Sheet V-12 and V-04. For Criteria 9, Usable Open Space, they've recommended that we review Sheet V-11 and Sheet SP1. For Criteria 10, Signs and Lighting, they've asked that we look at Sheet V-14. And for Criteria 12, Noise, Vibration, Odors, Steam or other mechanical factors that might affect people and property off-site, they requested that we look at Sheet V-13 and P2. They also suggest that we look at the, the plan on V-1 and the written...and the written explanation known as Appendix A1, right? That's it.

Shawn

Ferrin: Yeah.

Planner

Astorga: As noted on your Staff report, on page 107, Criteria 7, fencing, screening and landscaping, they've submitted a plan which has areas that are to be landscaped in the future. Staff would like to further define what exactly it is being proposed as landscaping. If we review that sheet, which we can pull it up should you request that, it simply identifies areas to be landscaped. We find that we need more information in order for us to do a full analysis.

Regarding Criteria 10, signs and lighting, it gets a little bit different. And I would like to speak about signs first. The Code, the Municipal Code, which

is Title 14, which is not part of our Land Management Code. For some reason we've got the Sign Code in a different title, but it's also part of the Municipal Code. That title, Title 14, the Sign Code indicates that any multi-tenant building requires a master sign plan. That master sign plan is usually reviewed and approved and after a conditional use permit; and it can be, obviously, be reviewed concurrently with any applicable building permit. But we have not received the specific of the signage that's supposed to go on site, other than an overall site plan and an X marks the spot here for this type of sign and Y marks the spot for another type of sign there. So I'm really unable to comment on if the proposed signs meet applicable codes. Obviously, the applicant has agreed that it will meet the Code. I just can't confirm that because I don't have such, such specific information, which is not out of the norm. That master sign plan is reviewed administratively by Staff. It does not require a public. And, however, I do point that out because it is Criteria 10, which is part of the mitigation that they're supposed to propose to minimize or to remove any specific negative impacts of that specific component, which is signs.

And then to move on to the second portion of Criteria 10, which is lighting, I have an entire section in the Land Management Code that ranges from the specific spacing of lighting and lumens and whatnot regarding to lighting, which the applicant has simply not submitted at this point. Unlike the master sign plan, I don't have a separate application currently in the Planning Department that takes care of all the lighting. So I am---again, very similar to the fencing, screening and landscaping, which is Criteria 7, unable comment with such compliance, other than the applicant's commitment, which they said it will comply with the Lighting Code. Oh, and they've also submitted... they reference Appendix 13 for their signage and lighting. I've attached it to the Staff report, but again, it simply says the same statement, it will comply with dark skies and with applicable codes.

Regarding Criteria 12, noise, vibration and odors, the applicant submitted a site plan with corresponding building cross sections that identify specific areas for noise, and that specific distance to that next property. I'm not sure, or...no, I am sure. They haven't submitted anything additional to how they are mitigating that impact. It could be that they're simply saying nothing else needs to be done because of the distance of separation between that specific area and the, and the following property. We will be more than happy to examine that Exhibit before you.

And then the last item, which is Criteria 9, usable open space, the entire master plan, the Sweeney Properties Master Plan, dedicated a big portion towards open space. And we've got the calculation in front of us. And this is one that Staff finds that it does meet the requirement of the Master Plan, as well as the existing Code regarding this specific conditional use permit criteria.

I will be more than happy to spend any additional time, or we can pull up any of these exhibits. They're not that many. But we do find that, that, for that last one, that it, it does meet the open space requirements.

On a side note, as we were reviewing the, the areas, we identified several areas throughout the property that have at least two restaurant areas for outdoor dining. And they're also shown on the site plan two areas for the two ballrooms that have an extension towards an outdoor patio. While those areas should be approved through that specific permit; for example, for the outdoor dining, it requires an administrative conditional use permit. We, we are...Staff is indicating that we should really take a look at that at a later date, and we should not approve any of those areas until they go through that specific process, which may be after the conditional use permit is resolved and the appropriate tenant is found for that restaurant. And then before that, before those areas can be activated...obviously they can't use those areas until they apply and receive approval for those proper permits. We don't want to treat them differently. That's how all outdoor areas are approved, through that subsequent application. So the, the ones...and we are saying that simply because we do consider those uses subordinate, for lack of a better term, to the overall use of, of the project.

So the ones that I do have a specific process and procedure in the Planning Department for a separate approval, are for the outdoor spaces and for the Master Sign Plan. Everything else, we find that we should be looking at specific at this stage, at conditional use permit. As a reminder, once a conditional use permit is approved, then that use is approved and then the applicant is able to move forward with applying for a building permit.

So I just wanted to just remind you a little bit of the process so we could take a look at those specific recommended conditional use permit criteria by the applicant as they've requested that we look at 7, 9, 10 and 12 this evening.

That's all I have for you, but like I said, I will be more than happy to connect my computer. We can bring up any of the suggested sheets that were

requested and recommended by the applicant. And we'll go from there. Obviously, the applicant to my right, they'd like to present to you. But I don't know if you would like me to answer any questions at this stage, or if you want to hold them off towards the end of their presentation.

Commissioner

Suesser: I have a question for you. When you did your calculation of the open space, was it consistent with the applicant's exhibit showing the natural open space and the usable open space. Was it consistent with that exhibit?

Planner

Astorga: It was. Yes.

Commissioner

Suesser: Okay.

Vice-Chair

Joyce: Anything else?

Commissioner

Thimm: Francisco, when you were mentioning that there was a need for more information on landscape areas, you talked about future landscape areas versus, for lack of a better term, non-future landscape areas. Can you kind of expound on that a little bit, what you're...where you're heading?

Planner

Astorga: Yeah. I don't know exactly what you mean. Let me pull up that section.

Commissioner

Thimm: So you, you said you needed, that there was a need to understand more about how the areas are sort of broken down in terms of the landscape areas. And you mentioned some of it is called future? Maybe I missed...

Planner

Astorga: Is that something...

Commissioner

Thimm: Maybe I missed, missed what you said during your open monologue there, but...

Commissioner

Phillips: I, I heard the same thing. You, you talked about future landscaping.

Commissioner

Suesser: Just the need to have the details of what the future landscaping will be?

Commissioner

Thimm: I'm just curious what, where, where you're headed there. So are we...

Planner

Astorga: I'm on page 107, Criteria 7, where it says, "The referenced exhibit consists of the site plan with the location of the skier safety and perimeter fencing, pool area with safety fencing and landscaping screening area. The referenced exhibit and the written pictorial explanation do not indicated specifics about the proposal, but rather focus on preliminary concepts. Specific components need to be reflected on the plans. These components include but are not limited to each proposed fence to indicate its proposed material and detail. Landscape plan to show proposed plant name, quantity, size, locations, and spacing, etc. each proposed mitigation and strategy needs to be listed and identified".

Commissioner

Thimm: Okay. So maybe you were talking about there would be more detail coming to us in the future.

Planner

Astorga: I, I would hope so.

Commissioner

Thimm: Yeah. Okay. Now, now I get. It.

Planner

Astorga: Because if, if we pull up that exhibit B-12, all we have is an area identified as area to be landscaped.

Commissioner

Thimm: Right. Okay. I, I get it now. I thought that we were talking about some sort of a layered plan or something that would have something that does in now and something that goes in later or something. But now, now I see where you're headed. Sorry.

Planner

Astorga: No, it's okay.

Commissioner

Thimm: Okay.

Vice-Chair

Joyce: Anything else for Francisco before...

Commissioner

Phillips: You know, I...so, so you said that the signs can be done administratively, and the outdoor space as far as the use, correct?

Planner

Astorga: Yeah, correct. The reason why we can't really make a determination on the outdoor dining is because we need to have specifics.

Commissioner

Phillips: Right.

Planner

Astorga: How many tables are they going to have? They're going to say, we don't know, that's up to that restaurant owner to decide.

Commissioner

Phillips: Yeah. And it's standard?

Planner

Astorga: That, that is standard.

Commissioner

Phillips: But then, but then we're also tasked to make sure there's mitigation in place, so...

Planner

Astorga: You're absolutely right.

Commissioner

Phillips: Okay. I just wanted to make sure I was clear. So if you do it administratively, my concern would be that the public and us don't have as much input.

Planner

Astorga: You're absolutely right in terms of that. Both of those permits don't require a public hearing. The outdoor dining spaces do require that we send letters to adjacent property owners instead of sending a notice to property owners within 300 feet like they, like it is required for a conditional use permit. And the master sign plan requires no noticing. It doesn't require any noticing of any type. They submit the application, the Planning Department reviews for compliance, and that's it.

Director

Erickson: But, but I do think, Commissioner Phillips, that the Planning Commission in the consideration of the adequately mitigated section of the conditional use permit says that you could establish some criteria under which we would issue the administrative conditional use permit for outdoor dining and lighting. So, for example, as the discussion goes forward and the applicant, perhaps, I'm speculating now, submits a plan for internally illuminated light, the Planning Commission can determine that that may not be appropriate on the external side of the building facing the neighborhood. You may want it to be down lit. So those kind of mitigation strategies we've asked for additional information on. And we would expect you to be able to establish some criteria under which we would push those other permits.

Commissioner

Phillips: Okay.

Director

Erickson: Does that make sense?

Commissioner

Phillips: Yeah, yeah. No, I just...

Director

Erickson: Okay. Thank you. Sorry.

Commissioner

Phillips: Wanted to kind of know kind of where we have the ability to still...

Director

Erickson: That's where we are.

Commissioner

Phillips: Okay.

Planner

Astorga: And I do apologize that I did not hyperlink the Sign Code where we can take a look at that. However, I think at this stage, with all due respect, you'd be overwhelmed. I mean, I've got a ton of information to show you, and it would be somewhat difficult for me to...for you to say, yeah, we're, we're completely comfortable saying that it shall comply with it. Done. That would be the challenge. We can get into that Sign Code and I could tell you specifically, well, we believe these signs would be proposed, and this is the criteria and this is the standard. And then we would say is the Planning Commission comfortable saying that we will handle that like, you know, administratively per this Code that they have to abide by.

Commissioner

Phillips: Okay. That, that answers my questions for now.

Vice-Chair

Joyce: Anything else? All right. You guys have a show for us?

Shawn

Ferrin: Good evening, Shawn Ferrin.

Pat

Sweeney: Shawn Ferrin is going to start the show.

Shawn

Ferrin: Good evening. I just wanted to give you a little bit of an overview about where we are in the entire process. We continue to push on the traffic report, which we know you are anxious, excited, can't wait for. We anticipate getting it from the traffic engineer this week. And we do anticipate being able to talk about it at the next meeting. I understand Francisco's concern about making sure he gets it in time to review it and go through it. But that's our plan is to be talking about traffic next.

I also want you to know that we're spending a lot of time with architects and designers working through some refinements of the project as you've talked about. Things that...based upon the comments we've gotten from you. Reducing volume and square footage, reducing excavation, decreasing the cliffscapes, increasing building efficiency, creating more stepping elements.

We're working on that. Again, that is not a quick process, as you know, going back and making those refinements. The Treasure team is working very hard on it and hope to have that to you very quickly as well so you can see the refinements.

To touch just a little bit on this issue that Commissioner Thimm and Francisco were talking about, I don't think that you want to see a full landscaping plan and a full lighting plan and a full signage plan. That's not appropriate at the conditional use permit level. And so when I read the Staff report to say I don't have enough information about it, that means that it's an issue out there that needs to be addressed at some point, but not necessarily at the time the conditional use permit approval is given. It can be addressed with, and this is something that needs to be looked at and addressed in this way going forward. So not all of these issues are conditional use permit approval issues. Maybe they are criteria or conditions to the permit.

We think that with respect to the issues that Pat and Steve are going to talk about tonight, the application looked at in total complies fully with the requirements of the CUP on these issues with respect to signage and fencing and noise. And so I'm going to turn the time over to them to talk about that.

Pat
Sweeney:

What, what we thought would be most useful would be for Steve and I to go back and forth. He'll be commenting on my comments and visa-versa. We have a technical issue that all this was set up on an, an Apple device, and apparently the new system doesn't like Apple. So we've shifted it over to Windows, which doesn't like Apple, either. So, we do have all the information that Francisco's referred to in PDF form that we can scroll any of the, any of the items that Francisco mentioned.

A lot of these things have been covered in our submitted plans and appendices in previous meetings, but, you know, that's not particularly helpful to you. So we're going to try and get into the heart of the matter with respect to these four criteria. We're going to take them in order where one segues into the next. And so the first one will be usable open space, that's Criteria 9 of the CUP criteria. The second one will be fencing, screening, landscaping, and separation. That will be...that's Criteria 7 of the CUP process. The third one will be noise, vibration, odor, steam and other

mechanical factors. That's Criteria 12 of the CUP process. And the final one will be signs and lighting.

So we'll, we'll start with the first one in there, which would be the usable open space. And that's right there, Steve, you're right next to it. Right there, one up. There we go. And Steve's going to take that. So this really is a subject of one of the drawings in our application. One of the pictorial drawings. And Steve's going to find that. That's way up the top, Steve. Right there.

Steve

Perkins: Okay, and this drawing shows...well, I think, first to back up. You saw on the Exhibit for the outline for this topic that really, the master plan process established that open space was really the criteria for establishing the density in the Creole and the Mid-Station sites. And the original Sweeney Master Plan had 123 acres, and 109 of those acres have been dedicated as open space area. I think Francisco has outlined this already, but again, within those two parcels, those two area building boundaries, we were additionally required to maintain 70% open space, so that building footprints could occupy only 30% of that space. So this diagram here, which is in our package, in the visualization drawings, shows the open space areas and the various types.

Pat

Sweeney: Can, can you move your pointer around there on that, Steve, so you could show them the big space.

Steve

Perkins: Okay. So, project open space not intended for recreational use is primarily the steeper areas within the cliffscape areas that have been discussed at length. The project usable open space areas are the lighter green areas that primarily are in the central portion of the project in here. And then the dedicated open space outside of the project area or the building area boundaries is the darker green that's shown on here. And then this is an overview of the entire 123 acres, again with our project site right here.

Pat

Sweeney: One comment. A lot of the usable light green space that you see there is ski runs.

Steve

Perkins: Yes.

Vice-Chair

Joyce: Do you, do you want to take questions as we go or...

Steve

Perkins: I think that would be easier rather than skipping back afterwards.

Vice-Chair

Joyce: Trying to navigate back and forth? It's not directly related...well, I guess it kind of is. One, one of the things that we've talked about in past meetings is what's truly deemed to be the project boundaries, and discussion about what are building footprints versus the project boundaries versus the restricted open space zoning that was done, or recreational open space that was done. In this picture, it looks like there's a whole lot of cliffscape that's in...I'm just judging by the contour lines, there's a whole lot of cliffscape right up behind buildings, what's that four and five up in here, that, that are outside of what you've drawn as the project boundary lines. And they seem to be in the ROS part that was, was zoned, it changed for zoning. And when we looked at those line before, you guys have said, oh that's just the lines for, I forget what the map was that we were looking at, the particular plat. But you were describing those lines as being the area that was addressing building heights, and you said no that's part of the project. But it looks here like even in your own things, those cliffscapes are all outside the...or not all. Most of the, most of the cliffscapes are outside the project lines.

Pat

Sweeney: I'll address that, Steve. Can you go to the, to the first drawing in that stack, the very first one? Probably the best way, Steve, to explain that is the way we look at it is, our family started with that piece in green, and also some area down by the old Coalition building and some lots in between. And we took three-fifths of the density, the paper density from this based on zoning at the time, and reduced that by two-fifths. So we took three-fifths and, at the request of the City, put it down here.

Our perspective is that the land in the Master Plan that's available to serve the Master Plan is this entire area, subject to all the underlying commitments we've made with the ski area, the City, and others. A good example of how that works, and there's three of them to date, that led to the first three plats on the hillside portion, are the upper Norfolk lots. There's two of them at the end of upper Norfolk. I built one, a friend built another, and subsequently our friends bought that one. But when we did that we, we put in a lot of

improvements on those two lots that allowed ski access to upper Norfolk. And those improvements were outside of quote, unquote, the building area zone, or the building area limits. And they resulted in grading that went outside the platted lot lines. And all, all the dirt, all the dirt was put on the ski run, the lower part of Quit'N Time and so that the ski run could be made wider. And also in the process we created a better norther exposure.

All that activity happened outside of the building zone, or building limits. Our interpretation of those is that that's where the structure would go, the occupied structures. The same thing happened in the next plat, which involved the two homes built by Larry Meadows, the Fifth Street homes. Once again, there, there were significant retaining walls relative to those homes, and between those homes that are outside the quote, unquote, building area limits. And all, we took all of the dirt from those two homes and put them on lower Quit'N Time and improved it even more. And then finally, on the third plat that has been created from this piece is where my current home is. It's a small home but I disturbed about four acres to put in a water line down to the water line at the bottom of Quit'N Time. Disturbed it once again when it broke, when it leaked like a sieve. And so, although I'm well within my building area limits and I don't have any structures outside of there, there was a lot of work in regrading that went on in the ROS. And with that site also we didn't haul any dirt off-site. The only thing we hauled off-site was trash.

So we look at, we look at this project as a similar situation, but obviously of a great magnitude because of the unit equivalents. I don't know if that answers your question.

Vice-Chair
Joyce:

I, I don't want to get too deep in it tonight. I said, I started with, it's kind of a side note. But it was just interesting to see the borders up the, the project borders. I think this will come back to us again, but I just kind of wanted to point it out when you were looking...even, even the charts that you were showing us when, when the area were kind of outlined as here's the two chunks of land that we were moving all the density into, I, I don't think there were....I'm not going to put words into my fellow Commissioners' mouths, but I wouldn't have as much concern if there was something like, we're putting dirt into a ski run to level something out, and then we're going to come back in and grass it in, whatever. I think the concern that I've personally have had is, is, you know, it's a hundred foot permanent cliffscape. So it's not a question of was it a temporary thing that we did that goes away. It, it's a

giant retaining wall that's forever, hopefully. And so I just, when we come back to that I just want to make...this is kind of a good one for us to come back and grab. But I appreciate the description.

Pat

Sweeney: Okay. And Steve's going to get into some of those questions you raised. And to finish up with Criteria 9, which is the first item, the key concept is that the source of our intensity was really transferred from what became open space. And that was the idea behind that entire master plan.

The next criteria that we're going to cover is one that follows, which is the more detailed landscaping items that you started to mention, Steve. But, and Steve Perkins is going to talk about those. And, and they, they are criteria two, the second item, Criteria 7 of the CUP criteria, fencing, screening and landscaping to separate the use from adjoining uses.

Steve

Perkins: I'm going to go ahead and read through this outline, because I think if I try to jump back and forth between the outline and the pictures it's going to be a very difficult presentation to follow. Anyway, what, what I want to talk about is, as Pat said, the criteria number 7, which really talks about how we separate our project from our neighbors and, and adjacent uses. And so the first thing to talk about is that...and I'm going to jump a little bit here. The original Master Plan, part of the Master Plan approval was that there would be significant setbacks and buffers established as part of that. So when you start looking at the areas that we have intervening between our neighbors and our project, they are significant. Especially when you look along, for instance, in here, we have significant separation between neighborhood and our buildings. As you look on the western border here, along the four buildings, there's significant separation between our buildings and the neighborhood. Probably the closest relationship is along the Lowell frontage. And as you all know, that is our single point of access, and we really have to be close to that. And I'll talk about how we're dealing with sort of mitigating some of that with vegetation in a second.

So anyway, in addition to that separation, we, we are going to propose, as Francisco said, significant landscaping. But I want to...just in, in terms of discussing the criteria in order here, Francisco mentioned fencing specifically. We really have not proposed any fencing to separate our project from the neighbors. The fencing that we have proposed is primarily safety fencing related to skiing and, and also for protection

people above the cliffscapes. And I'm going to go to exhibit in our written and pictorial, which is Exhibit 33.

Pat
Sweeney: Page 33.

Steve
Perkins: Page 33. Sorry. See if I can find it here. Okay. If you, if you go to page 33, you will see that even though it is, there's not a construction detail describing what those safety fences are, there is significant details as to how they're to be constructed. And in fact, some of these fences are already in place along the ski runs and along...

Pat
Sweeney: Upper, upper Norfolk, Town, Town Bridge, town run.

Steve
Perkins: So those include [inaudible] posts with 3/16" stainless steel wire spaced at 3-1/2". And located uphill from those will also be fences that the Park City Mountain Resort requires for temporary fencing, which will be constructed from 12' high, 4 x 5 wood posts set in concrete, located 30 feet apart with 3/4" galvanized eye bolts in them that they can then connect temporary fencing to. So from a fencing standpoint I think we do have some detail in there. And we're not proposing any other types of fencing, walls, or anything else that has a vertical separation to our neighbors. We feel that both the topography and the separation of distance, and the supplemental landscape that we would be installing after the completion of buildings will do a substantially good job of doing that.

Commissioner
Phillips: Can I ask you as question?

Steve
Perkins: Sure.

Commissioner
Phillips: So are you proposing this type of fencing above the cliffscapes as well?

Steve
Perkins: Yes. Something similar to that, yes.

Pat

Sweeney: That's exactly where it needs to go to meet the safety requirements of Park City Mountain. If you look at the pictures. Steve, if you could.... we lost it. There's a picture there with a snow cad and a fence. That's on upper Norfolk. Same scenario. The upper trail that goes to Norfolk, there's a 20 foot drop there, and we have that same exact same system. We have a permanent stainless steel fence that's 6' tall. And then in addition to that on the inside towards the trail, the Resort required what they all the Halloween rope, which they string on, on those 4 x 4s that are 30' apart. And they can move the rope up as the snow level changes.

Planner

Astorga: If you look on page 115 of your packets you'll see the location of the proposed fence. What I'm hearing is that the fencing is not being proposed to separate uses. So if we're talking, going to talk about that criteria, let's focus on the screening and landscaping.

Steve

Perkins: Yes. That's our next topic. Okay. If you could look at your screens. There's really, in our minds, three sort of different types of landscape areas that we're going to be dealing with, with this project. The first one is sort of the frontage areas here, and the areas around the, the buildings, and the central amenities plaza, which would be more ornamental type of landscape experience.

The second area that we have to deal with is the ski runs and the lift areas going through the project. So we have ski runs here, a ski run coming through here, and then, of course, the areas immediately adjacent to the lift.

The third area that we will need to deal with from a landscape standpoint will be the cliffscapes, which will be quite steep, on the sides of the one buildings and the five buildings, and then also around here to the four buildings. And that has a whole different set of demands from a landscape standpoint. So, we have...the, the drawing that you see here, let me see if I can...this drawing, if you zoom in on it, and what I'm going to show you the area right along the Lowell Frontage, shows proposed tree plantings and ground covers, ground cover areas within the project. And the sort of bluish colored trees with the scalloped edges, these like right here, represent what we think would be a conifer location. The other tree symbols, the lighter green and the green with this orange represent

what we think would be deciduous trees. Now to go in and at this point designate each and every one of these trees by species is perhaps, I think, a little bit...it's very time consuming and very expensive. And we don't know at this point whether we're even going to be landscaping a project similar to this. But in response to Francisco's request, we prepared some additional landscape guidelines.

Pat

Sweeney: Steve, they're down towards the very bottom of your stack. Just hit the pedal and then back up. Right there. I'm sorry. Keep going. This all was put together and then taken apart by technology, so. There it is.

Steve

Perkins: Okay. A draft, where we have listed not only some landscape species for each of these planting zones, but some sort of more general guidelines as to how they might be approached. And, and each...all these plants that we're going to, that are on this list, and we will give this list to Francisco and we will let him review it. And we will be glad to discuss the plant species that are listed.

Pat

Sweeney: And also, I want to point, the reason we got draft on there is because we're interested in what you all are going to say and what the Staff says in terms of what type of plants. What the, what the menu is, so to speak, before we go into a lot more detail. But we think we've covered the logical choices for you all. I mean, the ones that I think you see every day driving up and down the streets of Park City walking, and that you approve.

Steve

Perkins: And also, I think, Park City as a community is very cognizant of the fact that landscaping is a major water use in the community. Most of these plants have been selected because they are either native or low water use, and that they are compatible and will do well and flourish in a Park City environment. General principles are, is that we see the landscape plantings as being informal rather than formal. We think that that fits better with the location, the site, the adjacency to open space areas. We also think that the tree plantings give us opportunity to buffer, buffer from our adjacent neighbors, to soften the architecture, and to, so to create shade and visual variety within central spaces. Obviously, there are some concerns that we have interfaces with the natural environment that we

maintain. Sort of good wildfire practices in terms of laddering and fuel loads and that sort of thing.

All, all the planting will be irrigated with a drip or low flow system. We may have...in the cliffscape areas we have no...cliffscapes and ski trails, actually, would have no permanent irrigation. We may have some temporary irrigation there to help establishment of trees earlier on, larger trees and shrubs, but typically that's going to be an unirrigated area down the road. We would use weather smart irrigation controllers that are based on an evaporative [inaudible] rate. And we would allow, obviously, some of the operational issues, having the system easy to drain for winter time shutdown. And we would also utilize mulch, either gravel or bark, to reduce evaporative [inaudible].

The, the plant materials that we've selected, the next page, are ones that are available commercially, locally. A lot of them are natives and many of them are drought tolerant. You can see the list. I'm not going to go through it. We also have, obviously, the opportunity to do some annual perennial plantings. In terms of lawn areas, we will comply with the code that restricts the amount of that lawn area. We see, we see that that is a desirable thing only to be used in specific areas adjacent to active outdoor use areas.

On the ski trails we're using a hydro seed mix that has been used and tested by the resort already. So it's similar to the mix that they also apply for revegetation on the ski slopes. Where we have the lift terminus, we will probably use some lawn there, similar to the lawn that's at the terminus of the Town Lift base.

And then in the cliffscape areas, we'll use a combination of hydro-seeded shrubs and grasses. And then where we can create planting pockets with deeper soils, we will then go ahead and plant on site larger trees and shrubs in those pockets.

Our expectation is that over time there is going to be native species that are going to naturalize in those areas as well. So in the combination of those two, we will get an establishment of sort of a native plant community. All the plants suggested for the cliffscapes are natives.

From a maintenance standpoint, all these areas would be maintained. And especially on the cliffscape and the ski trail areas we would be sure

to eliminate any noxious or invasive plants. And that would be an ongoing maintenance thing, there. Questions?

Commissioner

Thimm: So in these guidelines, so this is a palette that I guess that can be looked at in terms of planting materials and that sort of thing for, you know, as you indicated something that will be vital and, and will survive. Is there anything in here that speaks to maturity or caliper size or anything?

Steve

Perkins: We didn't, we didn't list anything about sizes going in. I think the important thing on planting is that we not over plant. This is especially true from a water use standpoint, that really the plant groupings and spacings be, the plants be located with spacing that would reflect the mature sizes rather than packing them in close together. And again, that means less plants so that the larger distribution of those plants would need less water.

Pat

Sweeney: Commissioner Thimm, I...regarding that you have some, I mean do, do you have some ideas? Would you like something along those lines or...

Commissioner

Thimm: Well, I, I think it's important that...in, in terms of the buffering and thinking about adjacent properties and that sort of thing. And if we're using planting materials as that mitigating factor, that they go in and have a level of maturity and a strong level of survivability, and, you know, enough size so they actually at day one start to achieve the buffering that, that we're talking about.

Steve

Perkins: I think that that actually is, is a neutral sort of benefit. Because that area is in fact our front door. And that's where we would also want to put larger plant materials. So I think, I mean, I don't see that as being a problem. I think that's probably going to happen in any case even if we didn't have the neighboring residences there. But I, I think we, we're more than happy to work with Staff and everything on that. And you look at specimen trees for those areas and to locate them where we can achieve the best sort of screening and buffering.

Commissioner

Thimm: I think that's a good idea.

Pat

Sweeney: Just so I'm clear on that, that's your main concern in terms of maturity upfront early on would be along the interface with the adjacent homes and the street.

Commissioner

Thimm: Especially there. I mean, we want to see everything survive and, and achieve the goals that we're talking about. This is an area that, you know, is viewed where we view ourselves as a place where people like to come and visit us and we like for them to have, I think, a proper backdrop for the rest of the City.

Steve

Perkins: Another consideration there, and it's not necessarily shown clearly on our plans, but from a grading standpoint, our anticipation is that we would be able to stack soil up against the, that parking structure, if you will, in those locations. That also, then, gives us the ability to give plant materials up higher, initially. So I think that that is also one of the things in our tool box that we can look at from a planting standpoint.

Commissioner

Thimm: Okay, thank you.

Vice-Chair

Joyce: Yeah, I had the, the same concern. And I think that the issue...you know, normally when we look at, you know, landscape plans and we're trying to buffer something out visually, the thing we're hiding is a ten foot wall or a two-story house or something like that. And you guys obviously have a challenge that we've never seen before in Park City where you have, you know, very large buildings in an area that's adjacent to much smaller buildings. And you guys recognize that, because when you look at the, all the visuals that you gave us of, you know, that we've gone through a number of times of looking at the building from different intersections and things like that, you had some pretty large tree plantings and things like that in there already established. And, obviously, you're not going to plant it to be full grown. But, I think that is something that we'd like to see some more detail on. And quite frankly, I'm much less concerned about anything that's like around the pool and between Building Four and Five

and things like that, and much more of the buffer both down along, what was it, Building Three and kind of along that line around the, as you get down to the string of the smaller building, but certainly around Lowell. And if there's a way that you could maybe sync up the things that you had shown us in those kind of visual diagrams that we had in such a way that we can look at and go, yeah, you know, you're not talking about planting a 20-foot tree. What you're showing us in the visuals is a 60-foot tree because, you know, that's nice 40 years from now or something. But, you know, we need to understand. Certainly things grow at different rates and some things are evergreens and some things are deciduous. And I think that's the piece that if you can help us not only with a little bit more detail, but maybe with some visual. I'm not looking for some big model or anything like that, but you've already kind of done a cut at that. So if you could go back and look at the things you already have shown us and figure out how...what, what would those be. Does that make sense?

Pat
Sweeney:

Yeah, actually, Steve, we're working on a 3-D model kind of along the lines of what Commissioner Phillips suggested some time ago, that we have that ability to show those individual trees and sizes, that kind of thing. It would be very helpful either from you all or the Staff to get an idea of what you think is a big pine tree going in up front. The survival of pine tree, fir, aspen, choke cherry, whatever we decide on as a group. And then we could, we could highlight those.

Vice-Chair
Joyce:

Well, I think, I think the first thing...we could go into a lot more detail. We just don't have much to work with here because you'd have to kind of go through area by area. The thing that, the thing that works really well when its sitting on top of a 10-foot retaining wall trying to hide the next 10-foot retaining wall is different than when you're right next to a house looking at a 40-foot side of a building that has stuff right behind it that almost looks like its adjacent. I mean, and all of a sudden your perception is you've got 80-feet of vertical right there. I don't think I can give you an answer to one tree that does both. So I think that's part of it is, unless we have differing opinions, at least both Commissioner Thimm and I have said look, it's the, it's the borders along to the other properties that's the areas we care about. And we, I'd like to hear kind of a story about the cliffscapes a little bit more. You talked about pockets and stuff, but is there real design to create those. But, I, I think if we could get into more detail of what the

different sections are and what the different pieces would be in each of those.

Director

Erickson: Here, here's where our kind of concerns that we'd like to bring to the Planning Commission. We'd like some careful thought with respect to the planting plan and the snow removal plan at the same time, in that we're not trying to plant large trees where we're projecting snow removal and snow storage. We'd like some micro-climate thought of having large trees up against what effectively is a heat sink on the east facing walls of those buildings. And so as we go through town and we review our previous landscaping plans, the heat sink of the retaining wall affects what vegetation can grow in front of it. We need to consider carefully how the vegetation interfaces with the sign plan. So all of those criteria.

I also think the Planning Commission maybe wants to consider the existing micro-clim on the side of that hill, and that most of the vegetation that is deciduous is oak brush and choke cherry, and that, that grows on the east faces. And the fir trees grow on the north facing. So if we attempt to reverse that trend we're not necessarily doing the right thing for the, for the site. So, those are the kind of details we're looking for. Not necessarily picking the exact plant as much as establishing the criteria.

So as we develop conditions of approval or conditions for denial, we've at least got some criteria to review the future plans against. And so would the Planning Commission consider those items as well at the request of the applicant?

Vice-Chair

Joyce: It would be...I think everybody's goal here would be, if we could get to a set of kind of generalized guidelines that the Planning Department could apply administratively at some, you know, some date in the future. If we could get to that level of agreement, then I think that just gets buried in conditions and we're good.

Anything else for this piece?

Pat

Sweeney: So regarding that, we, we will do the 3D. The written pictorial has kind of a story of how it all works. We'll work from that with Staff, and then we'll study what Bruce talked about. I think upper Norfolk homes that are now

15 years out are a good example. And we can maybe learn something from taking a look at those. There's probably some things we could have done better. But there's also some very good things.

Moving on. The next item tonight is the Criteria 12, which is noise, vibration, odors, steam and other mechanical factors that might affect people and property off site. And I'll be doing that.

Starting with the criteria. If you look at the slide the Criteria is 12. The condition is the first two lines, noise, vibration, odors steam and other mechanical factors that might affect people and property off site. The most important thing, we think, in regards to this is that there is an ordinance, it's been developed over the years. It's got a lot of detail. It's enforceable and, and it's in place. And we intend to comply with that completely. And the purpose of that, the noise ordinance is to manage really people being considerate of one another. And the principle guiding that is that...is of timing. And it's real specific. It's less than 65 dba from property line. That's PL, 10:00 p.m. to 7:00 a.m. And then on Sunday to 9:00 a.m. And that is because our distance is both horizontal and vertical, it's relatively easy for us to achieve.

And we intend to do better than that. Fortunately, our site is such that we are back and above our neighbors. And the mass and the structure will prevent that sound from penetrating, for the most part to our neighbors. And we really have more of a reflection problem up towards ourselves, which we intend to deal with, because we are our closes neighbors. And this is a residential project.

Distance is a mitigator. And Steve, if you could please go to the visualization drawing that shows that. And that would be up towards the top of your list there. It's right there. So there's, there's, we took...this drawing is from 2008. We took several locations and looked at the separation in terms of distance, vertical and horizontal. These are not to scale. For example, Section C, which Steve would you mind just hitting that with your mouse. So this is Section C. Anyway, this, can you read there, Steve, that number right there.

Steve
Perkins: 135.

Pat

Sweeney: 135 feet from here. This is an active area of gathering and outdoor dining. And this distance to the top of the...is 40 feet to the top of that home. And that, that is right here. It's probably our worst case scenario. And that, that distance is a key factor. And the other...I'm going to show you some other slides to deal with this, but I'm going to, while I'm right here I'm going to point out. We've got a fence here, a glass fence. Acoustical glass is a key factor around those areas that are...where there's activity. People talking, a lot of people talking, sometimes people drinking and eating. So in addition to those hours where you absolutely have to abide by those criteria, we intend to put acoustical glass fences here that will mitigate that significantly. And a well-designed acoustical fence will have two, two, that's like a double-pane window, but each pane is two layers of glass laminated with a substance material that absorbs sound. And they'll, they'll, across the range that humans can here, will drop the sound in the range of 20 to 30 dB, which is huge. And that's what these are.

And then another material I'm going to show you briefly is material that absorbs sounds, and we propose to have that type of material around all these areas where there's gatherings. So on that level the sound doesn't bounce around and is absorbed. And there's some very, very good systems to do that, and I'll show you some.

In addition, you have, you have areas where you have mechanical noise, louvers that come out for example, on this part of the project right here. The distance there is...this exhibit, 190 feet from here to our neighbors, which are downhill. Actually, it's this one here, Section F. What's that Section F?

Vice-Chair

Joyce: 155.

Pat

Sweeney: 155. And then what's to the top of the building?

Steve

Perkins: 55.

Pat

Sweeney: Yeah, 55. So that's a big difference. These are where the louvers would be. We're proposing sound louvers and basically they, I'll show you a cut of one that they, they suck the sound in, and the sound is converted in kinetic energy by glass and other substances.

So those are the things that in addition to the sound ordinance that we think are really significant mitigators. And I'm going check my list here to see if I left anything out. The other things that, that are important is the simple mass. And a good example of that is the, the ski lifts right here where you have those two terminals, the one, the quad going up and the cabriolet going down, you have this mass here that, that protects the neighbors down below, Gary Kimball, in particular. And that, that sound is just not going to go through there. It's going to go up and then you've got lots of distance and the dB's will drop dramatically in that distance.

And then finally there's mechanical. I'm sorry. Really low frequency that you have to use double isolation and just good, good construction and design and details for things such as compressors, air conditioners, in particular.

I'm sorry, somebody had a question.

Commissioner

Suesser: You said this exhibit was created in 2008?

Pat

Sweeney: Pardon me?

Commissioner

Suesser: Did you say this exhibit was created in 2008?

Pat

Sweeney: Yes.

Commissioner

Suesser: Okay. Because, I think you need to take into consideration that a number of homes have been built around that corner of Lowell since 2008, I believe.

Pat

Sweeney: Actually, this shows the, the home that Andy Bell built. That's the one that one, one of the owners frequently talks at these meetings. That's the closest one.

Commissioner

Suesser: And what's the difference between that home and the funicular, for instance.

Pat

Sweeney: The funicular is up here. That's, that's really a ways. The...this, this section right here, actually, and this section here shows that home. And once again its not to scale. But it, it, there's, there's a lot of separation both horizontal and vertical, and then in addition to that, Laura, where we have those active spaces, we're proposing glass, acoustical glass fences that will drop that noise. And I'm going to go through some, a little bit of physics. It's not going to bore you too much, hopefully, but to demonstrate the principles here. And so Steve, can you go. It's up towards the top.

Commissioner

Phillips: So, so while you're doing that, will you guys be providing us this information about the glass and the, the different mitigations that you're planning on doing? So that we have...

Pat

Sweeney: Yes. We, we will. We've, we've done that in our written and pictorial, but we're going to take it in a different level. And then for each of these items we're going to create an appendices as part of our, of our presentation, our submittal, for example on noise. And we're going to try and get down to the nuts and bolts succinctly, clearly, specifically.

This, this is the basic concept, the distance. And it's, it, what it really boils down to without getting too complicated, is if you have 90 dB's which is, say people talking, a lot of people talking. I mean, really, like a party. A really loud restaurant. By the time you get to 52 feet away from that source, you, you go from 90 dB to 66 dB. And if you put an acoustical fence in here that drops that 90 down to 65, then in that same distance you go from 65 to 41 dB. And 41 dB is a quiet room, like a classroom or, or a [inaudible]. And it also happens to be if you take a sound meter around Park City it's pretty much ambient noise during the day. And that's

our goal. And we're comfortable saying we can meet that. And there's a lot of design detail at the time of final design that will need to be scrutinized and subject to some careful rules. But that's, that's all doable.

Can you show them the next slide down, Steve? So this is an example of this double laminated insulating acoustical glass. It's one manufacturer. This is the outside rating. Overall its 35 dB reduction. And all of these here are the different ranges. And if you can see those, which I can't from here, but the...it's, it's a remarkable amount of reduction of sound. And that's why I'm saying its possible. And once again, if you have a loud party, 90; or a loud, you know, luncheon or whatever, and there's one of those walls between that party and the City, and it absorbs that sound and lets 65 out, by the time it gets to our property line it's going to be in, in the quiet room range.

Show them the next one. This is one of the manufacturer's acoustical block of stainless steel outdoor rated material that has a frame, a stainless steel front and back. And inside there, I think, if I remember right, is glass. And it, it does the same thing, it sucks up the sound. And it doesn't, it converts kinetic energy and it doesn't bounce around. And this is a perfect material or something similar to put on those, on the walls on the inside of the project where those busy areas are. Once again, we are our closest neighbors. And our residences are not going to want a lot of noise. And we're going to be front and center if there is noise.

Can you show them the next slide? That's just a close up of that material. Next slide. This is how you can put it around chillers on roofs and it provides a screen. But it, it will dramatically reduce that noise.

Next slide. This is the performance data on that system I just showed you. There's 24 installations. And this is what they achieved in terms of dB reduction. And it's, this is log rhythmic, which means that's a whole lot of sound. And once again, if you have like a modern compressor, 90 dB's, on the other side of that wall it's going to be 65. And, and it's going to drop from there very quickly.

Next slide. This is an example of a sound absorbing louvre that would be in that one area I showed you. And the, the concept there is first of all you want to have mechanical equipment inside properly isolated with, with double mechanical isolation. And you want to get the stuff that's somebody's put some thought into making it quiet. And then you, where

the air comes out you put this and, and you can get a quiet system. We've got a situation like that on the roof of the Town Lift base that we've learned the hard way on. And it has a modern piece of equipment which reduced the dB's from 110 down to 85 range. And with this system we're down to where you're standing right next to it, about 70.

Next slide, I think is...we're done. So that, that wraps up noise, Criteria 12. And we have...any questions?

Commissioner

Thimm: Can, can I ask a couple of questions? So you mentioned, I think, in part of the discussion, a noise contour of 65 dba at a property line. Where is that? I mean, is that part of what's mitigated by the glass barrier, or...

Pat

Sweeney: Well, that's the Code. That's the Code, Doug.

Commissioner

Thimm: Oh, okay. So that is not a noise contour that...

Pat

Sweeney: That's the Code from 10 o'clock at night to 7:00 in the morning.

Commissioner

Thimm: Okay, so that, that's the basic code. Gotcha. Okay.

Pat

Sweeney: And, and what we're saying is we're going to obviously meet that Code, but we can do better than that at our property line.

Commissioner

Thimm: Okay.

Pat

Sweeney: Our goal would be to get to the ambient noise. In other words, what you go up there and hear right now.

Commissioner

Thimm: Okay. And then the only other thing is...so we, we've talked about all of these mitigating factors and distance and that sort of thing. I presume

that those are all based upon full occupancy. Do we have any idea what the noise is going to be like actually during construction?

Pat

Sweeney: Construction noise is a different beast, and that's handled by a construction mitigation plan. And the same basic principles adhere, which is distance equals sound reduction. And you can actually put those fences I showed you, that stainless, around the bottom of the construction site.

Shawn

Ferrin: And that will be addressed separately as part of the presentation of a construction mitigation plan.

Commissioner

Thimm: Oh, okay. Thank you.

Commissioner

Phillips: Can, can you go to V-13 again for a moment.

Pat

Sweeney: 13?

Commissioner

Phillips: Yes.

Pat

Sweeney: Okay, Steve, that's about the sixth one down from the top. From the very beginning and scroll down.

Commissioner

Phillips: So, I just want, want to ask you a question. So one, I want to know to what degree of scale these are. This is a good example, I think, of an area where we have multiple things that we're trying to mitigate. One is the visual with the trees that we already spoke on. Second being sound. And obviously you guys have put a lot of thought into that. But my question is, are these more of a boiler plate type section or is this a two-scale with the project?

Pat

Sweeney: It's, they're flattened. If you look, if you look at this distance, and somebody's going to have to read that for me.

Steve

Perkins: 135.

Pat

Sweeney: 135. And this is 45. It's not to scale. It's like this.

Commissioner

Phillips: So I, I would like to look at, at like section D. And, and so Section D, what, what I'd like to look at is the landscaping plan along with this. But Section D you have these trees that are also kind of a secondary buffer for, for sound, I would assume as well. So you have these trees. And my question is, are those trees really going to be at the level where they're going to be between the sound source and the neighbor?

Pat

Sweeney: The answer to that question is, we have, we have similar sections on our website that are from the architectural and engineering drawings that show that relationship. This is squashed.

Commissioner

Phillips: Okay, so this is, so this is more of a boiler plate?

Pat

Sweeney: Yeah, this is, this is schematic, very schematic. To be honest with you trees and bushes don't cut out very much sound. They're more a visual barrier so you need both.

Commissioner

Phillips: But you've got light. I mean, all these things that we're trying to impact the impact of the, the closeness to you and your neighbors.

Pat

Sweeney: And I think that these 3-D images that we will have we think in June, will help you appreciate that, the vertical relief there. And, and the vegetation wrapping around the building.

Commissioner

Phillips: Okay. Thank you.

Vice-Chair

Joyce: One, one of the things that would help me, Laura mentioned it, but there's a number of places where you've measured. And I would assume that the red lines are, because it seems pretty consistent. The length of the red line is kind of the distance that you got, but it kind of misses the nearest house. Like if you look at D and E, they actually skip the first house and go to the second. And if you look at G it goes by the first house and goes to the second. And, yeah, I wish you could kind of blow that...

Commissioner

Phillips: Can I, can I build on this real quick. I'm just curious to know. So if you guys, if you guys have a 3-D model could you not cut the actual section out of the model and kind of...

Pat

Sweeney: Well, this is more of a video rendering model. But we have sections on all of this, and what Steve is talking about is true. But the, basically where you have this house here, and I know it's there. I can't see it but I know it's there, it's a little bit outside that line. And it's, um, in one of these drawings it's ghosted in. And I think like here is that scenario. Is that what you're talking about?

Vice-Chair

Joyce: Yeah, I'm looking, I, I was just mostly paying attention to your actual map in the bottom right there that, that kind of shows where all the lines are.

Pat

Sweeney: If there's certain houses you want, it wouldn't be a big deal for us to do very accurate sections on those.

Vice-Chair

Joyce: So, so my answer is the closest one. I mean, it's just, like when I'm looking at your line G down there, which is the bottom red line, there's a house that's almost half the distance away. So I just, when I look at G and I go, oh, it's 60 feet, but you skipped a house, it's like, well, what does that mean? Does that mean there's a house 30 feet away.

Commissioner

Phillips: I think some actual working sections of a few of those would be very helpful.

Pat

Sweeney: So if you, if you all or the Staff can give us a few of those we can cut them.

Commissioner

Phillips: Yeah.

Pat

Sweeney: And then they'll be to scale. And they'll be based on the, whatever Rob, whatever the survey accuracy is pretty good.

Vice-Chair

Joyce: So either to you guys or to Francisco, or if Francisco is going to do this for you. The, the thing that's interesting to me is, you guys have a, a fair number of active outdoor areas that are over on, I'll call it, the neighbor's side. So, you know, I, again, I'm less concerned about what's going on around the pool as much...because it's surrounded by buildings, as much as I am your impact on the neighbors. And that's what you did with these red lines. But to me, the, the easy thing I would like to see measured is every time you get the middle of one of these outdoor activity areas to the nearest house to that point. So it's not like I care about neighbor Fred versus neighbor Jim. Whichever house is closest, that's the one I care about.

Pat

Sweeney: We'll do that. We'll do that.

Steve

Perkins: And Steve, I think just to, I think Pat already said this, but if you really look at these diagrams, our closest neighbors are the people who are going to be living upstairs from these active outdoor use spaces. So we really have a sort of responsibility and a desire to make that experience out there good for them as well. Because my experience in working with all these, a lot of these kind of projects is that that's your worst problem from a noise standpoint, is actually the people who are living in the units above these outdoor spaces.

Vice-Chair

Joyce: Yeah, I, I would completely agree with you. But I trust that you're going to be really focused on taking care of your [inaudible]. I'm worried about the mitigation of impacts to the people around you. And for what it's worth, when I see the...I mean, I understand the physics of the, you know, the sound diminishing as you go out a square distance, but I can tell you, I live up in the Aerie, up in April Mountain, and I'm three-quarters of a mile from Old Town and on a quiet night when kind of everything else is settled, I can hear people talking in Old Town. I can hear a dog bark. And I guarantee that dog is not barking at 140 decibels or anything. So there's, there's a lot of sound bouncing around. It doesn't all just follow these straight, you know, sound room kind of measurements. And, you know, the good news is you guys are going to kind of mostly be bouncing up and away from it. But, so anyway, that's the thing.

If you guys had very little outdoor space over on the neighbor side of things and almost all your outdoor space was, I think of it as kind of a big courtyard kind of surrounded by your buildings, I would be less concerned. So, I think I'd like to see details kind of from there to the nearest house from each of those places. And I think you guys are close.

Pat

Sweeney: We'll do it.

Director

Erickson: So here's the other things we kind of want the Planning Commission to think about. In the course of doing the previous portions of the Sweeney project and the Town Lift Master Plan there was some significant mitigation strategies in the conditional use permit for snowmaking noise. There was significant mitigation strategies for some of those adjacent houses in terms of windows.

I also think that Commissioner Suesser was right, she was looking at the funicular. That is a pretty small scale operation. However, the closest neighbors to any component of this project are going to be the gondola or the cabriolet, depending on the lift system. And I think we should see some strategies at least to minimize shiv noise. And if, if you think about riding the lifts, you can hear sometimes the lifts going over every one of those towers. Now it's affected by lift technology, and the old triple chair that's sitting there now is damn near as old as me. But I think it has to do with rope tension, it has to do with the rubber line shivs. It has to do with

some other things in order to reduce that noise where our closest neighbors are to the project. And that, that goes through Park, Woodside, all of those streets. So I think we need to see some strategies with respect to snowmaking. We need to see some strategies with respect to the lift operations.

You've spoken before about the operational times of the cabriolet, and that's also a noise strategy that you're going to want to consider going forward.

Vice-Chair
Joyce:

And certainly the snowmaking has the downside of that's at night when the noise ordinances are in effect versus a ski lift running, which doesn't tend to be...

Director
Erickson:

The gondola, the gondola is going to run, they've represented, as midnight plus/minus. So that, that's running at night. And we're not real sure that the noise ordinance is limited to the times that are being represented here. We think the noise ordinance exists all the time, and this is the outdoor dining or special event deck restrictions. So we're going to look at that a little bit.

Pat
Sweeney:

So just to comment on that, and then maybe we want to move on. Your point is well taken, Bruce. And we'll look into implementing these same strategies with the cabriolet. Closed cabin, materials, how it's made. I think the hours of operation if you read the noise ordinance, you're probably limited to 7:00 to...7:00 to 10:00, unless there's some dispensation based on performance. And that is, you know, actually measuring when it's up and running. And we're very sensitive about that. I think it's a good point. And we'll, we'll include that in our appendix with regard to noise. And look forward to maybe getting some input from the Staff on that as well.

Vice-Chair
Joyce:

Preston, John, anything?

Pat
Sweeney:

So, like I said...

Director

Erickson: Last one. I'm sorry, Pat, but will you also go ahead and identify emergency gen set locations and bury and buffering those as well?

Pat

Sweeney: Yeah, those are noisy. We, at this point, I mean, in final design it's pretty hard to tell where those will be, but typically they would be on top of a roof and we would use that system I showed you.

Director

Erickson: That's fine. Just give us a criteria to work with.

Pat

Sweeney: Okay.

Laura

Suesser: Can, can you just clarify one other thing for me. Your main access point, that garage that comes off of Lowell, all of your delivery trucks, the garbage trucks, the people coming to the projects, everyone is coming into that garage there, or are they going to be using that emergency vehicle access?

Pat

Sweeney: We're going to try and hone, kind of zoom in on this. Okay, we can't. Sorry. We'll try and work with IT here and get, get it so we can do this better next time.

Director

Erickson: So I think the last criteria after we finish this will be signs for tonight.

Commissioner

Thimm: Did we touch on lighting, yet?

Shawn

Ferrin: Signs and lighting are together.

Director

Erickson: Yeah, signs and lighting are together.

Commissioner

Thimm: Oh, okay. Yeah, you're right. Okay.

Pat

Sweeney: So, I think your question is are the deliveries in this driveway right here?

Commissioner

Suesser: I'm, just asking...

Pat

Sweeney: Is your question is it the deliveries in this driveway right there where the little hand is swirling around?

Commissioner

Suesser: Yes.

Pat

Sweeney: Okay. The answer is no. The deliveries are down here. And the actual business end is right under here. And that shows on our drawings. And the idea is that even the bigger, like the Sysco trucks and so on, there's a three bay dock that's buried under here.

Commissioner

Suesser: But they all come in the same road?

Pat

Sweeney: They would come, they obviously would come by one of the two roads. And that's one area where we have some leverage as far as the City saying which road. I mean we can enforce that, not perfectly, because nobody's perfect, but, but you can say to Sysco or whoever. And Gary Horton will be talking about that in some, some detail next time about how many deliveries we expect a day. But we can, we can regulate those because, you know, you can basically execute a contract and you have some leverage, which is you use the other guy if they don't comply.

Commissioner

Suesser: Thank you.

Pat

Sweeney: So next is noise. No, I'm sorry, lighting. Signage. Lighting and signage.

Planner

Astorga: I have the, the, both plans. Unless you want to show additional information. I've got the illustrated and I have the sign. Do you want it?

Pat

Sweeney: We probably need...because he's got a little bit of stuff. Why Steve's getting ready there, the next one is Criteria number 10, Signs and Lighting.

Steve

Perkins: Francisco mentioned the signage ordinance, and it is quite extensive. Okay. This is CUP Criteria 10, simply signs and lighting. As we just said, the important aspect of that is the Sign Code. It requires that for a project with multiple buildings that a master sign plan be developed and be reviewed administratively by Staff, as Francisco has mentioned.

I'm going to review proposed signage and some project restrictions that we're going to suggest. Then we're going to move on to lighting. Again, there are sections in the current Code that do deal with lighting. I'll touch on those. On some lighting principles. Look at what kind of lighting fixtures are acceptable and which are unacceptable. And talk a little bit about light quality and control. Oh, where is it?

Pat

Sweeney: Towards the top, sixth one down.

Steve

Perkins: Okay. This is sheet V-14 which is an exhibit in our visualization drawings. And as Francisco mentioned, it is a schematic drawing showing where we expect that certain types of signage would occur. That signage ranges from entry monuments to information kiosk, to transit signage to project identification signage, directional signage, trail signage. Obviously this...until we have sort of a final design project, this is just our best first shot at where all these should go. Francisco also mentioned the exhibit that's in the, also within our package, that describes each of these different signage elements, and, and talks in general terms about what we think the materials they would be built out of. Obviously, until we have sort of a project architectural kind of concept and theme, we can't really coordinate that, that tightly with signage. But most of the materials we're suggesting I think are very appropriate to the location of the project and, and the architecture that we're showing now.

The master sign plan, which is required, will establish a comprehensive approach to the Treasure project signage. We'll try to develop a common vocabulary for the signage elements. The signage will be integrated in the project architecture. It's going to be harmonious in material, color, and character. And the master sign plan is a vehicle for assuring that the project signing is coordinated, legible, efficient, and creates unique project identity, provides convenient information and wayfinding for users.

Now when you go through the sign ordinance it is very specific about sizes of signs, heights, colors, letter types, all that sort of thing. And we would abide, we would, we would abide by that sign ordinance.

There are a couple things, though. We recognize that with our nearby neighbors, residential neighbors, that we think we're willing to restrict in terms of signage for the project. And the first of that is that we would be willing to assure that no commercial signs within the Treasure project would be visible from the adjacent public rights-of-ways, or from adjacent residential, residential areas, number one. Commercial signage would instead be oriented to the internal pedestrian ways and portions of the project, and not directed out towards the adjacent neighborhood.

The second restriction we would be willing to entertain is that no backlit signs within the project would be visible from either public right-of-way or from the adjacent residences. Otherwise, our signage would comply with the Sign Code, and the lighting on signs would sort of apply the principles that we've noted below, and also to the, the lighting standards within the Sign Code.

Before I go on to lighting, can we go ahead and ask for questions on the signage.

Vice-Chair
Joyce:

One thing that isn't on this map and it may be really more the kind of the City handling it than you guys handling it, but at some point when we get through all the transit pieces there was, there's been a lot of discussion about do you go up Empire, do you go up Lowell, do you go this way and down the other and all this kind of thing. I'd like to, by the time we get done I'd like to see some transit signs kind of on the way back out towards the intersection with Park Avenue that talk about whatever it is we're trying to...however, it is we're trying to flow the traffic needs to be shaped that way somehow. So that's just one more set of signs that, and again if it's

the City doing it that's fine, but as long as we can identify what needs to be done and agree on that.

Steve

Perkins: So you're talking more about off-site signage than...

Vice-Chair

Joyce: Yeah, yeah. Yep.

Commissioner

Phillips: Wayfinding.

Vice-Chair

Joyce: I mean, I just...yeah, wayfinding signs. There's just been a lot of discussion about how that traffic can flow well with the addition of, you know, PCMR traffic coming out and all that kind of stuff. We just need some signage to try to drive whatever it is we're going to try to accomplish.

Planner

Astorga: Yeah, those fall under the category of public necessity signs, which are reviewed heavily by the Engineering Department with the Planning Department's input. But I think that will be part of the traffic and transportation update that we can make sure to not forget about those.

Vice-Chair

Joyce: Okay. Perfect. Thank you. Anything else on signs.

Commissioner

Thimm: Well, just a quick question. One of the restrictions that you indicated you'd be open to was something along the lines of no backlit signs will be visible to adjacent properties, or something along those lines.

Steve

Perkins: Yeah, from public right-of-way or adjacent neighboring properties.

Commissioner

Thimm: Does that mean that other types of lighted signage will be visible, other than backlit?

Steve

Perkins: The source, well, we were going to talk about lighting next, but the source of that lighting should be shielded so that the source is not visible. I mean, that's part of the, sort of the, what the current ordinance reads, and what we would be doing as well. So, but the actual, in terms, in terms of having, if you think about the front of the project, we're going to have an entry monument sign. It would probably be lit at night. I mean, it, it would not make sense from a wayfinding standpoint to have it not lit. So, yes...

Pat

Sweeney: Explain how it would be lit.

Steve

Perkins: Yeah, and so from sources that would shine on the sign, but not...but the visible light of the light source would not be visible because of the shields and the construction of that fixture.

Pat

Sweeney: So goosenecks with the canopy with the site.

Steve

Perkins: Yeah.

Pat

Sweeney: Does the type of light fixture with the right spread and everything pointing right at the sign but nowhere else. And that's kind of done a lot on Main Street, and I know at least on our building.

Vice-Chair

Joyce: Okay. Anything else on signage? Okay. Lights it is.

Steve

Perkins: Lighting would also comply with the, the Municipal Code, specifically chapter 15-55(I), as well as general recommendations from the International Dark Sky Association, and the lighting standards as recommended by the Illuminating Engineering Society of North America, as well as any applicable building codes.

Lighting design at Treasure will seek to reduce light trespass, excessive glare, and provide for a safe and secure nighttime environment, and promote energy efficiency. And those are our goals. And we talk...you

just asked about lighting fixtures. I've got on the screen here the International Dark Sky Lighting Basics, and the International Dark Sky Association, an association in which is involved in trying to maintain dark skies throughout the, the globe. They have...we're really sort of the pioneers in this. We have, since our initial application, subscribed to their principles as part of our set of project goals.

And this is an example of what they say are acceptable versus unacceptable light fixtures. You can see that the unacceptable ones, which are on the left, have exposed light sources so that they create glare, and are unshielded and are visible. The light source itself is visible. The ones on the right are the acceptable light sources. They are typically fully shielded or partially shielded. In addition to the shields, the lamps can have different distribution patterns that can be employed to make sure that light spill doesn't happen onto adjacent areas. And the, the sources for those lights then...in, in that manner we can sort of restrict the pollution of light in adjacent areas into the night sky and within our project area as well.

The last thing that we'd like to talk about is the lamp type and color. You know, LED has become a very important element in lighting industry because of its energy efficiency. But LED lights emit a lot of blue spectrum light. And I think this is also recognized within the, the Municipal Code. We would like to suggest that we would not be using any light sources that are less than 3,000k. Or, or greater than 3,000k, sorry.

And then we also would like to suggest that we would be employing photo cells, motion detectors and dimmers to help control light, especially in off-peak period.

So any questions on the lighting?

Director
Erickson:

So, I'm going to leave a lot of this to the expertise of the architect in town, but the greatest potential light source for off-site are going to be the windows in the residential or hotel units. And so we're going to be asking the Planning Commission to ask for direction or mitigation strategies for those light sources as well, consistent with the lighting ordinance and the conditional use criteria. So, I think that's going to be a concern going forward. We've mitigated that stra-...we've had mitigation on other

buildings with glass relative to these, these conditions. So, that's all for me.

Commissioner

Thimm: I, I guess these guidelines are just, just very current and that sort of thing. I presume that, that the applicant is willing to make these part of a condition of approval, then?

Pat

Sweeney: Make that a yes.

Commissioner

Thimm: Want a lot more than lip service, I guess, is the point.

Steve

Perkins: Well, and, and if you look at your Code in the architectural review section, a lot of these principles are already essentially...

Pat

Sweeney: Built in.

Steve

Perkins: Built in, right.

Commissioner

Thimm: Yeah. But the, you know, the temperature of the light and that sort of thing, I, is certainly where things want to be. The, the other thing, and Bruce kind of mentioned it, but understanding light emittance from residential windows and that sort of thing is an issue that we feel that should be addressed.

Steve

Perkins: Yeah, and that can be addressed in blackout curtains and other, other means. Obviously, you need somebody to close those curtains when that room is being use, but...

Director

Erickson: And we have seen, we have seen strategies with different color glasses and distance of the internal light source to the window and all of those strategies. I do think, Commissioners, you will have, you will adopt a new lighting code sometime in the next 60 days. And so I think the measure of

the criteria here is these are going to be the standards, unless more restrictive in the new Code. Community Development Director Laurent is bringing those things forward.

Pat

Sweeney: I'm sorry, Bruce, I missed that. Can you repeat that?

Director

Erickson: Well, most of it, basically, I expect in the next 60 days the Planning Commission is going to see a new light code, and that the standards that you're proposing are the, are the standards unless more rigorous standards are adopted in the Light Code prior to your conditional use approval or action.

Pat

Sweeney: We don't have any problem with that. On the inside, houses...I know on my house which you can...if you look hard you can see from Main Street in places. On the inside I did the same thing. I fielded the lights so you can't see them from the City. You can see that they're on.

Director

Erickson: Right. And we, we have some shielding standards for the inside coming out of Summit County as well, so.

Pat

Sweeney: Yeah. It's a matter of just making it clear what you...upfront what you want.

Vice-Chair

Joyce: I think the, the challenge that I see that you guys have more than anything. I, I love that you've kind of gone after the dark sky piece, but a whole lot of that is don't light up the sky. And the easy answer is point lights down and shield them so that you're not putting light sideways, and certainly not putting light up. Again, you've heard it a bunch of times tonight, my concerns is mostly about what impact you're having on your neighbors. And your neighbors are almost all below you. And there's a lot of lights that for flat ground might work just fine and meet the needs of pointing down everything just great. But when you lift, like you were showing earlier with some of the sound ordinance kind of stuff, yeah, but the guy's 50 feet below you. And so if you're point all your lights down you're basically pointing them at him unless you get into a whole lot of

kind of light shaping. And you mentioned that but I think that's going to be really important and going to be one of the things that, especially on that outside kind of edge of your property I think is going to be really key to identify where that is. And some of its going to be a challenge. I mean, again, you guys put some, some nice, you know, outdoor entertainment kind of spaces there. And you know, you can't have an outdoor patio and stuff that's not lit. And so, those are going to be the things that when we get down to a little bit more detail, just kind of going dark sky isn't enough. If you were at the bottom of the hill it would be.

Director

Erickson: Consistent with your commentary, one of the line items in Planning's review for you would be how they intend to handle the garage entrances so that we're not moving light through those big dark tunnels out into the street as well. So we're looking to the Planning Commission to give a little bit of direction on it. There are some techniques that can be used about where you put that lighting and how far back from the door.

Commissioner

Thimm: So, so one of the things that, and follow up of Commissioner Joyce's comments that would be very helpful is a photometric plan that gave us, you know, lighting contours out until we reach zero. You know, it's based on the natural contour of the land so we understand how much light will be emitted from the site. All of this, realizing that we say all these things about dark skies, but we still want safe sidewalks and that sort of thing.

Pat

Sweeney: Right. There's UBC requirements, yeah.

Commissioner

Thimm: Yeah. So if we could look at a photometric plan, I think that would be very helpful.

Steve

Perkins: Photometric in, again, in what sense? In how much, what the maintained candles are on...

Commissioner

Thimm: So understand the foot candles as they relate to what is coming from this project and what that measurement might be at adjacent properties. As,

as Commissioner Joyce has mentioned several times, we're really concerned about mitigating impacts on adjacent properties.

Pat

Sweeney: I, you know, I think that we, I don't know if we can get to the point right now, Commissioner Thimm, because we're not at that level of design. But we can commit to, to things that Bruce talked about and Steve talked about. I, there are, if you're careful about it, with the combination of light pattern, the actual source of the light being less than 3,000kb, and shielding, we, we just need not to be shining lights in our neighbors eyes. And I, I mean, I totally get that, and I agree with it. And I think we can meet that standard.

Commissioner

Phillips: I, I just noticed something. I'm sorry, are you done? Okay, I didn't want to. I just noticed something. The, I believe there's a house right there on Lowell, right on the horseshoe.

Pat

Sweeney: Right.

Commissioner

Phillips: Where the driveway's coming out.

Pat

Sweeney: Andy's old house, yeah.

Commissioner

Phillips: And I really feel bad for them because every 30 seconds they're going to have lights shining through their windows. So, I don't know if there is anything or can be required but...

Pat

Sweeney: We're actually looking at that in some of our refinements. We're looking at moving the driveway a little bit down towards Empire.

Commissioner

Phillips: Changing the angle.

Pat

Sweeney: And then we do own the piece of property on that, the little [inaudible] piece of property there. And, and we can do some things on that. It would be somewhat of a...first of all, we have to maintain distance around that corner, so right off the edge of the curb and gutter we can't put like tall trees. But up towards the, that house you talk about, we can make that really dense, if that's what the owner's want. Or there's probably some, some, something that can be done there. But I hear what you're saying.

Vice-Chair

Joyce: Preston?

Commissioner

Campbell: I have one question, I don't know if it will be for Polly or for Bruce, but these changes that we're going to be working on in the next 60 days for lighting, those are going to be updates to the LMC, right?

Director

Erickson: That's correct.

Commissioner

Campbell: How does that affect this applicant?

Director

Erickson: It depends on what, what and when we take action on their permit. They have a, they have an application in place.

Assistant City

Attorney

McLean: The sign code, the lighting code would apply at the time that the lighting plan would be submitted.

Commissioner

Campbell: It should be at the time of the building permit, not at the time of the CUP.

Commissioner

Phillips: There's a separate application for a lighting plan like the sign plan?

Planner

Astorga: There is not.

Pat

Sweeney: We can, we can commit to abiding by that future ordinance.

Planner

Astorga: The, the issue is that...and I'm looking at the lighting code right here. I'm looking at 15-55(l) section 4, which is titled, Submission of Plans and Evidence of Compliance with Code. By the way, I'm looking at the 2004 Land Management Code, and it reads under Item A, "The applicant, for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures, shall submit as part of the application for permit, evidence of the proposed lighting fixtures and light source will comply with this code. The submission shall contain the following". And then it gives me three different paragraphs. One relating to the location. Second one, description of the illuminating devices. And third one is the photometric analysis.

So the question for legal, and I hate to put you guys on the spot, is that it says for any permit required. Now, when something does not require a conditional use permit and it's simply an allowed use, that would be at building permit stage. But I then do interpret that this needs to be submitted at this stage because this falls under the category of any permit required by the Code.

Commissioner

Suesser: So can it be conditioned?

Planner

Astorga: But we can look into that.

Assistant City

Attorney

McLean: So I think, well, I think in this type of circumstance you don't want to put the cart before the horse. And not to kick the can, but you can condition this in the CUP saying that all lighting shall be, shall meet the requirements of the lighting code at the time of building permit, or something like that. Especially, where we know it's changing.

Commissioner

Campbell: And that's exactly what I'm after is how do we make sure that it meets the new lighting code that we know is going to...because we're learning more about that all the time.

Assistant City
Attorney

McLean: Right. And we have the applicant's assurance that they would meet the new Code. So, I don't think that that would be a problem.

Commissioner

Phillips: To add a condition of approval?

Assistant
City Attorney

McLean: It would be a condition of approval related to that conditional use permit.

Commissioner

Thimm: Well, just for whatever it's worth, I suspect that there are other places where at a planned development or a CUP stage, a photometric plan can be generated and at least set a standard. Now things can change, but at least set a standard for the amount of foot candles that are impacting adjacent properties.

Planner

Astorga: Yes. And it's quite difficult on other municipalities where it's the conditional use permit at a different...it's not as big as a...when the development is not as big, they submit that photometric analysis right upfront.

Commissioner

Thimm: Well, even large project.

Planner

Astorga: Even large.

Vice-Chair

Joyce: Anything else? Turn it back to you guys. Anything else?

Pat

Sweeney: We're good. Thank you.

Vice-Chair

Joyce: So we still have...we need to do a public hearing.

Commissioner

Phillips: Can we take five?

Vice-Chair

Joyce: We will take five minutes, and when we come back in we will start the public hearing and go from there.

[Break]

Vice-Chair

Joyce: So before we start the public hearing, Francisco, you wanted 30 seconds?

Planner

Astorga: I just want to say that I received two more public comments that were updated and placed on the website. We received them this week. And the second item is that we are completely up-to-date on our website. All Staff reports, meeting minutes, everything is available online. I finished putting on some remaining items this morning, so everything is there except for today's meeting minutes. They will be there in two weeks. That's it.

Vice-Chair

Joyce: Okay. The public hearing for Treasure. Is there anyone in the public wishing to come up and speak? If so, step up to the mic.

Public Comment

Nikki

DeForge: I'm Nikki DeForge, here representing THINC, a non-profit group of Park City residents, homeowners, and business people. First, we just want to echo the concerns that have been raised here tonight and share those very specifically. Also, just echo this general concern about sort of the, the lack of information or the untimeliness of information that is being provided here, I think, with respect to three of the four CUP criteria that were on the agenda tonight. The Planning Staff once again noted that the applicant had failed to provide the information in advance of this meeting. And this seems to be recurring theme where virtually every Planning Staff

report, at every Planning Commission meeting we go to there are concerns raised about, about the lack of information. And, and this particularly impacts, as Commissioner Phillips noted, the right of the public to participate in this process, because when this information isn't provided until we come to this meeting and see some more slides, it makes it difficult for them to review, to comment, to provide meaningful input. And, and that's particularly true where each of these meetings has a specific agenda with specific criteria we're supposed to be looking at. And when that information is then provided later, after that meeting is over, it makes it difficult to go back and really address the specific issues that are pertinent to each of these specific criteria. And we really feel like this is not the kind of process that the CUP ordinances contemplate. It contemplates meaningful public input, comment, and, and review. And, and that is not happening here. And, and we don't believe that this process really complies with, with the ordinances in that respect. So, again, just want to emphasize the need for information upfront so that our members and other members of the public can actually participate in this process. Some of this can be mitigated for the Commission by, as, as Mr. Erickson noted, just imposing some general conditions down the road. But again, that still cuts out the public and the public input in, in this process.

And then regarding some of the specific criteria that we talked about tonight starting with Criteria number 7 and, and also, I guess Criteria number 12. The applicant mentioned that, that, that this criteria is how, quote, how we separate our project from our neighbors, and that we are primarily separating through setbacks. And that they provided some, some exhibits here including Exhibit V-12, which I'd like you to look at. This exhibit purports to show a separation between this, again, this massive commercial development and these small adjacent properties. And on that exhibit there is a dotted black line that's purporting to reflect this so-called separation. This line is described in the map legend as quote, "approximate 100-foot setback from existing structures at the time of the 1986 Sweeney Master Plan approval." However, it is important to note that the relevant provisions of the master plan actually called for a 100-foot setback from the road, not from the existing structures. Not from the residences on the other side of the road. And specifically on page 19 of the master plan it says quote, "Building have been set back from the adjacent road approximately 100 feet". On page 15 of the master plan it says, "The hillside properties provide substantial 100-foot plus setbacks from the road with building sited considerably farther than the closest

residence. So what is described in the master plan with regard to, quote, "separation" of the development of the existing uses, is simply not what is reflected in these exhibits that have been provided. Rather than the 100-foot setbacks from the road, which were approved in the master plan, the applicant now measures it's 100-foot setbacks from the residences on the other side of the road. And I...hoping, I assume, that nobody's going to notice this discrepancy. So, the applicant's current plans place this development of this massive scale and height and elevation much closer to the road than 100 feet. And therefore, much closer to the adjacent residences than was ever contemplated or approved in the master plan.

And this fact is also confirmed in Exhibit 13, which we've looked at a couple of times tonight. If you look at those, those section D, E and F cross-sections, you can see that these depictions...in these depictions just how close this development is to the road. There are no 100-foot setbacks there. And because the development is much closer to the road than what was approved in the master plan, it is also much, much closer to the residences on the other side of the road than was approved in the master plan.

And as with so many other aspects of the applicant's current development plans, these setbacks are no resemblance to what was actually approved in the master plan. Additionally, as, as Commissioner Joyce noted in Section D and E, the applicant actually ignores the closest residence when calculating these purported distances. And that's also reflected in that, that little map on the lower right-hand corner where as has been noted there is a house in that horseshoe. And that house is, belongs to Neals and Pam Vernagaard who are members of THINC and are, obviously, very concerned about all of the issues that have been raised here tonight, including the lighting, the sound, the lack of separation, the driveway that's coming right out from across their house, the, the blind corner that's there already with the existing landscaping on that, on that little semi-circle inside the horseshoe. And the huge impact that this development is going to have on them. And curiously, their house is omitted from a number of these exhibits, including Exhibit V-12 that we looked at. It's not even there when they're trying to show us this dotted black line that's reflecting this, this, you know, wonderful separation between their development and the houses. So sometimes it's there, sometimes it's not, as reflected on these exhibits. But it's most certainly located right there as really they're closest neighbor.

Now, this sort of bait and switch on the setback issue bears directly on numerous CUP criteria, including Criteria 7 that we talked about as far as separation goes. Also, Criteria number 12 that we talked about tonight, which requires mitigation of noise, vibration, odors, steam, mechanical factors. Things that might affect people and property off-site. It also goes back to Criteria 8, dealing with the building mass, bulk and orientation, location of buildings on the site, including the orientation to buildings on adjoining lots. It also goes to Criteria 11, which requires compatibility with surrounding structures in mass, scale, style and design. And it impacts this over-arching requirement that the proposed use be quote, "compatible with surrounding structures in mass, scale and circulation". And it's very evident from the exhibits that have been provided that, that this just does not comply when you look at the, the adjacent residences. And there really is no way for the applicant to mitigate these detrimental impacts that will result from its failure to comply with the approved setback requirements under the CUP criteria. And this is particularly true given that they claim that their separation is primarily accomplished through, through setbacks, but not the setbacks that they represented would, would be part of their, their final plans.

And I think also, as Commissioner Joyce pointed out, given the massive height and scale of this and the elevation of this project, just planting a few trees in front of the houses that are there on ground level will do very little to mitigate all of these impacts. I mean, regardless of the setback issue, it's not enough to just plant some trees that...even tall trees, because they simply will never adequately mitigate or screen the development from the adjacent and existing landowners.

Criteria 12, another point to talk about with respect to that. Excuse me. Yeah, Criteria 12. So again, sort of due to this misleading setback information, the applicant has failed to demonstrate that it can mitigate the ongoing issues of noise, vibration, odor and so forth that will exist if this development is actually built. We've talked about some outdoor dining areas. What about the two outdoor ballroom areas. How do we mitigate that noise? That, that's going to...if we're using the baseline as the outdoor dining and putting up a couple of soundproof, you know, fences here, what about all these other uses and all these other problems, particularly given how close these residences really are to these properties.

And in addition to that, as we've also talked about tonight, there are no plans yet on the table for the construction. And how do we evaluate Criteria number 12, the noise and the odors and the vibrations, when we don't even know what this construction looks like. There, there's no possible way to do it. And if you look at these, some of these exhibits, like V-15 and V-16, you start to get a sense for how much excavation is actually going to be required here. It's going to be enormous. And it's not going to be complying with the existing grade. It's going to be dramatically altering the existing grade. So again, how do we evaluate these criteria tonight effectively without knowing how they're going to...what, what the plan is for the construction, much less how they can possibly mitigate for it given, given the adjacent residences.

It really seems to make little sense to continue going to these hearings and identifying these criteria that we cannot adequately assess the impact of without information being provided as we go along. Are we going to get to the end and suddenly they're ready to, to submit this and they're going to provide all of this information that they've been requested to provide all along? And then do we go back and start the public hearing process again, and say okay, now that you've provided it and we have that information, now let's go back and talk again about Criteria 7 and 10 and 12. Or do we just leave it in, in the hands of the Commission and, and really not give the public a chance to, to comment on it in any meaningful way.

I think...we think that the failure to provide this information in a timely manner to actually make this an effective public process is, is, makes this, makes this application unapprovable. And then in addition to that as we've talked about many times and we're talking about again tonight, these plans, regardless of what mitigation they propose simply do not comply with the master plan. Tonight it's setbacks, other days it's been, it's been square footage. Something at every meeting where this, this does not comply with the master plan. And here's another one that impacts so many of the criteria that, that they must meet in order for this application to be approved. And we again request that the application be denied on those bases.

Thank you, again, for your consideration.

Kyra

Parkhurst: Hi, I'm Kyra Parkhurst. And I promise to keep my emotions under control this evening. So I apologize for that [inaudible]. I'm just going to...I just have a couple questions that would have been nice. I know we can't take public comment while they're presenting but just...so I'm just going to bounce around here. When I was flying in the last time, we happened to fly over Park City and I realized what a crack in the earth we live in. That Main Street and Old Town literally sits in, like a crack in the earth surrounded with mountains on both sides. And it creates a natural amphitheater. Like Steve said, I, I live on one side in Old Town and there were some people once who came, worked at night, and they would sit out on their deck at 3:00 a.m. in the morning when they came home in the summer. Most people in Old Town don't have air conditioning so our windows are open. And after about five nights of them coming home and putting their little Bose speaker out there and talking and waking me up, I finally drove...made them a thermos of hot chocolate and said, would you please go to bed. I said, you're keeping everyone awake. And they didn't realize that it happened. So how do they mitigate these tall buildings. Everybody sitting out on their decks coming back and making the noise. You can hear people whispering and talking. I've heard people say things in town that they probably don't want other people to hear. So nothing can really mitigate it because it is a natural setting of where this project is, as opposed to the St. Regis or Montage, who sit and look out into just absolute open space and not residential areas.

Also, with the funicular now, they said it was going to stay open to midnight, but now they might close it at 10:00. But to me, all that does is it creates more, the more noise of cars and Ubers going up and down the roads. And we all know, I can hear a car go down the road every single time. So that just then increases traffic.

And then another thing that I started to think of that doesn't seem to be covered is people in Old Town don't have air conditioning. When all those construction trucks are going up and down the hill and the streets during the summer, how are they going to mitigate the dust control that's going to affect all of our breathing. Are they going to clean the streets every week, every day? Are they going to water them every day? Because that affects just our everyday life and our breathing conditions.

And then, oh, the cliffside architecture. I notice like when we drive out to Sundance, the cliffs have...a lot of places are using that artificial

fabrication that secures so they don't have mudslides and runoff and things like that, and they use it like at the St. Regis at the funicular, there's the wall there. So if they're just going to have landscaping, is that going to create mud slides and water drain off, and then are they later going to have to come back and go, you know, we need to put up that kind of wall, which then can't be planted. And then what kind of planting will survive on a scape where its constant runoff and melt off from the water. And I think that's a problem.

Oh, one other thing, back to noise, and I brought this up before, is when they were redoing the street and some of the construction projects of rehabs on the house, contractors will come down using their airbrakes. I've called the City once and the young woman who answered, she said, yes, there is an ordinance. They're not supposed to use it. It is in the packet that we give to each developer, but the developer has to tell every subcontractor, and every subcontractor has to tell every driver, and consequently it really doesn't get enforced. So, especially with the thousands of trucks that we're going to have up and down that street, how is that noise going to be mitigated. And, and then, the picture that was up there that showed the whole details of the project and, you know, the road is here and then there's the little square, and there's all the open space. And then tonight they keep referring that we are, we are the neighbors, we are the neighbors. But I believe one of the partners lives in, is it Chicago or New York, one brother lives in Salt Lake, and one lives up in the little corner up there, and they do not live, work, play, breathe, drive on the roads that are going to be greatly affected.

So, that's it. Thank you for your time.

Vice-Chair

Joyce: Thank you. Anyone else. All right, let's close the public hearing.

End of public comment

Vice-Chair

Joyce: Which pass of the Commissioners. Is there...I mean, we were kind of doing a little bit of hit and miss as we went through. Is there anything that you'd like to go back and ask or say?

Commissioner

Thimm: Just, just one, and I'll make it really quick. There was concern expressed, I think, by the applicant about the information that is being asked for and, and that sort of thing. And I...what, what, what the LMC tells us is that the Community Development Department and the Planning Commission must review the CUP criteria. And in order to review that criteria, we must have information to review. And, and it's really clear in the, in the LMC. And I think that that is the measuring stick that we have to have.

Commissioner

Suesser: I agree with Commissioner Thimm's comment.

Vice-Chair

Joyce: Okay.

Commissioner

Suesser: Nothing further.

Vice-Chair

Joyce: Anything? Preston, John?

Commissioner

Phillips: No, I think I asked all my questions during our interactive session.

Vice-Chair

Joyce: Okay. Well, thank you. Then we need a motion to continue.

MOTION: Commissioner Suesser moved to CONTINUE the Treasure Hill Conditional Use Permit to the May 10th, 2017 Planning Commission meeting. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Vice-Chair

Joyce: All right. Thank you.

- 4. Alice Claim Subdivision and Plat Amendment, south of intersection of King Road and Ridge Avenue – Request to subdivide their property into nine (9) lots of record and combine platted lots to deed to the City, review of the**

“updated entry Gully Plan” as remanded by the City Council on March 9, 2017. (Application PL-08-00371)

Commissioner Phillips recused himself and left the meeting.

Commissioner Thimm disclosed that he had previously worked professionally with Greg Brown and Preston Stinger, who were representing the Alice Claim project. However, that association would have no bearing on his decision this evening.

Planner Astorga handed out copies of a document that was submitted by this applicant during the Treasure Hill presentation. He had not had the opportunity to read it. Planner Astorga noted that it would become part of the record.

Planner Astorga reviewed the Alice Claim subdivision and Plat Amendment. The Planning Commission reviewed this application during the July 27, 2016 Planning Commission meeting. At that time, the Planning Commission forwarded a positive recommendation to the City Council based on amended findings of fact and conditions of approval that were revised during the last public hearing. The Planning Commission also approved the conditional use permit for three ten-foot retaining walls. The Planning Commission had also forwarded a positive recommendation on the third application, referred to as the swap area, which was the Ridge Avenue subdivision and altered approximately 2,000 square feet from one lot to another.

Planner Astorga reported that the conditional use permit was appealed by two parties; however, the two appellants, the City and the applicant were never able to find an appropriate date to hear the appeal. Since then, the applicant was able to secure an access easement over the area called Woodside Gulch. One appeal was officially withdrawn, and the plat amendment went on to the City Council. On March 9, 2017, the City Council officially remanded the plat amendment back to the Planning Commission. That was the reason for reviewing it this evening.

Planner Astorga stated that the Staff fully complied with the noticing requirements. There have been a number of meetings on Alice Claim, and each time the Staff did a complete full re-noticing and sent letters to property owners within 300 feet, posted the site, and published it in the newspaper.

Planner Astorga stated that regarding the status of the conditional use permit, the City Council placed a stay on the CUP until the Planning Commission reviews it, takes action and send it back to the City Council. Depending on that specific action, it might move forward if the City Council approves it; or it might come back to the Planning Commission if the CUP is denied or another action takes place.

Planner Astorga reported that the swap area was placed on hold by the City Council and continued to a future date. The Council did not find it to be a significant application because it is 100% tied to the outcome of the Alice Claim plat amendment and subdivision.

Planner Astorga stated that the access is the primary change since the previous recommendation by the Planning Commission. A retaining wall is needed in order to go through the Woodside Gulch; however, the retaining wall has been reduced from three ten-foot walls to one six-foot maximum wall. The entire wall is not 6' tall. The wall ranges in size from a few inches to up to a small area at 6'. As of yesterday morning the site plan was amended and the retaining wall stops at the corner of Lot 5. The amended site plan was inconsistent with Exhibit C in the Staff report. The applicant was prepared to review the amended site plan.

Planner Astorga preferred to focus on the access issue. The access had changed and it was no longer necessary to go around the driveway. The Staff finds this to be a much better plan than the one previously presented and recommended to the City Council based on the Staff analysis that took place during the public hearings in July.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Planner Astorga noted that Exhibit A was the proposed ordinance and he had bolded everything that was amended. The findings and conditions that no longer applied were removed from the ordinance. Planner Astorga was told that he may have incorrectly transposed some numbers, and he would let the applicant's representative address those discrepancies.

Commissioner Campbell understood that there was another change in addition to the information in the Staff report; and what the Planning Commission was being asked to vote on this evening was not included in the Staff report. Planner Astorga replied that he was correct. However, the change was not significant enough for the Staff to recommend a continuance.

Commissioner Campbell clarified that he was not asking for a continuance. His intent was to make sure that Assistant City Attorney McLean was comfortable with the process. He recalled a similar situation recently where Ms. McLean recommended that the Planning Commission continue to item because the paperwork did not match the request. Planner Astorga stated that he had reviewed the information and found that

the wall is slightly shorter than the original wall. The change did not affect the Staff's professional recommendation to the Planning Commission.

Based on previous practice, Commissioner Campbell asked how the Planning Commission could vote on something that was different than the information shown in the packet.

Assistant City Attorney McLean stated that the Planning Commission had the discretion to make that decision. She recalled that the previous project Commission Campbell referenced was a condo plat, and the proposed changes became too complicated for the Planning Commission. If the Planning Commission believes these changes are de minimis and would not change the recommendation, they could refer to the exhibit.

Commissioner Campbell explained that his concern was making sure their action would be defensible. Ms. McLean replied that it was within their discretion and it would depend on how they view the change.

Greg Brown, representing DHM Design, introduced Jerry Fiat and David Kagen with King Development Group; Brad Cahoon, legal counsel with Snell and Wilmer; Joe Tesch with Tesch Law; Preston Stinger with Fehr and Peers; and Mark Deemer with DHM Design.

Mr. Brown believed this was a simple change and he was pleased to show it to the Planning Commission. He noted that the change was based on a recommendation the Planning Commission made in July. Mr. Brown clarified that the entry was the only change. He presented the plan that the Planning Commission recommended for approval in July 2016. It was the approved plan using the King Road right-of-way access. At that time there was the CUP for the three walls at 10-feet. The Planning Commission specifically requested that they continue the negotiations with the owner of 135 Ridge. Mr. Brown reported that there was an agreement and they now have an access easement over Woodside Gulch Road, which is the 135 Ridge Avenue property. Mr. Brown clarified that they no longer need the CUP for the three retaining walls. They do have one retaining wall, and it is a maximum of six feet tall. Therefore, a CUP is not required.

Mr. Brown presented the new entry plan. He identified the road heading up what is now Woodside Gulch. He noted that Woodside Gulch did not meet City standards for road width, and they will be paving that road and increasing the width to 20'. With those improvements they need to install a retaining wall. He pointed out the retaining wall and showed a profile to demonstrate how the height of the wall varies. It reaches

its tallest point in the area of the existing evergreen trees that they plan on saving. He noted that three of those trees were going to be removed with the other entrance.

Mr. Brown stated that they were still planning on doing the other road improvements to King Road that the City Engineer had requested. Those are off-site improvements to improve the traffic on King Road and the turning movements.

Mr. Brown indicated the edge of Lot 5, which is where they were proposing to stop the retaining wall. The plan in the Staff report showed that wall continuing across Lots 4 and 5. It would be owned and maintained by the HOA. He stated that as lots four and five are developed, there will possibly be retaining walls as part of those development plans.

Mr. Brown pointed out the old entrance and the new entrance. He believed the new entrance was a significant change and a great improvement. Mr. Brown presented the section along the road and the profile of the wall. The section from the high point over was the section that was removed in the new plan.

Commissioner Campbell clarified that the wall might go back in later as part of the development on Lot 5. Mr. Brown stated that the wall could go in later as part of the development on Lot 5, and it would probably be part of the house. If Lot 5 and Lot 4 need retaining walls, it would be the responsibility of the lot owners. The HOA owns and maintains the rest of the wall.

Mr. Brown noted that the fire department requested that they revise the emergency vehicle access plan. They were asked to take it up to the hammerhead turnaround, which is across from Lot 1. Fehr and Peers redid the plan with the fire truck access point, as well as redoing the intersection. It is a much better plan for emergency vehicles.

Mr. Brown referred to a letter from Fehr and Peers that Planner Astorga had handed out, stating that the new entry is superior from a transportation standpoint. The letter provided four or five reasons for their rationale.

Mr. Brown presented the old plan and the new plan to show how the lots remain the same. Once they get back to what was the alignment of Alice Court on the City property, there is no change from that point forward. The lots are the same shape and size.

Mr. Brown stated that taking the old road away and going on to the 135 Ridge Avenue allowed them to increase the open space by .14 acres; bringing the site total up to 88.5% of open space.

Commissioner Thimm asked if the degree of slope to the access road changed with the proposed change to the retaining walls. Mr. Brown replied that it was at 14%. He recalled that it was slightly under 14% before the change. The slope increased slightly because they took some length out of the road.

Vice-Chair Joyce recalled engineering discussions about having adequate water pressure, and moving things down the hill to make everything better. Now he understood that there were questions about whether there was really adequate water pressure. He wanted to know if that was something new. Planner Astorga replied that it was the same language as before.

Vice-Chair Joyce asked about added language at the end, "The Alice Claim development exceeds 1 acre and shall meet the requirements of the MS4 storm water program. Each lot must...." Director Erickson explained that the language pertained to new State Regulation conformance with EPA regulations. The Commissioners should expect to see that language as a standard condition of approval.

Commissioner Thimm referred to page 138 of the packet and the recommended condition of approval concerning significant vegetation. He did not see it bolded in the conditions of approval, and he asked if Planner Astorga was asking the Commissioners to provide input. Planner Astorga explained that in the previous plan three trees were going to be removed. With that plan he had concerns with four trees; however, with the new plan he is only concerned about one tree. He kept the same condition so if the tree is lost they would get it back. Mr. Brown noted that Stantec Engineering had done a lot of survey in the area. The road was positioned for a number of reasons. Part of their agreement with Lot 135 was to try to push as far away from them as possible. However, the applicant also wanted to be as far away from the trees as possible. The existing terrain was surveyed right below those trees to make sure the wall was right at the drip line of the trees. Mr. Brown was fairly confident that the trees could be saved, keeping in mind that they do not know the condition of the trees up above that. The slope is already heavily eroded and this should fix a small problem.

Mr. Brown suggested typo corrections to the findings of fact and the conditions of approval. In Finding of Fact #25, page 144 of the Staff report, it lists the square footage of each of the eight lots in the HR-1 District as 5,410. The actual number is 4,510. Commissioner Campbell noted that the second "proposed" should also be removed from that sentence. Mr. Brown referred to pages 147 and 148 of the Staff report and

noted that Conditions #10 and #13 were in conflict. One says that the culvert will be owned and maintained by the HOA and the other one says it will be owned and maintained by the City. He recalled that Condition #10 is correct, that the culvert will be owned and maintained by the City. Planner Astorga requested time to pull up the Minutes of July 27, 2016 before making that change to verify which one was correct. Mr. Brown noted that the road is on City property and they would just have an easement. Assistant City Attorney McLean recalled that a condition of approval required that the culvert had to be built before the plat could be signed. However, she could not recall discussion about the City owning it.

Planner Astorga remarked that Conditions 10 and 13 were exactly the same in the July 27, 2016 minutes. He was looking through the discussion in the minutes to try and verify. Mr. Brown recalled a back and forth discussion, and the City actually requested to take ownership and maintenance of it. The stream had to get put into the culvert before they could record the plat because of Lot 1 being close to the stream otherwise. He believed that was the rationale for the City owning it.

Commissioner Suesser asked if that discussion took place with the applicant and the Staff, or whether it was before the Planning Commission. Mr. Brown thought it was both, but he was certain that it was with the Staff.

Director Erickson suggested that they could address the issue by changing the condition of approval to say that the ownership of the culvert will be resolved to the satisfaction of the City Engineer. He noted that Condition of Approval #1 states, "The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, Land Management Code, and conditions of approval prior to recordation of the plat". Therefore, the City Attorney and the City Engineer would get a final look as well.

Vice-Chair Joyce suggested that unless they have something definitive they should write it as to be determined.

Director Erickson revised Condition of Approval #10, to read, "All state requirements must be met, state permits must be obtained and the culvert must be fully installed by the applicant prior to plat recordation, and the **ownership of the culvert resolved to the satisfaction of the City Engineer**". He struck Condition of Approval #13. Vice-Chair Joyce noted that Condition #13 had additional information that needed to be retained. Commissioner Campbell suggested that they put a period after Lot 1 and strike the rest of Condition #13. Director Erickson was comfortable with that revision.

Assistant City Attorney McLean remarked that the Planning Commission would be forwarding a recommendation to the City Council, and the Staff could verify the ownership question prior to it going to the City Council.

Mr. Brown accepted the conditions of approval as revised.

Commissioner Campbell disclosed that sometime after the appeal had been filed, Jerry Fiat approached him at Einstein Bagels. He asked Mr. Fiat not to discuss anything definitive or substantive because there was a chance that this would come back to the Planning Commission.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council with regard to the Alice Claim Subdivision and plat amendment in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance and as amended this evening. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was recused.

Findings of Fact – Alice Claim Subdivision and Plat Amendment

1. The plat is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts.
2. The proposal includes nine (9) lots on approximately 9.034 acres which will not be allowed to be subdivided further.
3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does run within the City owned property.
5. The applicant previously undertook a voluntary remediation of the regulated soils

on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.

6. The owner secured legal access through an easement to the property through the Woodside Gulch access. As proposed, the access will not require retaining walls greater than 6 feet and therefore, no conditional use permit would be required.

7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the US Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.

8. The property, which was once the site of the Alice Lode Mine, was previously the site of mining activities, which have since undergone recent remediation.

9. A Voluntary Clean Up of the property was initiated by the Applicant.

10. Most of the remainder of the site has mature stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.

11. A culvert for the stream is proposed in order to meet the 50" setback regulations from streams within the Estate District, otherwise the culvert would not be necessary.

12. This development is located upstream of the FEMA Flood Plain Studies.

13. The applicant does not request any setback reductions from the Planning Commission for the Estate District Lot.

14. Water Service is available and as proposed can meet required water pressure to all of the proposed development sites (proposed Lots) within the development. The applicant will be responsible to propose acceptable mitigation should the water model or utility plans be further revised.

15. The utility plan does not show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer.

16. A Debris Flow Study has not been completed for the stream to determine if a debris basin is required.
17. Existing trails are shown on the plat and granted a public easement.
18. Proposed utilities have not been engineered to meet City Engineer's approval but shall be prior to plat recordation.
19. All roads are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future.
20. Building pads/limits of disturbance are shown in Attachment 1. All other property as open space should be protected by conservation easement held by the City and the HOA to maintain the land.
21. Applicant does not have an approved Sewer Service Plan. Sewer Service must be designed to service the proposed development sites in accordance with the Snyderville Basin Water Reclamation District's requirements. The applicant will be responsible to determine this with Snyderville Basin Water Reclamation District prior to plat recordation.
22. Proposed drives with utilities that are not private driveways are required to be 20" wide and are shown as such on the plat. The drive grades are proposed to be 14%.
23. Public trails are shown on Attachment 1 with a 15" public recreational trail easement.
24. The proposed lot within the Estate District is 3.009 acres.
25. The eight (8) proposed lots within the HR-1 District are 4,510 square feet each.
26. A geotechnical report has been reviewed by the City Engineer for the overall site but individual geotechnical reports have not been submitted for each lot.
27. The applicant owns other adjoining properties within the Historic Residential Low-Density (HRL) District. Two (2) of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.
28. The existing encumbered Lots 1-7 and 36-40, Block 77 of the Millsite

Reservation will be dedicated to the City as right-of-way upon plat recordation as they current have a road over them.

29. The lots are positioned as proposed to avoid ridgelines and allow for drives that contour with the topography in order to meet the required grades.

30. The existing mine shaft on the property is currently filled as stated on the site plan dated May 18, 2015.

31. The application for the Alice Claim subdivision was deemed "complete" by the Planning Department on May 23, 2005.

32. Between 2006 and 2009, the Planning Commission conducted three (3) work sessions to discuss the project and visited the property during two site visits.

33. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.

34. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.

35. The Planning Commission reviewed the request and held public hearings on April 8, 2015, June 10, 2015, July 8, 2015, and July 22, 2015.

36. During this time consisting of October 2014 and July 2015 the applicant submitted further revisions to the plat to address City concerns as well as to address plat discrepancies.

37. On August 12, 2015 the Planning Commission forwarded a negative recommendation to the City Council.

38. On October 8, 2015 the City Council reviewed the proposal.

39. On October 29, 2015 the applicant submitted an amended site plan which moved the lots closer to the gully. The City Council reviewed that amended site plan and remanded the application back to Planning Commission for their review.

40. The Planning Commission held a work session on December 9, 2015.

41. The Planning Commission held public hearings and reviewed the updated proposal on May 25, 2016, July 13, 2016, July 27, 2016, and April 12, 2017.

42. After Applicant secured access on Woodside Gulch and proposed a modification to the Application based on the new access, the City Council remanded the updated gully site plan with modified entry back to Planning Commission on March 9, 2017.

43. The Planning Commission held a public hearings and reviewed the updated proposal with the new access through Woodside Gulch on April 12, 2017

44. In order to ensure all site improvements are made the applicant must either complete all Site Improvements prior to plat recordation, or if that is not possible, provide adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City.

Conclusions of Law – Alice Claim Subdivision and Plat Amendment

1. There is good cause for this subdivision and plat amendment.
2. The subdivision and plat amendment are consistent with the Park City Land Management Code and applicable State law regarding subdivisions and plat amendments.
3. Neither the public nor any person will be materially injured by the subdivision or plat amendment.
4. Approval of the subdivision plat and plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Alice Claim Subdivision and Plat Amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision and plat amendment at the County within two (2) years from the date of City Council approval. If recordation has not occurred within two (2) years" time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council. If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.

3. Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings within this subdivision. Completion and approval of final HDDR applications are required prior to building permit issuance for any construction of retaining walls.
4. Lot 1 in the Estate District shall be subject to HDDR process.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
6. Snow storage of roads and private drives must be addressed and approved by the City Engineer throughout the development prior to plat recordation. Snow storage sites cannot discharge immediately into the stream.
7. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer lateral design requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
8. The submitted water model will need to be revised with the submitted updates to the layout and receive written approval from the Water, Building, Engineering and Fire Departments in order for the subdivision to meet water requirements prior to plat recordation. If the water system requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
9. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
10. All state requirements must be met, state permits must be obtained and the culvert must be fully installed by the applicant prior to plat recordation, and the ownership of the culvert resolved to the satisfaction of the City Engineer.

11. This development is located upstream of the FEMA Flood Plain Studies. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.

12. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.

13. The culvert inlet shall be at least 50" away from any structure on Lot 1.

14. A Debris Flow Study must be completed prior to plat recordation for the stream to determine if a debris basin is required.

15. Limits of disturbance as shown on Attachment 1 shall be clarified on the plat prior to plat recordation to be able to quantify the square footage upon which shall remain in place and no changes shall be made. All other property shall be restricted as open space and/or protected by 3rd party conservation easement.

16. The utility plan will need to be revised to show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer prior to plat recordation.

17. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.

18. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.

19. The Applicant will need to receive City Council's approval to give them an access over the City's property for Alice Court and where they may cross water lines, storm drainage, sewer, etc. This will need to occur prior to plat recordation.

20. Applicant must still provide recommendations to the City Engineer for which scenario on King Road and the Alice Court most satisfies turning movements

and minimizes conflicts and implement the recommendations prior to plat recordation.

21. The Applicant will need to receive, from the Utah Department of Environmental Quality (“UDEQ”) under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant’s property prior to building permit approval.

22. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.

23. The applicant shall obtain an easement for use of city property for Alice Court drive prior to plat recordation.

24. Public trails are shown with a 15” public recreational trail easement.

25. Any structures built near the existing mine shaft shall be setback at least 10” if the shaft is filled up to the ground surface with soil and/or gravel and at least 40” setback if the shaft is not filled. The mine shaft shall be shown on the plat and the setback noted.

26. If the site plan is substantially altered, as determined by the Planning Director, due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.

27. All Public Improvements, except the Lot 1 culvert, may be completed after plat recordation but prior to the first home building permit. An adequate financial Guarantee for all Public Improvements shall be submitted prior to permitting.

28. All engineering for utilities must be approved prior to plat recordation.

29. City utility maintenance access is required across the drives for Lots A.

30. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.

31. Individual geotechnical reports will be required for each lot prior to issuance of a building permit.

32. All mature trees that will be lost due to the subdivision, retaining walls, addition of drives and building pads, shall be approved by the Planning Department and be replaced in kind or with three smaller trees as close to the original location as possible within 1 year of tree removal.

33. No duplexes will be allowed.

34. Existing utility and access easements may be added, adjusted, vacated or remain in their current location. Changes to these easements and/or addition of easements shall be shown on the plat.

35. The Alice Claim development exceeds one (1) acre and shall meet the requirements of the MS4 storm water program. Each lot within this common development shall be required to obtain a MS4 storm water permit prior to any construction activity.

The Park City Planning Commission Meeting adjourned at 8:40 p.m.

Approved by Planning Commission: _____