

# Stepping Up the Hillside

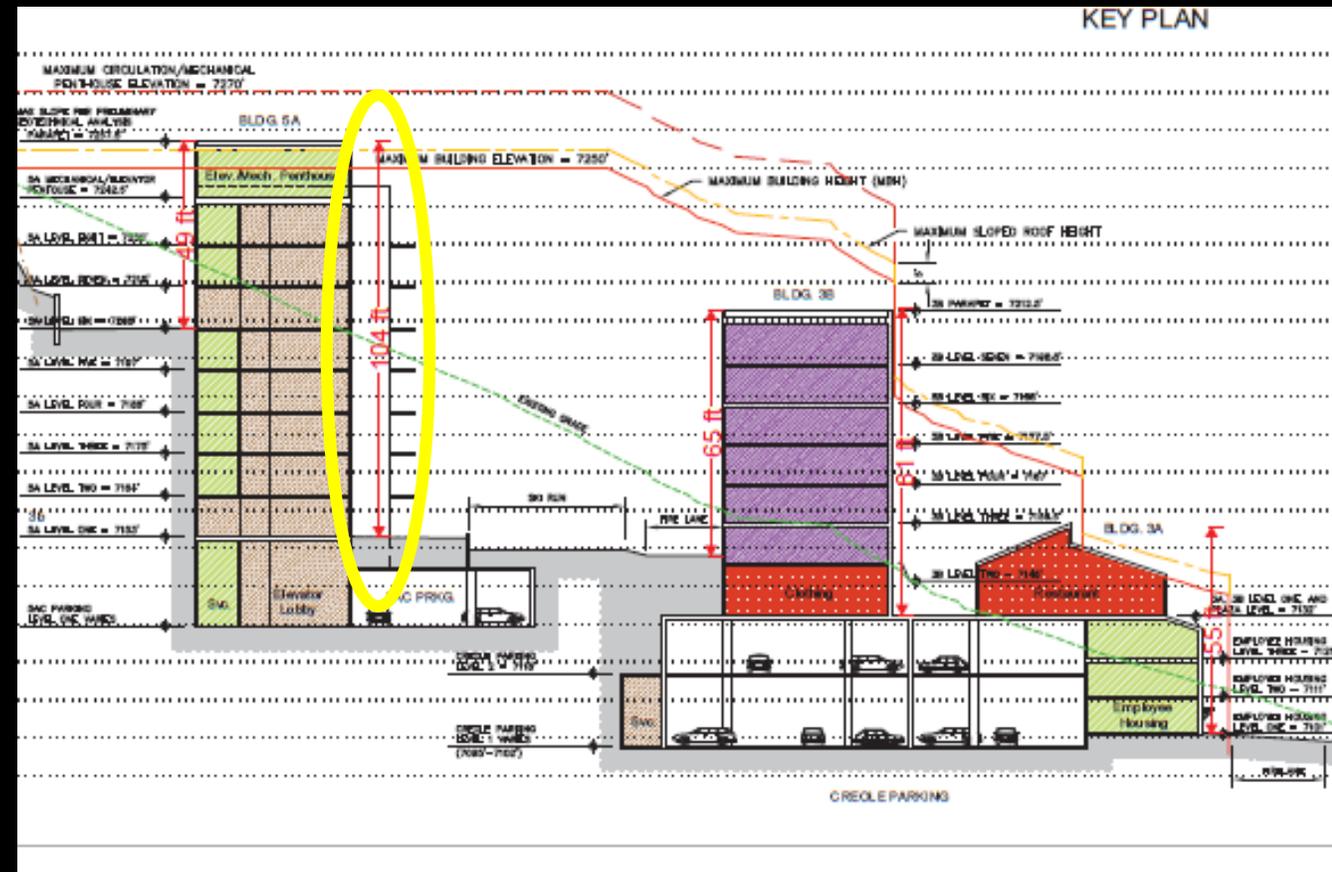
- The Woodruff drawings were only for testing volumetrics
- The Woodruff drawings do not restrict or limit what can be built

“At the time of the MPD approval, a lot of the exhibits were just trying to figure out volumetrics and what would work in terms of height from existing grade. They put certain conditions on certain height and the Sweeney’s worked with their architect to make sure they could make the volumetrics work in terms of units. It was always the understanding that the architecture was not final and it would change. One of the findings within the MPD is that the architecture must be compatible with the historic district. With all the projects within this MPD, the architecture is changed at the time of CUP review. Planner Cattan clarified that the exhibits for buildings is not what has to be built for this MPD.” (Jan. 7, 2009 Hearing.)



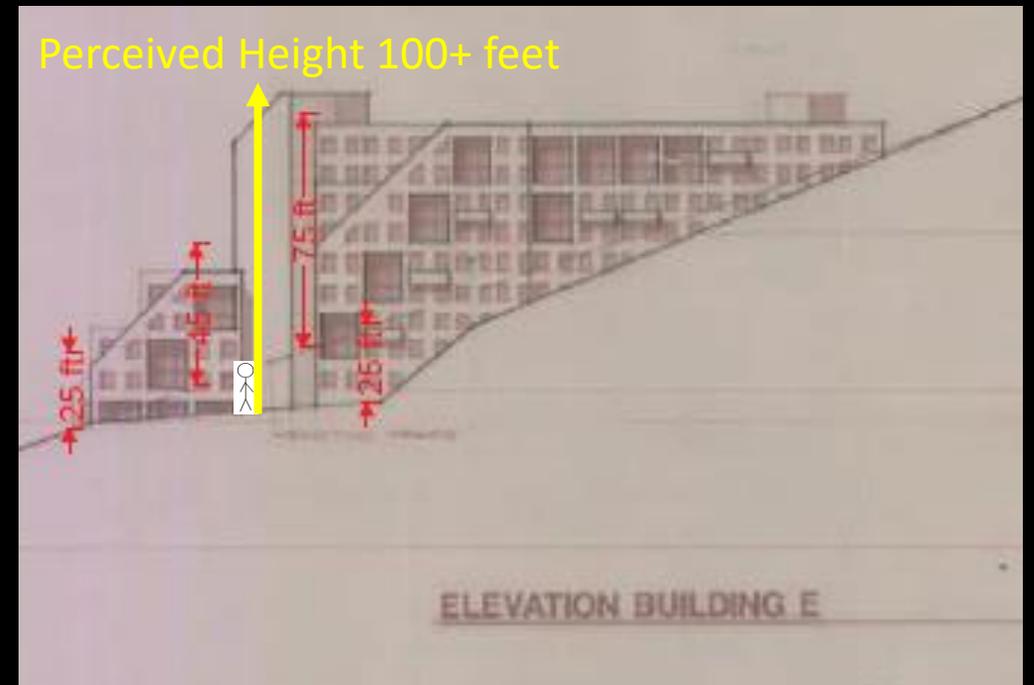
# Visual Impact-Perceived Height

- Staff claimed to perform an analysis of perceived height of the 17.2 buildings
- Staff suggested that the 17.2 buildings were vastly different from the Woodruff drawings
- Staff admitted it did not perform a similar analysis for the Woodruff drawings however



# Visual Impact-Perceived Height

- But Staff's analysis already demonstrates that the perceived height of the Woodruff drawing buildings would have been substantially similar to 17.2



# Limits of Disturbance

- SPMP: “detailed definition of ‘limits of disturbance’ deferred until conditional use review” (p. 14)
- City has consistently allowed site disturbance well outside of building area boundary, including on other properties within the same SPMP
- SPMP: Exhibit “defines building envelope limitations and architectural considerations” (p. 11)



# Commercial

- SPMP: “All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas.” (p. 3)
- Does not say the commercial uses shall be exclusively for those residing at the project
- Does not say that the project must exclude those not residing at the project from the commercial spaces
- Does not say that the project must limit patrons of commercial spaces to those residing at the resort

# Support Commercial

- MPE has addressed this issue in multiple submissions without a direct response from Staff to numerous points raised in those submissions (see, e.g., MPE Position Papers dated July 6, 2016; August 5, 2016; September 9, 2016; October 7, 2016; MPE Presentations dated July 13, 2016; August 10, 2016; September 14, 2016; October 12, 2016)
- The “Density Exhibit” chart in the SPMP does not address the support commercial issue—it is irrelevant to the question.
- The issue is controlled by state law: “[a]n applicant who has filed a complete land use application . . . is entitled to substantive land use review of the land use application under the land use laws **in effect on the date that the application is complete . . .**” Utah Code Ann. § 10-9a-509(1)(a)(i)

# Support Commercial

- Numerous City officials represented to MPE that it was entitled to the additional support commercial under 2003 LMC:
  - “Meeting space and support commercial (10% of the total approved floor area) per Land Management Code (15-6-8.) is allowed per the MPD, **in addition to the 19 UE of commercial uses.**” (e.g., March 9, 2005 Staff Report, p. 17–18.)
  - “Square footage and floor areas for the Unit Equivalents (UEs) are calculated as provided in the Land Management Code and Uniform Building Code adopted by Park City, at the time of application.” (Aug. 25, 1999 Mark Harrington Letter)
  - “Square footage and floor areas for the Unit Equivalents (UEs) are calculated as provided in the Land Management Code and Uniform Building Code adopted by Park City, at the time of application.” (April 9, 2004 Harrington Memorandum)

# Support Commercial

- 2003 LMC 15-6-8: “up to five percent (5%) of the total floor Area may be dedicated to support Commercial Uses...**without the Use of a Unit Equivalent for commercial space**”
- The fact the Applicant has also been allowed 19 UEs of commercial space is of no moment to the support commercial question
- If there is any question what the 2003 LMC means, it is made clear: “If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor Area can be support Commercial Uses....”

# Questions That Cannot Be Answered Now

- Blasting details (number, timing, etc.)
- Upstream utility upgrade details (schedule, scope, location, etc.)
- Commercial tenant details (who, what, etc.)