



PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** Treasure  
**Project #:** PL-08-00370  
**Authors:** Francisco Astorga, AICP, Senior Planner  
**Date:** 08 November 2017  
**Type of Item:** Administrative – Conditional Use Permit  
Refinement 17.2 Update

### Summary Recommendations

Staff recommends that the Planning Commission review the Treasure Conditional Use Permit (CUP) as outlined in this staff report. Staff recommends that the Planning Commission review the material, conduct a public hearing, and continue the item to Planning Commission meeting date of November 29, 2017.

### Description

**Property Owner:** Sweeney Land Company and Park City II, LLC  
represented by Patrick Sweeney  
**Location:** Creole Gulch and Mid-station Sites  
Sweeney Properties Master Plan  
**Zoning:** Estate (E) District – Master Planned Development  
**Adjacent Land Use:** Ski resort area and residential  
**Topic of Discussion:** Refinement 17.2 Update  
**Reason for Review:** Conditional Use Permits are required for development per the Sweeney Properties Master Plan. Conditional Use Permits are reviewed by the Park City Planning Commission

### Background

Refinement 17.2 plans were provided to the Planning Commission during the [October 11, 2017](#) meeting for review with its accompanying documents: Comparison plans submitted on August 14, 2017, updated Written & Pictorial Explanation document submitted on August 18, 2017, photographs/simulations identified as Signature Still (SS), View Points (VP), and an update of the animation/model submitted to on September 1, 2017. All of these updates are to reflect Refinement 17.2 and are available online on the City's website, see the following hyperlinks:

- [Link W – Refinement 17.2 Plans received 2017.08.10](#)
- [Link X – Refinement 17.2 Plans compared to 2009 Plans received 2017.08.14](#)
- [Link Y – Written & Pictorial Explanation \(Updated\) received 2017.08.14](#)
- [Link Z – Refinement 17.2 Signature Stills Renderings received 2017.09.01](#)
- [Link AA – Refinement 17.2 View Points Renderings received 2017.09.01](#)
- [Link BB – Refinement 17.2 Animation Model received 2017.09.01](#)

During the [October 25, 2017](#) Planning Commission meeting, the Planning Department presented the [exhibits](#) provided on the October 25, 2017 staff report which compared Refinement 17.2 and the “sheets” (plans/diagrams/etc.) provided on the Sweeney Properties Master Plan (SPMP), as requested by the Planning Commission during the October 11, 2017 Planning Commission meeting. Specifically, the staff analysis was focused on the locations and arrangement of the building(s) height, bulk and mass comparisons between the 1985/1986 master plan and the current Refinement 17.2. Mass, bulk and scale are affected by the amounts of temporary and permanent excavation, the distance density is moved away from entry points, stepping buildings up and down slopes and “flat” areas of plazas and decks. During the October 25, 2017 Planning Commission meeting, the Commission requested the following items to be addressed:

- Construction staging timeline.
  - Item not yet submitted by the applicant.
- Applicable code timeline.
  - Item includes in section Code/Application Timeline section of this staff report.
- Area of building elevations.
  - Staff is working on these exhibits as requested by the Planning Commission and will present them via presentation.
- Side by side excavation comparisons proposal vs. master plan.
  - Staff is working on these exhibits as requested by the Planning Commission and will present them via presentation.
- Excavation/height analysis compared to each percentage as indicated on the master plan.
  - Staff is working on these exhibits as requested by the Planning Commission and will present them via presentation.
- Limit of disturbance, building area boundary, development boundary’s staff recommendation.
  - Included as item 4 within the analysis section of this staff report.
- Updated constructability report in writing from the applicant showing the newly indicated information provided by the applicant via their presentation dated October 11, 2017.
  - Item not yet submitted by the applicant.
- Employee housing Update.
  - Included as item 8 within the analysis section of this staff report.
- Excavation/soil expansion/contaminated soils/water source protection update.
  - Staff needs the updated constructability report to complete the review as requested.
- Phasing plan, re-vegetation plan
  - Item not yet submitted by the applicant.

## Analysis

During this meeting staff requests to receive confirmation/direction from the Planning Commission regarding the following items considered to be outstanding by Planning Staff and specifically not currently being consistent with the approved Master Plan:

### 1. Density/Size of the Development.

The following table indicates the current proposal of Refinement 17.2. The assigned categories were assigned by the applicant as shown on Sheet P.16:

<b>Building area by Use</b>	<b>17.2 Refinement (Square feet)</b>
Residential (net):	393,466
Allotted Commercial (MPD UE's, gross)	18,560
Support Commercial (gross)	21,339
Meeting Space (gross)	16,214
Accessory Space (gross)	61,203
Commons Space & Circulation (gross), also Accessory Space	137,069
Parking (gross)	3,188
<b>Subtotal</b>	<b>651,039</b>
<i>Basement spaces:</i>	
Parking (gross)	241,171
Accessory Space (gross)	38,089
Common Space & Circulation (gross), also Accessory Space	18,431
<b>Subtotal</b>	<b>297,691</b>
<b>Grand Total</b>	<b>948,730</b>

Staff finds that the same issues identified on August and September 2016, and October 2017 Planning Commission meetings continue regarding the lack of consistency with the SPMP in terms of commercial unit equivalents (UEs), meeting space square footage, and the un-mitigated amount of Accessory Space (back of house, and common space/circulation).

Residential Space. SPMP Density Exhibit and other citations throughout the master plan (written staff report) clarified the allotted residential UEs which listed at a maximum of 197 (161.5 residential UEs at Creole-Gulch site and 35.5 residential UEs at Mid-Station site. Refinement 17.2 consists of 322,968 square feet (net area) or 161.48 residential UEs at the Creole-Gulch site. Refinement 17.2 consists of 70,498 square feet (net area) or 35.25 residential UEs at the Mid-Station site. Both sites known as the Hillside Properties would consist of 393,466 square feet (net area) or 196.73 residential UEs. A unit equivalent is 2,000 square feet.

Support Commercial Space. The SPMP Document and Fact Sheet dated May 15, 1985 explains how the nineteen (19) support commercial UEs came to be

as it was derived from an anticipated (earlier proposal) residential square footage of 414,500 square feet (207.25 residential UEs<sup>1</sup>) which triggered a maximum five percent (5%) of support commercial spaces (supported by the 1986 Land Management Code) of 20,725 square feet; however, at the time of the Master Plan application, the applicant applied for 19,000 square feet of support commercial which met the maximum five percent (5%) allowance. The SPMP Density Exhibit and other citations throughout the master plan (written staff report) indicate the allotted support commercial UEs which listed at a maximum of 15.5 (15,500 square feet) at the Creole-Gulch site and a maximum of 3.5 (3,500 square feet) at Mid-station, which totals 19.0 UEs (19,000 square feet). A commercial UE is 1,000 square feet.

Refinement 17.2 consists of 34,581 commercial square feet (gross) or 34.58 commercial UEs at Creole-Gulch and 3,432 commercial square feet (gross) or 3.23 commercial UEs at Mid-Station. The two (2) sites consist of 37,813 commercial square feet (gross) or 37.81 commercial UEs. The proposal exceeds the maximum support commercial UEs of 19.0 or 19,000 square feet by 18.81 support commercial UEs or 18,813 square feet.

As shown on Sheet P.16, the applicant believes that they are entitled to the 19.0 commercial UEs shown on the Master Plan referred to the term “allotted” commercial and an additional 5% of the total gross area above grade (which is 594,926 square feet within Refinement 17.2) referred to the term “support” commercial, which would equate to 29,746 square feet or 29.75 support commercial UEs. As indicated on 2016 staff reports, Staff does not agree with the two (2) commercial allocations sought by the applicant. Staff finds that the applicant is requesting an excess of commercial space consisting of 19,013 square feet.

Accessory Space-Lobby. The Master Plan makes no mention of lobby space; however, the SPMP Document and Fact Sheet dated May 15, 1985 identifies 8,500 square feet identified at the Creole-Gulch site and 9,000 square feet at the Mid-Station site of Lobby Space, for a total of 17,500 square feet in the two (2) sites. A note was placed on the SPMP Document and Fact Sheet dated May 15, 1985 which stated the following:

*Lobby includes the following NON commercial support amenities: weight rooms, recreation rooms, saunas, administrative offices, storage, guest ski storage, guest meeting rooms, etc.*

Staff finds that this note needs to be carefully examined by the Planning Commission. It is important to review this maximum lobby space and

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<sup>1</sup> The Master Plan allotted and approved a total of 197 UEs (394,000 square feet) and not the requested 207 UEs (414,500 square feet) of residential space. The 207.25 UEs is shown on the SPMP Fact Sheet dated May 15, 1985, while the 197 UEs was written and shown throughout the Master Plan including the Master Plan Density Exhibit, and other citations written on the staff report.

associated note listing specific lobby areas as this section was not further clarified, corrected, or allotted in the Master Plan. Staff does not consider common space and circulation (hallways) as lobby space. While lobby space, common space, and circulation (hallways) are all considered Accessory Space, they are not all inclusive. The SPMP Document and Fact Sheet dated May 15, 1985 only restricted Lobby Space with the note above showing what that meant, e.g, a hallway leading to a unit (hotel or condominium) is not Lobby Space (as defined in the note) but it is indeed considered Accessory Space.

Accessory Space. The 1985 and 2004 Land Management Codes (LMCs) do not provide a definition of Accessory Space. When reviewing master plan developments the following reference is found in the 1985 LMC 3<sup>rd</sup> Edition Chapter 10 Master Planned Developments § 10.12 Unit Equivalent regarding this type of space:

*Circulation spaces including lobbies outside of units, including lobby areas, do not count as floor area of the unit, or as commercial unit equivalents.*

Similar language is found in the 2004 LMC 50<sup>th</sup> Edition Chapter 5 Master Planned Developments § 15-6-8(F), also when reviewing master plan developments:

*(F) **RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:*

- *Ski/Equipment lockers*
- *Lobbies*
- *Registration*
- *Concierge*
- *Bell stand/luggage storage*
- *Maintenance Areas*
- *Mechanical rooms*
- *Laundry facilities and storage*
- *Employee facilities*
- *Common pools, saunas and hot tubs not open to the public*
- *Telephone Areas*
- *Public restrooms*
- *Administrative offices*
- *Hallways and circulation*
- *Elevators and stairways*
- *Back of house Uses*

Refinement 17.2 proposes the following spaces as broken down by the applicant:

- 61,203 square feet of above grade Accessory Space
- 38,089 square feet of basement space Accessory Space

- 137,069 square feet of above grade Common Space/Circulation
- 18,431 square feet of basement space Common Space/Circulation (254,819 square feet in total)

While the applicant categorized two (2) separate areas, Accessory Space and Common Space/Circulation, they are both considered Accessory Space and do not count towards either UE allotment under than the specified language on the SPMP Document and Fact Sheet dated May 15, 1985 which assigns 17,500 square feet of lobby space to include non-commercial support amenities such as *weight rooms, recreation rooms, saunas, administrative offices, storage, guest ski storage, guest meeting rooms, etc.* See Accessory Space-Lobby section above.

Refinement 17.2 proposal indicate a grand total of 254,819 square feet of Accessory Space of the proposed 948,730 square feet of development. The proposal ignores the its own Sweeney Property Master Plan Document and Fact Sheet dated May 15, 1985 which allocated lobby spaces with it accompanying note, e.g., to 17,500 square feet. Refinement 17.2 proposes a total of 16,214 square feet of meeting space, which as noted on the Sweeny Property Master Plan Document and Fact Sheet would be considered guest meeting rooms, leaving 1,286 square feet for other lobby areas (actual lobby space, weight rooms, recreation rooms, saunas, administrative offices, storage, guest ski storage, etc.); furthermore, the meetings rooms (16,214 square feet) is located within Building 4A and is not divided into the two (2) sites as shown on the Sweeny Properties Master Plan PMP Document and Fact Sheet.

Parking Space. The applicant proposes a total parking space of 241,171 square feet. Staff also wants to identify an issue regarding parking calculations which may or may not change significantly depending upon the final classification of density and support uses.

**Staff finds that the Master Plan provided clarity in terms of approved allotted residential and support commercial UEs in the Sweeny Property Master Plan that constituted the master plan sheets (exhibits), SPMP Document and Fact Sheet dated May 15, 1985, SPMP Application, Density Exhibits, etc.**

**Other than the Accessory Space- lobby category as noted, the Master Plan did not provide a square footage for the remaining Accessory Space (back of house, common space and circulation, etc.) and Parking Area, etc.**

**Staff finds that the effects of all spaces, regardless whether they were allocated or not on the approved master plan, conflict with the mitigation measures of the SPMP and increase the detrimental impacts created by**

**the proposal. Does the Planning Commission agree with this analysis? Staff finds that the specific square footage can be reduced to:**

- a) Meet the master limitation in terms of consistency with the allocated support commercial UEs.**
- b) Meet the master plan parameters in terms of consistency with the lobby space allocation and note.**
- c) Further examine the effects of the substantial amount of Accessory Space to review its affects regarding size. Staff is reviewing the effects of the proposed amount of Accessory Space that would enable a reduction of square feet if findings are made that due to the proposed size impacts cannot be reasonably be mitigated, and will present its conclusion during the November 29, 2017 Planning Commission meeting.**

**Staff is waiting for the Applicant's position on the researched Sweeney Property Master Plan Document and Fact Sheet dated May 15, 1985. By the publication of this staff report staff has not received their response as they have stated disagreement with it and that they are working on a response to submit to the City.**

## **2. Excavation Deviation**

The Planning Commission further studied the effects and impacts of Refinement 17.2 relating to excavation from the approved master plan during the [October 25, 2017](#) Planning Commission meeting. The same was done when reviewing the 2008/2009 plans in 2009 and 2016, also relating to excavation. The Planning Commission indicated that they agreed with the provided [assessment](#) found on the October 25, 2017 staff report as Refinement 17.2 was not found consistent with the approved master plan diagrams.

## **3. Mass/Scale Deviation**

The Planning Commission further studied the effects and impacts of Refinement 17.2 relating to the proposed as-built heights with altered finished grade and site disturbance different from what is shown on the master plan during the [October 25, 2017](#) Planning Commission meeting. The proposed as-built height is a function of the mass/scale and neighborhood compatibility as a direct result of the excavation and the proposed heights of each structure. Staff and the Planning Commission both indicated concerns with this deviation from the Master Plan diagrams in 2006, 2009, 2016, and 2017. The Planning Commission indicated that they agreed with the provided [assessment](#) found on the October 25, 2017 staff report as Refinement 17.2 was not found consistent with the approved master plan in terms of proposed excavation and building height.

Staff finds that the proposal meets the height parameters (measured from natural grade) as indicated on the approved master plan but raises concerns regarding the mass and scale perceived from the newly proposed final grades.

When existing grade is substantially altered by, in some cases, excavating one hundred vertical feet (100'), it significantly impacts the mass/scale, and neighborhood compatibility. The Master Plan diagrams did provide significant mass towards the front of the site, but had minimal excavation towards the rear of each shown building. Around the periphery of each building the diagrams do not show much disturbance (re-grading) as compared to the major excavation proposed in the 2008/2009 plans and in Refinement 17.2. Both staff and the Planning Commission have expressed concerns with this deviation.

**4. Limit of Disturbance/Building Area Boundary/Development Boundary**

The approved SPMP indicated the following text below regarding Major Issue-Disturbance:

*Disturbance - The eight distinct development scenarios presented each had a varying degree of associated site disturbance. The current concept results in considerably less site clearing and grading than any of the others presented (except the total high-rise approach). A balance between site disturbance and scale/visibility has been attained through the course of reviewing alternate concepts. General development parameters have been proposed for Master Plan approval with the detailed definition of "limits of disturbance" deferred until conditional use review.*

The 1985/1986 selected (approved) scenario has considerably less amount of site clearing and grading than the ones not selected. The last sentence of the text above indicated that the limits of disturbance (LOD) would be deferred to the condition use review as general development parameters were proposed. The 2004 LMC defines "limits of disturbance" and the following associated terms:

*15-15-1.127. **Limits of Disturbance.** The designated Area in which all Construction Activity must be contained.*

*15-15-1 .56. **Construction Activity.** All Grading, excavation, construction, Grubbing, mining, or other Development Activity which disturbs or changes the natural vegetation, Grade, or any existing Structure, or the act of adding an addition to an existing Structure, or the erection of a new principal or Accessory Structure on a Lot or Property.*

*[15-15-1.71. **Development.** The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or Demolishing any Structure or improvement to Property including Grading, clearing, Grubbing, mining, excavating, or filling of such Property. Includes Construction Activity.*

*15-15-1.214. **Structure.** Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed*

*location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".*

*15-15-1.29. **Building.** Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.*

Section V Narrative of the Master Plan/Hillside Properties section indicates that “As part of the Master Plan, the land not included within the development area boundary will be rezoned to Recreation Open Space (ROS).” Staff finds that there are significant cliff-scape features / retaining walls within the **Building Area Boundary** found on SPMP sheet 2, 4, 7, 8, and 22, and the corresponding **Development Boundary** found on SPMP sheet 28 and 29. Staff does not find a difference between these two boundaries and finds that they are synonymous.

It is no coincidence that the Building Area Boundary / Development Boundary match the zone change that took place in 1991 which rezoned the areas outside of the boundary to the Recreation and Open Space (ROS) District as indicated on the approved master plan. The purpose of the Recreation and Open Space District is to:

- A. establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- B. permit recreational uses and preserve recreational Open Space land,
- C. encourage parks, golf courses, trails and other Compatible public or private recreational uses, and
- D. preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.

Similarly to the purpose statement of the ROS District, the actual restricting sensitive areas from development through the LOD mechanism serves to keep those areas free and clear of structures, improvements, enhancements, etc. Development restrictions allow sensitive areas to keep their natural state, look, feel, openness, etc.

It is not uncommon for some areas in the ROS District to be modified, specifically sites within and adjacent to ski resorts, i.e., Park City Mountain and Deer Valley. The ski operator may choose to re-grade sites to create, eliminate, modify ski runs and trails, etc. While these requests are administratively reviewed by the City, it is imperative that the intent of the regulating district is maintained, that the site remains open and free of structures, improvements, enhancements (unless allowed by the regulating Code), as long as the end result does not conflict with the development aspects of recreation and open space principles, i.e., maintain natural state, look, feel, openness, etc.

While staff does not find it detrimental to place excavated material over sites zoned ROS and/or sites outside the limits of disturbance as long as it is done correctly: with an appropriate understanding of how the site look at the end; maintaining its natural state, look, feel, openness, etc., avoiding sharp changes in the topography of the land that may look un-natural, Staff does not agree with the applicant that the cliff-scape / retaining wall within the ROS District / outside of the building area boundary / development boundary to be consistent with the specifically delineated building area boundary / development boundary. The proposed cliff-scape / retaining wall dramatically alter the open space character intended to mitigate the original preliminary site concept. They provide the opposite of effect indicating that at its specific location the site was dramatically re-graded, modified, changed to accommodate the improvement below. Staff recommends placing the proposed cliff-scapes / retaining walls within the delineated Building Area Boundary / Development Boundary as staff makes the simple interpretation that the boundary is to become the Limit of Disturbance as originally proposed.

Staff finds it appropriate to take excavated material and to place on the mountain to allow ski runs, trails, etc., to be re-graded, modified, and/or altered as long as it is done in a naturally-occurring manner which preserves its natural look, feeling views, openness, etc. This does not mean that the City would approve anything, again, the re-grading approval is subject to sensitive re-grading allowing the newly re-graded sites to look natural to maintain open land covered with vegetation and preserving/enhancing environmentally sensitive lands.

Deferring the Limit of Disturbance to the time of the CUP allows the Planning Commission to determine if the proposal is in compliance with the Building Area Boundary / Development Boundary from the approved master plan. Staff does not recommend amending the Building Area Boundary / Development Boundary, but rather maintaining the delineated area as the Limit of Disturbance consistent with what was expected when the master plan was approved.

**Discussion requested: Does the Planning Commission agree with this analysis?**

**5. Setbacks**

The setbacks of the Estate District are a thirty feet (30') minimum for front, side, and rear. The approved SPMP makes the following references regarding setbacks:

*Finding #7: The proposed setbacks will provide adequate separation and buffering.*

Hillside Properties narrative, last sentence: *Buildings have been set back from the adjacent road approximately 100' and a comparable distance to the nearest adjoining residence.*

*Major Issue – Setbacks: All of the development sites provide sufficient setbacks. The Coalition properties conceptually show a stepped building facade with a minimum 10' setback for the West site (in keeping with the HRC zoning) and a 20' average setback for the East sites. The Hillside properties provide substantial 100'+ setbacks from the road, with buildings sited considerably farther from the closest residence.*

The 0'-0" maximum building height (MBH) designated area shown on the SPMP diagram sheet 22, is where the City established the referenced one hundred foot plus (100') setback measured from the edge of this height designated area towards the front of the property, which was the established property line at that time, and not the property line that was created with the 1990's property dedication to the City of the Lowell-Empire connector (switchback) with the fifty foot (50') Right-of-Way (ROW). Staff finds that the buildings respect this one hundred foot plus (100'+) setback as this setback area is the same as the 0'=0" MBH. While this setback was only measured on the Creole-Gulch site, staff interprets that it acts the same way in the Mid-Station site. Staff finds that this entire area is considered the front yard area.

The intent of calling a 0'-0" MBH area is to allow underground areas, specifically for parking with this first area while all other proposed uses would specifically meet this 100+ de-facto setback area.

The master plan makes no mention of appropriate setbacks exceptions, which would apply on this 100+ setback / 0'-0" MBH area. Staff finds that the same setback exceptions listed in the LMC Estate District would apply. The Estate District front yard exception indicates the following setback exceptions:

***(D) FRONT YARD EXCEPTIONS.***

*The required Front Yard must be open and free of any Structure except for the following:*

- 1) A Fence or wall not more than four feet ( 4') in Height. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection at back of curb.*
- 2) Uncovered steps leading to the Main Building provided the steps are not more than four feet ( 4') in Height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.*
- 3) A deck, porch, or Bay Window, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.*

- 4) *A roof overhang, eave, or cornice projecting not more than three feet (3') into the Front Yard.*
- 5) *Sidewalks and pathways.*
- 6) *A driveway leading to a garage or Parking Area. No portion of a Front Yard, except for approved Parking Areas and driveways, may be Hard-Surfaced or graveled.*
- 7) *Circular driveways meeting all requirements stated in Section 15-3-4.*

Staff is specifically concerned with the first listed setback exception as it restricts (retaining) walls to no more than four feet (4') in height (measured from final grade). Supplemental Regulations (LMC 50<sup>th</sup> Edition) Chapter 4 § 15-4-2(A) reiterates the same regulation listed under the exception as it also clarifies that through an administrative CUP approval (reviewed by the Planning Commission) a retaining wall may exceed six feet (6').

Refinement 17.2 contains a driveway accessing the site from the Lowell-Empire switchback parallel to Building 2 extending below the ski lift which enters into an underground passage towards an en exposed driveway parallel to Building 1A before returning again to another tunnel towards the underground parking structure underneath Building 1A, 1B, and 1C. This entire driveway from Creole-Gulch site extending towards Mid-Station site is supported by a retaining wall on its east side which exceeds the maximum retaining wall exception of four feet (4'). In conjunction with this CUP the Planning Commission can further approve the maximum height (measured from final grade) of this proposed retaining walls, additionally the Applicant has not request an exception. Staff is unable to verify the exact height of this wall based on the submitted plans of Refinement 17.2; however, it can easily be determined that this proposed retaining wall will be over four feet (4') from final grade. See rendering below with the identified retaining walls areas over four feet (4'):



**Does the Planning Commission agree with staff analysis which designates the front setback area the same as the delineated 0'-0" maximum building height area? Does the Planning Commission agree with staff that the same front yard exception outlined in the Estate District would apply to the Creole-Gulch and Mid-Station sites?**

**6. Lack of Updated Proposal - Utilities**

During the [July 13, 2017](#) Planning Commission meeting Staff and the Planning Commission indicated concerns with utilities found in the then recently updated [Refinement 17.2 Constructability Assessment Report](#) submitted on June 27, 2017. The submitted report was separated into excavation, soils management and water protection, storm water management, service utilities, and construction phase activities. Staff and the Planning Commission are concerned with the lack of written information provided by the updated report which is needed in order to complete the review to find compliance with applicable codes, consistency with the approved master plan, and identification of the effects of the proposal to mitigate detrimental impacts related to utilities. Staff indicated concerns with knowing the details of the storm water management and found that utility provider will-serve letters do not substitute compliance with applicable codes, consistency with the master plan, and identification of impacts to reduce detrimental impacts, etc., as listed below:

### Storm Water Management Concerns

Applicant explains that it is expected that construction phase storm water management will entail the design of a construction storm water management plan and the procurement of a Storm Water Pollution Prevention Plan (SWPPP) permit for the entire project. The items to be employed will include a storm water detention facility with supportive erosion control fencing and channeling. Applicant also further explains that the ongoing practices and design facilities of the post construction design will be in accordance and comply with the Park City Storm Water Master Plan and the State of Utah MS-4 (Municipal Separate Storm Sewer System) Program. Staff requests to understand the specifics of the mentioned storm water detention facilities, such as location, capacity, diversion of run-off water, etc.

### Service Utility Concerns

Various utility letters explains that the servicing entities can provide services to the project provided that the established procedure is followed with each entity that may include subsequent receipt of payments of all required fees including impact fees, signed contracts, review of development plans, specific requirements, etc. Service routes and locations of dry utilities, transformers, etc., have not been identified and determined. Other than the lack of precision provided by the applicant at this stage, staff is concerned with compliance with Development Parameter and Condition no. 8 that in essence calls for a master utility plan to be reviewed and approved:

*8. Master Planned Development approval only conceptually established the ability of local utility service providers to supply service to the projects. It does not constitute any formal approval per se. The applicant has been notified that substantial off-site improvements will be necessary and that the burden is on the future developer(s) to secure various easements and upsize whatever utility lines may be necessary in order to serve this project. Prior to resale of this property in which this MPD approval is carried forward, or prior to any conditional use application for any portion of the MPD, a utility plan addressing water, fire flows, and -sanitary sewer, storm drainage, cable utilities, and natural gas shall be prepared for review and approval by City Staff and the Snyderville Basin Sewer Improvement District. Part of the plan shall be cost estimates for each item of utility construction as it is anticipated that major costs for these utilities will be necessary. All such costs shall be paid by the developer unless otherwise provided. If further subdivision of the MPD property occurs, the necessary utility and access improvements (see below) will need to be guaranteed in accordance with city subdivision ordinances. [...]*

### **7. Lack of Updated Proposal - Soil Placement/Excavation**

The City understands that the geotechnical report is currently being resolved. The City finds it appropriate to be submitted with the CUP as it contains critical

information regarding construction, stability, etc. The City was not expecting a change in methodology of transporting soil up the mountain as previously proposed and requests that the detailed proposal be submitted in writing for review. Staff and the Planning Commission are waiting for details from the applicant that further demonstrate the excavation area, volume, swell factor, material placement zones with corresponding topographical components to understand the proposal.

Staff provided a section on this current lack of written information on the [October 25, 2017 staff report](#) as the applicant indicated its departure from presented changes to the constructability report during their presentation on October 11, 2017. Staff requested that the applicant provide areas of disturbance for the road system lengths of roadways and methods to restore disturbed areas not used for skiing or summer access.

Staff also requested that the exhibits provided in conjunction with the updated [Refinement 17.2 Constructability Assessment Report](#) submitted on June 27, 2017, provide technical precision as standard components were missing; such as contour intervals, document scale, existing and proposed contours. These components would allow Staff and the Planning Commission to understand the proposed material placement zones and grading.

#### **8. Employee Housing Contribution**

The SPMP indicated the following clause under Major Issue-Employee Housing:

*Employee Housing - At the time of conditional use approval, individual projects shall be reviewed for impacts on and the possible provision of employee housing in accordance with applicable city ordinances in effect.*

The applicant provided an [Employee Housing Contribution Letter dated December 12, 2008](#) which contained affordable housing requirements per Resolution 17-99 and 2007 Resolution. On February 26, 2009 the City Housing Authority [City Council] reviewed the request with representatives of the applicant and housing staff. See February 26, 2009 [staff report](#) and [meeting minutes](#). The Housing Authority rejected the proposal and provided consensus direction to provide all of the affordable housing on-site. There was some discussion that the Housing Authority may re-consider under certain parameters.

Currently, the applicant is proposing 6,669 square feet of employee housing located on Building 3A in the form of a three (3) story building combined with an in-lieu fee, contrary to the direction of the Housing Authority. These are the only details that have been provided by the applicant at this time.

The Housing Department is not recommending any changes from the February 28, 2009 Park City Housing Authority minutes direction. Any new alternatives demonstrating where and how the housing obligations are met as opposed to on-site requires an approval of the Park City Housing Authority and should not be deferred to a Housing Authority decision after the CUP action due to the fact that it affects the use, massing, and other CUP criteria aspects of the project under consideration. Otherwise, the Treasure Hill project should be fulfilling all housing obligations on-site or 22,775SF/28.47UEs (based on the square footage and units requested in 2009). The finding is that their current proposal of 6,669 square feet of employee housing is inadequate. If the housing obligation is fulfilled on-site, a condition of approval should still be added that a formal housing mitigation plan establishing rental terms and other compliance with the applicable resolution must be submitted and approved by the Housing Authority prior to building applications are submitted, but design changes incorporating the housing should be shown prior to CUP action as required by the MPD.

### **Code/Application Timeline**

During the October 25, 2017 Planning Commission meeting, the Commission requested that staff provide a timeline summarizing applicable codes that apply to this project. Staff dates the earliest zoning ordinance to the 1960's. The Land Management Code (LMC) was passed and adopted December 22, 1983 and effective January 1, 1984. The applicable code relating to the Treasure Hill CUP is the fiftieth (50<sup>th</sup>) Edition of the LMC which was revised July 10, 2003. This is what we have referenced as the 2004 LMC in our meetings. The Treasure Hill CUP was submitted to the City on January 13, 2004.

Park City Historic District Design Guidelines were adopted by City Council resolution June 16, 1983. The current Design Guidelines were adopted in 2009. The Park City General Plan was adopted March 20, 1997 with additional components adopted in 1999, 2000, 2001, and 2002. The current General Plan was adopted in 2014. The LMC has been amended various times since the LMC 50<sup>th</sup> Edition. The City no longer assigns an LMC edition number every time there is an amendment. See timeline below:

#### **Code Timeline related to Treasure Hill CUP**

- June 1983 – Historic District Design Guidelines adopted
- March 1997 – General Plan is adopted with additional components adopted in 1999, 2000, 2001, and 2002.
- July 2003 – Land Management Code is revised as the 50<sup>th</sup> Edition
- January 2004 – Applicant submits Treasure Hill CUP.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on May 11, 2016 for the initial meeting held on June 8, 2106. Legal notice was published in the Park Record according to requirements of the Land Management

Code prior to every meeting.

### **Public Input**

Public input has been received by the time of this report. See the following hyperlink: [Link A - Public Comments](#) with public input received as of April 2016. All public comments are forwarded to the Planning Commission via the staff report link above and kept on file at the Planning Office. Planning staff will not typically respond directly to the public comments, but may choose to address substantive review issues in subsequent staff reports. There are four (4) methods for public input to the Planning Commission:

- Attending the Planning Commission meetings and giving comments in the public hearing portion of the meeting
- Preparing comments in an e-mail to [treasure.comments@parkcity.org](mailto:treasure.comments@parkcity.org)
- Visiting the Planning office and filling out a Treasure CUP project Comment Card
- Preparing a letter and mailing/delivering it to the Planning Office

### **Summary Recommendations**

Staff recommends that the Planning Commission review the Treasure Conditional Use Permit (CUP) as outlined in this staff report. Staff recommends that the Planning Commission review the material, conduct a public hearing, and continue the item to Planning Commission meeting date of November 29, 2017.

### **Hyperlinks**

[Link A - Public Comments](#)

[Link B - Approved Sweeney Properties Master Plan \(Narrative\)](#)

[Link C - Approved MPD Plans](#)

[Link D - Proposed Plans – Visualization Drawings1](#)

Sheet BP-01 The Big Picture  
Sheet V-1 Illustrative Plan  
Sheet V-2 Illustrative Pool Plaza Plan  
Sheet V-3 Upper Area 5 Pathways  
Sheet V-4 Plaza and Street Entry Plan  
Sheet V-5 Building 4b Cliffscape Area  
Sheet V-6 Exterior Circulation Plan  
Sheet V-7 Parking and Emergency Vehicular Access  
Sheet V-8 Internal Emergency Access Plan  
Sheet V-9 Internal Service Circulation  
Sheet V-10 Site Amenities Plan  
Sheet V-11 Usable Open Space with Development Parcels  
Sheet V-12 Separation-Fencing, Screening & Landscaping  
Sheet V-13 Noise Mitigation Diagrams  
Sheet V-14 Signage & Lighting  
Sheet V-15 Contextual Site Sections - Sheet 1  
Sheet V-16 Contextual Site Sections - Sheet 2

[Link E - Proposed Plans – Visualization Drawings2](#)

Sheet V-17	Cliffscapes
Sheet V-18	Retaining Systems
Sheet V-19	Selected Views of 3D Model - 1
Sheet V-20	Selected Views of 3D Model – 2
Sheet V-21	Viewpoints Index
Sheet V-22	Camera Viewpoints 1 & 2
Sheet V-23	Camera Viewpoints 3 & 4
Sheet V-24	Camera Viewpoints 5 & 6
Sheet V-25	Camera Viewpoints 7 & 8
Sheet V-26	Camera Viewpoints 9 & 10
Sheet V-27	Camera Viewpoint 11
Sheet V-28	Illustrative Plan – Setback

[Link F - Proposed Plans – Architectural/Engineering Drawings 1a](#)

Sheet VM-1	Vicinity & Proposed Ski Run Map
Sheet EC.1	Existing Conditions
Sheet SP.1	Site & Circulation Plan Sheet
Sheet GP.1	Grading Plan
Sheet HL.1	Height Limits Plan
Sheet HL.2	Roof Heights Relative to Existing Grade
Sheet FD.1	Fire Department Access Plan

[Link G - Proposed Plans – Architectural/Engineering Drawings 1b](#)

Sheet P.1	Level 1 Use Plan
Sheet P.2	Level 2 Use Plan
Sheet P.3	Level 3 Use Plan
Sheet P.4	Level 4 Use Plan
Sheet P.5	Level 5 Use Plan
Sheet P.6	Level 6 Use Plan
Sheet P.7	Level 7 Use Plan
Sheet P.8	Level 8 Use Plan
Sheet P.9	Level 9 Use Plan
Sheet P.10	Level 10 Use Plan
Sheet P.11	Level 11 Use Plan
Sheet P.12	Level 12 Use Plan
Sheet P.13	Level 13 Use Plan
Sheet P.14	Level 14 Use Plan
Sheet P.15	Level 15 Use Plan
Sheet P.16	Area, Unit Equivalent & Parking Calculations

[Link H – Proposed Plans – Architectural/Engineering Drawings 2](#)

Sheet E.1AC2.1	Buildings 1A, 1C& 2 Exterior Elevations
Sheet E.1B.1	Building 1B Exterior Elevations
Sheet E.3A.1	Building & Parking Garage Exterior Elevations
Sheet E.3BC.1	Building 3BC Exterior Elevations
Sheet E.3BC.2	Building 3BC Exterior Elevations
Sheet E.3BC.3	Building 3BC Exterior Elevations
Sheet E.4A.1	Building 4A Exterior Elevations

Sheet E.4A.2	Building 4A Exterior Elevations
Sheet E.4B.1	Building 4B Exterior Elevations
Sheet E.4B.2	Building 4B Exterior Elevations
Sheet E.4B.3	Building 4B Exterior Elevations
Sheet E.4B.4	Building 4B Exterior Elevations
Sheet E.5A.1	Building 5A Exterior Elevations
Sheet E.5B.1	Building 5B Exterior Elevations
Sheet E.5C.1	Building 5C Exterior Elevations
Sheet E.5C.2	Building 5C Exterior Elevations
Sheet E.5D.1	Building 5D Exterior Elevations
Sheet S.1	Cross Section
Sheet S.2	Cross Section
Sheet S.3	Cross Section
Sheet S.4	Cross Section
Sheet S.5	Cross Section
Sheet S.6	Cross Section
Sheet S.7	Cross Section
Sheet S.8	Cross Section
Sheet S.9	Cross Section
Sheet UP.1	Concept Utility Plan

[Link I – Applicant’s Written & Pictorial Explanation](#)

[Link J – Fire Protection Plan \(Appendix A-2\)](#)

[Link K – Utility Capacity Letters \(Appendix A-4\)](#)

[Link L – Soils Capacity Letters \(Appendix A-5\)](#)

[Link M – Mine Waste Mitigation Plan \(Appendix \(A-6\)](#)

[Link N – Employee Housing Contribution \(Appendix A-7\)](#)

[Link O – Proposed Finish Materials \(Appendix A-9\)](#)

[Link P – Economic Impact Analysis \(Appendix A-10\)](#)

[Link Q – Signage & Lighting \(appendix A-13\)](#)

[Link R – LEED \(Appendix A-14\)](#)

[Link S – Worklist \(Appendix A-15\)](#)

[Link T – Excavation Management Plan \(Appendix A-16\)](#)

[Link U – Project Mitigators \(Appendix A-18\)](#)

[Link V – Outside The Box \(Appendix A-20\)](#)

## **Refinement 17.2**

[Link W – Refinement 17.2 Plans received 2017.08.10](#)

[Link X – Refinement 17.2 Plans compared to 2009 Plans received 2017.08.14](#)

[Link Y – Written & Pictorial Explanation \(Updated\) received 2017.08.14](#)

[Link Z – Refinement 17.2 Signature Stills Renderings received 2017.09.01](#)

[Link AA – Refinement 17.2 View Points Renderings received 2017.09.01](#)

[Link BB – Refinement 17.2 Animation Model received 2017.09.01](#)

[Link CC - Sweeney Properties Master Plan \(applicable sheets, includes various site plans, building sections, parking plans, height zone plan/parking table, and sample elevations\)](#)

[Link DD – Refinement 17.2 Building Sections-Below Existing Grade](#)

Measurements

[Link EE – Refinement 17.2 Building Sections-Perceived Height Measurements](#)

**Additional Hyperlinks**

[2009.04.22 Jody Burnett MPD Vesting Letter](#)

[Staff Reports and Minutes 2017](#)

[Staff Reports and Minutes 2016](#)

[Staff Reports and Minutes 2009-2010](#)

[Staff Reports and Minutes 2006](#)

[Staff Reports and Minutes 2005](#)

[Staff Reports and Minutes 2004](#)

[2004 LMC 50th Edition](#)

[1997 General Plan](#)

[1986.10.16 City Council Minutes](#)

[1985.12.18 Planning Commission Minutes](#)

[1986 Comprehensive Plan](#)

[1985 Minutes](#)

[1985 LMC 3<sup>rd</sup> Edition](#)

[1983 Park City Historic District Design Guidelines](#)

[Parking, Traffic Reports and Documents](#)

MPD Amendments:

[October 14, 1987 - Woodside \(ski\) Trail](#)

[December 30, 1992 - Town Lift Base](#)

[November 7, 1996 – Town Bridge](#)