

**PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION
 CITY COUNCIL CHAMBERS
 January 11, 2017**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF December 14, 2016

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

Request for a one Lot and one Parcel subdivision plat, located at 9300 Marsac Avenue, to create a platted lot for development of Parcel B2 East of the Parcel B2 Master Planned Development Phase II, and to create a non-development parcel for ski area uses located on Twisted Branch Road (Application #PL-16-03338). PL-16-03338 113
Planner Whetstone
Public hearing and continuation to February 8, 2017

Request for a three lot subdivision plat, known as Village at Empire Pass North Subdivision, located at the intersection of Village Way and Marsac Avenue east of the Silver Strike chair lift, to create platted lots within the approved Village at Empire Pass Master Planned Development for Buildings 3 and 4, and for the Horseshoe Parcel townhouses located on the north side of Marsac Avenue across from the base of the Silver Strike chair lift (Application #PL-16-03293). PL-16-03293 114
Planner Whetstone
Public hearing and continuation to February 8, 2017

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

Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan - PL-08-00370 PL-08-00370 115
Planner Astorga
Public hearing and consideration of motion to continue public hearing to a future date

622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels, request for Zone Change from Residential Medium (RM) District to Historic Residential Low-Density (HRL) and Recreation Open Space (ROS) as well as from Estate (E) to ROS. PL-16-03323 221
Planner Grahm
Public hearing and possible recommendation to City Council on February 16, 2017

1846 Prospector Avenue – Conditional Use Permit application for the construction of six (6) residential units within two (2) new floors above an existing one-story commercial building at 1846 Prospector Avenue. All residential uses are Conditional Uses within the General Commercial (GC) district. PL-16-03356 240
Planner Scarff
Public hearing and possible action taken

1264 Aerie Drive plat combination – The purpose of this plat is to combine two adjacent lots in the Aerie Subdivision to build one house across the two combined PL-16-03362 265

lots.

Public hearing and possible recommendation to City Council on February 16, 2017

*Planner
Hawley*

1061/1063 Lowell Avenue (Application #PL-16-03328) - The purpose of this plat is to vacate Lot 1 from the Northstar subdivision, which current holds a duplex and has a deed line running through it. This plat amendment is synonymous with application #PL-16-03221; removing Lot 1 from the Northstar subdivision will possibly allow the following application to subdivide the current lot into 4 lots (becoming its own subdivision) for 4 single family homes.

Public hearing, discussion and continuation to February 8, 2017

PL-16-03328 291
*Planner
Hawley*

1061/1063 Lowell Avenue (Application #PL-16-03321) - The purpose of this plat is to subdivide one lot with a current duplex on it, separating it into 4 lots for 4 single family homes. This plat amendment is contingent on the approval of the 1061/1063 Lowell Avenue PL-16-03328 plat amendment, which proposes to vacate Lot 1 from the Northstar Subdivision.

Public hearing, discussion and continuation to February 8, 2017

PL-16-03321 353
*Planner
Hawley*

ADJOURN

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

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 14, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Anya Grahn, Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney, Jodi Burnett, Outside Counsel

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

November 30, 2016

MOTION: Commissioner Joyce moved to APPROVE the minutes of November 30, 2016 as written. Commissioner Phillips seconded the motion.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson stated that in January the Planning Commission would only hold one meeting on January 11th at the Marsac Building. They may consider having additional meetings in February.

Chair Strachan referred to the last item on the agenda regarding the Deer Crest Settlement Agreement. Since the item was already being continued, he suggested that they move it to the Continuations portion of the meeting, hold a public hearing, and continue the item. He would re-open the public hearing at the end of the meeting for anyone who might come later thinking that it was the last agenda item. The Commissioners agreed.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 1061/1063 Lowell Avenue - The purpose of this plat is to vacate Lot 1 from the Northstar subdivision, which current holds a duplex and has a deed line running through it. This plat amendment is synonymous with application #PL-16-03221; removing Lot 1 from the Northstar subdivision will possibly allow the following application to subdivide the current lot into 4 lots (becoming its own subdivision) for 4 single family homes. (Application PL-16-03328)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 1061/1063 Lowell Avenue plat to vacate Lot 1 from Northstar Subdivision to January 11, 2017. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

2. 1061/1063 Lowell Avenue - The purpose of this plat is to subdivide one lot with a current duplex on it, separating it into 4 lots for 4 single family homes. This plat amendment is contingent on the approval of the 1061/1063 Lowell Avenue PL-16-03328 plat amendment, which proposes to vacate Lot 1 from the Northstar Subdivision. (Application PL-16-03221)

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

MOTION: Commissioner Band moved to CONTINUE 1061/1063 Lowell Avenue Subdivision to subdivide one lot into four lots for four single family homes to January 11, 2017. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. Request for a three lot subdivision plat, known as Village at Empire Pass North Subdivision, located at the intersection of Empire Club Drive and Marsac Avenue, to create platted lots within the approved Village at Empire Pass Master Planned Development for Buildings 3 and 4, and for the Horseshoe Parcel townhouses. (Application PL-16-03293)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the request for a three lot subdivision plat the Village Inn at Empire North to January 11, 2017. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

4. Request for a one Lot and one Parcel subdivision plat, located in the 9000 Block of Marsac Avenue, to create a platted lot for development of Parcel B2 East of the Montage Master Planned Development Phase II, and to create a non-development parcel for ski area uses located on Twisted Branch Road.
(Application PL- PL-16-03338)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the request for a lot and partial subdivision located at the 9000 Block of Marsac Avenue to January 11, 2017. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

5. Request by Deer Crest Associates to amend the Deer Crest Settlement Agreement/Master Planned Development approved on December 29, 1995, to eliminate a required physical disconnect of Deer Hollow Road (aka Keetley Road) at the Slalom Village development parcel location. (Application PL-16-03209)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the request by Deer Crest Associates to amend the Deer Crest Settlement Agreement to February 8th, 2017. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

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).

Chair

Strachan: My thinking tonight, and open to input from the applicant, was we would have the staff and applicant presentations as we have done in the past, and then after those were complete, we would open the public hearing. And then after that was complete we could have a viewing of the model. Everybody from the audience can come and check the model out. Then we would move on to the next agenda item.

I would appreciate and ask, and I know, I think Pat, you have talked with some members of the Staff about leaving the model at the Marsac Building so that members of the public can come and view it at their convenience. I would suggest that due to the holidays coming up that we have that available for at least 60 days. Normally, maybe 30 would be all right, but since nobody is going to come in and look at a model, hopefully, over Christmas, that would be my request. But it's up to you. It's your property.

Pat
Sweeney

(Applicant): Francisco and I talked earlier and he felt we needed to ask. Bruce, do you want us to leave it tonight? We can do that or we can bring it back when you've got a place for it.

Chair

Strachan: Why don't we do this. Why don't you guys join heads and by the end of the agenda item I will be able to announce to the public the amount of time it's going to be available. Fair enough?

Planning Director

Erickson: That's fine, Mr. Chairman. We have a location for it and a method of transporting it. I would prefer not to potentially damage the model by having it leave again tonight.

Pat

Sweeney: So we can, we have done---it takes about ten minutes to get it out of this room. We can take it to wherever Bruce wants.

Director

Erickson: We'll bring it upstairs in the hall for 60 days, available to the public in the hallway.

Chair

Strachan: During Marsac business hours.

Director

Erickson: That's correct.

Chair

Strachan: All right. Which are?

Director

Erickson: The rest of the world is 8:00 to 5:00.

Chair

Strachan: 8:00 to 5:00. The Planning Staff's business hours are more like 12:00 midnight to, yeah, 24 hours later. Okay. With that, let's start with you, Francisco, go ahead, please.

Francisco

Astorga

(Planner):

Thank you. And I will be brief in my presentation. I just want to outline the Staff report that was prepared by the City, in which we outlined some of the major issues that were identified in the master plan. It starts on page 64. We, we copied the ones that apply to the mass and scale and excavation. And they are scale, neighborhood compatibility, visibility, grading and disturbance. Obviously, I'm not going to read them. That's why we put them in the Staff report.

But the first one, the first discussion requested, or one of the points that we want the Planning to focus was in, in the discussion that we had at the last meeting in November, which was the Planning Commission asked for more context regarding to adjacent buildings. That's why I believe I was the one that said, hey, there's this model that I believe that attempts to provide that contextual analysis, which is the, in that specific CUP criteria.

And it also was mentioned in the many major issues identified in the Sweeney properties Master Plan.

Obviously we didn't get the model until today, but I've had many different questions from the public already. And I just want to let you guys know that, and the public, that this is the same model that was provided to the City in 2010. It's not a different version with different square footages or

anything. It's exactly the same model, minus some trees that were lost in transportation. It's not that they want to remove more trees than what was originally shown. But it's, it's the exact same model that was presented to the Planning Commission. I want to say it was presented in September of 2009. I could be wrong. It could have been that February 2010, that very last meeting that they had there. So I, I don't know the exact scale of the model. I will let the applicant answer that question in their part of, in their presentation.

So that was one of the questions that most of you had at that last meeting. We need---we're looking at the Sketch-up model, which the applicant is ready to, to show you from any specific view that you might want to see it from tonight. But it was a model in, in---with nothing else around it, where you really couldn't try to compare it. And this is why the applicant in 2009/2010 went through the extent of providing such. We will, as, as you indicated, we will hold it in City Hall for 60 days. And I think we're going to try to, from the Planning Department, actually hire a professional to take more photographs of the model so we can keep a better record of it. Even a video of it. But the question as outlined in the Staff report is, is this sufficient, or something you need to think about, is this sufficient for you to perform your review of that neighborhood compatibility.

So that's the first question that I had there on page 65. And the next question that I had regarding the excavation of the cliffscape, and that starts on page 66 and 67, is regarding the limits of disturbance. And I have an exhibit I could present to you which has the, the boundary, the building boundary, I think, is what it was identified in the original master plan. So it drew a line saying this is where we're going to put the, the clustering of the development and the rest is going to be rezoned to ROS, which is was, and we're going to protect that area.

We look at the Master Plan, and it says, regarding the limit of disturbance, we're going to look at that when the conditional use permit gets submitted.

So we looked at the definition of Limit of Disturbance from the 2004 Land Management Code as listed on page 67, and it doesn't give us much information. It said the designated area in which all construction activity must be contained. So then we go to the next term. What is construction activity. And that's written on page 67. Given the line that was outlined in the original master plan, the limit of disturbance that indicated that we'd look at it when the conditional use permit gets reviewed, given the adopted definitions of the Land Management Code regarding these two

items, Staff finds that all of the cliffscapes and retaining walls need to be within that boundary line. I can show you the exhibit where the majority of the cliffscapes and the retaining walls are outside of this line. So we want you to pay special attention to that. That's the second question.

And then the last item is that we're providing an update as I think we're going to start looking at shifting a little bit towards transportation. There are a lot of documents that have been prepared, most of them by the applicant. One was commissioned by the City. We want you to start reading those over the Christmas break because there's a lot of documents there. And so I have every hyperlink. These are the same documents that were already, that were already accessible to you and the public as of June of this year. They've all been placed on our website via hyperlinks. We just have direct hyperlinks here. And we're also providing a quick status on what we're doing regarding the mine waste mitigation plan and how I'm working with other City employees regarding their specific reviews and whatnot.

So that's, in essence, that's a quick brief outline of the Staff report that we prepared. If we have to jump into the, all it is, is a site plan with a thicker red line in their boundary to, to show you what I'm talking about in terms of the cliffscapes not being within their boundary area. I'll be more than happy to switch computers and just show you that quick exhibit. And that's all I have from Staff, other than, obviously we're coming back, I believe that, in that same meeting in January, unless something changes here. So that's all I have. I'll be more than happy to answer any questions.

Commissioner

Band: I have a question. Just on the traffic, and I know we're not doing it today, but since you mentioned it, it looks like 2009 is our most recent survey. Are we going---or traffic study. Are we going to have an updated anything?

Planner

Astorga: We haven't had any discussion with the, with the applicant during this last public hearing round. So I don't have an answer about that on, on the spot.

Commissioner

Band: Okay.

Planner

Astorga: And we'll simply go from three.

Commissioner

Band: Okay. I mean, I can't speak for the other Commissioners, obviously, but just the difference in traffic over the last couple of years since Vail took over, I think is notable, anecdotally, at least. So, it might be nice to look at that again.

Director

Erickson: So the easiest way to get your arms around this one. I refer you to the updated traffic review of Fehr and Peers 2005. That was the City one. Is that correct, Francisco?

Planner

Astorga: I'm not sure which one it was. I think it was.

Director

Erickson: [Inaudible] the City did and then review that one and then see how the, the baseline information in that compares to the application. And then we can, we can talk if you need supplemental information from the applicant.

Commissioner

Band: Okay.

Director

Erickson: Yeah, don't read all the traffic studies. Start with Fehr and Peer and go from there.

Commissioner

Joyce: Just for the sake of it, I, I, you, you, your offer to quickly put up that one slide, Francisco. I'll take you up on that if you don't mind switching the computer.

Planner

Astorga: I have it ready to go. We just have to switch real quick, if you don't mind, Pat.

Pat

Sweeney: Unplug? I think we're good.

Planner

Astorga: There it is. So this is the same site plan that was submitted as P.1. And all I did, I, I, I traced the boundary area as shown, because it was extremely hard to see. And then I, I made it a little bit wider as you can tell there. The red line shows their boundary area.

Commissioner

Joyce: Thank you. Appreciate it.

Chair

Strachan: And remind me of the data that that redline is based on? Do we have like GPS coordinates or topographical coordinates from the MPD? What's that based on?

Planner

Astorga: While I'm thinking here, I, I believe it's---I don't have any GPS. It was the same line that was, I believe, taken from the original, from the original master plan. And it's, it's Sheet 22 that we've been referring about. It's the original site plan that matches. So if you're questioning the validity of it, we can, we can take it as specific as GPS coordinates.

Director

Erickson: Am I correct, am I correct, Francisco, that's an applicant provided line?

Planner

Astorga: Yes, it is.

Director

Erickson: That all you did is cover over.

Planner

Astorga: It's just an emphasis of the boundary line.

Director

Erickson: So the, the applicant provided that line in the submittal package and all we did was color it red.

Planner

Astorga: So the, the areas of concern that I'm referring to are these areas, like I said, outside of the red boxes. And, and this is, is this not anything new. It has been brought in the past.

Chair

Strachan: Right. Okay. All right.

Commissioner

Joyce: Can I ask one more before we get---while you're doing that I'll ask you one more. I know we're not going to get deep into excavation, but you kind of brought it up in the Staff report here. One of the things that would help me. I know there's a kind of a smattering of conservation easements on the land that the City owns up and around the Park City Mountain Resort area. And it would be interesting to me to understand when we talk about excavation of land that we're crossing and land that we're dumping dirt on is, are there any easements, conservation easements on that, and if so, if you could get us a copy of it so that we could take a look at the easement language.

Planner

Astorga: Understood. We'll work on that.

Commissioner

Joyce: Thank you.

Chair

Strachan: Great. Any further questions before we move into the applicant's presentation.

Pat

Sweeney: We just need a minute to restart our recording because when we took, took it off it shut it down, so it will just take a minute.

Chair

Strachan: Francisco, you were saying it was Sheet 22 that that's on. Is that in this submittal? Do we have the---

Steven
Perkins
(Land Planner): That Sheet 22 of the Master Plan.

Chair
Strachan: Got it. Okay.

Pat
Sweeney: So am I good to speak, Adam?

Chair
Strachan: Sure.

Pat
Sweeney: Okay. So quickly, Adam, give me a time frame you want to wrap this up in and we'll customize it.

Chair
Strachan: We already passed it. Just kidding. No, take your time. You've got the floor and I want to make sure you guys get the evidence in you want to get in. So---

Pat
Sweeney: We'll try and be timely, put it that way.

Chair
Strachan: I would appreciate that.

Pat
Sweeney: We would like to have the meeting proceed kind of like it already has, with questions and answers. To be honest with you, none of us have a speech here. We've come prepared to talk about some things. Briefly, we disagree with some of the Staff report. We had, we've just had it for a few days. We'll answer and, and respond to the Staff report prior to the next meeting in writing.

Concerning Commissioner Band's request for adjusting massing, we might get into a little bit of that, but we are working on that for doing some, making some changes. Just so you're aware of that.

As far as Commissioner Thimm's request about providing parking details, we've got an exhibit that David Eldredge has prepared and we might get into that tonight. With respect to the request on the part of Commissioner Campbell, Rob McMann will be updating the utility plan and letters. We have an exhibit prepared to respond to efficiency as well.

The most important thing that we would like to do tonight is give Ron Ivie a chance to speak. I don't know what he's going to say. I'll introduce him as the former Chief Building Official and Fire Marshal that was around here for quite a while. Longer than me, I think, but I can't remember for sure. To my left is Ron Ivie. To my right is David Eldredge our, our architect. Next to him is Steve Perkins, Land Planner, and hiding behind Ron is Rob McMann, the engineer who is available to answer questions.

With that I'd like to turn it over to Ron, and see where it goes.

Ron Ivie: Thank you. Mr. Sweeney is correct. He, they come to me a while back and asked if they could hire me and I told them no, but I would in fact talk. They wanted me to particularly talk about the status of the project at the time that I left, which was in 2010. August of 2010. And I, I was the person that did the review of the fire prevention plan on the project and, you know, all that sort of thing. Some of the stuff in the Staff report might--you know, I don't know how much in the weeds I want to get. Probably not too far. But the, the facts are that at the time we done, done the report, this site as far as fire protect, prevention is concerned, is, is an equivalency site. In other words, you if you were to go open up the fire code and look at each individual provision in there, there's items in here that wouldn't be in compliance. Particularly the fact that we don't have a street you can turn around completely around the building. And for a ski in and ski out operation it don't work, and that's not unusual to any other project we've built in Park City.

This project, also on the on the back side towards the hill has a wildland interface requirement, meaning that we have to be concerned about the spread of fire from the project to the hillside, or the reverse. And this, I, I, I graded it myself in terms of the grading, and I graded it moderate. You can argue with that, it's subjective somewhat. But that means that that vegetation has to be managed 100 feet away from the building. And so we looked pretty much at the building outline; not so much at the hard property line. So, we looked at that. And so I expect that when you look at it you'll see some, you know, some fluctuation of that. And in my view

at the time this project would have had to kind of went through a three-permit process. One process being that we would have had to, of course, permitted the building on the physical side. And then it would have had some, some mitigation work to be done on the, outside the boundary on the wildland side that we could, we could do. And then this also has an environmental problem relative---it's not right within the building, it's up to, up to grade.

At the time we looked at that we had thought the possibility was to come and ask to change the ordinance and put this in the boundary of the Soils Ordinance of the City. We elected not to do that because it would give us better flexibility, in our opinion, is to let that be a DEQ permit; Department of Environmental Quality of the State, and let the permit activity go forward there relative to the environmental cleanup for mainly two reasons. The main reason is it will give us greater flexibility on how to handle the dirt because of the, of the technical aspects of the, of the lead content and other materials in there. We know that the dirt within the excavation boundary would be satisfactory under the DEQ permit, but not certain as to whether or not it would be under the soils ordinance. In fact, it would be marginal.

And so we had thought that we'd have to go and get a separate permit there. And so---but, but our vision on this project always was to bring the dirt out of the excavation and use up the Gulch to re-contour that ski run and, and make that work, and keep the trucks out of the road to, to lessen the impacts as far as the heavy truck traffic in the road and otherwise. And so we never did intend at that time to work within the property boundaries as defined by the buildings relative to the work outside of it, because a lot of the environmental impacts are not within that scope either. They're outside of it and they got to be cleaned up. And so that, that was kind of we did.

Now this our fire prevent-, protection plan, in particular, has one feature in it that causes some complexity in the building. It is that we're bringing the, the fire trucks in underneath the parking garage to the plaza is the main set-up zone for the fire prevention activity. Therefore, the garage has to meet access regulations as to height and size. That means that the garage ceiling has to be 13'6" height clear, so we can be able to bring the fire trucks in that will be appropriate for the fire protection. And so it's an unusual garage height; therefore, complicating the excavation activity a bit. Because once you build a garage that high there, there's nothing you

can do to solve that. We mitigated it to the extent we could and when I say there's plans to mitigate you kind of---an, an equivalency plan. And if you look at the front driveway access it's slightly steeper than what the fire code requires. The mitigation for that was snow melt. It's certainly not steeper than most places in Park City; don't misunderstand that. But I'm talking pure Code, pure Code, Code language. And I think that was kind of the main ingredients.

I don't want to get into the weeds with you. Have any of you got technical questions on the actual plan and the details of it, I'll be happy to share with you our ideas and our thoughts and our argument for equivalency on every one of the items. Because I believe, I believe this project does satisfy the Fire Code. We did meet, and I wouldn't have come here today had I not met---I had the Sweeney's set a meeting up with Scott Adams of the Fire District, and I went and met with him and these folks prior to even agreeing to talk about the fire plan, because I didn't know, since I haven't been here for six years, whether or not the, the Fire District had needs different than they did or not. And Scott indicated in that meeting I could speak for them, and their supportive of what I'm saying tonight. Although they didn't know totally what I'm saying.

But I'll tell you something that I that, that I, and I'm trying to be brief about this. And I want, Polly told me when she called me. I, I don't know, because the Sweeney's had called me and somehow she, the, the grapevine word up here is still really effective because she knew it kind of before I actually had agreed to do it. But, but anyway, we met with them, and I met with them in terms of the request to come and talk. And, and they, they wanted me to, you know, talk particularly about this. But I wanted to say---and she said to me, is there any, can, can there be another way. And I thought, wow, that's a strange question 'cause there's another way pretty much on anything we do in life there's choice.

And I wanted to give you guys a little bit more brief---because I don't, I, I recognize some of you, and some of you I don't. But I do know this. When I came here in September of 1980, these folks were trying to get an approval to save Treasure Mountain. If you had saw what they come in with then, and what's before you today, I have no idea what your comparisons. I had a phone board thing about---I kept in my office along with the rest of the trash I kept in there for a long time; but basically it, it showed the different iterations of this property that had come in before this public process to be done. And, and pretty much every step of the

way they were told to either---kind of reduce the density to where you can and take it to the base. And that, that's been a pretty true picture through the whole series of development arguments they've got. And not since I can count a little bit still, we're not, we're into this project since I was first aware of it a little plus 36 years. Maybe they're entitled to a decision, and whatever that decision is. I'm not arguing that. These folks are not developers. Had, had they been this decision would have been made before 36 years, I can tell you that. But, and you guys know that. And I'm not trying to put anybody down. Please, please bear with me.

But I can also tell you this. One of the hardest things there is, in my opinion and in my experience dealing with the public, and I actually worked here for 30 years short a month. But I worked for Salt Lake County 15 years before that. And I can tell you, you combine that, that's pretty close to 45 years working with the public domain and issues like this. And one of the hardest things, even with, even with, you know, little things like we got sitting on that table right there. One of the hardest things that I've found that there is to do in a public way is to get a feeling of density. How does it feel. It's very, very difficult. To give you an example, a very direct example not far from where were sitting right now. When we built the first phase of China Bridge, the world was going to end. God was going to condemn us. I mean we had such an uprising about the mass and scale of that building, that you couldn't even imagine it. If you think I'm wrong, go back and look at the minutes. I mean, it was absolutely opposed from the standpoint of mass and scale. And so as a result of that argument, the City elected to cut 18 parking stalls out of that building. And we had been working real hard about trying to bring it in on an affordable budget because at that particular time the City was stretched for money and was trying to get some parking downtown to get some business downtown so everybody didn't close. And so we actually come up with a way on that thing. And, and Bruce might remember, we built that structure for about \$1800 a parking space. And we took 18 spaces out of there to satisfy the claim of, of problems.

And so a few years goes by, we build the structure and guess what? That structure when we first designed it was designed to have some affordable housing on top of it stepped back towards Ontario. Well, that never happened and so the City got some needs for some more parking, particularly to support this building. And so we opened up the top, the top of China Bridge, number one. And guess what we did. We reclaimed the 18 parking spaces that we had eliminated. And, and so far as I know I've

never personally never heard any objection to that. And, but, but I'm just telling you the kind of, the kind of difficulty there is with, with this kind of decision and why I just stay out of the grass a little. But basically that decision cost us, the taxpayers of Park City, and I include my, I, I feel like, like a citizen here, so you still know. But it cost about, a little short of half million dollars to fix that. And what we got was a less effective structure than it would have been because of the nature of the building, the post, fence and concrete structure. And if you want another 30-minute lesson I can tell you about that. But the problem with it is, we ended up with a building with less life potential and still the same mass and size as it was originally planned. And I'm just telling you, be cautious folks. Listen carefully and look at the facts.

And I've got a suggestion. And these folks haven't heard it and I'm sure Polly hasn't heard it and probably nobody else has. But I'll tell you the concern I've got with this project, and that's the, the, the surrounding neighborhood has got some impacts, and some of which you're not going to be able to mitigate. And particularly on the individual homes that are there. And I don't believe that there's a fix that's, that's universal that you can just say this is what we're going to do to fix that. I think it's more individual. Because each of those properties have an individual need and an individual circumstance that are related to this project in a different way. I hope that was---folks can follow me in my thought process. And so what---here's what I'm going to suggest that you recommend to the City Council. Now hang on to your chairs. I'm suggesting that this project has got in it a convention space. To me, convention space at the base of that resort for this community as far as the economics is sure as hell the same amount worth as park. So why don't the City invest in buying that density of that convention space from the Sweeney's. Now hang with me a minute. Don't, don't croak, croak out quite yet. That, that resource, whatever that was negotiated to be would be first priority would be to work individually with the design team and whoever else you appointed to solve the local people's issues relative to the building impacts. It's in an immediate impact zone of the building. And therefore, the City has an interest, the neighbors has an interest, and the community has an interest because of the fact that we're---the, the whole thing, the whole effort here for 36 years has been to try to save the mountain. You could legitimately put your bumper sticker, we save our mountains, Treasure Mountain. There you go.

Now I'll, I'll answer any technical question you got on the, on the mitigation plan, on the environmental plan and/or the fire protection plan. And I know I went out, out of space a bit, but I hope you understand. I'm tell you, be cautious because these issues do have long term consequences. And the last thing, the last thing the citizens behind me that care don't want a project there that don't work. And this project, in my opinion, and I've been around a little bit, has, it is going to have to have every damn available square foot of marketable property to, to recoup the cost of what the, what the front end costs are going to be because they're not standard. And so to think that, to think of this in a standard way is going to be a mistake, and you definitely don't want to get a project out there that don't work. And that's why I'm saying, if you really want to take a look at how to, how to build community, try to do it together. And that's my change, Polly.

That's all I got to say. And I'm sorry that I, I, I kinda diverted and dwelled. But I can't hang out too long. But, so if you really do have question, I mean, you, I've probably heard most of the questions in my life. You can go ahead.

Chair

Strachan: Well, thanks, Ron. Always know you to be a man of forthright nature. And again, you're true to form. Appreciate it. One, I think, question that probably many of the Commissioners have is, it has been asserted that the reason the project is designed the way it is and has the massing and scale that it does is because it couldn't be designed any other way and still meet the fire protection requirements. And I'm curious as to your take on that assertion. Is that a true one or a false one?

Ron

Ivie: No. Let me try it like this. Our effort to develop the fire protection plan was based on the drawings that was prepared to support what's here. Now the drawings at the level they are now and was then are not at a level you could build from, but they're certainly at a level you could decide from. And so the answer to that is, of course not. We, there's nothing that can't be, you know, thought through and developed. I'm just trying to tell you, and at least from my perspective, don't get too hung up on the mass and the, and the square footage. You better think of the economics. Because economics makes a hell of a lot of difference when it comes to a project's success. And, and you want to make sure that you don't have a project that don't succeed. That's my opinion. And, and so did I have

anything---and I can tell you right now. Out of, out of the 30 plus years that we've dealt with this project, every single time that we've dealt with it, we've dealt with it with cut your density a little bit and bring it here. Cut your density a little bit and bring it here. Now we're there. So what are we going to do with it now we're here. And that's kind of what, what I'm saying. Do you think that I think this project can't be designed differently? Absolutely it can. Do you think we can't make a fire protection plan fit something new? Absolutely we can.

Chair

Strachan: Thanks. All right. Commissioners, questions for Mr. Ivie?

Commissioner

Band: I think you asked it.

Commissioner

Joyce: That was mine.

Chair

Strachan: Yeah. I figured somebody else would have had the same one. Well, Pat, I'll, I'll kind of turn the floor over to you. I, I know you mentioned some other things you wanted to present.

Ron Ivie: Can, can they ask me questions, because they didn't know what I was going to say.

Chair

Strachan: Well, I mean, no, not really. The applicant doesn't get to have a question and answer session with themselves. Those things are kind of supposed to take place beforehand.

Ron Ivie: I understand that, but that wasn't my condition. I, I, I don't like that kind of arrangement as you well know.

Chair

Strachan: I, I'm very aware of that.

Ron Ivie: Okay.

Chair

Strachan: I, I would, you know, unless there's some things you guys want to get into the record with respect to Mr. Ivie, I think any questions or comments or discussion you want to have with him should probably be had offline while the rest of us move on with the agenda. But I'll leave that to you.

Pat

Sweeney: Well, I would like to ask him, we're going to---five more minutes, Ron. I mean just quick questions that have to do with the items of the moment, which are massing, grading, site disturbance as it relates to the fire protection plan. And the, the, the couple questions that I have is that, as far as behind the buildings, is there an advantage to having cliffs in flat area. Is that part of the fire protection program?

Ron Ivie: Not, it's not really a definition there, Pat. Really, what we're talking about is vegetation, classification, steepness and distance. That's the real criteria that, that those decisions are made off of. So the, the slope does have an effect on, on distance because it's a practical thing of being able to effect fire suppression as things get steeper. One, fire burns quicker for starters. But second is that, that you end up with other, other difficulties of suppression. So steepness does play into it. The less vegetation is a more, more critical thing; but obviously, I don't want people to think that that can't have plantings on it. It can. It can look okay, guys. But it doesn't necessarily, it's not going to look like the untethered forest.

Pat

Sweeney: The, the second one is, is somewhat related. And that is, you're familiar with the Gene Woodruff study that he did way back.

Ron Ivie: Uh-huh.

Pat

Sweeney: Do you think that those building would work as far as, as far as fire protection?

Ron Ivie: Well, like I, like I said, every one of those, every single one of those concepts run with a different way of conceptually dealing with, with fire protection. And that's true with all projects. Do I think Gene Woodruff's plan could have been protected? Yeah, I think the Gene Woodruff plan could have been done. Do I think that this might be an improvement over what he did? In my opinion, yes.

Pat

Sweeney: That's all. Thanks, Ron.

Chair

Strachan: Great, Ron.

Ron Ivie: Okay, thank you.

Chair

Strachan: Long time no see. Appreciate you coming. Good to see your face again.

Ron Ivie: All right. See you guys. Hope I didn't piss all of you off back here.

Commissioner

Joyce: All right. Top that one.

Pat

Sweeney: So what we'd like to do is just---I, I, if I remember right you weren't here last time, but kind of start where we left off as far as some of the requests and looking a little bit at a model that has some context to it on the Sketch-up, and we'll go anywhere, once again, that you would like us to on that within our technical capabilities. And then I'd like David Eldredge to talk a little bit about the efficiency exhibit that he did, and then also the parking exhibit that---it, it's not so much an efficiency study of parking, but it, it's our explanation of why it is what it is. Ron spoke to that a little bit. You know, it's a different story if, if you're driving a fire truck through a piece of parking structure than obviously the, a mini, you know, a Smart car.

So with that, I'd like to show you what we've got that's new. We can also, if we have enough time, I'm going to try and wrap our part up at 7:00 because I know how awful it is to be here late and wait for something to get over. But if we have a little time we can get into Commissioner Band's---what, what can we do a little different. And, and that's really it.

So if, if you look at your screens and the screens that are in the room, this is a, a new model. Actually this is a, I've got to close that out. I think that might---I think that's a, that's quick time and we want to save that as one. My desktop. Good. Okay. And then we'll go to that live Sketch-up, which is this, this Sketch-up. It's the same Sketch-up other than we, we added some context here. Let me go to a little better view of what kind of things

we added. These smaller homes. These we actually had pretty detailed information on. So, in general, what we did is based on aerial survey data that dates back several years, we popped these building up two stories, 20-feet, and put a pitched roof on them. I mean, that's a fair estimate. Some, some buildings in that area are clearly taller than that and some are shorter. So that, that's how we put in this context. And so these building down here that are slightly more, a slightly lighter yellow are the, are buildings in the neighborhood.

As far as different views, I'm going to run through them. These are kind of the same ones we went through last time. And then if you would like me to hone in on something, that would be very helpful, I think. This is a view that's back a little bit from the Northstar subdivision. These are three homes that are closest to our project in the Northstar subdivision. It's a little bit hard to understand depth here, but there's a gap here. This is actually one of the buildings that a few 100 feet from our property line towards the hill. There's actually a gap here that was part of the process back in 2004, 5, 6 where we took out a pretty big chunk of this building next to Northstar.

If, if we zoom out this same plan view, you can see some of the aerial topography footprints of buildings. For example, this is one of the Fifth Street houses. It's a home that's on our Master Plan. It's accessed from a tunnel off of, off of Fifth Street. There's the other one. There used to be a fairly large triplex here. Recently it was made into one unit. It has a flat roof. I think some of you probably would understand that. Angel house Inn. So, the house next to Angel House Inn, a couple condominium units here on Lowell and some of the existing houses in Northstar. If you get down closer to Lowell and Empire, this is Empire. Lowell is located back here. The road comes and turns around here. These---once again, these homes right here, we just, we just popped them up 20-foot and put roofs on them. And I think that's a fair, if you will, presentation of mass on our part.

Ninth Street perspective. Just more of the same. We feel that this demonstrates that down closest to the street these buildings are, are of a similar scale. On the, on the transit center, you, you can see that these homes are of a similar scale as these. This is just south of this building. Same context. If we go out, you see a little more of it. The world ends, but you see a little more of it. And then this is the Ontario Ridge view.

Can I, can I answer any questions? Go anywhere?

Chair

Strachan: So those houses on Lowell and Empire. Did I get you right that you've increased the size of those 20 feet and put pitched roofs on them all?

Pat

Sweeney: That, that was the process without going out and like doing a field survey of, I guess, of the house. I, I've never really done that. Although some time back in the day we did something similar to that here, Adam. But these, these, we looked at the footprints that came off of an aerial topography, flown low, fairly accurate plus or minus a foot, probably on the, on the horizontal plane. And they simply popped them up 20 feet.

Commissioner

Thimm: From the ground?

Pat

Sweeney: From the ground. And they, they, they did a little bit of creative roofing, but it was very little. I mean, if you look at the roof on this, it's, obviously this is not a square home, but it's got a square roof on it. And that's the, that's the level, if you will, that it makes sense for us to pursue this technology. At the last meeting we mentioned that, that we were going to go ahead with some, a video rendering which will show the actual neighborhood in 3D, and a much more detailed presentation of our project along with it, including the grading on the hillside. And we think that will, you know, that's one more tool in addition to the, the old school model and that, what is a simple but very, very useful rendering tool Sketch-up to something that's, you know, very sophisticated.

Chair

Strachan: All right.

Commissioner

Joyce: I, I'll just offer that I think this is at, at, at least what some of us were asking for exactly, which is we don't need, you know, windows and shapes of houses and stuff. We just wanted relevant scale and an accurate reflection of how close it is to the project and things like that. So at least speaking on my behalf, this helps me quite a bit. And I would, you guys have provided PDFs in our packages before of, of kind of this picture in fairly nice, you know, nice detail like this. I would love to, to see the

views you just kind of went through as part of maybe our next package or something like that, just so I can mark them up and stuff. This is helpful to me.

Chair

Strachan: All right. Any other questions?

Commissioner

Phillips: I, I got a couple. And I agree with Commissioner Joyce. This is what I was looking for just to get, it kinda gives the context. So, I was curious if you could try navigating the position of the camera for me to just a couple different places.

Pat

Sweeney: Yes.

Commissioner

Phillips: One of the things in my mind that I think is, is when we're looking at things like this, and even the model in front of us, is, is trying to get the human perspective. Because, you know, a lot of these are not necessarily from say an eye level. And so I was going to see if you could pull up the position camera tool. Do you know where that is in, in Sketch-up?

Pat

Sweeney: I want to say, is it the little person?

Commissioner

Phillips: Yes. With the x under him.

Pat

Sweeney: So why is---I'm not seeing the entire---

Commissioner

Phillips: I think if you exit full screen, because you don't have all the tools there. If you can, okay. So go to camera.

Pat

Sweeney: Oh, here we go.

Commissioner

Phillips: Go to the camera, camera tab.

Pat
Sweeney: Got it.

Commissioner
Phillips: Let's see. Position camera. It's the, the third to the, from the bottom.

Pat
Sweeney: Got it.

Commissioner
Phillips: And then if you could, if you could put that on, you know, maybe near the top of Empire where those houses---right below where those houses.

Pat
Sweeney: Right here?

Commissioner
Phillips: Or Lowell, I mean. I'm sorry.

Pat
Sweeney: Right here?

Commissioner
Phillips: Yeah. Now, now---

Pat
Sweeney: I need to do this again.

Commissioner
Phillips: Yeah, you can zoom back out and, zoom back out a little bit. This will actually help. So---

Pat
Sweeney: Let me zoom out a little bit more.

Commissioner
Phillips: Yeah. And actually, if you use the, the rotate tool so you can get up above, you'll be able to---

Pat
Sweeney: Let's start over again.

Commissioner
Phillips: Yeah, there you go. There you go.

Pat
Sweeney: And [inaudible].

Commissioner
Phillips: Camera.

Pat
Sweeney: Camera.

Commissioner
Phillips: Position. Yeah.

Pat
Sweeney: Camera.

Commissioner
Phillips: And then take your time to, to hit---

Pat
Sweeney: Right there?

Commissioner
Phillips: Yeah, sure. Let's look at it from there. Now you can, now you can just move the, the eye. Right-click and hold. Or left, left-click and hold.

Pat
Sweeney: So what---I think maybe, do you want me to rotate up? I can do that from here.

Commissioner
Phillips: Yeah, there you go.

Chair
Strachan: There you go.

Commissioner

Phillips: There you go.

Chair

Strachan: Now move it up.

Commissioner

Phillips: Now go up and just kind of look around a little bit so we can see it from---

Pat

Sweeney: Let me see if I can rotate it. Can I do that, do you think?

Commissioner

Phillips: Well, basically, what this is, is this is showing a head moving around. So--
-

Pat

Sweeney: Yeah, so this would be like swinging around.

Commissioner

Phillips: Go ahead and---so, you know, this is more of the human perspective.
And then I was hoping to kind of look at it from maybe a little bit further
down Empire.

Pat

Sweeney: Let's do that.

Commissioner

Phillips: So we can get kind of a---

Pat

Sweeney: Right here, maybe?

Commissioner

Phillips: Go up on, or Lowell. I'm sorry.

Pat

Sweeney: Lowell?

Commissioner

Phillips: I, yeah, I keep---there you go right there.

Pat
Sweeney: Right there.

Commissioner
Phillips: Perfect. And then, yeah, just move that. Move the screen around. There you go. There you go. So it kinda gives you. I'm trying to think if I have any other particular points. But I think---

Chair
Strachan: Francisco, did they provide you with the Sketch-up file?

Planner
Astorga: No.

Chair
Strachan: Okay.

Planner
Astorga: No, we do not have it. We only have what was shown on the packet as mentioned by Commissioner Joyce.

Chair
Strachan: All right.

Commissioner
Phillips: I mean, really, I was just looking to see it from more of a human perspective, which I feel that, that does.

Chair
Strachan: All right. Great. Got what you needed, Commissioner Phillips?

Commissioner
Phillips: Yep.

Planner
Astorga: I, I would love to get the Sketch-up, by the way.

Chair
Strachan: Yeah, I think it would be helpful for Francisco and the Commissioners to the extent that Commissioners like Commissioner Phillips and probably

Commissioner Thimm are very familiar with the program and can navigate around it and can educate themselves about some of the bulk, massing and scale. Up to you guys whether you want to provide that to them. I would encourage it.

Pat

Sweeney: I'd be happy to sit down with anybody and let them play with it for as long as they want.

Chair

Strachan: Great. All right.

Commissioner

Phillips: I, I probably, I, I'd like to hit you up on that, Pat, just so you know. I don't know how, you know, Polly and Bruce and how that works.

Pat

Sweeney: I think they have some opinions on that from my---what I know. I'd let them express those---

Commissioner

Phillips: I was, I was going to mention just one more thing. It's kind of a newer development in the technologies that we have. Not asking you, particularly, particularly to do it, but there actually is---and I, I've been using it on some projects, but there are some apps that you can get for say your iPhone. And what it allows you to do is put this model into an application that will then allow you to use some virtual reality goggles, as if you were standing in that location. It's very useful for---I use it with my clients to help them understand what the real, what things are going to look like, you know, before they're built. It's, it's virtually free. And it, it would be similar to being able to go stand---like when we did our site visit, you would be able to put the camera in several different locations, and you'd be able to actually go stand on-site with these goggles. And you could actually look through them as if you were standing inside this.

I'm not asking you to do that because it is, you know, above and beyond what you're probably used to doing. But it certainly would be helpful, probably for yourself and us, if you were to decide to, to do that. And I could help you figure out what the, the basic tools are to, to accomplish that.

Pat

Sweeney: Okay. Thank you.

Chair

Strachan: All right. Let's keep moving on. Francisco, let's pretty quick here.

Planner

Astorga: Quick comment, quick comment about the, the model. The applicant has indicated that they're not willing to share the Sketch-up Model to protect intellectual property. If that changes, again, I'd be the first one that would want to see that or have access to. And as Commissioner Phillips indicated, if we do set up a meeting I'm sure that should Mr. Sweeney say this is a good point and let's take a snapshot here, I'm sure he'd be willing to share that, that---

Pat

Sweeney: Absolutely.

Planner

Astorga: The photo shop rendering from that point that I could share with the rest of the Commission.

Director

Erickson: And any, any meeting needs to be a public meeting. So I'm not so sure that individual meetings with the applicant is the right thing to do. So we've got to have these meetings in public.

Assistant

City Attorney

McLean: That would be my recommendation instead of having one on one Sketch-up. You know, where basically they're receiving evidence or looking at things, I think the public has a right to see what they're looking at because that might be the basis of their decision.

Chair

Strachan: Yeah, I'd agree with that. I, I think the Sketch-up, the file, either it's got to become publicly available or it's got to be presented in a meeting context like this. There's kind of not a middle ground there.

Pat

Sweeney: While you were doing that, I just did the same thing that John did showing the Woodruff. The Woodruff is obviously not as detailed. Not fully developed in terms of all the various components, but it gives you a sense of how that, how, you know, it compares.

Planner

Francisco: And again, Francisco here, the red is the Woodruff without any mitigation.

Chair

Strachan: All right. Mr., are you done Mr. Eldredge? Do you want to chime in or do you have anything further you want to conclude with?

Pat

Sweeney: What---I think it would be great now just to move on to efficiency.

Chair

Strachan: Okay.

Pat

Sweeney: So I can, I've got that here and we'll turn the microphone over to David. David, this is your, your exhibit.

David

Eldredge

(Architect): All I did in an attempt to kind of address the question of efficiency, is I went level by level and compared the, the usable space to the non-usable, or to the gross area, and came up with a percentage. And virtually all of the residential levels where we are double-loaded corridors, we're well into the seventies and upwards of 80% efficient, which is by industry standards, acceptable. Anything that was less than 70 I highlighted it. Anything less than 70% efficient is in the 60 to 70% is, is [inaudible]. And I offered off to the side an explanation of what was causing the decrease. In some, cases it's because they were singular units, and in some units it's because we had some accessory spaces. And unless my formula was not understandable, that's the methodology. There, we have several sources of you're interested in hotel planning guides as to acceptable efficiency ratios. I think there cited with a position statement. We can come up with some others if you'd like.

Pat

Sweeney: David, could, could you just explain the bottom line. That one.

David

Eldredge: That's, that's the project total efficiency of all of the usable space. Now that's the vested commercial, support commercial, meeting space and unit, net units. Which those are the usable spaces compared to the gross square footage.

Commissioner

Joyce: But---just to make sure I understand, but isn't that, I mean, these are different square footage numbers than we normally see for the whole project. So from a, from a, I understand on a level by level of efficiency, but what you've basically done is taken all the---

David

Eldredge: This, this is exactly the same as P-16. It's just the above grade spaces. It does not include any of the below grade spaces.

Commissioner

Joyce: Okay. Thank you.

Pat

Sweeney: David, or maybe Steve, could you comment on your experience in the, the resort world, what is good efficiency, bad efficiency. Different type of complexes.

Steve

Perkins: I can comment on that briefly.

Pat

Sweeney: Your experience with Interwest.

Steve

Perkins: Yeah. And actually, a former Interwest colleague is here tonight, Doug Oglebee. And I saw him come in earlier today. When we---you know, working on most of these resort projects, anywhere where you're achieving around a 70% efficiency on even just a more straight for-sale condominium type projects is pretty good. When you include the fact that we have a, a large hotel project, the efficiencies that we're showing now as is evidenced by the efficiencies that were found at the Montage or the St. Regis, our efficiencies are better than those efficiencies that they

achieved at those projects. The Staff is saying that our project is ineffi---I forget the exact, the exact statement, that inefficient and ineffective in terms of use of space. And I think the reality is just the opposite. And if you, if you want to look at our position paper we've cited various text that talk about efficiency of this type of project. And what we have proposed is within those parameters.

Commissioner

Joyce: Do you mind if we make this sort of interactive here? Or how do you---

Chair

Strachan: I think it's already there.

Commissioner

Joyce: Okay. Good. We'll keep doing it then. Just, the, the piece that I'm trying to---and, and I apologize because not coming from an architectural background and knowing how they normally view efficiency. I mean, I understand, certainly, on a level by level efficiency you're looking at, you know, corridors and things versus the actual residential facilities. But I think one of the concerns that we voiced is kind of the, the overall ratio of, you know, kind of the UEs and commercial kind of piece to all the other stuff. And especially some of the things that have been added kind of from the 850,000 square feet to the, to the million square feet. And so a lot of that is actually some of the stuff that in my view has been kind of exacerbating the, the excavation pieces, you went down into the ground a lot. And so there's a whole lot---I mean, in this project we've got 673,000 square feet above ground and it's a million square foot project. So literally there's another 50% beyond what we're looking at here that's underground. Now maybe it doesn't fit into the technical definition of floor efficiency, which is fine, but just to share it.

I mean, one of our concerns has been, you buried a lot of stuff. I mean hundreds of thousands of square feet of space got dug into the hillside, which made the buildings taller, which has been an issue. It made it deeper, which is an issue. And I don't know that that should really be reflected into this kind of debate with you and Staff about what the correct efficiency numbers are and, and whether it meets the correct threshold. That still doesn't go away for me as a concern. It's just, there's a lot of extra space that's underground that if you, if you kind of went back---and again, I hesitate to do this, but if you went back to something closer to the Woodruff model where instead of digging everything into below grade, you

built up the hillside like the, I, I believe the LMC requires. A lot of that extra 350,000 square feet would suddenly become above grade, and wouldn't that now count into the whole efficiency statistic somewhere here. So I just wonder if, if these numbers look good because of what we've kind of discussed as a big problem of, of digging a big hole in the ground.

David

Eldredge: There is nothing below grade that if you took it away would make this building any lower. It's things like laundry, it's things like parking. It's things like storage mechanical, fire control centers. It's things that, that if we did away with them it wouldn't become usable space so we could lower the building.

Commissioner

Joyce: Yeah, but wouldn't, if it was---if all of that was above ground, wouldn't it dramatically impact your efficiency numbers? If there was another 300---and, and I don't mean to take it to the extreme. But if everything you were doing, if we were building on a nice flat lot, so everything you would doing was suddenly above grade, and all of the stuff that you concluded, I'm not trying to take any of it away. If all of that was suddenly above grade and fit into these equations, wouldn't you now have numbers that were dramatically less efficient than the numbers you're showing here because you'd have 300,000 square feet of stuff that doesn't count to the, to the good side of efficient, either, being commercial space.

David

Eldredge: I think I'm beginning to understand what you're saying, but those are all essential functions.

Commissioner

Joyce: Oh, I understand they're essential functions. I'm just---

David

Eldredge: So yes, they were not, they were not above grade in Woodruff, either, and they're not above grade in, in most any project of, of this type. You, you put the stuff that, that doesn't need exposure below grade if you can.

Commissioner

Joyce: Yeah, I just---

David

Eldredge: To preserve above grade. So, and if, if you look at the studies, they, they will describe some of those ancillary functions and give some suggested square footages for things like a laundry and other things. And they're in there. But they're not in the efficiency ratio.

Commissioner

Joyce: Yeah, and I, I certainly understand. We went through all sorts of things about what were the square footage numbers, that you guys were relevant; and how much of the Montage and St. Regis do. So I, I understand all that. And I understand your argument for why you should have the ratios that you have. I just think that the fact that a lot of that has gone underground and really has a pretty significant impact on the efficiency of the overall project, because you basically throw out 350,000 square feet of space from these calculations.

David

Eldredge: Most of which is parking.

Pat

Sweeney: David, maybe you could turn and face the screen and speak about---this, this, Steve, is our main level coming off of Lowell/Empire. I think it's a great example. It kind of relates to what Ron was saying about having to have fire trucks drive through it. And David, maybe you could just explain just this piece right here and what you did. This is the parking explanation that we provided, I think mainly to answer Doug's question from last time. But it's not really relevant whose question it was. But David, so why don't you just guide me and try to explain to Steve what we're talking about here.

David

Eldredge: Well, to start with, in, in our square footage calculations we defined a garage as a whole building, even if it contained functions which are not related directly to parking, which are the accessory spaces like, in this particular case, the, the receiving, the next level up. It's the central mechanical. We took those out to start with.

Pat

Sweeney: I mean, just explain what goes on here. I mean, we got a fairly big project. We got delivery trucks coming, we got---

David

Eldredge: We're mandated to have that all underground all hidden. We need a collection point for waste. We're servicing a large project that needs a lot of storage. It needs accessibility to the service elevators.

Pat

Sweeney: So this is a service corridor?

David

Eldredge: That's a service corridor.

Pat

Sweeney: A service elevator.

David

Eldredge: And it's---one element in this project that is somewhat unique is that there is a circulation pattern totally out of the public view for all of the service. There are separate service elevators with separate entries. There, so you, in this project you would not encounter the linen cart in your elevator. And that was a very conscious decision to, to do that.

Pat

Sweeney: Explain what this is, David, here.

David

Eldredge: That's the fire control center mandated by the fire protection plan. That's the---where if there's a fire they go there first it will tell them exactly where the fire is. I've just noted on the plans where, for example, where we added employee housing we took out parking stalls. That becomes a single loaded corridor. That starts lowering efficiency. We've got several cross aisles which in a highly efficient parking structure you would not have. So it was simply an attempt to explain to you why we're not as efficient as, as you might expect in a dedicated parking structure, which typically is in the neighborhood, it's always double-loaded, two aisles, and 200 plus feet long. Our, our parking garages are not all that way.

Pat

Sweeney: It couldn't be. Is that true, David?

David

Eldredge: That's true.

Pat

Sweeney: And can, can you explain what this is?

David

Eldredge: Well, that's just the ramp that gets you up to the next level and continues through the internal.

Pat

Sweeney: So we have a lot of space here just to spin up two stories. And that came with, it came with the turf. You know, where we were asked to put our density. It's not flat. It's different than the parking around the Yarrow, for example. It's all buried. Is, is there anything else? Does that kind of get to your question, Steve?

Commissioner

Joyce: I, it, I think I still just, and I, I hate to, I hate to side track us too much on this. I just, when I was going through, when I was going through the efficiencies, at some level it, it helped me to look kind of level by level in the buildings, the way you have it in the spreadsheet. But at some point, my answer is, I kind of don't care about the efficiencies of the level. I care about the efficiencies of the project. And so I think you came closest to that down at the bottom of the, the thing where you kind of said here's the grand total and here's our grand total efficiency. But I got thrown off when all of a sudden there was 350,000 square feet that were missing from the project, which kind of got me into the weeds of what was below ground. And, and I know you've heard it from me. You've heard it from a number of the other Commissioners about one of our concerns---well, it, the whole idea of digging into the ground has caused a lot of issues. It's excavation issues that we've talked about. It's cliffscape issues that we've talked about. It's even the, the height restrictions that were put on the project of the strict elevation kinds of things. There's at least some of us who feel that it's kind of not the intent of what was agreed to when you say, here's the elevation you can't exceed. So the answer is yeah, go down into the ground, you know, seven stories or something to, to stay under that limit.

So to me this just kind of tied into that whole part of the, the way these numbers to me looked good. And the number I care about is the bottom of that chart. Part of the reason is because there's a lot, a lot of square

footage that just doesn't show up in this; now of which is residential space.

David

Eldredge: And parking never will ever show up in the efficiency ratio, ever.

Commissioner

Joyce: Even, even if, if this whole thing was built above ground, would that show up at all.

David

Eldredge: No.

Commissioner

Joyce: Okay. Okay. That was part of my, I'm not an architect, I don't know how you guys normally calculate this. So thank you. I appreciate that.

Pat

Sweeney: So this is a side point. And it goes back a few meetings, but we compared our project to the Montage for example. About the same amount of gross square feet, a million square feet. And they have less net than we do in terms of UEs. So, and they did a great job. They did a terrific job. But it takes a lot of space to make one of those things work.

Chair

Strachan: All right. Let's, in the interest of getting all the public comment and keeping on the time frame of 7 o'clock.

Pat

Sweeney: I think we can wrap up here. I think we've covered our part of it.

Chair

Strachan: It seems like it, yeah.

Pat

Sweeney: And, and so that---

Chair

Strachan: All right. Well, anything more to add then, or are you all finished?

Pat

Sweeney: No, sir. If there are any questions. We didn't get to Commissioner Band's request, but we can do that at another time. And so, that's fine.

Chair

Strachan: Okay.

Pat

Sweeney: I think if we're going to get out of here, I want to be through our part right now.

Chair

Strachan: Okay. Great. So let's do that. We'll open up the public comment and Commissioner's comments and questions afterwards. So let's open up the public hearing on the Treasure Hill CUP. Anyone from the public wishing to speak on this item, please come forward and sign in.

Public Comments

Charles

Stormont: Good evening, Commissioners. Charles Stormont with Fabian VanCott on behalf of THINC Incorporated, a non-profit consisting of hundreds of residents, business owners, and land owners in Park City. Being respectful of the time I'm going to try and speed through this. There are two claims that were made in the applicant's letter that are found at pages 84-89 of tonight's Planning Commission packet that I would like to comment upon, as well as at least addressing very briefly an issue with respect to the drinking water protection zone that is at least referenced in the Staff report tonight. So I'll just dive right into it.

The---in, in the spirit of efficiency, the applicant has presented an argument, and we've heard more tonight during their presentation with respect to some of the facts that they contend are linked to efficiency. They have suggested they fall within industry norms. They've suggested Staff hasn't done a detailed analysis to support some of the conclusions. We would---THINC would respectfully suggest that the Staff reports provide ample support for their conclusions regarding the inefficiency of the project.

I think a simpler way to summarize what THINC believes captures some of the profound inefficiencies of this project, it's, it's two words. It's

accessory space. We've talked a great deal at other meetings and in some of our public comments about what types of accessory space are permitted, not permitted. Commissioner Joyce has suggested that some of those arguments go well beyond the explicit five, excuse me, 19 unit equivalents of commercial space that are expressly stated as maximums in the original approval document from 1986. I will, I will say that we think Commissioner Joyce has a very good point in that respect.

We know from Mr. Burnett's 2009 memo that he has concluded that up to 5% of hotel floor area for meeting space and support commercial space could be added without the use of unit equivalents. Again, that's a little bit at odds with at least the suggestion that Commissioner Joyce, or the questions that have been raised by Commissioner Joyce. But even accepting that conclusion, what we know, I would refer you to my November 7 letter that's part of the public comments where we could through the details. At the end of the day there are 174,100 square feet of accessory space, in 16 categories that have no foundation either in the 1985 Land Management Code or in the 1986 MPD approval. That's 175 additional commercial unit equivalents, when 19 is stated as the absolute maximum.

We would suggest that industry norms are really not relevant to the discussion of efficiency. We would like to suggest that the actual approval, the 1986 MPD approval is, should be the guiding source with respect to determining what is or isn't efficiency. Adding an additional 175 commercial unit equivalents that have no foundation in that approval, or the 1985 Land Management Code, we would suggest is proof-positive that this is a highly inefficient project. Whether we talk about it as efficiency, whether we talk about it as simply violating that approval document, either way the end result we would suggest is that denial is appropriate with respect to the application.

The second point that we would like to comment upon is the applicant's claim that the current proposal---excuse, I'm quoting here. The current proposal is the same concept as approved in the SPMP, or the 1986 approval. There are references back to old Staff reports that we have commented in the past that we think are irrelevant to the current proposal. The applicant's conclusion is that the current design is exactly the same as the concept approved in the SPMP. We would like to highlight a couple of facts that we think clearly undermine that conclusion. This is not exactly the same as what was approved in 1986.

For example, nowhere in that original approval permit or MPD approval is there any reference to the type of permanent excavation that's currently proposed. Instead, the approval document provides to the contrary. It says, quote, "the tallest buildings have been tucked into Creole Gulch where topography combines, combines with the densely vegetated mountain side to effectively reduce the buildings visibility. In contract to that requirement of the original approval, the current proposal includes I, I think what we've all referred to as cliffscapes. And I could not find the term cliffscapes anywhere in the 1986 approval document.

Those cliffscapes that are proposed, the, the leveling out, the digging into the mountain increase problems with respect to visibility. They don't reduce it. As we have heard tonight, those cliffscapes are outside of the building area boundary, so yet again there's another violation of a clear limitation that is found in the 1986 approval document that is not exactly the same as that concept. To the contrary, it attempts to violate very express provisions of that approval document.

We've had a long discussion over the last few months about density. I don't think that there is a dispute that currently the applicant is seeking more than a million square feet of space. THINC has noted in prior public comments we think that number is significantly less. The, the, the number we have suggested is give or take 628 or 635,000 square feet, plus some circulation space that may be needed above grade. Parking would obviously add to that somewhat. Here we're looking at a total of a million square feet.

And I would just ask the Planning Commission to refer back to the applicant's August 5 letter; August 5th, 2016. This is Section 3.2 of that letter. It's page 180 of the August 10th, 2016 Planning Commission packet. You'll recall that we had a discussion about what the Woodruff drawings show. This is what the applicant said those drawings showed. THINC disputes this for a variety of reasons that we've already explained.

But let's, for a minute, take the applicant at its word. They say, "as set forth above and explained during the July 13, 2016 hearing, the SPMP included a set of conceptual drawings. The Woodruff drawings. That reflected the size, scale and volume of the development that the parties anticipated on the hillside properties. MPE has carefully and thoroughly analyzed the Woodruff drawings to determine the square footage of the development depicted on those drawings, which MPE has shared with the

Planning Commission Staff. That analysis shows that the development depicted on the Woodruff drawings was approximately 875,000 total square feet, including below grade space. There is a tremendous discrepancy between the million plus square feet that are currently in this application, and even the applicant's own conclusions about what the SPMP provided for, 875,000. Again, we would suggest that that exceeds what was actually approved based on the arguments we presented elsewhere. But even taking the applicant at face value, this is not exactly the same concept as what was approved in 1986.

A final point with respect to the differences between what was approved and the current application. In tonight's packet at pages 75-83, there are several side by side 3D renderings of the Woodruff drawings and the current proposal. I think a picture is worth a thousand words. To suggest that that side by side comparison shows they are exactly the same is not accurate. As a factual matter they are very different. I believe as a factual matter the increased visibility, the increased massing, the increased bulk of the current application is abundantly clear from those 3D renderings that are in tonight's packet.

Moving on from the letter and very quickly addressing the Spiro Drinking Water Protection Zone, there were some questions by, I believe it was Commissioner Band, about when that went into effect. I understand it was, the answer to that question was 1997. I don't know if there are concerns about whether that means it applies or doesn't apply. Obviously, we would defer to legal counsel for the City on those sorts of issues.

One thing that I would like to point out is with respect to the concept of vested rights in Utah. We've had a discussion and THINC has pointed out it doesn't believe that the applicant retains any vested rights for the reasons we've previously raised. I understand the Planning Commission has reached a different result. I'll remind you of our position. And taking, taking for a moment, and accepting for a moment the idea that the applicant does have vested rights based on the 1986 MPD, I would ask that Council and the Commission consider what the vested rights doctrine is in Utah. If you refer specifically to the Western Land Equities case, which Mr. Burnett's 2009 memo refers to a number of times, the Utah Supreme Court has told us that Utah's Vested Right Doctrine is a rule which vests a right unconditionally at the time application for a permit is made. Excuse me, it, it clarifies. The rule, any rule that vests the right

unconditionally at the time application for a permit is made affords no protection for important public interests that may legitimately require interference with planned private development. If a proposal met zoning requirements at the time of application, but seriously threatens public health, safety or welfare, the interest of the public should not be thwarted. I think protecting Park City's water supply is one such example of threats to public health, safety, or welfare that must be considered, even in light of the Commission's conclusion with respect to the existence of vested rights.

We've heard some explanation that mass and scale issues are being driven by what is---the applicant considers to be necessary for a successful and profitable project. We heard Mr. Ivie's comments this evening with respect to don't forget about the economics. THINC would like to suggest that if Park City's water supply is affected in a serious or maybe permanent way, there, there's no way that any project on Treasure Hill could ever be profitable or economically viable.

And then this is, I'm going off track. I, I have a personal thing I need to share with you and everyone. I was offered a job that I simply could not turn away. I'm going to be leaving my firm soon. I wanted to just take a moment and let you know that that's happening. This is probably the last Planning Commission meeting I will be at. My colleague, Nikki Deforge from Fabian VanCott is going to make sure that the discussion continues, and will continue represent THINC hopefully in as helpful, if not more helpful way, than I've been able to. And I just wanted to take a moment to thank the Planning Commission, to thank Staff, to thank the applicant and their Counsel for the courtesy and professionalism that's been extended to me since I've been involved in this.

And in conclusion, just thank you for considering THINC's comments and taking them under advisement.

Chair

Strachan: Appreciate it. Thank you.

John

Stafsholt: Hello, everyone. John Stafsholt, 633 Woodside Avenue. Just a few quick comments. Tonight's meeting was centered around Criteria 8, building mass, bulk and orientation, and the location of buildings on the site. We've often discuss the, the mass part of it, the up to 14 stories high.

We've often discussed the bulk side of it; a 100,000 plus square foot buildings. Those show no regard to any existing buildings in the Historic District.

One thing we haven't talked about much is orientation. So, you know, Old Town is a grid, as you guys all know. And so orientation of Treasure Hill doesn't follow that grid in the Creole site. And so that's going to do more to make it stand out. It's going to have an orientation all of its own, and that's also not allowed due to the Code.

Criteria 11 is the physical design and compatibility with surrounding structures. And so Treasure Hill's location in Historic Old Town is required to meet the 1983 Historic District Design Guidelines, and this requirement has been completely ignored by the applicants. And many of the people here who live in Old Town understand how strict those Historic District Design Guidelines are, and probably would like to see it applied evenly with Treasure Hill like they had to deal with it in their own houses.

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

As Charles just brought up, the original approval went up the mountainside as it was supposed to and is required in the Land Management Code. But for slope retention, a 100 foot plus up to 140 foot vertical cuts completely ignores this requirement in the Land Management Code for slope retention. It also disrespects the topography of the land, and that's a requirement as well.

Something else that we haven't talked about too much that is in Francisco's report, Construction Activity, Definition 15-15-1.56 on whichever page it is, saying that development activity which disturbs or changes the natural vegetation, grade or existing structure. So all this activity, if it changes the grade or the vegetation, has to be done within the limits of disturbance. As you've seen, quite a few, quite a bit of the 100 plus foot vertical cuts are outside the limits of disturbance. But beyond that, the massing excavation and redistribution of the soils, they are outside the limit of disturbance; regrading Pay Day run, changing the other runs on the side by the Town Lift. This is an integrable---excuse me, an integral part of the plan, and none of that is allowed. You can't change the grading outside the limits of disturbance, and it's integral to

what they're talking about to cut down the amount of dump trucks and everything that are going to go through here.

Tonight we heard a few new comments from Ron Ivie. It was great to have Ron here. I'm going to cherry pick a couple of his comments. I think they're pretty close to verbatim. One comment he did say was with respect to fire code, Treasure Hill is not in strict compliance. Another comment that he made was some impacts from Treasure Hill cannot be mitigated. We totally agree with that. Of the 15 that have to be mitigated, I don't think we can mitigate any of them completely.

When we read the actual Code, convention space is not an allowed use. The hotel itself is not an allowed use. The original project was an above-ground residential use. So as Ron Ivie also said, over his time he came back to the developers for Treasure and kept repeatedly said cut your density and then bring it back. Well, it's been 36 years in process and it keeps coming back but it never cuts density. It always comes back larger. So as its larger, it's more impactful. The project doesn't work. These things that are required to be mitigated cannot be mitigated. The project is nowhere near meeting the CUP criteria and must be denied if we follow the Code.

Thank you very much.

Chair

Strachan: Thanks, John. Did you sign in.

Planner

Astorga: Charles signed in for him. No, he signed you in.

John

Stafsholt: Oh, good. Thank you.

Chair

Strachan: Thanks, Francisco.

Arnie

Rusten: My name is Arnie Rusten and I live on 1058 Lowell Avenue. I'd like to address the excavation. This is a monumental mining operation. Right now the page 69 of the document states that the overall concept of the excavation operation is to manage all excavated materials on site. It also

says the plan includes moving excavated material up the mountain on a conveyor system to regrade portions of the ski runs. Now, the volume given, which a few meetings ago was stated to be [inaudible] 960,000 cubic yards. That will grow. When you excavate rock it grows between 40 and 80%. For the sake of argument, say we have to deal with 1-1/2 million cubic yards. So, let's, let's take Payday run, which is about 2,000 yards long, and let's fill that. It would take 15 yards of depth on that entire run, 45 feet, eight times my height. That's the volume we're talking about. So, I don't, obviously, think that that's a good idea just on Payday. But picture how much you have to impact the ski area only to get rid of that material. You don't have a place big enough for it. So please, you know, consider what are you really proposing to do. In my opinion this is really a non-starter.

It also is in many people's view, excavation. Well, this is rock, so you got to drill, you got to blast, excavate, and crush. A huge mining operation just on this site just to get this started. I don't believe it is a feasible project from that very point of view.

We have yet to talk about traffic. I'm interested in that, understanding it will be coming up. But for now, I don't see this viable. I urge the Planning Commission to, to think about this. And also in my book, what may have been talked about back in the '80s, maybe it wasn't right then. Two wrongs in my book never makes a right. So please do the right thing. Thank you.

Chair

Strachan: Thank you.

Neals

Vernagaard: Good evening. Neals Vernagaard, 822 Lowell. First, let me apologize for my rather vocal suggestion on where to put the, the eye view. Being right across the street, obviously, I have a rather personal opinion on that. But, a couple of things. One, as it relates to the model. This is the first I've seen the model. I'm not sure who's checked the scale, that type of thing. But I would urge the Commission to have some independent person check, check the scale and make sure it is correct.

Two, also kind of a question. Many questions have been asked by the public both in writing and here, and we never seem to get any answers. Is there a process for that? I mean, for instance, I've written questions to the

Commission asking about, do I live---am I going to be living in a blast zone. How much dynamite is going to be used? One, one of the---the applicant mentioned that most of the rubble was going to be transported up the Mountain. I asked them to define most. How much? Is it half, three-quarters, or whatever. We never seem to get any answers. I was just curious what the process was for the public that doesn't deal with these sort of things.

Chair

Strachan: The process is to please submit those. The applicant is under no obligation to answer them. However, their silence on your questions is considered by the Commission. We can ask the applicant for information, too, but again, we can't force them to provide it to us. So, because your question has gone unanswered doesn't mean we don't care about it. It's because we can't compel them to provide information if they don't want to.

Neals

Vernagaard: Got it. Appreciate the, the explanation of how that works.

Commissioner

Joyce: And for what it's worth, we haven't gotten into---most of your questions were about excavation and we really haven't gotten very deeply into that. I think a lot of us have shared with Staff that we have similar questions that we would like to see answers to. And we're just not there yet.

Neals

Vernagaard: Okay. Fair enough. I was just curious as to what the process was going forward.

Chair

Strachan: Thank you. Anyone else from the public wishing to comment?

Jim

Stephens: Hello, I'm Jim Stephens. I live 1130 Lowell Avenue. I have a couple questions and I might be late on the one question. It might have already been covered on a meeting that I missed. And the first one really deals with the, obviously, the scale and the massing of the site. And as I look at the original approval there's a couple things that I read, I don't know how it's been interpreted, is---this is under the following findings based upon the information submitted. And the one goes to the point. The uses proposed and general design of the project is or will be compatible with the character

of development for the surrounding area. Obviously, it's a very important thing. And the other, the commercial uses proposed will be oriented and provide convenient service to the residing within the project. Okay?

And I guess on the first, when I'm looking at some of the drawings I was scanning through the other day, they had some cross sections. And the one in particular, and when I'm, and I'm, where I'm referring to the compatible with the neighborhood, I think they're showing scale. And when I go back--- let me go back to one of the things that talks about setbacks. And it says the Hillside property provides substantial 100-foot plus setbacks from the road with the buildings cited considerably farther from the closest residence. Now When I look at the cross sections, I see that they used a cross section where they were citing the 100 feet from an existing house that was there in '05. I think if I was going to use that criteria, I would have used based on where the property, you know, single family property lots where, where the setbacks would be, where I would start that. But this is specifically saying the road. And to me that means the road, you know, as Lowell goes around to Empire. It's requiring a 100-foot setback before you can have any structure. I don't think we're adhering to that.

And the other part of that question, when it says and the residential character of the neighborhood, when you look through the drawings, there's like two restaurants, there's bars, and they have outdoor seating facing Lowell Avenue. And I don't know if that's an appropriate use in a residential area to have those particular items cited at those locations.

And the mass of the building when they start. I mean, there's a little bit of relief in the first building, but then all of a sudden you're, you're up to some pretty extreme heights. So that's kind of my, my first comment, you know, was, is that setback really being adhered to, or is that not applicable, because it doesn't seem to be shown here.

The other one deals with the, the UEs, the units, like different names, depending where you go. I think, you know, it has, in the, in the Ordinance from '85 it has very specific criteria. It talks about hotel rooms. If they're less than 500-feet it's a .25 equivalent. If it's a hotel suite not exceeding 650 it's .3, and it goes on a lists based upon the size of the rooms. When they do their calculations they kind of like bulk it out and divide by, you know, 2,000 square feet, which is, you know, the equivalent unit. But the ordinance is not really saying to do that. It's saying if you have a room less than 650 you can't---this is what you use. If you have an apartment less than 1500, this is

what you use. That kind of would, would reduce density in my mind. I think that really was the intent of the ordinance when it was written. It wasn't to make it a gross type of number. But it also goes on to say---in that, it says hotel uses must be declared at the time of site plan approval, and are subject to view from the neighborhood compatibility. I don't know anywhere in Park City where we have that mass of a hotel next to single-family residential units. To me it's not within the spirit of what these ordinances were written. And then it goes on, and I'm assuming this will come up at a much later date, how you define that square footage.

And then the other part of that is, it talks about there is a certain amount of commercial allowed, and my understanding is, if in fact you are allowed a hotel, there's a certain percentage that, I think, I think the word they use, let me get the word right. Support commercial and allotted commercial. You know, I think you're allowed a, you know, you know, a 5% in the one category, and the other is based on his, his units that he was given. But when I start adding up all what to me are support and, you know, allocated, the numbers don't jive at all. And I'm not counting corridors and hallways. I'm counting restaurants, bars, laundries. I'm counting the, you know, the prep facility for the, for the, for the banquet or conference center, whatever you want to call it. It's a pretty, pretty large prep facility. I think there's also mention of a, there's another building there that was, that may be, I think, [inaudible], I don't think I wrote it down. It may be a mining, you know, like some sort of display. Well, if it's not that, what's it going to be. You know, so there's a lot of square footage here.

And then the question is, is all this commercial with what the original approval says, is this going to be to the benefit strictly of the people staying at the facilities, you know, or is this all of a sudden now going to be a public commercial, you know, site. You know, are the bars, the restaurants open to the general public, or are these really for hotel guests. And the same with the, you know, all of those type of facilities.

So, that's really where my questions are right now. And obviously, when we get into some of the other issues, you know, we'll probably have some more. Well, I'll sign myself in here.

Chair

Strachan: Thank you. All right. Anyone else from the public?

Tom Fey: My name's Tom Fey and I, I'm a Park Meadows resident. I'd like to address a question that I don't believe has been answered, but I think it's critical to the discussions. And the question is, was this approved as a residential condominium project, or was it approved as a luxury resort hotel to be financed by selling condominiums. There's a huge difference between those two, the answer to that question. And you've heard it tonight, people talking about the hotel, the hotel, the hotel. Talking about the meeting rooms for the hotel. The commercial laundry for the hotel. The bars for the hotel. The restaurant for the hotel. If this was approved as a residential condominium project, none of that is required, and that makes a huge difference in the mass of this project. And so I would suggest that that critical question needs to be answered because it drives decisions that all of you are going to have to make about the project. Thanks.

Chair

Strachan: Thank you. All right. Anyone else from the public wishing to speak on this item? All right, seeing no one, we'll close the public hearing. I think what we'll do at this point is let's take a break, let both the Commissioners and the public view the model, and then we will move to the Commissioners comments and wrap it up and move on in the agenda. Sound good to you guys? All right. Let's do it. We'll take five.

End of Public Comments

Chair

Strachan: [Inaudible] was covered. But to the extent the Commissioners have additional comments that haven't been aired in previous meetings, now is the time. Commissioner Thimm, you're nodding your head. Do you have such comments?

Commissioner

Thimm: Just a few. First off, I'd like to thank the applicant for sharing the model with us. There's some very illuminating information, I think, just being able to look at it and, and imagine yourself in the spaces, so thank you for that.

Let's see. On page 65 of the Staff report, there's a discussion requested regarding whether or not the Commission finds it necessary to have an advocate provide a contextual neighborhood analysis. And I, you know, I, I, I think it's probably not a requirement of the CUP process. However, establishing compatibility with the surrounding structures is a way of demonstrating that in detail. Now we saw the kind of the blocky forms that

were in the, in the Sketch-up model, but actually understanding the amount of detail and understanding how we're dealing with sort of the grade change to those rather tall buildings just adjacent to Lowell Avenue I think is, is important. And I think some detail would help us understand how it either is in compliance or not. And so I would appreciate it.

With regard to limits of disturbance, and we, we ask Staff to provide a, a definition of that or, or to help us define and understand that better. And, Francisco, I appreciate you doing that. The, the definitions that were provided for us on page 68 certainly clarified it for me.

And so I think there are concerns about the amount of grading, excavation, grubbing, changes to natural vegetation outside of the limits of disturbance. It doesn't come in line with the 2004 LMC as I look at it and as I read it in these definitions. And so I think that needs to be addressed.

The next thing, and I think you're on that page. If we could just kind of get to the overall plan sheet that we're on here. Or we can go to, what is it, page 93 of the Staff report. That's, that's the parking analysis?

Planner

Astorga: Yeah, Pat's currently driving. Let me switch the---

Commissioner

Thimm: Either way. That, that image, if we have the whole image, or just go to page 93. That would be fine as well. So I appreciate the provision of, of the, the parking study that was, that, that we were able to look at. And the quantities. I had some questions about the quantities. And I don't know that we know the answer. Maybe there's some, some refinement that's occurred. When we added up all the area of the structures we get like 232,000 square feet of parking garage. The original matrix that we got in our early packet for this ongoing work session had 245,000 square feet of garage area. I don't know if that's a refinement, if there was something left out. Ultimately, we're going to have to come to some sort of an understanding of what all these areas are, and there is going to be an entitlement that's established, I believe. And so, just curious about that discrepancy.

When I go through and add up the number of parking stalls. Oh, go ahead. Did you have a---

David

Eldredge: Where, where's the [inaudible].

Commissioner

Thimm: The early matrix, boy I, I can't even tell you the date, but the early matrix---I, I just put everything into a spread sheet of mine that came out of our Staff report.

David

Eldredge: The reason I, I raise the question is there was a submittal in March 20th of 2009, which updated all of the plans, which was subsequent to the 2008 January submittal. And in some of the other exhibits, some of the information was taken from the prior plans, not the most current, which is March 20th, 2009. And so that's why I point that out. That may be where the discrepancy was.

Commissioner

Thimm: So, so the matrix that I'm talking about was actually in a 2016 Staff report for this ongoing work session. So if, if you just look at that, there's, you know, I don't know, a little over 12,000 square feet of difference. With everything we're talking about I think area matters. And so I, I think that coming to grips to that, with that, and what is being asked for really is, is going to be important ultimately.

Number of parking stalls. The original, I think it's kind of the same Staff report outlined 424 structured parking stalls. When I add up all the stalls that are on this exhibit I get something like 376. Once again, you know, especially if we're over 500 square foot per stall, that's, that's a significant amount of difference, too. So, in terms of entitlement, ultimately, I think just clarity and having, having a good accurate representation is going to be important.

More specifically, with regard to, you know, the parking design and that sort of thing, obviously, I don't think it's the Commission's position to come in and tell anybody how to design a parking garage and that sort of thing. However, what we do speak to, and what we've been speaking to is the amount of bulk that's created, and the amount of grading that's going on here and that sort of thing. And I guess I just find it a shame that there's so much single-loaded parking in, in these structures. And, and yeah, there's a lot of circulation and emergency vehicle circulation and truck access and circulation and that sort of thing. But, coming down to it, it would, it would reduce, I would think, a lot

of the mass and a lot of the grading and that sort of thing if it were more efficient, if there were less single-loaded parking and more double-loaded parking. So just something that, as I said, we don't speak to design, but we are speaking to how much grading is going on and how much bulk and mass is going into this project. And so that, that's something that, that I think probably wants to be addressed.

In these little boxes it provides not only parking stall counts and quantities and square footages for the parking, but it also talks about accessory and common area circulation space. Is that in addition to the accessory and common area circulation space that was defined as such in the original matrix that we received from the applicant. Or is this in addition to?

David

Eldredge: Well, those categories in below grade spaces are parking, common, and circulation accessory.

Commissioner

Thimm: So it would be in addition to what's up above the ground.

David

Eldredge: Yes.

Commissioner

Thimm: Okay. A couple of things. The applicant's December 9th letter on page 88 mentions concern about Staff stating that the project doesn't seem to be designed in compliance with the 1986 Master Plan. And, and it says something along the lines of oh, there's pretty strong disagreement with that statement. So I, I guess I want the applicant to understand, at least from, from where I sit, that there are any number of areas where when we look at the 1986 approvals and what was provided in terms of entitlement and that sort of thing at that time, there are a number of things where, I think, me along with the, the other Commissioners have pretty serious reservations on whether or not there really is compliance.

Ultimately, we, we think that for approval there's going to need to be a consensus between the applicant and the, the owner with regard to entitled building area. We want to come to grips with the site impacts related to slope retention and appropriateness of structures to the topography. You know, the creation of these deep excavations with the effect of adding height just by digging deeper has the effect of creating this huge bench across the

land. And we talked about this, but we find that to be, or I, I find that to be not in, in compatibility with the intent of stepping with the natural contour of the land.

Something that was, that was mentioned having to do with the removal of the dirt and bring is someplace else on the site, I mean, is that causing disturbance beyond the, the limits of disturbance that we should be looking at and understanding where that's going and how much of its going there, and that sort of thing. Some sort of a grading plan.

And one of the real basic things is, is, is compatibility of what's going on along Lowell Avenue. And, and I think that study that's going to be prepared, I look forward to seeing that. So, with all of that I appreciate you working with us. I, I really am looking forward to having real answers to some of the questions and concerns we've been expressing, though. Thank you.

Commissioner

Band: I guess my turn, right? Well, I feel like its groundhog day. Here we are again talking about the compatibility and some things. Thank you very much for bringing this model in. It really helps so much more than any computer generated image ever will, although we appreciate those as well. And Francisco, again thank you for your very good concise packet with hyperlinks.

I don't have a whole lot to add to what I've said before. My concerns really haven't changed. I think looking at the old Woodruff drawings, it's pretty obvious that there is a lot of mass that isn't going to fit in perfectly with Old Town that was approved back in the '80s. But I think we can also say that while not holding you to the exact drawings because they were a conceptual idea, they did go with the grading. There is a lot of excavation that is still a concern. And actually, Doug, you have a, a great point about taking the soils out and bringing them up the hill, and does, does that count for being outside of the limits of disturbance. So, I'm interested in that question as well.

And, I, I don't know if this, what we're looking at, if this had been given to that Council would it have been approved? I don't know that that's necessarily anything that we can answer or should. And one tiny other thing. When I'm walking around and looking at this, I mean, it's this huge project, and it is in the heart of Old Town. And it, it kind of makes me think---when I go up to Empire Pass in the off season it's a ghost town. It's a ghost town up there. And we're doing this huge project. And in the off season, is this going to be

a ghost town and is this going to hurt the vitality of our Old Town area and Main Street and everything like that. I mean, I'd almost prefer to see density like this. And I know this isn't something in the scope of me as a Planning Commissioner, but if we are going to have this kind of density in town, I'd like to see some people living there, not hotel rooms.

So that's, those are my comments.

Chair

Strachan: Thank you. Let's keep moving this way.

Commissioner

Joyce: Okay. I'll be quick. When you guys gave us---I went back and looked at the, the piece that you guys had written on the limits of disturbance before. It was, gosh, three or four meetings ago. I, I think the, the best description would be, hey, the City's granted a number of times where you can disturb outside the LOD and then, and then make it back right again. And I think the idea of the whole retaining wall, cliffscape and, and soil disposal don't fit the model of put it back the way it was. So I guess I would ask you guys if, if you would, and I know you just got the, you know, the Staff report the same time we did. If you guys could come back to us with your reasoning for why permanent structures like retaining walls and cliffs, why, why those can be done outside the LOD area, I would appreciate it. The, the reasoning that I saw from a couple of months ago didn't really seem to stick based on what we're seeing.

Just going back to it, I don't want to drag through this, but I've had a lot of issues about the plan needs to be this way because of the fire code. I think I heard today with Ron Ivie, gee, you can build a fire code for a lot of different plans and there's a lot of different alternatives. And we could have done it for Woodruff. So I, I just want to make sure that, you know, you at least understand what I heard when I, when I heard him talk was you guys brought him a set of plans that looked pretty close to this, and you worked with him to make sure that you got a fire plan that worked and it got approved. But that's different than we had to build it this way so that we had an acceptable fire plan, which I've, I've heard voiced at times before. And I just, so I'm still right where---having heard Ron now, I'm still kind of right where I was.

And the last piece I guess I'll throw back to Staff more than anything, or to you guys, which is we're starting to make a transition to traffic. But I, I still have lots of concerns about excavation and mines and blasting and dust and

all those kinds of things. And as I've said in the past, I've read through the six page documents and they just don't begin to touch the things that I think I need to say that you have mitigated the issues involved with that. So I'll leave it to you guys when, when we get to that. But I'm not done.

Director

Erickson: Engineer, Environmental Services are both looking at the excavation information and preparing, helping Francisco prepare the next Staff report.

Commissioner

Joyce: Okay.

Director

Erickson: So we're not, we're not done on excavation. We're just shifting gears a little bit and moving some of the---we think you're pretty well down the road on height, bulk and scale, but we don't think you're down the road far enough on excavation. But I, I do want to start getting your questions, at least, on the transportation stuff.

Commissioner

Joyce: Okay. Thank you. Appreciate it.

Commissioner

Band: Sorry. Can I jump in real quick? I just had one quick question about the model that I forgot. Sorry, Commissioner Suesser. The cliffscaping on this, and I know it's an old model, shows a lot of trees and the computer generated images did not. Is that a plan to have it---

Steve

Perkins: You're talking about the trees on the cliffscapes?

Commissioner

Band: Yes, I am. It shows quite a few of them on this model in front of us.

Steve

Perkins: Yes. I think if you go back and look at our documentation for addressing the cliffscapes, we were intending to revegetate those, and we were going to create pockets within those to plant trees on, little terraces. And I think that's all in our package. If you will take a look at that.

Commissioner

Band: Okay.

Chair

Strachan: All right. Commissioner Suesser?

Commissioner

Suesser: Okay. So I agree with the Planning Staff. I agree with the Planning Staff that the, the development which includes the cliffscape and the retaining walls needs to be within the building area boundary and not outside the defined areas. That was one of the specific questions we were asked to address in the packet. And I agree with the Planning Staff on that issue. I know the applicant didn't directly address whether or not they agreed with that conclusions of the Planning Staff, and I look forward to hearing from the applicant. I believe you're going to respond in writing on that issue.

I also agree that the visuals presented tonight were somewhat helpful in providing a sense of scale of the project versus the surrounding neighborhood. But, and I know it's impossible to include all the details in these visuals. But I found the model and the computer generated images a bit misleading because, because they're not capturing the density of the surrounding neighborhoods, particularly on Lowell and Empire. They are virtually no empty lots on the downside of Lowell Avenue anymore, and there are none, I don't believe, on either side of Empire. And I think the density of the neighborhood is not captured in this or in the visuals that we looked at. And I think that's important to bear in mind.

I was concerned about Ron Ivie's comment that the homes surrounding this project will have impacts that can't be mitigated, and I'd like the applicant to address that comment specifically.

And I know we're moving on to traffic at some point, and I, I will review the traffic study over the holidays from 2005, but I'd like the applicant and the Planning Staff to know now that I'm going to want to see a new traffic study because a lot has changed in Old Town in the last 11 years.

That's all I have.

Chair

Strachan: Great. Commissioner Campbell?

Commissioner

Campbell: I don't have anything new. I'm waiting for the stuff we asked for the last time and they already said they're working on that, so I'm good.

Chair

Strachan: Yeah, I'm, I'm with you there. Commissioner Phillips, anything new to add?

Commissioner

Phillips: No. Let's see here. I think I've got something, though. Bear with me. You know, something new for me, I know it's not particularly relative to what we're talking about, but I will say, the active space that's adjacent to the neighborhoods is something I haven't really paid attention to but will be, because the last thing I want to see is something like that being disruptive to the neighborhood vibe.

I did want to thank the applicant for the model that we're looking at here. I think it helps a lot. You're never going to see it perfect. And also, thank you guys for bringing the Sketch-up model again. I did want to say, in defense of the applicant, when you were doing that street view, it is, it can be misleading because it only captures a little window. So, if you were to do the same thing with a house, it would, it does, without seeing the peripheral, it can make things look larger. So I did want to make sure that was pointed out for anybody that may have formed an opinion on that.

Let's see. To answer the Staff's question on page 68, I too, am, I'm just struggling with the cliffscapes. And, you know, and I don't know how to look at them other than being a structure 'cause I, I would imagine that, you know, there will be structures necessary to do some retention. And so I, I do typically feel that they should be in the boundary. And you know, I, I would prefer not to have them just because I do see them as a structure. And, and I think from a distance it, it kind of---being the backdrop to the buildings is, you know, from across town views, will create a sense of mass. I mean, when you, when you scan the horizon it's going to stand out. And, and so that's just kind of where I, what I feel. I prefer to have the buildings filled because, I mean, even if you took those buildings and, and filled around them, I think that would bring it a lot closer to, to mitigating the mass and scale. It would also help the buildings fit better to the land, which is something that I keep referring back to as I read through this stuff.

And then, also, regarding mass. I do, and I haven't brought it up. But I did bring it up back when we were talking about square feet, and I was looking

ahead. And I, and I had made a comment that the orientation of the buildings in general seem to be more horizontally across the mountain as opposed to vertical and stepping. And not to say that I don't think you can do that, but I think overall it has a negative on the mass and scale.

So, that is pretty much all I've got.

Chair

Strachan: Great. I don't have anything substantive to add beyond what the other Commissioners have said. I would like to get an idea of whether we're on track in terms of addressing---well, where we were in terms of addressing the other issues. I know we're going to move on to traffic, and maybe this is something for Francisco to weigh in on, but what are we looking like here, timewise?

Planner

Astorga: Well, we've, we've been meeting the first Planning Commission of every month, and the next meeting is coming up on January 11th. We're preparing to transition into the traffic and transportation, as indicated on the Staff report. And that, that's pretty much all I have. I mean, I, I do have to, and my internal deadlines come up for the Staff report next week in a draft form. So, that's pretty much all I have to report as of this stage.

Director

Erickson: I, I think we chatted early on when the conceptual schedule came before you, we were in probably a yearlong cycle. We're about 50% complete. I believe we've taken on probably 60% of the main issues now. So ongoing Staff studies are excavation, environmental, and we're trying to get our arms around how, at this level of detail, we can start to apply the Historic District Guidelines. But the traffic and transportation thing I think is probably going to take two meetings to get you an understanding of what the baselines were, what the projections were, what the projections for the units are, and what the distinctions between the, the 2004 plan and the 1986 plan are. So, I'm looking May, June deliberation time.

Chair

Strachan: Yeah, I think the traffic issue may take a little longer than two meetings. But I agree with your assessment. I'd be curious to hear from the other Commissioners. If once we get that tackled, are we between 60 and 80% done? Does that sound close to you guys?

Planner

Astorga: And I'm sorry for interrupting. I pulled up the 2004 LMC with the 15 criteria. It's up on your screen right now. Where we still have to get into utility capacity. We have to officially get into emergency vehicle access, even though we've spent a healthy amount of time discussing that. With the traffic we piggyback the parking. And also we discuss internal vehicular and pedestrian circulation. Then we need to address fencing, screening and landscaping. We skip down to number 9, use of open space, signs and lighting. We're doing 11 right now. Then we have to address noise, vibration, odors, steam, 12. Fifteen is deliveries and 14 is expected ownership. Just to give you an idea.

Chair

Strachan: Yeah. I mean I, I think it, it's tight, but you know, I think that a lot of those criteria are ones we can bite off multiple criteria in one meeting. I'm not suggesting that we need to do that, and of course, the applicant is the main driver of that. But---

Director

Erickson: I, I think a lot of the next round of criteria after we get through traffic and transportation are fact based and not quite so much interpretation of the Code based.

Chair

Strachan: I agree.

Director

Erickson: So, I think they're going to go quicker.

Chair

Strachan: Yeah.

Director

Erickson: There's either water or there's not.

Chair

Strachan: Yeah, I agree. Yeah. All right. Great. Nothing further add, Commissioners? All right. Let's conclude, then, the Treasure Hill Conditional Use Permit discussion and move on the agenda to 638 Park Avenue.

Commissioner

Joyce: We need to move to Continue.

Chair

Strachan: Oh, yeah. Sorry. Commissioners, a motion to Continue to January 11th.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Permit application to January 11, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

2. 638 Park Avenue- Conditional Use Permit for new construction of a 3,785 sf private event facility to be located on the second level of the new addition to the historic Kimball Garage. (Application PL-16-03313)

Planner Anya Grahn noted that the Planning Commission previously reviewed this application in November, and provided feedback regarding limitations on noise, the location of the tent to reduce its visibility, and providing a mechanism to come back to the Planning Commission if unforeseen issues arise. Planner Grahn stated that the Staff had spent considerable time meeting with the applicant, meeting internally, and talking with the Special Events Department to draft conditions of approval that would help mitigate these concerns. The conditions of approval were outlined in the Staff report.

Planner Grahn stated that the conditions address parking. Visitors to the Kimball Garage will have to follow the same parking regulations as anyone else using Main Street. Condition #4 requires the applicant to incorporate safety measures to ensure that the space is safe. The owner of the unit should be responsible for any on-site management of the special events. A number of conditions address the tent. Previously, the Staff recommended that any tents be approved on a case by case basis through an Administrative CUP. However, based on the number of conditions of approval, the Staff felt it was appropriate to include it in this conditional use permit where they could regulate the number times and the frequency the tent could be up based on the fire permits that the owner has to pull. This is similar to what was done for other tents in town that go up quite often. Planner Grahn stated that the conditions also address hours and the Park City noise ordinance. She pointed out that Condition of Approval 3 talks about returning to the Planning Commission if the City receives any sustained complaints. Planner Grahn understood that the applicant had concerns regarding the word "sustained" that he would like to discuss with the Planning Commission.

Tony Tyler, representing the applicant, stated that he and Craig Elliott spent a considerable amount of time working with the Staff and looking at other projects that had similar conditional use permits along Main Street and the Old Town neighborhoods. They took some of those restrictions and applied them to the use for the Kimball, particularly related to the hours of operation, the noise ordinance standards, and the tent itself. Mr. Tyler noted the tent was modeled after the North Face space in terms of duration and number of times it could be put up.

Mr. Tyler stated that Craig Elliott had created an exhibit that was included in the Staff report. They came up with a solution, collectively with Staff, that makes the tent on top of the building as invisible as possible. Mr. Tyler pointed out that only a portion of the roof is tented, as opposed to tenting the entire space. The tented portion is the farthest away from the public right-of-way and has the least visual impact.

Mr. Tyler stated that throughout the process the Staff had done a spectacular job identifying the issues, working with the applicant, and working with the public to address the conditions that needed to be mitigated for the operation of the event space.

Mr. Tyler remarked that his only issue was Condition #23, because as written, the language made it uncomfortable for him to invest a significant amount of money building out, managing, and operating an event space with the capability for no real objective Code related complaints or defaults as a basis for removal of the CUP. Mr. Tyler thought the Condition was trying to take what the Code Enforcement is supposed to be doing and putting it on the Planning Department and ultimately the Planning Commission to regulate. He did not believe that was the intent of the Condition, but as it reads there is no real definition of a sustained complaint. He asked whether it was the number of complaints, a complaint that has merit, or just someone's opinion that the complaint is valid.

Mr. Tyler introduced Wade Budge, legal counsel from Snell and Wilmer, who was prepared to speak to this issue as well. Mr. Budge stated that he has worked with Mr. Tyler on a number of project, including the Kimball Garage. He intended to confine his remarks to Condition #23. Mr. Budge had reviewed the Staff report and he thought it was remarkable. They had surveyed the site, considered the use, identified potential detrimental impacts and thought about how they could best be mitigated. Mr. Budge thought the conditions of approval were appropriate mitigations for the neighbors; however, he was concerned with the wording in Condition #23. The applicant would prefer that it be removed, but if the Planning Commissioner thought it should remain, they would request that it be modified. Mr. Budge stated that when an applicant comes forward with an application, the discussion should be about reasonably anticipated impacts. The word anticipated means "things that are coming in the future". What he typically sees in this type of arrangement, is a

condition that says the CUP is at risk if the Code standards are violated. As written, Condition #23 has no tie to Code standards.

Mr. Budge clarified that the first issue is that instead of looking into the future and identifying mitigating measures now, they are talking about an ongoing potential mitigating measure as neighbors raise issues in the future. The second component is that Condition #23 puts on the Planning Commission this enforcement provision. He noted that State Code specifically identifies the appropriate powers of the Planning Commission, which includes acting as a land use authority for CUPs, evaluating General Plans, making recommendations, rezones, and other types of land use applications. Mr. Budge stated that the applicant has no incentive to violate any Code provision, but they do not want a situation where it could be argued later that the applicant agreed to a provisional conditional use permit that could be revoked at some point. It could create or instill more risk in the project than would be acceptable to people who want to invest in this site.

Mr. Budge offered alternative language if Condition #23 was to remain. "In the event of sustained complaints that are found credible by the Planning Department and to the extent that those complaints show that there had been a violation of Code provisions or Code standards, the applicant would have 30 days to propose mitigation. Alternatively, if mitigation cannot be proposed, the applicant could apply for an amendment to the CUP or take steps to remove the violation". Mr. Budge believed language along those lines would be more appropriate; rather than saying the CUP would be considered void.

Mr. Budge clarified that he had no comments on the first 22 Conditions of Approval and he thought they were appropriate to the CUP and reflected a good amount of give and take. He did not want the issue with Condition #23 to overshadow all the good things.

Planner Grahn reported on public comment she received from Sanford Melville, as well as other public comment that was included in the Staff report.

Commissioner Suesser asked Planner Grahn to explain why Condition #23 was written the way it was. Planner Grahn stated that at the last meeting there was discussion about unforeseen consequences, since this is a new use for the Main Street area. The Staff heard a lot of concerns about glare from the amount of glass proposed, noise on the rooftop terrace, smoke, odors, and various other issues. With the help of the City Attorney, Condition #23 was drafted regarding the sustained complaints. The intent is that if the City receives a number of complaints and it is not something that they could work with the applicant to mitigate in a timely manner, it could come back to the Planning Commission to be addressed and work together to find a solution.

Chair Strachan opened the public hearing.

Sandra Morrison from the Park City Historic Society and Museum noted that her letter from the last meeting was included in the Staff report. Her letter addressed whether this application meets the LMC. They were here this evening talking about a roof top deck because the Board of Adjustment and the Planning Commission decided that demolishing the historic roof, even though the design guidelines say the historic roof form shall be maintained, is not being followed. Ms. Morrison reiterated that this is a Landmark structure, and for those less familiar with historic preservation in Park City, there are very few Landmark structures in Old Town and they are the most significant historic buildings. The LMC and the Design Guidelines require the strictest sense of historic preservation for Landmark structures. Therefore, something like a second story on top of the Kimball Garage would have been a tough application for the owner to push through the Planning Department. Ms. Morrison pointed out that they were now left with a flat roof with tents on it.

Ms. Morrison noted that Condition #12 states that any proposed tent shall comply with the following regulations. She asked if that meant there could be more than one tent. The Condition further states that the tent shall be set back from the parapet along Heber Avenue and the south edge of the roof in order to limit its visibility and mass from the street. Ms. Morrison pointed out that there was no recommendation of how far it should be set back. Visibility from the street means a lot of different things. The top of the roof can be easily seen walking up Park Avenue. The Condition also states that the tent shall be a solid color; and she assumed it would be white. The tent shall be no more than 15 feet high. Ms. Morrison noted that there was no size specified. The tent shall not be erected for more than four consecutive days up to 15 times per year, including setup and removal. She asked, if there are multiple tents, could the one coming down be replaced with another one going up at the same time. He worried about the appearance of a KOA campground on top of a Landmark structure.

Sanford Melville, a resident at 527 Park Avenue, noted that he had provided public input at the last Planning Commission meeting, and as Planner Grahn stated, he submitted a letter to the Planning Commission that he assumed they had read. Mr. Sanford did not intend to rehash his previous comments, but he had new comments to add. Mr. Sanford stated that traffic and parking are extremely important problems for Old Town. Traffic is a critical priority for the City Council. If allowed, this CUP for a large private event facility only increases these problems. He thought the Staff report only casually addressed traffic and parking. There are no estimates as to the frequency or size of the events that will be held there. There are no hard numbers in the report as to studies of traffic or parking impacts. Mr. Sanford noted that the Staff report indicates that the public would have to deal with these problems and there were no unmitigated impacts. He did not believe that was realistic.

Mr. Sanford stated that noise from a larger outdoor private event facility is going to be a problem. The Staff report includes Conditions of Approval 15, 16 and 17 to deal with noise from the rooftop deck. In his mind, there were no enforcement conditions. He thought it was interesting that the applicant had issues with Conditions #23, because he also had issues with Condition #23 from the perspective of a homeowner. He read, "If sustained complaints are registered with the City, the applicant must take action to provide mitigation within 30 days". Mr. Sanford wanted to know what are "sustained complaints". If an outdoor party is going on past midnight, who does he call. Logically, he could call the police, but that would not be a nice thing to do for the party and he was certain the police have better things to worry about. Mr. Sanford wanted to know how he would notify the City, and how many complaints the City needs before it becomes sustained. He felt it was completely vague and totally unrealistic and unenforceable.

Mr. Sanford did not believe it made sense to give blanket approval for all time for an outdoor events space at this facility. Approval for events should come under City regulations, the same as other large public events in Old Town. Mr. Sanford requested that the Planning Commission deny this CUP for an outdoor private events facility because private events should be held inside. Where he lives he gets occasional noise from the Riverhorse deck and from the No Name. He lives with that because he can go to those bars and restaurants himself. However, this is a private event facility and it is an entirely different use to have in a residential district. Mr. Sanford stated that eliminating the outdoor event facility will eliminate the noise and nuisance issues. It would also help to mitigate the traffic and parking impacts by reducing the size of the private events that could be scheduled at the site. Mr. Sanford thanked the Commissioners for their hard work and for and taking his comments.

John Stafsholt, a resident at 633 Woodside, stated that from his house he looks right down on the Kimball, as does everyone on the 600 block of Woodside and Park Avenue. This will be impactful but that is not the biggest issue. He applauded the Staff and the applicant for achieving the current design. It is very good and it shows respect for the historic building and the use. The Kimball's are fine with it and it is an extreme improvement from previous designs. However, there are adjacent single-family residences that would be impacted by a private event facility, especially on the third floor on an outdoor deck. Mr. Sanford noted that the sound would boom all through Old Town unimpeded. He stated that currently at night it is easy to hear voices from four or five people being on decks. The area is very quiet in general.

Mr. Stafsholt noted that the CUP is required due to the impacts to the neighborhood. However, unlike Treasure Hill, these impacts can be impacted. This is a third level, 2500 square foot private event facility. People who live here year-around would have to keep

their doors closed to avoid the noise from visitors who come to party over the weekend. That is not good for the residents. They are talking about a year-around facility with tents, heaters, and amplified music. Mr. Stafsholt believed those impacts could be prohibited, and the hours of operation must be limited and enforced. Amplified music and live music have certain hours and decibels, and Deer Valley concerts adhere strictly to it. He believed 8:30 was the limit; not 10:00 or midnight. They should not rewrite the Code to give this applicant more time than the Code allows. Mr. Stafsholt noted that Code Enforcement absolutely does not enforce the Code on those issues. If they respond to a call, they do not understand the law and they do not have a way to measure the decibels. They do not go to the business unless the complainant follows the police to the business. Mr. Stafsholt thought the limitations were good, but there needs to be a way to enforce them because the process they have now does not work. He did not believe there should be an auto renewal as requested by the applicant. He was not opposed to adjusting Condition #23, but he thought it should remain. Mr. Stafsholt pointed out that in the past Easy Street set up a business with live music for six nights a week. That live music violated the noise ordinances and the time ordinances and nothing was done about it. He personally likes live music and he was previously on the Board of Mountain Town Music, but it is not right for residents to have to close their windows so their children can sleep. The impacts will be worse if it is up on a deck at the third floor.

Mike Sweeney stated that he has owned a deck for 20 years and they have lived by every rule set by the Planning Commission. They have very seldom had any issues with noise from the neighbors. It can be done. Mr. Sweeney noted that the Code states that activities on the deck must be stopped at 10:00. The police enforce the Code. He manages the events center at the Yard and they have the same issue, only the music is indoors. If they are too loud after 10:00 he shuts down the music. Mr. Sweeney believed that restrictions in the Code are currently working and they are enforced by the City. Mr. Sweeney noted that his deck is slightly larger than the 2500 square feet Kimball deck.

Chair Strachan closed the public hearing.

Assistant City Attorney McLean referred to Condition of Approval #23 and stated that the Planning Commission has the ability to revoke a CUP, but it needs to relate to objective standards.

Commissioner Joyce was surprised to see a ten-day time frame for the tent since Sundance runs for 11 days and normally tents are setup beforehand. He was unsure how they would take down or set up a tent in the middle of Sundance. Planner Grahn replied that the ten days mimicked the North Face approval, and that was designed to be for a Sundance tent as well.

Commissioner Phillips thought that tents are taken down during Sundance, particularly after the first weekend. Director Erickson stated that non-sponsors move in and out during Sundance as well. He pointed out that this was structured such that no mechanical equipment is required for the tent. It is a small tent similar to what is seen at Silly Market, rather than the Arts Festival or the Sundance gathering tents.

Planner Grahn noted that the size restrictions are mentioned in the Findings of Fact, but she was open to putting it into the Conditions of Approval. She suggested adding Items h) and i) under Condition #12. (h) The tent is limited to 780 square feet. i) The rooftop shall be limited to one tent.

Commissioner Phillips asked if it could be limited to be in the greenspace shown in the diagram on page 98. Mr. Tyler replied that it was their intent.

Commissioner Joyce noted that Condition #13 states, "The typical hours of operation shall be limited from 8:00 a.m. to Midnight. He was unsure what typical means in terms of a condition of approval. Planner Grahn suggested removing the word "typical". To avoid confusion, she also suggested adding language to explain that it is the interior hours of operation, since the deck has its own limitations. Mr. Tyler was comfortable eliminating "typical" because the intent was for the interior space.

Commissioner Joyce thought Condition #17 duplicated some of the noise ordinance language about where it is measured and the decibels. He thought they were trying to keep from replicating ordinances, because if the noise ordinances changes, the CUP would be inconsistent. He recommended changing the language to say, "as enforced by the current noise ordinance."

Commissioner Joyce referred to Condition #23 and the question of why there is a conditional CUP. He stated that instead of doing what is normally done, which is to have CUPs for events and CUPs for tents, this would be a permanent approval so the owner would not have to continually come before the Planning Commission or even administratively. Commissioner Joyce pointed out that this was unlike anything else in town, and it was important to have a mechanism to address any Code violations or problems that may occur. It is a trade-off for allowing something that is unusual, and adjacent to a residential area. It cannot be compared to the Kimball Arts Center because this is a business and events will go on all the time; much more than what occurred with the Kimball Arts Center. It is important to make sure they have constraints and expectations for protecting the local public. Commissioner Joyce remarked that Mr. Sweeney had commented on the deck at the bottom of the Town Lift

and they have done a good job. However, beyond Sundance and a few other events during the year, their business is not to hold events.

Mr. Sweeney noted that the Code is very specific that every tent that goes up on the deck has to be approved by the Fire Marshall. There is a process to follow and this CUP would not eliminate that requirement. Commissioner Joyce pointed out that the CUP would remove every requirement except the Fire Marshall.

Assistant City Attorney noted that Mr. Budge had suggested language for Condition #23 that included the revocation, but with more objective standards. She stated that the City Legal Staff was comfortable with Mr. Budge's suggestion. Mr. Tyler clarified that the applicant did not disagree with Condition #23 and shared the same concerns. They were only looking for an objective condition they could live by.

Commissioner Joyce stated that he preferred to tie it to Code violations and being more specific. Mr. Tyler was comfortable with that. Assistant City Attorney McLean favored that as well.

Mr. Budge re-read his proposed language for Condition #23 with minor revisions. "In the event the sustained Code violations are registered with the City regarding this use, including complaints of..." leaving the list of things already identified in the Condition, "the applicant will be required to provide mitigation of such violations within 30 days." Mr. Budge was comfortable with the next two lines as written, "The Planning Department shall investigate these complaints and take measures necessary to insure that the property owner complies with the requirements of this permit. Additionally, the Planning Department may bring forward these complaints to the Planning Commission as deemed necessary by the Planning Director in order to further mitigate the nuisance". Mr. Budge modified the last line to read, "And should these Code violations not be remedied, the CUP could be revoked". The Commissioners and Ms. McLean were satisfied with the Condition as revised.

Commissioner Thimm asked if there was a definition for Sustained. Ms. McLean stated that it could be defined further. When she looked through the Minutes of the last meeting, which City Attorney Mark Harrington had attended, she understood that he was trying to differentiate frivolous complaints from sustained. The complaint has to be a relevant Code violation as opposed to something a neighbor may not like.

Commissioner Campbell suggested using sustained and substantiated. Ms. McLean thought substantiated would be fine. Commission Campbell was concerned that one person could call several times and that would trigger the mechanism. It was better if the complaint could be substantiated. Ms. McLean explained that calls from the same

person would not be sustained. The person who continually calls would have to convince the Planning Director that there was actually a violation, and it would have to be substantiated in some way.

Commissioner Thimm referred to the green patch of deck shown on page 98, and recommended that the setback be defined in Condition #12.

Mr. Tyler suggested defining it as the area away from Heber Avenue. Craig Elliott stated that dimensioned drawings are done for projects and they have to follow the drawings. Commissioner Thimm thought they could refer to a dimensioned exhibit. He also thought they needed to add specific numbers.

Director Erickson offered language, "The applicant will submit an updated copy of Exhibit #4 to the Conditional Use Permit Staff report, with dimensions". Mr. Elliott stated that the applicant had already submitted a drawing with dimensions; however, it may not be the dimension the Commissioners were looking for. Assistant City Attorney McLean noted that the Planning Commission could direct the Staff to reflect those dimensions as a condition of approval and to translate the diagram to reflect the setbacks in writing. Director Erickson pointed out that it would be included in the Action Letter.

Commissioner Campbell thought Condition #16 was vague as written. He revised Condition #16 to read, "Any outdoor speakers will only be allowed between the hours of 11:00 a.m. and 10:00 p.m." Since it was too late to save the roof, he believed that noise was the major objection for the neighbors. Ms. McLean suggested that they could refer to the standards in the Code for outdoor dining.

Commissioner Campbell clarified that his concern related to the noise from outdoor speakers. He asked if the other Commissioners objected to restricting the hours the speakers can be turned on. Commissioner Band liked how Condition #16 was written to say, "...and may not emanate beyond the boundaries of the rooftop terrace or balcony as regulated by the Noise Ordinance". Commissioner Campbell noted that the measurements of the noise ordinance were referenced in Condition #17. He reiterated his opinion that Condition #16 was too vague and left to much "wiggle" room.

Mr. Tyler assumed outdoor speakers would fall under the noise ordinance. He suggested that Conditions 16 and 17 could be consolidated to say that it is subject to the noise ordinance. Commissioner Campbell commented on the public testimony they heard about how the noise ordinance is unenforceable or the difficulties of trying to enforce it. Specifying a time when speakers should be tuned off would be easy for the

police to enforce if they follow up on a complaint and the speakers are on. Mr. Tyler agreed.

Assistant City Attorney McLean asked if there was consensus among the Planning Commission to amend Condition #16. Commissioner Suesser favored amending the Condition as suggested by Commissioner Campbell. Commissioners Thimm, Joyce and Phillips concurred.

Chair Strachan stated that he would not be voting in favor of the CUP because the impacts are unknown and, therefore, could not be mitigated. None of the Conditions are clean, which is a good indication that the mitigation will not be clean. Chair Strachan believed the public comments were right on point; and he was unsure how this was ever approved by the Board of Adjustment. Chair Strachan did not believe the associated impacts could be reasonably mitigated.

Commissioner Phillips stated that he had concerns about sound before he heard the public comments. He lives in Old Town and there are times when he can literally hear what people are saying clear across the Canyon. When the conditions are right, everything can be heard. Commissioner Phillips thought the amount of glass and the reverberation off of the glass would amplify the sound that drifts into the neighborhood. He suggested that the applicant consider some sort of sound attenuation to help reduce the number of complaints.

Craig Elliott noted that the applicant had the same concern. They have a small overhang on the west side where the glass is, and they have been looking at designing a baffle. He used to do a lot of sports facilities work and arenas, and there is a sound trap in the back. An open spot is perforated and that allows the sound to go into the insulation and it captures the sound that bounces off the wall or the ceiling. Mr. Elliott stated that they could add a perforated panel that would capture the sound that bounces up into the neighborhood. He thought it would be effective and the applicant was willing to look into it. Commissioner Phillips was encouraged by the fact that Mr. Elliott and Mr. Tyler had already had that discussion.

Planner Grahn read the revised Conditions as follows:

Condition #16 – Outdoor speakers will only be allowed between the hours of 11:00 a.m. to 10:00 p.m.

Condition #17 – Any noise violation shall be measured on a decibel or sound level meter in accordance with the Park City Municipal Code.

Commissioner Campbell suggested revising Condition #17 to read, “The applicant agrees to abide by all current and future Park City noise ordinances”. The Commissioners and Planner Grahn were comfortable with that language.

Condition #23 - In the event that sustained Code violations are registered with the City regarding this use, including complaints of glare, noise, smoke, odor, grease or traffic, the applicant will be required to provide mitigation of such violations within 30 days. The Planning Department shall investigate these complaints and take measures necessary to insure that the property owner complies with the requirements of this permit. Additionally, the Planning Department may bring forward these complaints to the Planning Commission as deemed necessary by the Planning Director, in order to further mitigate the nuisance. Should these Code violations not be mitigated, the Planning Commission may revoke this CUP.

Mr. Tyler suggested changing the language to say, “...provide mitigation of the Code violation within 30 days”. Chair Strachan pointed out that a Code violation could not be mitigated. It either has to be rectified or it remains in violation.

Commissioner Suesser wanted to make sure that the size and number of tents were addressed in the Conditions. Planner Grahn stated that it would be added under Condition #12 as, Item h) the size of the tent shall be limited to 780 square feet; Item i) the rooftop terrace shall be limited to one tent; Item j) the applicant shall submit an exhibit showing the location of the tent and dimensioned in feet and inches.

MOTION: Commissioner Joyce moved to APPROVE the Conditional Use Permit at 638 Park Avenue for the proposed private event facility, pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval found in Staff report and as amended this evening. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 638 Park Avenue

1. The Condition Use Permit is for a private event facility at 638 Park Avenue .
2. The property is located in the Historic Recreation Commercial (HRC) District).
3. Per 15-2.5-10he property is located in the Heber Avenue Subzone; the allowed uses within the sub-zone are identical to the allowed uses of the Historic Commercial Business (HCB) District, and the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.

4. The property is bound by Main Street to the east, Heber Avenue to the south, and Park Avenue to the west. These are all public streets.
5. The Park City Council also approved a Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016. The plat has not yet been recorded.
6. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
7. The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016. The applicant is proposing to rehabilitate the historic Kimball Garage and construct a new addition to the east, fronting Main Street.
8. An appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment met on October 18, 2016, denied the appeal and upheld staff's determination. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck.
9. The BOA found that the rooftop deck addition above the historic Kimball Garage was appropriate as the Design Guidelines permit construction of rooftop additions and the addition would remove one of the two barrel-vaulted roof forms. The addition was permissible because it was generally not visible from the primary public right-of-way along Heber Avenue.
10. On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. In 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The proposed FAR of the proposed project with the new addition is 1.45.
11. In 1984, the Kimball Art Center had a Gross Floor Area of approximately 13,477 square feet, which generates an FAR of 0.7. The 0.7 FAR is less than the 1.5 FAR that they paid for as part of the Main Street Parking Special Improvement District.
12. The minimum front/rear yard setbacks are ten feet (10'). The historic structure has a 1-foot front yard setback along Park Avenue and the new addition will have a 12-foot rear yard setback along Main Street.

13. Gross Commercial Floor Area includes all enclosed Areas of the building, but excludes parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.

14. Because 638 Park Avenue is located in the Heber Avenue Subzone, the FAR limitation of the HRC District does not apply to gross commercial floor area; however, the parking exception is only for an FAR up to 1.5.

15. The minimum side yard setbacks are five feet (5'); the historic structure currently has a side yard setback of 6 feet along the north property line. The new addition will have a 5-foot setback from the north property line.

16. On corner lots, such as this, the side yard setback that faces a street is ten feet (10'). The historic structure has a 1-foot side yard setback along Heber Avenue; the new addition will have a 10-foot setback along Heber Avenue.

17. Per LMC 15-2.5-4, a project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission. The applicant has provided vehicular access along Heber Avenue.

18. Per LMC 15-2.5-5, no structure, including a tent, shall be erected to a height greater than 32 feet from Existing Grade; the height of the roof on the new addition is a maximum of 30.5 feet.

19. Per LMC 15-2.5-5(A)(3), mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building; the applicant is proposing parapets incorporated into the design of the street front facades in order to reduce the visibility of rooftop mechanical equipment. These parapets do not exceed 4.5 feet in height, for a maximum height of 35 feet above existing grade.

20. Per LMC 15-2.5-5(A)(5), an Elevator Penthouse may extend up to eight feet (8') above the Zone Height. The applicant has proposed an elevator penthouse on the northwest corner of the new addition. The height of the Elevator Penthouse does not exceed 38 feet in height from Existing Grade.

21. Per LMC 15-2.5-6, Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures.

22. Per LMC 15-2.5-8, all exterior mechanical equipment must be screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District. The applicant has proposed to locate mechanical equipment on the rooftop of the new addition, screening it with parapets and other rooftop screening.

23. Per LMC 15-2.5-9, all Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards. The applicant has proposed an acceptable refuse storage area along the north property line, adjacent to Main Street.

24. On the third level of the new addition, the applicant is proposing a Private Event Facility. The Private Event Facility will include 3,785 square feet of interior space on the top floor above the street level commercial spaces as well as a 477 square foot outdoor balcony and 2,530 square foot rooftop terrace.

25. The LMC defines this as a facility where the primary Use is for staging, conducting, and holding Private Events. Private Events are events, gathering, party, or activity that is closed to the general public or that requires an invitation and/or fee to attend. A Private Event Facility is a Conditional Use in the Heber Avenue Sub-zone and is not permitted in storefronts along Heber, Park, and Main Street.

26. The Private Event Facility will be accessible from a street-level lobby along Heber Avenue. Access, circulation, and lobby areas are permitted within Storefront property.

27. In 2015, the Kimball hosted an event with an occupant load of 697 people. The applicant finds that the proposed Private Event Facility will have an occupancy load of 480 people, a 32% reduction from past event occupancy loads.

28. Special Events, as defined by the LMC, are those events, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations or creates public impacts through any of the following: (A) Use of City personnel; (B) Impacts via disturbance to adjacent residents; (C) Traffic/parking; (D) Disruption of the normal routine of the community or affected neighborhood; or (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events

requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.

29. There is no vehicular access proposed. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.

30. Outdoor use of the terraces and balconies are permitted by this CUP, and shall comply with all conditions and regulations included herein.

31. Any temporary structures, such as tents, are permitted by this CUP, and shall comply with all conditions and regulations included herein.

32. The Building Department will require a fire permit for the installation of any tent in excess of 400 square feet, measured from the outside dimensions.

33. The applicant anticipates that hours of use will vary depending on the event; however, typical operating hours will be between 8am and midnight. Outdoor speakers and music will be limited to 11am to 10pm in accordance with the City's Noise Ordinance.

34. There are no open space requirements specified for this development.

35. The design complies with the Park City Design Guidelines for Historic Districts and Sites and complements the mass, scale, style, design, and architectural detailing of its neighbors.

36. The applicant has proposed an acceptable screened refuse storage area along the north property line, adjacent to Main Street. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.

37. The event space is intended to be privately owned and professionally managed. The applicant anticipates that the number of employees will vary from 4 to 40 based on the event; as previously noted, the applicant anticipates events no larger than an occupant load of 480.

38. The site is located within the Park City Soils Ordinance boundary and FEMA flood Zone A.

39. The site is located in a FEMA flood Zone A.

40. The CUP application was deemed complete on September 28, 2016 upon receipt of additional materials.

41. The proposed conditional use meets the criteria set forth in LMC 15-1-10(E).

42. The staff findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 638 Park Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The proposed use, as conditioned, will be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 638 Park Avenue

1. All standard conditions of approval apply to this Conditional Use Permit for a Private Event Facility as well as a temporary tent.
2. Should the owner host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP, a Special Event permit may be required.
3. Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.
4. The applicant, at its cost, shall incorporate such measures to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the events will be conducted with due regard for safety are provided and paid for by the applicant.
5. The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:
 - a. The owner, or his/her designee, shall provide on-site management for each aspect of the event.
 - b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.

6. All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.
7. The final building plans and construction details for the project shall meet substantial compliance with the HDDR approved on June 20, 2016 and the drawings reviewed by the Planning Commission on November 9, 2016.
8. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
9. A Utility Plan must be provided at the time of the building permit application showing the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property can be adequately screened and written approval from the utility company is provided indicating that are satisfying this condition
10. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof and/or screened from public view.
11. The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.
12. Any proposed tent shall comply with the following regulations:
 - a. The tent shall not increase the occupancy of the existing building.
 - b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.
 - c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.
 - d. The tent shall be no more than fifteen feet (15') in height.
 - e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.
 - f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.

- g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.
 - h. The size of the tent shall be limited to 780 square feet.
 - i. The rooftop terrace shall be limited to one (1) tent.
 - j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.
13. The hours of operation within the interior shall be limited to 8am to midnight.
14. The rooftop terrace shall not be used for activities that may create dust or odor, such as but not limited to cooking.
15. The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
16. Outdoor speakers will only be allowed between the hours of 11am to 10pm.
17. The applicant agrees to abide by all current and future Park City municipal codes.
18. The applicant must submit a condo plat in order to sell any of the individual retail/commercial units.
19. A final Construction Mitigation Plan must be approved by the Planning and Building Departments prior to issuance of a building permit.
20. All projects within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning Departments prior to issuance of a Building Permit.
21. Property is located in a FEMA flood Zone A. The lowest occupied floor shall be at or above the base flood elevation. Additionally, an H and H study must be completed showing the impacts to the flood plain. Any changes to the flood plain by 12 inches or more will require the filing of a LOMR.
22. All exterior lighting, including any existing lighting and lighting on the balcony and terrace, shall comply with the Lighting Requirements of LMC 15-5-5(I). The lighting

shall be downward directed and fully shielded. Exterior lighting shall be approved by the Planning Department prior to installation.

23. In the event that sustained code violations are registered with the City regarding this use, including complaints of glare, noise, smoke, odor, grease, or traffic, the applicant will be required to address the code violation within 30 days. The Planning Department shall investigate these complaints and take measures necessary to ensure that the property owner complies with the requirements of this permit. Additionally, the Planning Department may bring forward these complaints to the Planning Commission, as deemed necessary by the Planning Director, in order to further mitigate the nuisance. Should these code violations not be mitigated, the Planning Commission may revoke this CUP.

3. **1376 Mellow Mountain Road – Appeal of a building permit (BD-16-22329) denial based upon the Planning Directors determination of the proposed addition’s square footage that would exceed the maximum house size identified on the recorded plat of First Amendment to Hearthstone Subdivision. (Application PL-16-03347)**

Planner Makena Hawley stated that this item was an appeal of the Planning Directors determination regarding an accessory building square footage at 1376 Mellow Mountain Road. She reported that in 1998, 1376 Mellow Mountain became part of the First Amendment to the Hearthstone Subdivision. In 2015 the current residents at 1376 Mellow Mountain requested a swimming pool enclosure. The permit was approved by Staff error; however, it expired due to inactivity. In 2016 the current residents again requested a swimming pool enclosure, and the Planning Staff again approved the building permit in error. The Engineer Department caught the error and brought to light Plat Note #1 for the Amendment to Hearthstone Subdivision.

Planner Hawley noted that the plat note was the reason this item was before the Planning Commission this evening. The plat note states, “The maximum house size for Lot 12 is 6,000 square feet. The maximum house size for Lot 11, which is the lot in question, is 14,000 square feet, with no additions resulting in additional square footage over 14,000 square feet allowed”. Planner Hawley explained that the proposed pool house, with the building permit that was denied, is 4,617 square feet. Currently, the determined maximum house size is 11,892 square feet, which combined would be 16,509 square feet, exceeding the 14,000 square feet maximum allowed.

The Staff requested that the Planning Commission review the Appeal of the Planning Director’s determination on the square footage calculations and consider upholding the

Planning Director's denial of the building permit on grounds that the proposal exceeds the allowable square footage determined for that lot.

The Appellant, David Camarata stated that he lives at 2376 Mellow Mountain Road and he has been part of Park City since the late 1970s. He moved to Park City full-time in 2005, and he purchased the home on Mellow Mountain Road in 2010. His home has been on the cover of several magazines. Mr. Camarata stated that the driveways and landscaping were done on the property and those projects were approved and the permits were issued without incident. In the second phase they added a game room to the back of the house, and there were no problems. They commenced on the pool project a couple of years ago. Mr. Camarata stated that he had already invested a significant amount of money in this project; and as shown in the photos provided in the Staff report, there is major fencing around the area and it looks like a major upheaval.

Mr. Camarata reiterated that he had received permits, as reported by Planner Hawley, and he has tried to proceed with this project. He has incurred a lot of expense and pain from legal, as well as from contracts that he had to cancel because he initially had a permit. Mr. Camarata stated that the issue comes down to one sentence on the plat. The sentence says "the house" and then there's a comma, and then there is "with additions..." He noted that page 12 of the Staff report specifically breaks it into two sentences to say that the 14,000 square feet does just apply to the house; it applies to the entire property. He pointed out that the property is well over 3 acres, but it prohibits him from doing anything with his property.

Mr. Camarata stated that a permit was approved and it was pulled. The Staff has indicated that it was approved by Staff error but he completely disagreed. The sentence says the house. If you separate out the comma, it is not a sentence. With additions and...." is not the topic. The topic is house. Mr. Camarata noted that nothing in the pages of documents the Staff provided talks about auxiliary buildings or pool structures. There are no restrictions on anything he was trying to do. Mr. Camarata believed it was a very broad interpretation of restricting a private residence with private property. He pointed to the number of letters submitted by his neighbors. They hate the fencing and they support his project. His neighbors are surprised that his permit was denied. He believes the denial is based on breaking the sentence into two pieces and trying to claim that the word "addition" applies to anything on the property; and not specifically to the house. However, the sentence specifically says "the house".

Mr. Camarata expressed his frustration with the process. He only wants the ability to have his family swim in a pool on his property. He is green conscious and if they enclose the pool it will save on energy. He currently has 100 solar panels on his house which were approved by the City, and is a proponent of energy conservation. Mr.

Camarata stated that his pool enclosure will add to the property and he could not understand why it was being denied. He read all the documents provided by Staff and found nothing that said auxiliary buildings are houses, or that square footage means everything on the property.

Mr. Camarata was appealing to the Planning Commission because he could not understand the interpretation or the rationale. He had the permit once before and he requested that they allow him to finish the pool.

Joe Tesch, representing the Appellant, stated that Mr. Camarata is an intelligent person who built a gorgeous home that has contributed to the neighborhood. Mr. Tesch stated that Mr. Camarata has the right to an accessory building on the lot, and it is permitted in that zone.

Mr. Tesch read from the argument he had prepared. "In general, an ordinance that restricts the property owner's common law right to unrestricted use of his land is strictly construed against prohibition of use of private property". Mr. Tesch pointed out that this was the law of the land. If there is any question, it gets construed against the limitation that is being put on the owner. Mr. Tesch stated that when this lot was approved in 1998 to be part of that subdivision, it was done by ordinance. He also noted that it was the only thing written on the plat, and that is what governs, "The maximum house size for Lot 11 is 14,000 square feet with no additions resulting in additional square footage over the 14,000 square feet allowed". He remarked that the 14,000 square feet allowed under the common fourth-grade construction of this sentence has to relate back to the subject, maximum house size. That was all that it said. It said nothing more and that should be the beginning and the end of the discussion because there is no ambiguity.

Mr. Tesch stated that if the Planning Commission wanted to look at intent, he challenged the Staff to show anywhere in any of the minutes provided, one sentence that says it was limiting the lot, or one sentence that says an accessory building is not allowed. He could find nothing in any of the minutes to reflect that intent. Mr. Tesch read from page 245 of the Staff report, the Planning Commission Minutes of September 22, 1993. "The house restriction was as-built at 14,100 gross square feet as measured by the Building Department, the intent of which, was no further expansion of the house or the garage". Mr. Tesch pointed out that it said nothing about the other 2-8/10th acres. He stated that it was the only place in any of the documents provided that talked about intent. Mr. Tesch read from the same Minutes page 246 of the Staff report, "The maximum house size on Lot 11 is as-built 14,100 square feet. A note shall be placed on the plat outlining the maximum square footage". He emphasized the reference to "house size", and noted that it did not prohibit any accessory building or

anything else. Mr. Tesch read from the Planning Commission Minutes of November 18, 1998 on page 258 of the Staff report. "The maximum house size for Lot 12 was 6,000 square feet. The maximum house size for Lot 11 is as-built at 14,000 square feet". Mr. Tesch found nothing that gave any credibility to the stated intent that the Planning Staff found to limit the 14,000 square feet to the entire lot.

Mr. Tesch presented two photos taken from the Staff report. The first showed where the house is located. He noted that Lot 11 is the largest lot in the Aerie that has been developed. It is 3 acres that sits on a hilltop. The other houses sit on a half-acre or less. Mr. Tesch stated that this lot has more than enough room to accommodate a pool with an accessory building cover. Mr. Tesch noted that the Planning Director stated in his opinion that because there was a patio in between, somehow the accessory building connected to the house and became part of the house. The second photo showed that the distance from the house to the pool is approximately 75 feet. There is nothing in between except a patio and a hot tub. Mr. Tesch pointed out that the yellow line on the photo talks about just from the house to the patio as being 50 feet away. The suggestion made by the Planning Director that there is a structure that connects them and that square footage is part of the house square footage, has no merit. Mr. Tesch stated that in his 30 years of experience, he has never known of a project where maximum house size included the size of the accessory building. It is a new change in the Code and he could not understand where it came from.

Mr. Tesch reiterated that the only thing that matters is the Code, what the Code says, and in this case, what the Code does not say. It does not say you can only have one structure or only one closure; and it does not say you cannot have an accessory building. Mr. Tesch believed the plain language of the plat note was very clear. In addition, none of the previous Staff reports or Minutes suggest that it was intended to be for the entire lot.

Assistant City Attorney McLean stated that under the Standards this was a de novo review, and no deference is given to the Planning Director's decision. The Planning Commission could open a public hearing to hear potential input regarding this matter. She advised them that public clamor is not allowed, but anything evidentiary could be accepted. Mr. Tesch stated that the Appellant was not opposed to a public hearing.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Suesser stated that during the Appeal the Appellant kept referencing the maximum house size as limited to 14,000 square feet, and that there was nothing prohibiting an accessory building. However, what Mr. Tesch didn't reference in his comments was the language that says "...with no additions resulting in additional square footage. Commissioner Suesser thought it was clear from the plat note that Lot 11 is restricted to 14,000 square feet. She believed that was the point of the plat note, and if not, the plat note might be read as allowing for a 14,000 square foot maximum house size and an addition of up to 14,000 square feet. Commissioner Suesser personally felt the plat note restricted Lot 11 to 14,000 square feet. Therefore, she concurred with the determination of the Planning Director.

Chair Strachan agreed. He did not find the plat note to be ambiguous. Chair Strachan also found that the definition of floor area was properly applied. He believed the plat note was so clear and unambiguous that there was no need to look to intent.

Commissioner Band disagreed. She thought it was ridiculous that the City gave the owner a permit and then took it away. Commissioner Band pointed out that the zone allows for an accessory building. She believed limiting the square footage was probably the intent when the plat note was placed, but these are the things that are very frustrating to the citizens of Park City, and she sees it a lot in her business. Commissioner Band questioned how the citizens can trust the City when a permit was issued twice and then discovered to be an error after construction had begun. She remarked that the enclosure would not impact anyone and the neighbors support it. The zone allows accessory buildings and she believed the Planning Commission should allow the owner to build his pool house.

Commissioner Thimm agreed with Commissioner Suesser, and he concurred with the Planning Director's finding.

Commissioner Phillips agreed with Commissioner Band. He pointed out that there was nothing referencing accessory structures, the plat note specifically says the house, and everything refers back to the subject of the sentence, which is the house.

Commissioner Campbell believed it was very clear that the intent was to limit the size of the house. If the intent was to prohibit an accessory building, that should have been in the plat note. Commissioner Campbell read from page 228 of the Staff report, Finding #21, "During the same meeting the Conditions of Approval were noted and COA #3 reads: 3,500 sq. ft. Lots 4, 5; 4,000 sq. ft. Lots 3, 6; 5,000 sq. ft. Lots 1, 2, and 9; 6,000 sq. ft. Lots 7, 12; and 6,500 sq. ft. Lots 8, 10.

Commissioner Campbell asked if any of the other 11 lots have accessory buildings. Mr. Tesch believed that the other 11 lots have a right to an accessory building. Commissioner Campbell asked if any of them have ever built an accessory building. Mr. Tesch was unsure and would have to research it. Commissioner Campbell clarified that he was trying to find out if any of the lots had built an accessory structure whether or not they went over the maximum house size. If they did, the Appellant would have precedent for exceeding his 14,000 square feet. Mr. Calamata stated that they had asked the Staff to provide precedence, but nothing was provided. Planner Hawley stated that there was no precedence for approval or refusal that she could find. Commissioner Campbell reiterated his opinion that the 14,000 square feet was specific to the house size because the plat note did not say the maximum square footage for all buildings on the lot. The plat note says the maximum house size is 14,000 square feet. Commissioner Campbell agreed with Commissioner Band that it was unconscionable for the City to issue a building permit and then take it away.

Planner Hawley explained that the first permit was issued and the owner let it expire. The second permit was never issued. Mr. Tesch pointed out that a building permit was approved, which is why the owner started building.

The Commissioners discussed whether or not the pool would be considered an addition to the house. Commissioner Band did not believe it was an addition because it was not attached to the house. On an MLS the pool would not be counted in the square footage of the home. Commissioners Campbell and Phillips agreed that it was not an addition.

Commissioner Joyce felt it was the same issue as a barn. If someone builds a barn as an accessory structure, it would not be considered building a larger house.

Director Erickson stated that the Appellant asserts in their argument that that at the time of the approval, the Chair of the Planning Commission identified clearly that the 14,000 square feet included the house and the garage. Secondly, the question comes up from the Appellant as to whether or not the deck is a structure. Director Erickson pointed to the LMC Definition of a structure, "Anything constructed, the use of which requires a fixed location on or in the ground attached to something; have a fixed location on the ground in which imposes, and most importantly, an impervious material on or above the ground". Therefore, the deck is defined as a structure. Therefore, any of the pool or any structures above the pool are also structures, and therefore attached to the house.

Commissioner Joyce asked if he builds a barn 400 feet away from the house and puts a sidewalk from the house to the barn, the barn would then become part of the house because they are connected by a sidewalk. Director Erickson stated that it would

depend on how he reads the rest of the subdivision notes. It was a speculation and he could not speculate on individual cases. However, in this particular case there was a plat note and a specific action on the part of the Planning Commission to limit expansion on this lot. The owner has the right to add 2,000 additional square feet; and in this case he was asking for 4,000 square feet. Director Erickson stated that the way he reads the Code and the plat note, and all the other plat notes that are always applied; the difference in this particular subdivision is that it predates limits of disturbance. Director Erickson explained that if the owner was doing a driveway to a garage, it would be the same discussion.

Commissioner Campbell stated that he disagreed with that determination as well. He recognized that Director Erickson has much experience and he would like to follow him on this; but in his mind it is a completely separate building and unattached.

Commissioner Joyce stated that he knows this particular house and the garage is actually the bottom floor of the house. It would be hard to separate the garage because the house would collapse. Commissioner Joyce thought it would be easy to write a plat note that constrained all the buildings on the lot to as-built or to 14,000 square feet. Or even to say no accessory buildings. If a plat note is unclear, he would not expect a buyer to research Planning Commission minutes. Commissioner Joyce stated that from a Code standpoint, it was unfortunate if the intent was different than what was written. However, what was written specifies the house. He did not agree that a sidewalk to a barn is the same as a house. Regardless of the plat note, he could not imagine the Planning Commission ever addressing an application with that being the situation.

Chair Strachan clarified that his interpretation of the plat note, specifically with the word "addition", included the pool. In his opinion, the plat note is very clear. In 20/20 hindsight they could craft the plat note to say exactly what they wanted for this appeal, but they do not have that benefit.

Commissioner Joyce thought what the Planning Commission meant to do back in the 1990s was irrelevant. What counts is the plat note, and someone purchased the house based on that plat note. Chair Strachan believed the buyers took a chance when they saw the plat note and purchased the property without fully knowing what "addition" meant.

Commissioner Band pointed out that a permit was issued and it expired. When the owner re-applied it was re-interpreted. She thought that should count for something and that the City should have some culpability.

Director Erickson stated that the Planning Commission regulates plat notes every time they put a subdivision together. The integrity of the plat note is the implication of how they were making this determination of an addition. This particular plat note was structured to say, "No additional square footage over 14,000 square feet is allowed". That is additional square footage. It does not say attached, detached, or anywhere else on the lot.

Chair Strachan believed all the Commissioners had been given ample opportunity make their case and their opinions were known. He called for a motion.

MOTION: Commissioner Band moved to Overturn the Planning Director's determination on the square footage calculations at 1376 Mellow Mountain and denial of a building permit, based on the Findings of Fact found in the Staff report, and amended Conclusions of Law to replace #2 with new language, "The proposed pool structure does not violate the plat note". The Order would be amended to say that the appeal was granted and the proposed building permit can be issued. Commissioner Campbell seconded the motion.

VOTE: The motion passed 4-2. Commissioners Campbell, Band, Joyce and Phillips voted in favor of the motion. Commissioners Suesser and Thimm voted against the motion.

Findings of Fact – 1376 Mellow Mountain

1. The subject property is located at 1376 Mellow Mountain Rd.
2. The subject property is located in the Estate (E) District.
3. A single family dwelling currently exists on the property.
4. A single-family dwelling and Accessory Building and Uses are permitted Uses in the E zone.
5. The approved plat is First Amendment to Hearthstone Subdivision.
6. 1376 Mellow Mountain Road is Lot 11 of the First Amendment to Hearthstone Subdivision. The only plat note on the First Amendment to Hearthstone Subdivision reads "1. The maximum house size for Lot 12 is 6,000 square feet. The maximum house size for Lot 11 is 14,000 square feet, with no additions resulting in additional square footage over 14,000 square feet allowed."

7. In 1992 a building permit was approved for a new single-family dwelling to be built at 1376 Mellow Mountain Road. At that time, the house was built and it was approximately 14,100 square feet.

8. The current calculation of square footage by the Planning Department per the survey provided by the applicant determined the maximum house size to be 11,892 square feet.

9. The proposed pool house at the 1376 Mellow Mountain residence (Lot 11) totals 4,617 square feet.

10. The survey provided by the applicant determined the maximum house size to be 11,892 square feet. Therefore the proposed total square footage would equal 16,509 square feet.

11. Staff has consistently used the definition of Floor Area to determine the square footages of buildings, and has used it to calculate the square footage of houses when there are LMC maximum regulations or when a plat note has restrictions on it.

12. If the pool house proposed a square footage that equated to less than 14,000 square feet for Lot 11, the building permit could be approved providing it met all other LMC requirements.

13. The LMC definition for Maximum House Size is "A measurement of Gross Floor Area."

14. The LMC definition of Floor Area, Gross Residential is "The Area of a Building, including all enclosed Areas, Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls."

15. In the Estate zone the LMC does not specify that an Accessory Unit should be included in floor area.

16. The determination was based on the plat note stating "no additions resulting in additional square footage over 14,000 square feet".

17. The minutes and findings from the September 22, 1992 Planning Commission meeting where the Hearthstone Subdivision was approved indicated the following change which was adopted: 'The house restriction on the Korthoff house was 11 "as built" at 14,100 square feet as measured by the Building Department, the intent of which was no further expansions of the house or the garage.'

18. The term "As Built" commonly refers to the plans created after construction of the building is complete.

19. Lots 11 and 12 were removed from the 1992 Subdivision and when the Planning Commission reviewed the application to add these two lots back into the Subdivision in 1998, the conditions of approval stated: (COA #2) All conditions of approval of the MPD approved June 17, 1993, still apply (COA #6) The maximum house size for Lot 11 is "as built" at 14,000 square feet (no additions resulting in additional square footage allowed; .

20. From the Planning Commission Meeting minutes from September 22, 1993 (The Original Hearthstone Subdivision, Please see Exhibit G) the following is quoted:

"Hearthstone Subdivision – Final Plat (Aerie Drive and Mellow Mountain Road) – Jack Johnson Co.

The staff recommended approval with changes in the conditions of approval as outlined in the public hearing.

Chairman Bruce Erickson clarified that the changes were:

Two-foot but not wider than four-foot paths.

Revision of the setback on Lot 2 to 35 feet.

The house restriction on the Korthoff house was "as built" at 14,100 square feet as measured by the Building Department, the intent of which was no further expansions of the house or the garage."

21. During the same meeting the Conditions of Approval were noted and COA #3 reads:

3,500 sq. ft. Lots 4, 5

4,000 sq. ft. Lots 3, 6

5,000 sq. ft. Lots 1, 2, and 9

6,000 sq. ft. Lots 7, 12

6,500 sq. ft. Lots 8, 10

Maximum house size for Lots 11 is "as built" at 14,100 sq. ft. as measured by the building department.

22. Whether the structures are connected or not by a patio or deck, this does not change that the primary house and the accessory structure would result in an excess of 14,000 square feet measured by Gross Floor Area which staff finds would not comply with the plat note restriction.

23. On June 2, 2015 the current residents of 1376 Mellow Mountain Road applied for a building permit requesting a swimming pool enclosure (BD-15-21224).

24. The building permit (BD-15-21224) was approved on July 1, 2015 and on January 5, 2016 the building permit expired due to inactivity.

25. On February 16, 2016 the current residents of 1376 Mellow Mountain Road again applied for a building permit (BD-16-22329) requesting a swimming pool enclosure.

26. On April 20, 2016 the Planning Department reviewed the building permit (BD-16-22329) and did not find any issues with it; and on May 18, 2016 the building permit was denied by the Engineering Department due to the proposal presenting non-compliance with the First Amendment to Hearthstone Subdivision, plat note #1.

27. On September 30, 2016 the Planning Director made a final Determination to deny the building permit as an Accessory Structure, due to the staff conviction that any additions of any kind would be inclusive of the plat note restriction on square footage limitations, this notice was sent on October 10, 2016.

28. Once Building, Planning, and Engineering Departments sign off on a requested building permit application, the building permit is finalized and is issued.

Conclusions of Law – 1376 Mellow Mountain

1. Using the Land Management Code definitions to define floor area to equate to house size (per the plat) the floor area of the existing house at 1376 Mellow Mountain Road equates to 11,892 square feet.

2. The proposed pool structure does not violate the plat note.

Order

1. The appeal was granted and the proposed building permit can be issued

4. **250 Main Street and the Parking Lot at top of Main St. - Plat amendment to combine lots of the Park City Survey into 2 lots of record and dedicate unused portions to Park City Municipal Corporation as Right of Way. (Application PL-16-03217)**

Planner Hawley reported that this property was a parking lot at the top of Main Street just passed the Brew Pub. There are approximately nine parcels that are being turned into the proposed Main Street Plaza Subdivision. She noted that the Planning Department currently does not have an HDDR application because it is still in the design phase; however, it is proposed to be some type of plaza.

Planner Hawley stated that the parcels cross over two zones; HCB and HR-2. However, all of the building will be in the HCB zone.

The Staff recommended that the Planning Commission conduct a public hearing for the Main Street Plaza Subdivision located at 220 and 250 Main Street, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce asked if there was a reason why the landlocked Lot 2 was not being rectified as part of this plat amendment. He understood there was an easement, but he questioned why they were not adjusting the lot.

Assistant City Attorney McLean believed it was an ownership issue. Lot 2 is owned by the Brew Pub and this plat amendment would insure that they have access to their building. It was created for just the building itself, and they have a lease for the deck. For whatever reason, the owners did not petition the City Council.

Commissioner Joyce referred to page 340 of the Staff report showing Lots 1 and 2. He understood that they were getting an easement to both Main Street and Swede Alley. Ms. McLean stated that they were actually getting an easement to Main Street so they will not be landlocked. In the back they were getting a license that could be revocable, because

they are not entitled to use that back area. At this point the owner is allowing them to use that area, and they opted not to give an easement in the back.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation for the Main Street Plaza Subdivision Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 250 Main Street

1. The property is located at 250 and 220 Main Street within the Historic Commercial Business (HCB) and Historic Residential (HR-2) Zoning Districts.
2. The application was deemed complete on July 27, 2016.
3. The majority of the plat lies within the Historic Commercial Business (HCB) District while 2 current parcels and portions of the proposed Right of Way (ROW) lie within the Historic Residential 2 (HR-2) District.
4. The applicants are requesting to combine portions of eleven (11) Old Town parcels PC-261-BX, PC-263-X, PC-264-X, PC-264-IX, PC-564-X, PC-564-X, PC-563-X, PC-563-AX, PC-566-X, PC-571-X, PC-572-B of Blocks 21 and 70 of the Park City Survey into Lot 1 and Parcel PC-272-B of Blocks 21 and 70 into Lot 2.
5. Portions of the plat contain parts of existing built Grant (Swede) Avenue and 2nd Street. The portion of the parcels that includes the street will be dedicated as ROW during this plat. The street dedication shall be noted on the recorded plat.
6. The plat includes three owners of record. A majority of the property is owned by Park City Municipal Corporation and the Main Street RDA. A portion is owned by Schirf Brewing Company.
7. There is an existing non-historic commercial restaurant (the Wasatch Brew Pub) on the property on 250 Main St. and a parking lot that holds 52 parking spaces at 220 Main St.
8. The plat amendment is necessary in order for the Redevelopment Agency of Park City to move forward with an HDDR for the purpose of designing a public plaza.
9. Lot 1 has no current application in with the Planning Department for development.
10. The conceptualization process for Lot 1 is still underway and once the project has a clear direction an HDDR will be required and the Lot will be reviewed to comply with the Historic District Design Guidelines as well as the LMC zoning districts of HCB and HR-2.
11. The plat will create Lot 1 with 24,751 square feet of lot area and Lot 2 with 5,650 square feet of lot area.
12. The existing building on Lot 2 is a non-historic structure and has a footprint of 5,650 square feet.

13. There is an existing 99 years lease with Schirf (began in 1988 - Exhibit C) for the decks over the property belonging to Redevelopment Agency of Park City.

14. Proposed Lot 2 (owned by Schirf Brewing Co), containing the Wasatch Brew Pub, currently is a land locked parcel which will require an access easement to a public street.

15. Lot 2 (the Wasatch Brew Pub) is not proposing any changes to the building at this time.

16. 250 Main Street (the Wasatch Brew Pub) was approved in 1989 by the Planning Department and HDC.

17. Any proposed construction on either lots will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process, as well as compliance with the Building Code and Land Management requirements.

18. Prior to plat recordation, the applicants will be required to resolve any encroachments or easements that will be required on the site.

This will include the following:

- The current outdoor deck Lease between RDA Park City and Schirf Brewing CO. This lease will be maintained for the entirety of the 99 year lease so long as the lease conditions are met (Expires in the year 2087).
- An access easement on the east and west side to connect Lot 2 to Main St. and Swede Alley.
- A five foot Public Utilities easement along street frontage of Lot 1.
- A Sewer easement with Snyderville basin to be located on Lot 1 behind Lot 2 on the northeast end of the proposed plat.
- An encroachment agreement between The Redevelopment Agency of Park City and Schirf Brewing Co to be located behind Lot 2 on the northeast end of the proposed plat, in order to memorialize Schirf Brewing Companies utility crossings and occupied uses on Lot 1.

19. The portion of the parcels that includes the street will be dedicated as ROW.

Conclusions of Law – 250 Main Street

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 subdivisions.
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 – 250 Main Street

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 plat amendment 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. No building permit for any work that crosses property lines, or that would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. 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.
5. One (1) five foot (5') wide public utilities easement is required along the street frontage of Lot 1. Public snow storage easements?
6. The applicant shall dedicate the portion of property that includes built Grant (Swede) Avenue and 2nd Street as Right of Way.
7. Prior to plat recordation, the applicants will be required to resolve any encroachments or easements that will be required on the site.
This will include the following:
 - The current outdoor deck Lease between RDA Park City and Schirf Brewing CO. This lease will be maintained for the entirety of the 99 year lease so long as the lease conditions are met (Expires in the year 2087).
 - An access easement on the east and west side to connect Lot 2 to Main St. and Swede Alley.
 - A five foot Public Utilities easement along street frontage of Lot 1.
 - A Sewer easement with Snyderville basin to be located on Lot 1 behind Lot 2 on the northeast end of the proposed plat.
 - An encroachment agreement between The Redevelopment Agency of Park City and Schirf Brewing Co to be located behind Lot 2 on the northeast end of the proposed plat, in order to memorialize Schirf Brewing Companies utility crossings and occupied uses on Lot 1.
8. The portion of the parcels that includes the street will be dedicated as ROW.

9. All future development will be reviewed for compliance with requisite Building Code, Historic District Design Guidelines and Land Management Code requirements.

10. Above ground utility infrastructure shall be located on the property and shall not be allowed in the ROW.

5. **152 Sandridge Road Subdivision - Plat amendment to create a legal lot of record from a metes and bounds parcel.** (Application PL-15-02952)

Planner Anya Grahn reported that this was a Significant site because there is a historic site on one side of Sandridge and a significant shed on the other side. The side with the house will be Lot 1 and the parcel on the other side of Sandridge will be appurtenant to Lot 1 and called Parcel A. Parcel A is an undevelopable lot because of the setback requirements and the size of the lot.

Planner Grahn stated that there was good cause for this plat amendment. It will clean up encroachments, Sandridge Road will be dedicated, and it will clean up the existing lot lines.

Matt Hodgkinson, representing the applicant, referred to Finding of Fact #11 on page 377 of the Staff report. He believed the second sentence was a note from internal communications because it said "is it in Lot 1 or Parcel A." He clarified that it is in Lot 1. He suggested eliminating the second sentence and revising Finding #11 to read, "The applicant also completed a quit claim deed, recorded September 22, 2016, to address a triangle parcel located on Lot 1".

Mr. Hodgkinson noted that this abuts Chambers Street, and the applicant elected not to go through the vacation process. This was a more streamlined way to do a very small addition to their home, subject to a pending HDDR application.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation for the 152 Sandridge Road Subdivision, based on the Findings of Facts, Conclusions of Law and Conditions of Approval, as amended with the modification to Finding #11. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 152 Sandridge Road Subdivision

1. 152 Sandridge Road Subdivision, located at the same address, is within the Historic Residential (HR-1) District. It is identified by Summit County as tax parcel PC-591.
2. The proposed subdivision will create one (1) legal lot of record from a metes and bounds parcel consisting of a total of 4,375.38 square feet; Lot 1 containing the historic house consists of 3,368.99 square feet and Parcel A containing the historic shed consists of 1,006.39 square feet.
3. On October 5, 2015, the applicants submitted an application for a subdivision to create a legal lot of record from a metes and bounds parcel; the application was Planning deemed complete on October 8, 2015. The amended plat amendment was deemed complete on October 4, 2016.
4. The parcel at 152 Sandridge Road currently contains a Historic house and shed structure. The site has been identified as —significantll on the City’s Historic Site Inventory.
5. The HR-1 zone requires a minimum lot size of 1,875 square feet. The proposed Lot 1 is 3,388.99 square feet. Proposed Parcel A is 1,006.39 square feet.
6. The maximum footprint for a lot of this size is 1,710.84 square feet based on the size of Lot 1 and Parcel A.
7. The minimum front yard setbacks for this property are 10 feet from the edge of Sandridge Road and 10 feet from the rear property line. The historic house is currently 3 feet from Sandridge Road and 7 feet from the rear property line. The historic shed is 1 foot from Sandridge Road and 0 feet from the property line to the east.
8. The minimum side yard setbacks for this property are 10 feet, for a total of 24 feet. The house has a side yard setback of 10 feet from the north property line and 44 feet from the south. The shed has a 0 foot setback from the north property line and 52 feet from the south.
9. Historic Structures that do not comply with Building setbacks, off-street parking, and driveway location standards are valid complying structures.

10. The applicant completed a quit claim deed, recorded November 2, 2015, in order to claim ownership of a gap of land which should have been included in previous conveyances of the property. The proposed plat amendment reflects the addition of this parcel. The gap parcel will be incorporated into Lot 1.

11. The applicant also completed a quit claim deed, recorded September 22, 2016, to address a triangle parcel. Is it in Lot 1 or Parcel A.

12. Sandridge Road runs north-south through the eastern portion of the property. It is located approximately 14 feet from the east property line on the north side and 9 feet from the east property line on the south side. The road is approximately 10 feet wide. The road was not used in the calculation of the allowable footprint.

13. The property currently has improvements that extend beyond the property lines, including existing stone and rock retaining walls, fencing, and an outdoor stone fireplace shared with the neighboring property to the south at 130 Sandridge Road that encroach beyond the property lines of 152 Sandridge.

Conclusions of Law - 152 Sandridge Road Subdivision

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

Conditions of Approval – 152 Sandridge Road Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision 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 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. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR), applications are required prior to building permit issuance for any construction on the proposed lot.
4. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the subdivision is recorded with the Summit County Recorder's office.
5. The applicant shall dedicate to the City the portion of the built Sandridge Road located within the property lines of 152 Sandridge Road.
6. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment agreements shall be provided.
7. Encroachments into Chambers Street shall either be removed or the applicant shall enter into an agreement with the City to remove these at a specified future date.
8. 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.
9. Prior to recordation of the subdivision plat, there shall be a plat note addressing the required setbacks. A plat note shall also be added limiting the maximum footprint for Lot 1 and Parcel A to 1,710.84 square feet; any new development shall be limited to Lot 1 of the 152 Sandridge Road Subdivision.
10. The historic shed on Parcel A is exempt from footprint requirements and shall not be included in the total allowed footprint.
11. Parcel A is appurtenant to Lot 1 and cannot be separately developed.
6. **Request for a one year extension of ratification of the Development Agreement for IHC Master Planned Development (MPD), memorializing approved amendments to the IHC MPD, located at 900 Round Valley Drive.**
(Application PL-15-02999)

Planner Kirsten Whetstone reviewed the request for an extension of the date for ratification of the Development Agreement for the Intermountain Health Care Master Planned Development by the Planning Commission. The Staff and the applicant were requesting this extension. Planner Whetstone noted that previously there were a few parts of the last

amendment that had to do with unit equivalents and densities. Based on internal discussions, it was determined that the Planning Commission would likely have LMC amendment discussions regarding those items, and that discussion should take place before moving this forward.

Morgan Bush with IHC requested that the Staff draft the Development Agreement with the amendments that have been approved to date. Planner Whetstone clarified that currently there is not a Development Agreement; there is only an Annexation Agreement Development Agreement. The intent is to memorialize everything that was approved and the amendments.

The request is for a one-year extension; however, the Staff would bring it back to the Planning Commission as soon as possible.

The Staff recommended that the Planning Commission extend the date for ratification of a Development Agreement for the Intermountain Healthcare Master Planned Development (IHC MPD), as amended, to July 13, 2017, based on the findings of fact found in the Staff report.

Morgan Bush, representing IHC, felt it was in the best interest of IHC and the City to have a Development Agreement as a baseline. If in the future, they have a decision on density they would amend at that time. He believed that was a better approach than keeping everything unwritten at this time.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to EXTEND the date for Ratification of a Development Agreement for the IHC Master Planned Development to July 13, 2017, based on the Findings of Fact as found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – IHC MPD

1. The IHC MPD was approved by the Planning Commission on May 23, 2007, subject to the Annexation Agreement recorded at Summit County on January 23, 2007.

2. The IHC MPD consists of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11 Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision (IHC/USSA Subdivision), and generally includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) located on Lot 1 and Support Medical Office space of 150,000 square feet (150 Unit Equivalents) located on Lots 1, 7, and 10.
3. The property is generally located on Round Valley Drive west of US 40 and east of Round Valley in the Quinn's Junction neighborhood of Park City.
4. Lot 2 of the IHC/USSA Subdivision plat is dedicated as open space.
5. Lot 3 is not part of the IHC MPD and is the location of the USSA Headquarters and Training Center MPD.
6. Lot 4 was the original location of 28 affordable, deed restricted townhouse units incorporated into the Park City Heights neighborhood during the Park City Heights MPD approval. Lot 4 currently has no designated density.
7. Lot 5 was dedicated and transferred to the City for future recreation uses and has no designated density.
8. The density initially designated for Lot 6 was transferred to Lot 1 with the First Amendment to the MPD.
9. Lot 7 contains the 25,000 sf medical support office density and is also known as Physician Holdings or MOB (Medical Office Building).
10. The density initially designated for Lot 8 was transferred to Lot 1 with the First Amendment to the MPD.
11. Lot 9 contains a small Questar gas regulating facility.
12. Lot 10 is the location of the Summit County Health Department and People's Health Clinic utilizing 25,000 sf of support medical office density. Summit County has a ground lease from IHC on this lot.
13. Lot 11 is the one acre lot around Lot 9, owned by IHC and not designated as to use or density.

14. The Annexation Agreement sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the IHC/USSA subdivision plat, such as roads, utilities, and trails.

15. A Development Agreement reflecting the approved Master Planned Development and subsequent amendments needs to be ratified by the Planning Commission and recorded at Summit County.

16. The property is located in the Community Transition (CT) Zone.

17. A First Amended IHC MPD was approved by the Planning Commission on October 8, 2014, transferring assigned medical support density from Lots 6 and 8 to Lot 1, along with other amendments related to Phase 2 of the Medical Center construction.

18. The Second Amended IHC MPD was approved by the Planning Commission on January 13, 2016, approving administrative corrections to conditions #16 and #17 of the October 8, 2014 First Amended IHC MPD, the subdivision of Lot 8 into two lots, and allowing the Peace House use on amended Lot 8.

19. One additional item included in the Second IHC MPD Amendment application, regarding additional density for support medical uses, was continued to a date uncertain, and final action on this item has not yet occurred.

20. The January 13, 2016, approved MPD Amendments included the following Conditions of Approval:

1. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.

2. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Second Amended subdivision plat shall apply.

3. Construction of the Peace House facility on Lot 8 shall be subject to an approved Conditional Use Permit, as well as to all applicable conditions of approval of the MPD, as amended, the Annexation Agreement, and the Subdivision plat.

4. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission within 6 months of final action on the MPD Amendment application.

5. The Development Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD, included the approved amendments.

6. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.

7. All construction within the IHC MPD is subject to the plat notes and conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008, as well as conditions of approval of the IHC MPD, as amended, including amendments to Conditions #16 and #17 of the October 8, 2014 MPD Amendment approval, as described in #8 below.

8. Conditions #16 and #17 of the October 8, 2014 approval of the First Amended IHC MPD shall be amended, and reflected in the Development Agreement, as follows:

a) Condition #16 shall be deleted.

b) Condition #17 shall be amended to state the following: The applicant shall submit a parking study as part of an application for the next Medical Center expansion. The study shall include qualified transportation professionals recommendations addressing the potential impact of reduced parking ratios in future phases and a comprehensive program to increase utilization of underutilized parking areas; along with impacts to street intersections out to and including SR-248.

21. The applicant and Staff were waiting for the density issue requested with the Second MPD Amendment application to be considered by the Planning Commission prior to drafting the a Development Agreement. This amendment requires further density discussion and possible Land Management Code amendments, and has been continued to a date uncertain.

22. On October 12th Staff and the applicant met and the applicant requested that a Development Agreement be ratified for the MPD amendments approved to date.

23. As the 6 month timeframe has passed, based on the January 13, 2016 approval date of the Second Amendment, the applicant requested an extension to the ratification timeframe.

24. Staff is in the process of drafting a Development Agreement consistent with the MPD Amendments approved on October 8, 2014 and January 13, 2016 and will present the Development Agreement to the Commission for ratification in early 2017.

25. Following ratification the Development Agreement will be recorded at Summit County.

26. If final action is taken on the outstanding item of the MPD Amendment application in the future, an amended Development Agreement will need to be ratified and recorded.

7. **8680 Empire Club Drive - A Conditional Use Permit for a 1,094 sf. addition to the Talisker Tower Club restaurant and expansion of the basement locker room. (Application PL-06-03177)**

Doug Oglebee, representing the Talisker Club, introduced Brian Straight, Talisker Club General Manager, and Evan Haslam with THINK Architecture.

Planner Whetstone reported that this item was an amendment to a Conditional Use Permit for the Tower Club at Pod A on Lot 9, Village at Empire Pass. The applicant was requesting a 1,000 square foot addition to the dining room; expanding out the existing patio, adding 32 indoor seats to the dining room, and constructing a basement area below that for storage.

Planner Whetstone reported that this is a private club with a private dining room and kitchen. However, when they looked at the original approval for the CUP there was no mention of where the commercial came from; and whether it was support commercial based on the residential which has not been built yet. However, it is actually a Club for all of the Empire Pass area. It is Club for members only and cash is not accepted. The members are billed.

Planner Whetstone noted that the applicant agreed to charge the total 3379 square feet with the addition to the 75,000 square feet of Flagstaff commercial. Once the 3379 square feet is taken out, there will still be square footage left for the B3 East parcel.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the CUP Amendment according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report.

Mr. Oglebee reported that the Talisker Club has been under receivership for the last years or so, and they were on the way out of receivership. The facility has been popular with Club members since it was built. They have capacity constraints and the goal is to provide additional dining room seats to accommodate their members.

Chair Strachan asked if it was accessible by any of the people who own, live, or stay in the condos at the bottom of Silver Strike Lift. Mr. Oglebee stated that the dining facility is a private facility for members only. Rental guests do not have access. Chair Strachan asked if the owners of those condos have access. He asked if this would provide an amenity that would encourage those owners to eat dinner there instead of driving their cars somewhere to get food.

Brian Straight stated that they are extremely busy for lunch and dinner during peak periods. The majority of the people dining there live or own property within the Flagstaff Annexation area. Mr. Straight explained that membership in the Talisker Club requires property ownership either at Empire Pass or at 2A.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce asked if the Development Agreement needed to be amended to reflect the subtraction from the 75,000 square feet of commercial. Planner Whetstone stated that there needs to be a way to account for it, similar to Deer Valley, but there currently there is not a mechanism to do that. The Staff was putting together an accounting of all the UEs, affordable UEs, and commercial.

Director Erickson stated that the Planning Department would make it clear in the Conditions of Approval that this amount is being subtracted from the Development Agreement, and will be accounted for.

Director Erickson pointed out that at the last meeting the Planning Commission approved two plat requests, which were the final plats for Empire Pass. As a function of those plats, the City will be doing the final accounting for all the UEs. Mr. Oglebee stated that the intent is to add plat notes to clarify the future entitlement.

MOTION: Commissioner Band moved to APPROVE the Conditional Use Permit for a 1,094 square foot addition to the Talisker Club at 8680 Empire Club Drive, according to the Findings of Fact, Conclusions of Law and Conditions of Approval. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 8680 Empire Club Drive

1. The Tower Club Phase 1 Conditional Use Permit (aka Empire Club Phase I Conditional Use Permit) is located at 8680 Empire Club Drive.
2. The property is located in the Residential Development (RD-MPD) zoning district on Lot 9 of the Village at Empire Pass Phase One Subdivision.
3. The property is located within Pod A of the Village at Empire Pass Master Planned Development and is subject to the Flagstaff Mountain Annexation and Development Agreement.
4. Empire Club Drive is a private street with access to Marsac Avenue, which is a public street.
5. The Village at Empire Pass Phase One Subdivision was approved by Council on September 30, 2004, and recorded at Summit County November 24, 2004.
6. Lot 9 was amended with the First Amendment to the Village at Empire Pass Phase I Lot 9 subdivision plat on January 6, 2011 and recorded at Summit County on January 4, 2012.
7. Lot 9 consists of 66,711 square feet of lot area and is currently developed with the 8,880 square foot Tower Club building. The building contains a private dining room with 60 indoor seats, kitchen area, small store, residential support amenities, circulation, and storage, in addition to an outdoor patio and other outdoor recreation amenities (swimming pool, hot tubs, etc.).
8. The Flagstaff Mountain Annexation and Development Agreement was approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
9. The Development Agreement is the equivalent of a Large-Scale Master Plan. The

Development Agreement set forth maximum project densities (residential and support commercial), location of densities, and developer-offered amenities for the annexation area.

10. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The Village MPD (known as Mountain Village) was later amended to include Pod B2 (Montage).

11. The Mountain Village MPD (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. No residential uses are proposed with this amended Conditional Use Permit and no change in residential UE is proposed.

12. The Flagstaff Annexation and Development Agreement approved a maximum of 75,000 square feet (sf) of Resort Support Commercial uses for Village MPD (Pods A, B1, and B2).

13. To date 65,323 sf of Resort Support Commercial uses have been approved within Pods A and B2) as follows:

Montage Spa- 35,000 sf

Montage retail, restaurants/kitchens, bar, etc. -28,059 sf

Tower Club dining/kitchen/store- 2,264 sf

Total approved Resort Support Commercial (with Tower Club addition) - 66,438 sf

14. The existing dining room, kitchen and store consist of 2,264 square feet and were permitted with the Tower Club CUP Phase I building (2,173 square feet (sf)) of private dining uses, including the kitchen, and 91 square feet (sf) of convenience store). The approval for the Tower Club CUP does not provide analysis or describe whether the private club dining room, kitchen and store were consider Resort Support Commercial, support commercial, or residential accessory commercial.

15. A total of 1,115 sf of Resort Support Commercial uses are requested with this CUP amendment for an addition to the dining room and kitchen.

16. The applicant stipulates to the conditions of approval to allocate MPD Resort Support Commercial for the dining room, kitchen and store.

17. No support commercial uses based on residential floor area are proposed with this permit.

18. With approval of the addition, a total of 66,438 sf of Resort Support Commercial uses will be approved and 8,562 sf remain for use within the Village MPD (Pods A, B1 and B2).

19. On May 17, 2016, the Planning Department received an application for an amendment to the Tower Club Phase I Conditional Use Permit for approval to expand the existing Tower Club dining area by 1,115 square feet by enclosing an existing elevated outdoor patio area, constructing a new elevated patio area to the west, and providing approximately 1,000 square feet of ski/boot locker room in the basement area below the new patio. The request increases indoor seating capacity by approximately 32 seats for a total of 92 seats and increases the MPD Resort Support Commercial from 2,264 square feet to 3,379 square feet. The building footprint increase by approximately 1,000 square feet for the expanded basement and new outdoor patio.

20. There are sufficient remaining Resort Support Commercial and support commercial uses available within the Village at Empire Pass MPD (Pods A, B1 and B2) for the proposed addition.

21. The application was deemed complete on June 1, 2016 upon receipt of additional materials. The application was amended on September 23, 2016.

22. The property is subject to subdivision plat notes that require compliance with RD zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units (for residential uses), membership in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscaping, and includes other utility and maintenance provisions.

23. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC for residential uses. The Tower Club Phase I Conditional Use Permit was approved with no on-site parking and no on-site parking is proposed with the addition.

24. The elevation and climate of the Flagstaff area creates a harsh environment for utilities and their maintenance.

25. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Tower Club Phase I is part of Building 1, the remaining portion of this building was approved for 25

residential units as the Tower Club Phase II. The residential portion has not yet been constructed and the CUP approval and extensions have expired. Underground parking will be required with the residential building.

26. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase One. The plat was recorded on November 24, 2004. An amended plat for Lot 9 was approved on January 6, 2011 and recorded at Summit County on January 4, 2012. The Tower Club Phase I building and this proposed addition are located on amended Lot 9. Amended Lot 9 consists of approximately 1.53 acres (66,711 square feet).

27. The Tower Club Phase I Conditional Use Permit was approved by the Planning Commission on March 11, 2009, for approximately 8,880 square feet. There are approximately 2,264 sf of private dining club, kitchen, and small convenience store uses and 6,616 square feet of residential (and resort) accessory uses (ski lockers, recreation amenities, kids club and programming, etc.), circulation, and storage. A separate building was constructed on the site for use as a transit center for the Empire Pass transportation dial a ride shuttle.

28. The Tower Club Phase I approval required the store as stated in the CUP approval condition, "The store will include a refrigerated case for milk, juice and sodas, and the shelves will have snacks commonly found in a convenience store".

29. A store of this type is included within the Club building, along with a store for the kid's camp supplies; however it has not seen much success, even when opened to the general public as per a condition of Tower Club Phase II.

30. The store will remain open in winter months, but merchandise sold is more ski accessories (hats, goggles, gloves, lip balm, sun screen etc.) and snacks, along with some soft goods). Talisker Club found limited demand for traditional convenience store merchandise.

31. The maximum building height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 86 feet above natural grade was granted for the existing building and residential building per the Village at Empire Pass Master Plan. The existing building includes a tower element that has a height of approximately 50 feet above natural grade.

32. The main pitched roof remains at approximately 33' from natural grade. Roof elements of the addition have a lower building height. All roof elements comply with the zoning requirement except the tower element that complies with the height

exceptions approved with the MPD.

33.The addition has been reviewed and approved with conditions by the Empire Pass Design Review Board.

34.The proposed addition complies with the height, setbacks, and volumetric diagrams approved with the MPD.

35.Yard setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear, and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property lines, platted streets, or existing curb or edge of street.

36.The building complies with these setback requirements with minimum proposed setbacks of 20' front (south), 40' side (west), and 125' rear (north) for new construction. No changes are proposed to existing 20' minimum setbacks on the east side.

37.The existing building is also known now as the Talisker Club.

38.As conditioned, the proposed amendments to the Tower Club Phase I Conditional Use Permit are consistent with the approved Master Planned Development for the Village at Empire Pass.

39.A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents.

Conclusions of Law – 8680 Empire Club Drive

1. The proposed amendments to the Tower Club Phase 1 CUP are consistent with the Flagstaff Annexation and Development Agreement, The Village at Empire Pass Master Planned Development, and the Park City Land Management Code.
2. The proposed uses, as conditioned, are compatible with the surrounding structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 8680 Empire Club Drive

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final landscape plan is required prior to building permit issuance. The landscape plan shall indicate trees to remain, trees to be relocated, and trees to be replaced in kind. The proposed landscaping shall maintain a buffer between the Tower Club building and residential buildings and adjacent ski run, to the greatest extent possible. Landscaping and irrigation shall be water efficient, utilizing drought tolerant plantings and limited turf area, similar to what currently exists on the site. The landscape plan shall meet defensible space requirements to the satisfaction of the Building Department.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Non-complying exterior lighting shall be brought into compliance with the Land Management Code prior to issuance of a certificate of occupancy.
4. All exterior signs require a separate sign permit reviewed by the Planning and Building Departments.
5. Materials, color samples, and final design details must be approved by Staff prior to building permit issuance for consistency with the plans reviewed by the Planning Commission.
6. The final building plans and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on December 14, 2016.
7. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
8. All utility facilities must be located on site. A plan must be provided at the time of the building permit application showing all proposed utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and proposed utility boxes can be screened.
9. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof and/or screened from public view.
10. A final Construction Mitigation Plan must be approved by the Planning and Building Departments prior to issuance of a building permit.

11. Conditions of approval of the Village at Empire Pass MPD shall continue to apply.

12. Conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply.

13. Conditions of approval of the Tower Club Phase I CUP continue to apply.

14. A total of 3,379 sf of MPD Resort Support Commercial shall be allocated to this property, to include the 1,115 square feet dining room addition and the 2,264 square feet of existing dining room, kitchen, and store.

8. Request by Deer Crest Associates to amend the Deer Crest Settlement Agreement/Master Planned Development approved on December 29, 1995, to eliminate a required physical disconnect of Deer Hollow Road (aka Keetley Road) at the Slalom Village development parcel location.
(Application PL-16-03209)

This item was moved to the Continuations portion of the Agenda at the beginning of the meeting, with the intent to re-open the public hearing at this time to give everyone the opportunity to speak if they came later in the meeting.

Planner Whetstone reported that Sarah Hall intended to speak but she left the meeting and said she would email her comments.

Chair Strachan re-opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE the public hearing for Deer Crest Associates to amend the Deer Crest Settlement Agreement Master Planned Development to eliminate a required physical disconnect of Deer Hollow Road, to February 8, 2017. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION

Planning Commission Meeting
December 14, 2016
Page 110

The Planning Commission moved into Work Session for their Annual Legal Training on the Open Public Meeting Act.

The Park City Planning Commission Meeting adjourned at 10:25 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Application: PL-16-03338
Subject: B2 East Subdivision
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: January 11, 2017
Type of Item: Legislative – Subdivision plat

Summary Recommendations

Staff recommends the Planning Commission conducts a public hearing and continues this item to February 8, 2017 at the request of the applicant.

Description

Owner: REDUS Park City LLC
Applicant Representative: Marshall King, Alliance Engineering
Location: 9300 Marsac Avenue within the Pod B2 Empire Pass Master Planned Development (MPD)
Zoning: Residential Development (RD-MPD) District, subject to the Pod B2 Empire Pass Master Planned Development
Adjacent Land Uses: Deer Valley Resort, open space, Montage Hotel and Residences

Proposal

This is a request to subdivide a 7.85 acre metes and bounds described parcel located within Pod B2 of the Empire Pass Pod B2 Master Planned Development approved by Planning Commission on March 14, 2007. The subdivision consists of a 6.91 acre Lot 1, for future development of 81 unit equivalents (UE) of residential condominiums, and a 0.94 acre Parcel A, for ski run/ski area related activities. Existing recorded and proposed utility, drainage, and access easements will be shown on the plat.

Parcel B-2 Empire Village Subdivision plat was recorded on May 23, 2007. The Staff report for Parcel B-2 Subdivision indicated that a future subdivision will encompass the proposed (81 UE) condominiums located to the east of the Empire Day Lodge. The current application requests approval of the B2 East Subdivision plat to create a lot of record for the 81 UE, in not more than 100 individual units, as identified by the Pod B-2 Master Planned Development and Subdivision.

The property has frontage on Marsac Avenue, a State Highway and utilities are available to Lot 1. Sewer service is not available for Parcel A due to current location of the main service line. SBWRD recommends conditions and plat notes to address their concerns. All existing and required easements will be recorded on the plat. No changes are proposed to existing streets.

Planning Commission Staff Report



Application: PL-16-03293
Subject: Village at Empire Pass North Subdivision
Author: Kirsten Whetstone, AICP, Sr. Planner
Date: January 11, 2017
Type of Item: Legislative – subdivision plat

Summary Recommendations

Staff recommends the Planning Commission conducts a public hearing and continues this item to February 8, 2017, at the request of the applicant.

Description

Applicant: Alliance Engineering (representing Owner)
Owner: REDUS Park City LLC
Location: Marsac Avenue and Village Way
Zoning: Residential Development (RD) District as part of the Flagstaff Annexation and Master Planned Development (MPD) and Village at Empire Pass MPD
Adjacent Land Uses: Deer Valley Resort, condominiums, townhouses, and vacant parcels of the Village at Empire Pass Pod A

Proposal

This is a request for a subdivision plat of three metes and bounds described parcels (PCA-S-98-BB, PCA-S-98-DD, and PCA-S-09-EE located to the north and east of the Village at Empire Pass Phase I Subdivision. The plat would create three platted lots of record for development parcels of the Village at Empire Pass Pod A Master Planned Development approved on July 28, 2004. The lots have frontage on existing platted Marsac Avenue (State Highway 224) and Village Way (a private street). No new public or private streets are proposed. Existing recorded and proposed utility, snow storage, storm water, ski lift, and access easements are shown on the plat.

The subdivision consists of a 3.0 acre Lot 1, for future townhouse units, a 1.57 acre Lot 2 for Lodge Building 4, and a 0.67 acre Lot 3 for future Lodge Building 3.

Six lodge buildings have been built to date within Pod A, namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Three of the large lodge buildings (Buildings 1, 3, and 4) as well as townhouse units remain to be constructed within the Village MPD Pod A.

The subsequent Conditional Use Permits (CUPs) required by the VMPD for each multi-family parcel and/or building are intended to provide final architectural review by the Park City Planning Department Staff and Planning Commission and to demonstrate compliance with the Village MPD and Large Scale MPD.



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Treasure
Project #: PL-08-00370
Author: Francisco Astorga, AICP, Senior Planner
Date: 11 January 2016
Type of Item: Administrative – Conditional Use Permit
Informational Only – Transportation Documents

Summary Recommendations

Staff recommends that the Planning Commission review the Treasure Conditional Use Permit (CUP) criteria no. 2, 4, 5, 6, and 13 as introduced in this staff report. Staff recommends that the Planning Commission conduct a public hearing and continue it to the February 12, 2017 Planning Commission meeting.

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: CUP Criteria 2, 4, 5, 6, and 13.
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

The Planning Commission reviewed this application during the December 14, 2016 Planning Commission meeting, which the applicant presented the physical model of the project presented to the City in 2010. The Planning Commission asked the applicant to have the Planning Department house the model for a minimum of 60 days to allow the public to come in to City Hall to see it. The applicant also presented their updated Sketch-Up model with the adjacent existing houses and answered questions made by the Planning Commission. The Planning Commission provided questions/comments regarding the proposed project, conducted a public hearing and continued it to this meeting. The applicant is still working on their contextual analysis to be presented to the Planning Commission in a future meeting.

Purpose

The Planning Department and Planning Commission must review each of the CUP criteria when considering whether or not the proposed conditional use mitigates impacts. The purpose/focus of this staff report is to provide an introduction to the Planning Commission relevant to the criteria related to transportation, traffic, parking.

etc., as listed below:

- (2) traffic considerations including capacity of the existing Streets in the Area;*
- (4) emergency vehicle Access;*
- (5) location and amount of off-Street parking;*
- (6) internal vehicular and pedestrian circulation system;*
- (13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;*

Transportation Studies/Documents

During the December 14, 2016 Planning Commission meeting Staff provided a list of traffic/transportation/parking related documents prepared by the applicant and the City. The following list below has been further updated and is now in chronological order (document date - name of document - company that prepared the document):

- [2003.12.18 - TH Traffic Opinion Summary - PEC](#)
- [2004.07.01 - TH Traffic Impact Analysis - PEC](#)
- [2004.07.31 - Addendum One - PEC](#)
- [2005.04.06 - Second Addendum to the TH Traffic Impact Analysis, July 2004 - Traffic Count President's Day Weekend - PEC](#)
- [2005 .07.20 - Technical Memorandum TH Traffic Review - Fehr & Peers](#)
- [2005.12.09 - Summary of Findings & Recommendations of the TH Traffic Report – Fehr & Peers](#)
- [2006.02.24 - TH Response to Park City Planning Commission Questions - PEC](#)
- [2008.01.07 - Third Addendum to the TH Traffic Impact Analysis, July 2004 - Lowell Ave. Sidewalk and Improvements - PEC](#)
- [2009.02.24 - Letter to the Applicant – Park City Municipal Corporation](#)
- [2009.03.31 - Walkability Study / Recommended Improvements - PEC](#)
- [2009.04.02 - Sweeney Letter to the City – MPE](#)
- [2009.04.02 - TH CUP Review Lowell Avenue Improvements Opinion Summary - Alta Engineering](#)
- [2009.04.02 - TH Traffic Impact Analysis Addendum Four - PEC](#)
- [2009.04.15 - Parking Count Numbers - Alta Engineering](#)

- [2009.04.19 - Treasure Lowell Avenue Improvements - Alta Engineering](#)
- [2009.06.18 - Fifth Addendum to the TH Traffic Analysis, July 200 - Parking Generation Study - PEC](#)
- [2009.06.18 - Revised Letter TH Walkability Study / Recommended Improvements and Effects on Traffic of Proposed Roadway Section on Empire Ave. - PEC](#)
- [2009.06.25 - Sixth Addendum to the TH Traffic Impact Analysis, July 2004 - Intersection Operations Limiting Development Traffic on Empire Ave. - PEC](#)
- [2009.07.16 - Proposed Parking and Traffic Operations – MPE Incorporated](#)
- [2009.07.22 - Updated Treasure Lowell Avenue Improvements - Alta Engineering](#)

1986 Sweeney Properties Master Plan Development Parameters and Conditions

The following transportation/traffic/parking related text below is copied directly from the 1986 Sweeney Properties Master Plan (SPMP) narrative titled Section III. Development Parameters and Conditions:

III. DEVELOPMENT PARAMETERS and CONDITIONS

The staff's recommendation that the Sweeney Properties Large Scale Master Planned Development be approved by the Planning Commission, and subsequently by the City Council, is predicated upon the following terms and conditions. Upon approval, MPE Inc./Sweeney Land Company, its successors or assignees, shall become bound by and obligated for the performance of the following:

[...]

3. The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon. Parking shall be provided on-site in enclosed structures and reviewed in accordance with either the table on the approved Restrictions and Requirements Exhibit or the adopted ordinances at the time of project approval. 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.

4. Access to the Town Lift and Creole sites shall be provided by a private roadway with acceptable emergency access and utility easements provided. No city maintenance of these streets is expected. All utility lines shall be provided underground with private maintenance required

wherever located in inaccessible locations or outside approved easements.

[...]

7. All easements, deeds, and/or rights-of-way shall be provided without cost to the City and in accordance with the Master Plan documents and phasing plan approved. Likewise, it shall be the developer's sole responsibility to secure all easements necessary for the provision of utility services to the project.

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 roads, and access questions which will need to be resolved or upgraded by the developers at their cost (in addition to impact fees, water development and connection fees, and all other fees required by City Ordinances are as follows:

(a) Empire Avenue and Lowell Avenue will be the main access routes to the Creole Gulch site. As such, during construction these roads will need to carry heavy traffic, probably in the vicinity of up to 300 heavy trucks per day. At the present time and until the Creole Gulch site develops, Empire and Lowell south of Manor Way are and will be low-volume residential streets, with a pavement quality, width, and thickness that won't support that type of truck traffic. The City will continue to maintain the streets as low-volume residential streets, including pavement overlays and/or reconstruction. None of that work will be designed for the heavy truck traffic, but in order to save money for the developer of the Creole Gulch site, he or she is encouraged to keep the City Public Works Director notified as to the timetable of construction at Creole Gulch. If the City is notified that the construction is pending such that an improved pavement section can

be incorporated into normal City maintenance projects, then it is anticipated that the incremental additional cost of the additional pavement thickness (which is likely to be in the vicinity of 3 additional inches of asphalt over the entire 4,6000 linear feet [25-foot asphalt width] of Lowell/Empire south of Manor Way, or approximately \$80,000 additional cost in 1986 dollars) could be paid by the developer with said amount deducted from future impact fees paid to the City as long as it did not exceed the total future impact fees. However, if the increased pavement section is not coordinated with the City by the developer such that the pavement of Lowell and Empire south of Manor Way remains inadequate at the time the Creole Gulch site is developed, then the developer shall essentially reconstruct the entire 4,600-foot length of Lowell and Empire south of Manor Way at his or her cost, which with excavation and reconstruction of an anticipated 6-inch asphalt thickness on top of 10 inches of road base, plus all other normal construction items and costs, would be in the approximately cost range of \$300,000 to \$400,000 in 1986 dollars. Further, because that reconstruction would be inconvenient to residents and the City, and because delays, impacts, and potential safety hazards would be created over and above normal City maintenance of existing streets, that action by the developer would be a new impact on City residents and the cost therefore would not be deductible from any developer impact fees.

- (b) Contribute to the Park City Village, or other water tanks, determined to be necessary by the City Engineer in order to serve the project with culinary and fire storage. Based on a Type 1 fire resistive construction, it is assumed that the contribution would be on the order of 500,000 gallons at a cost of approximately \$300,000, although the exact figures would need to be determined in a detailed study using adopted City standards.*
- (c) Construct pumped pressure system(s) with backup emergency power to provide a means of delivery of fire flows to the project. Construct a meter vault at the edge of the road adjacent to the project, beyond which all water facilities would be privately maintained. It is anticipated that in the vicinity of 2,500 feet of 12-inch water line with appurtenances may be required. Such pipe would cost about \$70,000 in 1986 dollars exclusive of the pumps and backup power, which are even more expensive.*
- (d) Provide an easement, or pay all costs related to condemnation by Park City of an easement, suitable for construction and maintenance of a storm drain from the project site to Silver Creek or McLeod Creek. All City streets and any public utility drainage easements normally provided in the course of other private development shall be available*

for utility construction related to this MPD subject to reasonable construction techniques and City standards.

- (e) Pay for downstream detention basin construction costs in accordance with the ratio of increased runoff from the project during the 50-year flood event to the total design volume of the basin. (Note: The City Engineer will require runoff to meet the current standard. The detention basin must be able to hold the difference between pre and post development based on a 100 year storm event.)*
- (f) Construct a storm drain line to Silver Creek or McLeod Creek adequate to contain the runoff running through and off the site during the 50-year flood event. It is assumed that a minimum of 36-inch concrete storm drain line will need to be installed solely for Creole Gulch drainage. It is further assumed that special clean-out boxes and inlet boxes will need to be designed to address difficult hydraulic problems. Such boxes are expensive. (Note: the City Engineer will require that the storm drain meet the current standard. The size of the storm drain line should be able to handle the difference between pre and post development. This must be calculated and submitted to the City for review.)*
- (g) Provide re-vegetation over all on-site and off-site areas disturbed for project-related utilities.*
- (h) Sanitary sewer improvements are assumed to involve replacing in the vicinity of 3,000 feet of sewer line, with new manholes included. Such construction will cost in the vicinity of \$100,000, is subject to the approval of SBSID (now SBWRD), and is further subject to all District fees and agreements necessary for extension of lines.*

9. To minimize additional construction traffic impacts, on-site material stockpiling/staging and parking shall be provided during the course of construction. Similarly, cut and fill shall be balanced and distributed on-site whenever practicable, with any waste material to be hauled over City specified routes. Also at the time of conditional use review/approval, individual projects or phases shall provide detailed landscaping, vegetation protection, and construction staging plans.

[...]

1986 Sweeney Properties Master Plan Major Issues

The following transportation related text below is copied directly from the 1986 Sweeney Properties Master Plan (SPMP) narrative titled Section VI. Major Issues:

VI. Major Issues

Many concerns were raised and issues identified through the review process. A project of this scale and complexity would pose similar and considerable consternation no matter where it was proposed to be built. Because this particular site is located both within and adjacent to the Historic District, many of the concerns expressed related to the more subjective kinds of considerations. The Master Planned Development procedure attempts to deal with the general concept of the proposed development and defer or relegate the very detailed project review elements to the conditional use stage of review. At conditional use review, the following issues will be examined in considerable detail with technical solutions sought.

[...]

Access - All of the different concepts reviewed would result in similar access concerns. The Coalition properties along Park Avenue have excellent access as a result and efforts were, therefore, limited to combining driveways to minimize the number of curb cuts (i.e: ingress/egress points). The development of the Hillside Properties will undoubtedly impact not only Empire and Lowell Avenues but other local streets as well. While certain assumptions could be made as to the type or character of development proposed and possible corresponding differences in traffic patterns, many of the questions raised would remain unanswered. While it is true that the Norfolk Avenue extended alternative would best deal with the current problem of poor access to that area, it would not have solved all of the access issues. The proposed Master Plan will provide sufficient ground, to be dedicated to the city, for purposes of developing a reasonable turnaround for Upper Norfolk.

[...]

Traffic - Any form of development proposed in this area of town would certainly impact existing streets. Although the majority of traffic generated will use Empire and Lowell Avenues, other roads will also be affected. The concept of extending Norfolk Avenue would have improved access to the south end of old town, but would also have added additional traffic to Empire and Lowell as a result. It is expected that both Empire and Lowell will be improved in several years in order to facilitate traffic movement in general. Even without this project, some upgrading has been planned as identified through the development of the Streets Master Plan.

In evaluating traffic impacts, both construction and future automobile demand are considered. Many related issues also come into play, such as efforts to minimize site grading and waste export. The Master Plan review process affords the opportunity to address these issues in considerable detail whereas other reviews would not. Several of the conditions

proposed deal with the issue of traffic and efforts directed at mitigating the impacts created. Traffic within the project will be handled on private roadways with minimal impact.

[...]

Circulation - Circulation within the primary development sites will be on foot. Private roadways/drives access the project parking areas with vehicular circulation provided between projects and for service/delivery, construction, and emergency purposes. Pedestrian circulation within the projects will be provided via walkways and plazas with off-site improvements made to facilitate area-wide access. Several nearby stairways will be (re)constructed in accordance with the approved phasing and project plans.

Easements/Rights-of-Way - The Sweeneys have included the dedication and and/or deeding of several easements and sections of rights-of-way to Improve the city's title. As a part of the Master Plan, several roadway sections and utility/access corridors will be deeded over. In addition, a right-of-way will be supplied for the construction of a hammerhead-type turnaround for Upper Norfolk Avenue.

Norfolk Avenue - Although several staff members supported the idea of extending Norfolk Avenue through to Empire-Lowell, the consensus was in support of the clustering approach to development. Technical as well as fiscal concerns were discussed relative to the access benefits that would result. Similarly, although the resultant scale of HR-1 development that would have been likely is closer to that prevalent in the Historic District today, the spreading-out of the impacts of road and development construction would have been exacerbated. In lieu of extending Norfolk Avenue, the Sweeney's have consented to deed to the city sufficient land for a turnaround and to participate in the formation of a special improvement district for roadway improvements (in addition to providing an easement for the existing water line).

[...]

Fire Safety - The clustering of development proposed affords better overall fire protection capabilities than would a more scattered form. Buildings will be equipped with sprinkler systems and typical "high-rise" fire protection requirements will be implemented. The proposed development concept locates buildings in areas to avoid cutting and removing significant evergreens existing on the site. Specific parameters have been recommended by the staff with actual details proposed to be deferred until conditional use review.

[...]

Trails - The proposed phasing plan identifies the timing of construction for summertime hiking trails and related pedestrian connections. Trails, stairways, and sidewalks accessing or traversing the various properties will be required in accordance with both the approved phasing plan and at the time of conditional use review/approval.

2005 Fehr & Peers Study

As shown chronologically on the Transportation Studies/Documents section of this staff report, a Fehr & Peers Transportation Consultants Technical Memorandum took place in July 2005. The traffic review was commissioned by the City as it evaluated the Treasure Hill Impact Analysis Report dated July 2004 and the two (2) subsequent addendums that took place on July 2004 (Addendum One) and April 2005 (Second Addendum-Traffic Count President's Day Weekend).

2009 Traffic/Transportation/Parking Meetings

The following list below simply represents the last transportation/traffic related Planning Commission meetings and minutes that took place in 2009:

- [2009.02.11 Planning Commission Staff Report](#)
- [2009.02.11 Planning Commission Work Session meeting minutes](#)
- [2009.02.11 Planning Commission Regular meeting minutes](#)

Summary: Park City Municipal Corporation Traffic Staff provided the Planning Commission with an outline of the previous Planning Commission meetings regarding traffic. Staff outlined four (4) issues raised within the previous Planning Commission review followed with specific questions. The topics were proposed use and traffic generation, pedestrian circulation, on-site parking, and displaced parking.

- [2009.04.22 Planning Commission Staff Report](#)
- [2009.04.22 Planning Commission Regular meeting minutes](#)

Summary: Attorney Jody Burnett, who had been retained as independent counsel to render an advisory opinion on the issue of vested rights for the Sweeney MPD presented his findings. Next, the applicant responded to concerns raised by the Planning Commission during the February 11, 2009 meeting that were outlined by Staff in a letter. In general, the Planning Commission expressed concern that the proposed mitigation was creating too much of a burden on the adjacent neighborhood and that mitigation to Empire Avenue had not been addressed.

- [2009.07.22 Planning Commission Staff Report](#)
- [2009.07.22 Planning Commission Work Session meeting minutes](#)
- [2009.07.22 Planning Commission Regular meeting minutes](#)

Summary: Staff provided an overview of the proposed traffic mitigation, which was recently updated by the applicant, specifically for Empire Avenue, and Lowell/Manor Way:

Empire Avenue

- All sections 31 feet wide including curb.
- Anticipate future public process involving all impacted properties to arrive at detailed design customizing sections to meet individual neighbor needs based on the three sections provided (Options A - C).
- Accommodate snow storage equivalent to present conditions.
- Suggest permit parking for residents and guests.
- All current right-of-way parallel, perpendicular, and driveway parking maintained, and located outside of the two travel lanes.
- Suggest 15 mph speed limit.
- Signs to limit truck traffic on Empire (subject to fine).
- Encourage traffic from Treasure project to utilize Lowell Avenue with left turn only sign.

Lowell Avenue and Manor Way

- Four foot sidewalk from Manor up Empire on downhill (east) side. The sidewalk will continue in front of Treasure and around to Lowell Avenue. In this section it will be 5 feet wide. The sidewalk will continue down Lowell on the uphill (west) side at 4 feet wide down to Manor Way.
- Removed previous proposal to construct 10th street stair between Lowell and Empire.
- Removed snow storage location on the project site.
- Cross walks added at Empire and Lowell.
- Do not support prohibiting parking between 2 – 6 am for snow removal. Suggest occasional snow emergencies where residents are noticed to move their cars for a period of time for snow removal as happens in the rest of Old Town.
- Additional cost of maintenance will be covered by project tax base.
- Agree to participate in cost of improvements north of Manor based on the projects pro rata share of traffic as determined by studies.

The applicant provided mitigation to decrease trips from the project after guest/residents arrival. Applicant submitted a proposal to decrease the demand to the site: [2009.07.16 - Proposed Parking and Traffic Operations – MPE Incorporated](#). The Planning Department explained the recommended on-street

parking management plan and snow management plan, which there were disagreements with the applicant. Staff provided recommendations regarding sidewalk and snow storage placement. Staff summarized emergency vehicle access on Empire Avenue. Regarding the location and amount of off-street parking Staff analyzed the written language on the Master Plan, the effects of the employee housing, and adequacy of the proposed parking, including possible reduction. It was noted that the internal vehicular circulation system would be further analyzed during mass and scale of the building as the Planning Commission was focused on the traffic patterns offsite. Control of delivery and service vehicles was analyzed during the traffic portion of the review. The applicant proposed utilization of signs to prohibit through truck traffic and also to improve Empire Avenue with a sidewalk, landscaping, and parking to preserve the residential experience of the street and slow down through traffic. Staff was skeptical of the of the applicant's proposal in that access to and from the project on Empire will not be encumbered by Stop signs while the route utilizing Lowell has a three-way Stop at Lowell and Manor Way and a Stop sign on Manor onto Empire. Further, unenforced signs have no effect and frequent delivery trucks will quickly utilize the fastest route to and from the project which will continue to be Empire Avenue.

The meeting minutes reflect ample discussion regarding these various topics from the City's transportation/traffic experts as well as the applicant's consultants. The record indicates that that all the Commissioners concurred with the Staff analysis. Commissioner Wintzer submitted a letter that was included as part of the record. The Planning Department commented on the MPD parking calculation, specifically, that the commercial was never considered in the MPD parking calculation. Input was considered from the City's Transportation Manager and the City Engineer regarding snow removal and having a no parking regulation between 2:00-6:00 a.m. There was also a discussion about snow removal costs, street aesthetic relating to proposed parking, road lanes (width), and sidewalk, including proposed improvements to Manor Way. A discussion took place about intermediate stop signs along Empire Avenue to discourage traffic as well as discussion of the Empire Crescent Tram connection to Main Street. A discussion also took place regarding the sidewalk location, minimum travel width, and the need of employee parking management plan for adequacy. The Planning Commission concurred that they would like to see an effort for reducing the parking below 366 spaces.

After the July 22, 2009 Planning Commission meeting, there was a site meeting that took place on August 26, 2009. On September 23, 2009 the focus of review was CUP criteria 8, 11, and 15 (mass, scale, and compatibility). On October 10, 2009 there was another scheduled site visit which was canceled due to the weather. On February 02, 2010 the applicant presented their physical model, and no new information, other than the model, was received by the Planning Staff, where the City re-published their last staff report dated September 23, 2009. Regarding traffic/transportation/parking no additional studies have been submitted by the applicant from the list provided in this staff report

with the latest document submitted in July of 2009.

2011 Traffic & Transportation Master Plan

The City adopted the Traffic & Transportation Master Plan in October 2011. This master plan makes a recommendation to the City Engineer's office which designates Lowell Avenue to be built under the category of Local Road – Old Town, described on page 4-9 of the document, as shown below:

Local Road – Old Town

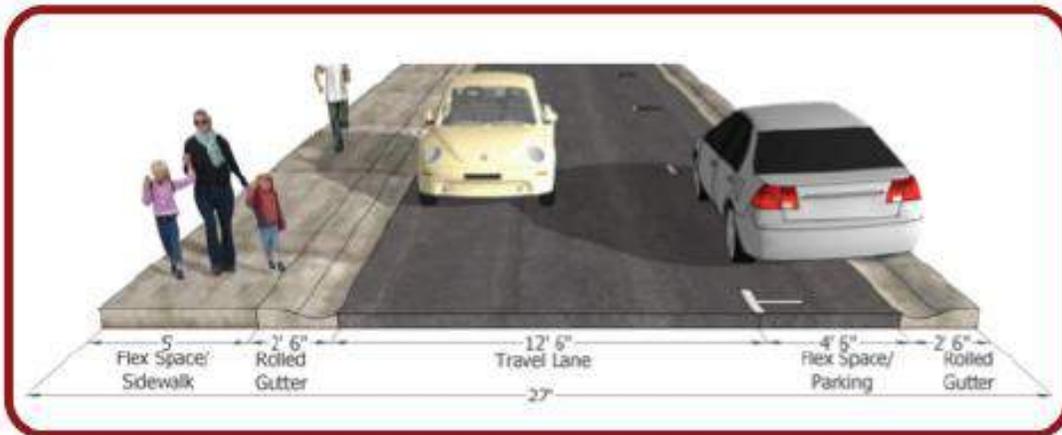
Daily Traffic Volumes: <2,000

Threshold: 2,500 daily traffic

Description: Primarily designed to provide access to houses. Usually provide access (driveways) over speed.

When the full ROW width is not available, the order of priority on flex space will be:

- Parking
- Sidewalks



Update

The Planning Department recommends that the Planning Commission get acquainted with the various transportation documents provided over the years, the language provided in the 1986 Sweeney Property Master Plan, and the last transportation discussion. The Planning Department's transportation advisors (City Engineer, Transportation Planning Manager, etc.) are scheduling a meeting with the applicant's transportation consultants to discuss supplemental information regarding road capacity, volume, counts, etc. The Planning Department will provide an official recommendation to the Planning Commission once this meeting takes place.

Three (3) submittals were made on Friday January 6, 2017, not allowing the Planning Department to have any sort of review and comment in preparation for this January 2017 meeting. These submittals include the following:

Exhibit D – 2017.01.06 - TH Traffic Study Summary - Triton

Exhibit E – 2017.01.06 TH's Response to Issues Raised

Exhibit F – 2017.01.06 TH's Executive Summary of Responses to Issues Raised

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 website: [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
- 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) criteria no. 2, 4, 5, 6, and 13 as introduced in this staff report. Staff recommends that the Planning Commission conduct a public hearing and continue it to the February 12, 2017 Planning Commission meeting.

Exhibits (printed)

- Exhibit A – [2009.07.22 Planning Commission Staff Report](#)
- Exhibit B – [2009.07.22 Planning Commission Work Session meeting minutes](#)
- Exhibit C – 2009.07.22 Charlie Wintzer Letter
- Exhibit D – 2017.01.06 - TH Traffic Study Summary - Triton
- Exhibit E – 2017.01.06 TH's Response to Issues Raised
- Exhibit F – 2017.01.06 TH's Executive Summary of Responses to Issues Raised

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 \(Appendix A-20\)](#)

Additional Hyperlinks

[2009.04.22 Jody Burnett MPD Vesting Letter](#)
[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 3rd 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](#)

Planning Commission Staff Report



Subject: Treasure Hill
Author: Katie Cattan
Date: July 22, 2009
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the traffic updates for the Treasure Hill Conditional Use Permit (CUP) as analyzed in the staff report and presented by the applicant, and discuss the project as a work session item. The focus of discussion should be traffic mitigation as it relates to the CUP review criteria 2, 4, 5, 6, and 13. A public hearing shall follow the work session during the regular meeting. The public hearing should be continued to August 22, 2009.

Topic

Applicant: MPE, Inc.
Location: Creole Gulch and Mid-station of Sweeney Properties MPD
Zoning: Estate MPD (E-MPD)
Adjacent Land Use: Ski resort area and residential
Reason for Review: Conditional Use Permit is required per the Sweeney MPD
Topic of Discussion: TRAFFIC

Background

The Sweeney Properties Master Plan (SPMP) was approved by the Planning Commission on December 18, 1985. The Hillside properties consist of Creole Gulch and the Mid-station. These Hillside properties are the last two parcels to be developed within the SPMP. The following is the maximum density allowed for each of the parcels:

Creole Gulch	7.75 acres
161.5 residential UEs	
15.5 commercial UEs	
Mid-station	3.75 acres
35.5 residential UEs	
3.5 commercial UEs	
Total	11.5 acres
197 residential UEs	
19 commercial UEs	

A residential UE is 2000 square feet and a commercial UE is 1000 square feet. Per the MPD, commercial UEs may only be used for support commercial use.

Under the SPMP, each development parcel is required to attain the approval of a Conditional Use Permit from the Planning Commission. On January 13, 2004, the applicant submitted a Conditional Use Permit application for the Creole Gulch and Mid-station sites. The CUP was reviewed by the Planning Commission from April 14, 2004 until April 26, 2006 in a series of twenty-three (23) previous meetings.

Summary of Recent Previous Meetings

January 7, 2009 - Planning Commission - Overview

Reviewed history of the original Sweeney Properties Master Plan, outlined the current review criteria for the current Conditional Use Permit, reviewed affordable housing plan (recommended on-site units), discussed review process, and setbacks.

February 11, 2009 – Planning Commission – Traffic

Staff provided the Planning Commission with an outline of the previous Planning Commission meetings regarding traffic. Staff outlined four issues raised within the previous Planning Commission review followed with specific questions. The topics were proposed use and traffic generation, pedestrian circulation, on-site parking, and displaced parking

February 26, 2009 – Housing Authority- Employee Housing

During this meeting, the Housing Authority directed the applicant to place the employee housing onsite.

April 22, 2009 – Planning Commission – Traffic

Attorney Jody Burnett, who had been retained as independent counsel to render an advisory opinion on the issue of vested rights for the Sweeney MPD presented his findings. Next, the applicant responded to concerns raised by the Planning Commission during the February 11, 2009 meeting that were outlined by staff in a letter. In general, the Planning Commission expressed concern that the proposed mitigation was creating too much of a burden on the adjacent neighborhood and that mitigation to Empire Avenue had not been addressed. (Note: Due to an issue with the recording device, the minutes of April 22, 2009 meeting are not currently available. A full recording has been obtained but the minutes have not been adopted.)

Analysis

Standard of Review for Conditional Use Permit (Traffic)

Land Management Code: Conditional Use Permit 15-1-10:

“The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of proposed use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.”

The Planning Department and Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of the following criteria related to traffic:

2. Traffic considerations including capacity of the existing Streets in the area;
4. Emergency vehicle access;
5. Location and amount of off-street parking;
6. Internal vehicular and pedestrian circulation system;
13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas;

Overview of Traffic Mitigation

Traffic to and from the project has been the focus of the previous Planning Commission meetings. During the previous April 22, 2009 Planning Commission meeting, the applicant had proposed improvements to Lowell Avenue. The applicant had focused mitigation to make improvements to Lowell Avenue and prevent through traffic on Empire Avenue. It was proposed that the uphill side of Lowell would be utilized for parking and snow storage in 150 foot intervals. A sidewalk was proposed on the downhill side. The road would have to be widened within the right-of-way on the uphill side to prevent impact to the existing conditions (landscaping, driveways) on the downhill side of the road. The applicant proposed to mitigate traffic impacts to Empire Avenue through signs directing traffic to utilize Lowell Avenue and by constructing a staircase at 10th street to move people from Empire Avenue to the sidewalk on Lowell Avenue.

For the City to maintain the proposed mitigation, no parking would be allowed on Lowell Avenue between 2 am – 6 am in order to maintain the road with snow plowing to a level to accommodate the projected traffic. The same parking restrictions would apply to Empire Avenue due to the anticipated spill-over of cars from Lowell Avenue. The Planning Commission and the public voiced concern for the impact of this proposal on the local residents. Not all residents of Lowell and Empire have off street parking and parking is limited on those properties that do.

Since the April 22, 2009 meeting the applicant has changed the proposed mitigation. The following summarizes the newly proposed changes:

Empire Avenue

- All sections 31 feet wide including curb.
- Anticipate future public process involving all impacted properties to arrive at detailed design customizing sections to meet individual neighbor needs based on the three sections provided (Options A - C).

- Accommodate snow storage equivalent to present conditions.
- Suggest permit parking for residents and guests.
- All current right-of-way parallel, perpendicular, and driveway parking maintained and located outside of the two travel lanes.
- Suggest 15 mph speed limit.
- Signs to limit truck traffic on Empire (subject to fine).
- Encourage traffic from Treasure project to utilize Lowell Avenue with left turn only sign.

Lowell Avenue and Manor Way

- Four foot sidewalk from Manor up Empire on downhill (east) side. The sidewalk will continue in front of Treasure and around to Lowell Avenue. In this section it will be 5 feet wide. The sidewalk will continue down Lowell on the uphill (west) side at 4 feet wide down to Manor Way.
- Removed previous proposal to construct 10th street stair between Lowell and Empire.
- Removed snow storage location on the project site.
- Cross walks added at Empire and Lowell.
- Do not support prohibiting parking between 2 – 6 am for snow removal. Suggest occasional snow emergencies where residents are noticed to move their cars for a period of time for snow removal as happens in the rest of Old Town.
- Additional cost of maintenance will be covered by project tax base.
- Agree to participate in cost of improvements north of Manor based on the projects pro rata share of traffic as determined by studies.

The new revisions also include changes to Lowell Avenue. Previously the sidewalk was proposed on the downhill side of the street. The City supported this location because it would result in greater utilization. By moving the sidewalk between the parking/snow storage and the retaining wall it will be very difficult to keep clear and will be utilized less. The applicant's engineer has stated that the two reasons for this modification to the plan are;

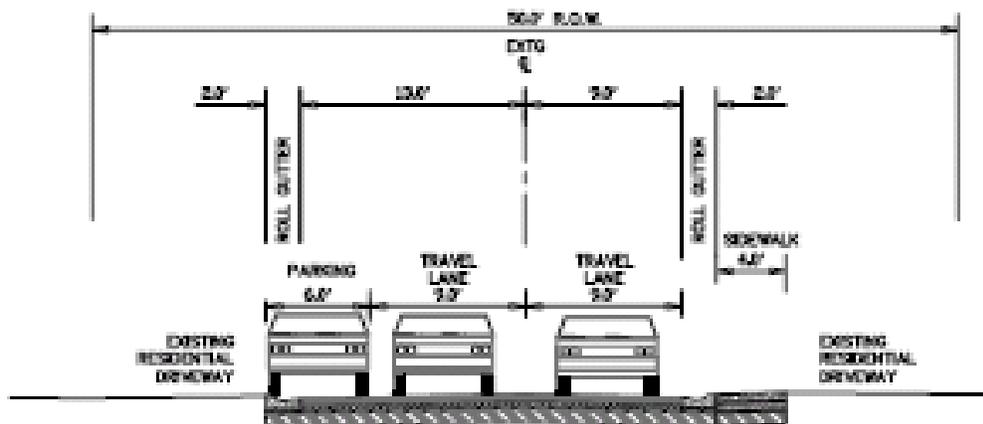
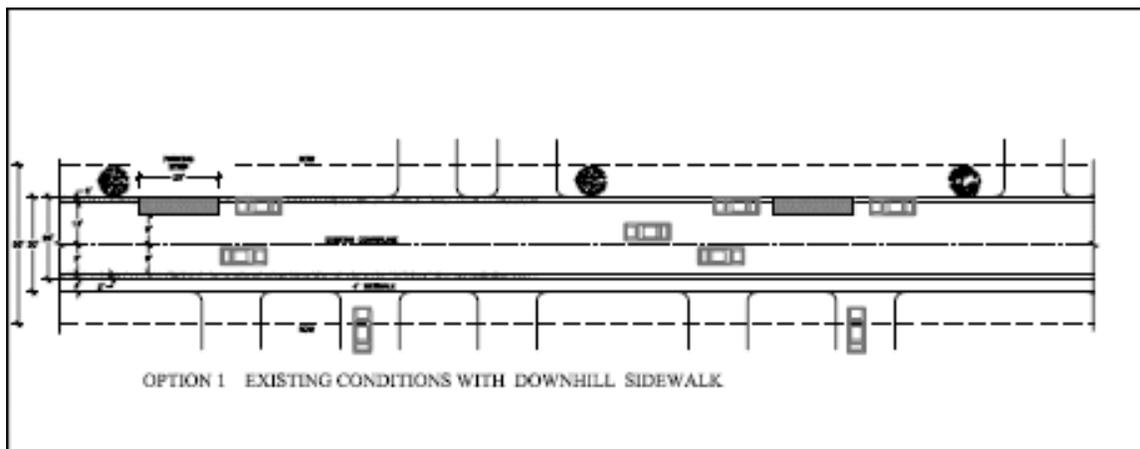
“1) By putting the sidewalk on the downhill side of Empire Ave and on the uphill side of Lowell, it make for a continuous pedestrian path from the lower end of Empire all the way up and around the Treasure project and then down Lowell all the way to the Park City Mountain Resort without having to cross the street. The sidewalk was put on the downhill side of Empire because it creates the least impact to existing structures/driveways.

2) By putting the sidewalk on the uphill side of Lowell it allows for tailoring the grading to fit the existing conditions and approaches and is the option that creates the least impact to the existing conditions.”

The three options proposed for Empire Avenue address the issues of pedestrian safety (introduction of sidewalk) and traffic calming (narrower streets). The customized approach to accommodate existing conditions is an improvement over the sole mitigation of signs to deter traffic. Each of the options decreases the width of travel

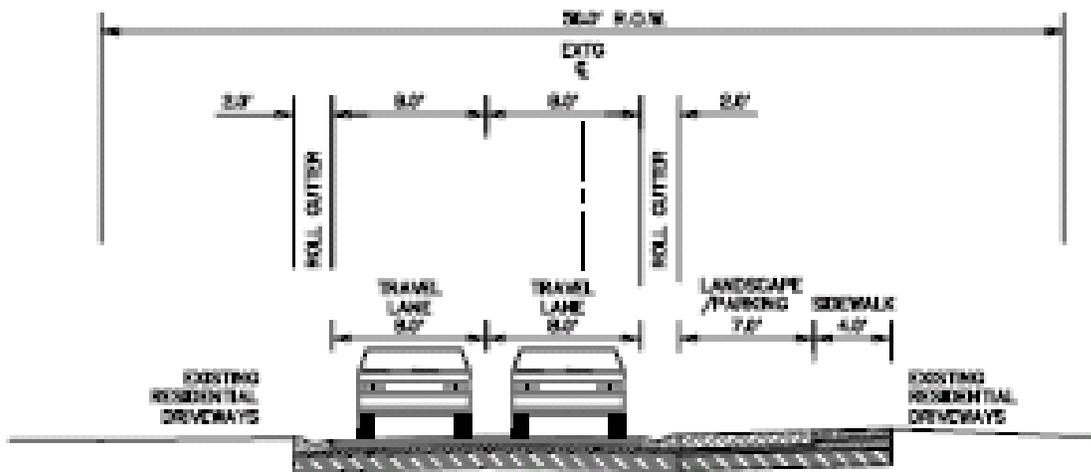
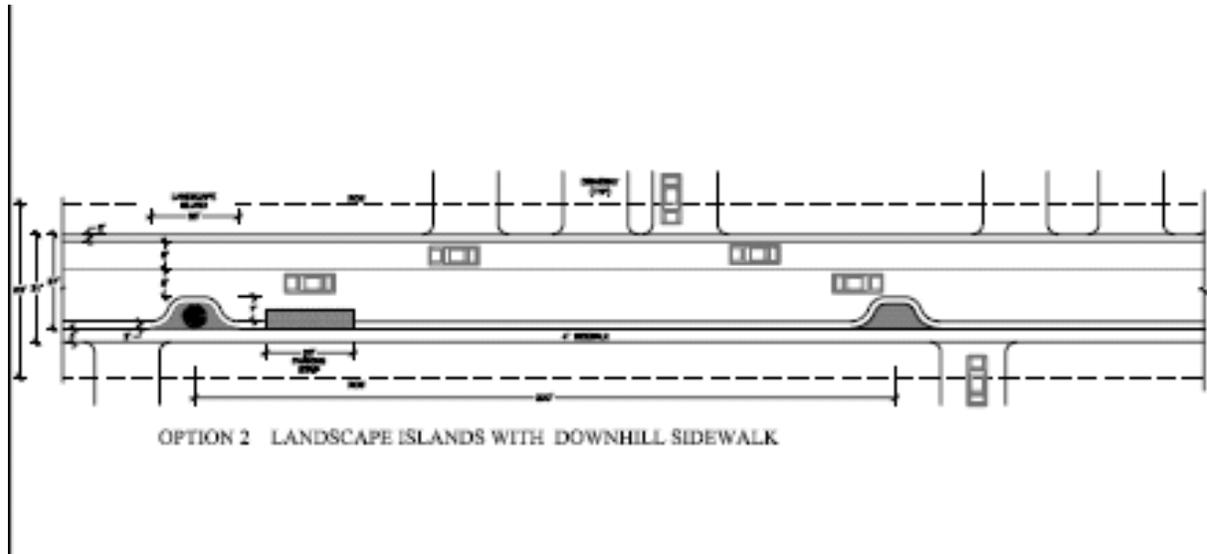
lanes and would be customized toward the existing conditions on the street. The City’s analysis of the proposed options follows within the CUP analysis section of this report.

Option 1. Existing Conditions with Downhill Sidewalk on Empire. This Option includes two 9 feet wide travel lanes with a 2 ½ foot curb and gutter. Parking, landscaping, and a 4 feet wide sidewalk is also included.



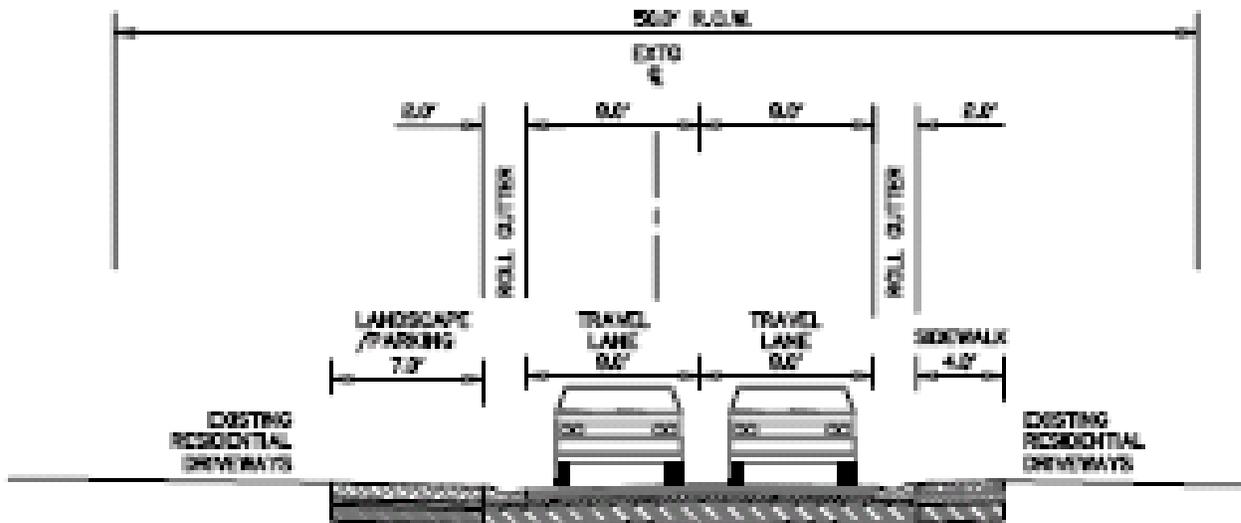
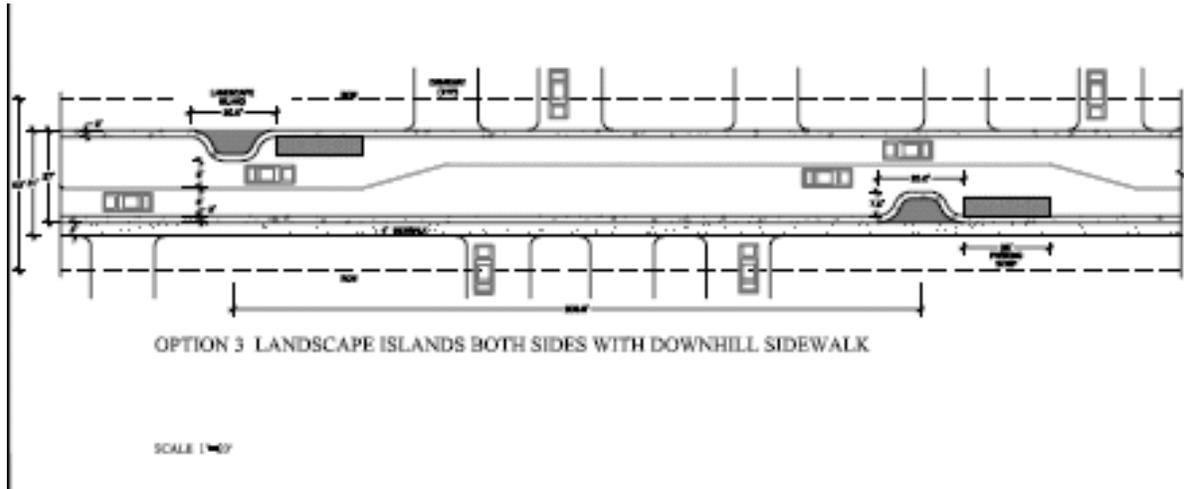
OPTION 1
TYPICAL ROAD SECTION
SCALE: 1"=8'

Option 2: Landscape Islands with Downhill Sidewalk on Empire. Option 2 includes two 8 feet wide travel lanes with 2 ½ foot curb and gutter on each side of the travel lanes. Alternating parking and landscape islands, and a 4 feet wide sidewalk is also included.



OPTION 2
TYPICAL ROAD SECTION
SCALE: 1"=5'

Option 3: Landscape Islands Both Sides with Downhill Sidewalk on Empire. Option 3 includes two 8 foot wide travel lanes with 2 ½ foot curb and gutter on each side of the travel lanes. Alternating parking and landscape islands on both sides of the street and a 4 feet wide sidewalk are also included.



OPTION 3
TYPICAL ROAD SECTION
SCALE: 1"=5'

The applicant has provided mitigation to decrease trips from the project once guest/residents have arrived.

- Cabriolet: Replace the current town lift with a cabriolet that will take guests from the project to Main Street and vice versa. The ski lift will begin at the project to take the public up the mountain. The hours of operation for the Cabriolet will mirror the hours of operation of the City buses.
- 8th Street Improvement: A staircase will be built up 8th street to the project creating safer pedestrian connectivity to Main Street.
- Bike and ski trail: The existing bike trail from the town lift will be graded more gradually to accommodate beginner bikers. The ski trail to Main Street will also be graded more gradually to accommodate beginner skiers.
- Ticket Sales: Ticket sales for skiing will be sold onsite so guests will not have to travel down Lowell Avenue to pick up tickets for skiing. Also, guests staying on Main Street or in the vicinity may take the cabriolet to the project to purchase ski tickets.
- Connectivity to public transportation: The cabriolet will unload at the town lift plaza on Main Street. This is on the public bus line and within walking distance to the City Transportation Center.
- Onsite amenities: Within the support commercial area there will be a convenient store onsite and food and beverage options.
- Storage. There are large storage areas included within the building plans to provide less dependency on daily deliveries of goods for onsite services.

The applicant has also submitted a proposal to decrease the demand to the site.

Exhibit A is the Treasure Parking and Traffic Operations Plan. This plan includes:

- Personal vehicle minimization plan with a goal of 80% of hotel guests not driving a personal vehicle.
- No general public will be allowed to park onsite
- ½ of employees living on site will be allowed to have a parking spot onsite. Other employees will be encouraged to arrive via public transportation and cabriolet.
- Delivery schedules and check-in times will be managed during non-peak hours.
- Maps showing the use of Lowell and management of deliveries to only utilize Lowell.

Analysis of Conditional Use Permit

2. Traffic consideration including capacity of the existing Streets in the area

The PEC traffic study dated April 2, 2009 provided the following table projecting traffic.

Table Three

Type of Facility	# of Units	AM Trip	PM Trip	AM Peak Hour		PM Peak Hour	
		Generation	Generation	# Entering	# Exiting	# Entering	# Exiting
<i>Hotel</i>	200	63	61	37	27	30	31
<i>Condominium/Townhouse</i>	105	27	31	5	22	21	10
<i>Employee Housing</i>	58	18	21	4	14	14	7
<i>Commercial</i>	19	0	34	0	0	15	19
TOTAL		108	147	45	63	79	68

The applicant has provided staff with an updated traffic study which places the through traffic to the site on Lowell Avenue. The previous study distributed the traffic between the two streets. The PEC updated addendum (Exhibit B) dated June 25, 2009 states: “by moving that portion of the site traffic that was previously projected to use Empire Avenue over to Lowell Avenue, some of the traffic movements at the analysis intersections are projected to experience less delay, while other movements will experience increased delay. The net effect at both intersections is a minor increase in total intersection average delay. Both intersections are still projected to operate well within acceptable levels of delay in both the AM and PM peak periods on ski-days.”

The original traffic study assumed road widths to be 25 feet. The City Engineer and the Public Works Transportation Manager have determined that in order to provide the level of service that will accommodate the projected traffic the roads must be maintained to a width of 25 feet as the PEC traffic study suggest. In order to maintain the 25 feet width, the City must impose the management practice of no parking between the hours of 2 am and 6 am. Currently, the parking on the street is not a problem due to the existing traffic levels. With increased traffic levels from the project, the road must be kept clear and therefore the additional demand requires that additional impact is mitigated.

The applicant has stated that “We no longer support the winter prohibition of parallel street parking from 2 AM to 6 AM.” Then the applicant suggests “occasional snow emergencies where residents are noticed by the placement of temporary signs over existing to move their cars for a period of time to the designated snow storage areas having been previously cleared.” City staff can not support the newly proposed snow management plan. The City utilizes the management practice of emergency snow removal in order to haul snow from tight residential streets. This management practice does not occur on a regular basis due to the impacts to the residents, the difficulty in logistics, and the expense. **In order to keep the width of the road to 25 feet on a daily basis through out the winter, the snow on Lowell Avenue and Empire**

Avenue must be cleared regularly and necessitates the removal of on-street parking nightly. (Emphasis Added) This management practice is consistent in old-town for high volume roads, including Park Avenue and Main Street.

The applicant asserts the increase in the snow removal cost on the street will be funded through the tax dollars generated from the development. The applicant estimated an increased contribution of \$26,846 toward annual snow removal. Public Works has reviewed this number and has estimated that snow removal on the two roads maintaining 25 feet of width will cost the City \$69,874.50 dollars annually, well above the amount contributed by the taxes of the project. (Exhibit C) Additionally, staff rejects the assertion that the applicant may rely upon or obligate future city councils to an enhanced level of service not generally available to the public as a mitigation method.

City staff asked the applicant to answer the following questions in response to the need to remove cars from Lowell and Empire between the hours of 2 – 6 am.

1. How many cars will be displaced due to the snow removal management plan?
2. Where will the displaced cars park?

Not all residents have off-street parking. City staff has requested a number associated with the number of residents actually impacted to determine if mitigation is achieved. If a number is known, then the Planning Commission can make a determination of an acceptable level where mitigation is achieved.

The applicant's response to these questions is not conclusive. Parking spaces were calculated within the general neighborhood by the applicant, but no definitive plan was proposed for displaced parking. The applicant has clarified that they do not feel an obligation to create parking for cars that are parked within the public right-of-way. The applicant will have the opportunity to discuss this point during the work session as staff does not have an explanation in writing.

Within the revisions, the applicant has addressed the Planning Commissions concern for pedestrian safety with the addition of a sidewalk. The side walk is proposed on the downhill side of Empire and the uphill side of Lowell. The City does not maintain sidewalks that are not on major connector streets. The only sidewalks maintained by the City are those which connect neighborhoods. (Example: Park Ave (224) Connecting Thaynes to Main Street, Upper Park Ave is not maintained). The upkeep of the sidewalk will be the responsibility of the residents. The City can not assume that the sidewalk will be maintained by the public at a level to protect the health and safety of the residents from the increase in traffic generated by Treasure. City staff finds that the sidewalk will not sufficiently mitigate the pedestrian safety issues due to inadequate snow removal. The previous snow removal cost did not include the maintenance of the sidewalk. The sidewalk plow mentioned in the bid is only slated for use for hauling, not for regular plow service. Public Works use the small sidewalk plow to get snow from around obstacles and out of the gutter during hauling events.

City Staff does not support the location of the sidewalk on the uphill side of Lowell Avenue. It is expected that the sidewalk will be utilized by the local residents more that

the visitors of the development. By placing the sidewalk closer to the majority of the existing neighbors on the downhill side it will be easier access for the residents and snow will melt more quickly. The challenges of locating the sidewalk on the uphill side include grade issues due to the steeper existing conditions and keeping a sidewalk cleared adjacent to the proposed snow storage areas.

Another concern of City Staff is the proposed improvements to Empire Avenue. The proposed landscape islands on Empire Avenue will necessitate ongoing planting, watering and maintenance, again creating another financial and labor burden on the City for years to come. The City Engineer has concern for the proposed travel lane width of 8 feet. A standard truck width of 7'9" not including the side mirrors.

4. Emergency vehicle access

The applicant has proposed three new options for Empire Avenue. Each of the options decreases the width of travel lanes and would be customized toward the existing conditions on the street. The Fire Marshall requires that all streets have a minimum width of 20 feet in a residential neighborhood. All three proposals comply with the Fire Marshall requirement.

7. Location and amount of off-street parking.

The parking for all buildings within the Sweeney Properties Master Plan Development is required to be provided on-site and in enclosed structures (Finding #5 of SPMP). The following parking requirement reflect sheet 22 of the exhibits of the MPD:

	Hotel Room Suite not to exceed 650 s. f.	Apt. not to exceed 1000 s.f.	Apt. not to exceed 1500 s.f.	Apt. not to exceed 2000 s.f.	Apt. in excess of 2000 s.f.
# of parking spaces	.66	1	1.5	2	2

It is important to note that the MPD calculation for parking only included parking for the residential units. It did not include a calculation for the 19 unit equivalents of support commercial and approximately 23,000 square feet of employee housing. The Housing Authority directed the applicant to provide a mixture of onsite housing. The following parking ratio requirements (LMC 15-3-6(A)) could be applied to the employee housing parking if the Planning Commission directs staff to include employee parking to the project.

Use	Parking Ratio (Number of Spaces)
Multi-unit Dwelling (Apartment/Condominium not greater than 650 sf floor area)	1 per Dwelling Unit
Multi-unit Dwelling (Apartment/Condominium greater than 650 sf and less than 100 sf floor area)	1.5 per Dwelling Unit
Multi-unit Dwelling (Apartment/Condominium greater than 1,000 sf and less than 2,500 sf floor area)	2 per Dwelling Unit
Dormitory	1 per 200 sf floor area devoted to accommodations

Per the MPD calculation for parking, the development is required to have 366 spaces. The proposed project contains 424 parking spaces. During the April 22, 2009 Planning Commission meeting, several Commissioners stated that they would not support any parking in excess of the MPD requirement.

Since the April 22, 2009 meeting, the applicant contracted Project Engineering Consultants to conduct a parking generation study (Exhibit D). This study calculated the parking based on the proposed uses. The raw parking generation analysis estimated 833 spaces on the weekend as the greatest demand. The study then introduced a parking reduction of 10% for the residential uses and 90% for the support commercial. The study explains that the support commercial is “intended for the use of the resort guest only. Therefore no public parking is provided. However, a certain amount of parking will be needed for managers/employees living off-site, service issues, etc. 90% reduction was assumed.” After introducing the reductions the reduced parking generation identified a need for 435 parking spots. The applicant is proposing a net of 424 parking spaces. No public parking is proposed within the 424 parking spaces. The additional 58 spaces proposed will be utilized by staff (living onsite and off) and service vehicles. The applicant has estimated that 300 employees will be necessary to manage Treasure. 300 is the total amount of employees within all the rotating shifts.

The applicant has not changed his perspective on the requested decrease in onsite parking. The following statement is from the previous response letter dated April 2, 2009:

“With respect to reducing onsite parking, we are not willing to do this. The intent of the Master Plan parking requirement was to establish a minimum number of parking spaces not a maximum. It is advantageous for the project and the City to build more parking in order to reduce parking pressure on neighboring streets and employee parking pressure in the vicinity of the Town Lift base. Furthermore, since the parking is required to be located below finish grade, it has no effect on mass.”

LMC 15-3-7 (A) states:

In Master Planned Developments and in review of Conditional Use Permits, the initial parking requirement is determined by referring to the requirements for the use and the underlying zone. The Planning Commission may reduce this initial parking requirement to prevent excessive parking and paving. The applicant must prove by a parking study that the proposed parking is adequate.”

Staff disagrees with the applicant on the establishment of minimum not maximum parking levels. The Code gives the Planning Commission the authority to reduce the amount of parking in the CUP review. Also, to address the applicants’ last point, below-grade parking does affect above-grade mass in that other support uses could be provided below grade instead of parking. These uses occupying above-grade mass, if reduced, would therefore reduce the above-grade mass as well.

Staff requests discussion on employee housing and parking.

Staff requests input from the Planning Commission regarding whether the applicant has proven that the proposed parking is adequate or should be reduced from the initial determination.

6. Internal vehicular and pedestrian circulation system

The internal vehicular circulation system will be further analyzed during mass and scale of the building. The Planning Commission has been focused on the traffic patterns off-site. This CUP criterion will be further explored during a later meeting.

13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas;

Control of delivery and service vehicles has been analyzed during the traffic portion of the review. The applicant is proposing the utilization of signs to prohibit through truck traffic. The applicant is also proposing to improve Empire Avenue with a sidewalk, landscaping, and parking to preserve the residential experience of the street and slow down through traffic. According to the applicant, the new design will deter delivery and service vehicles from utilizing Empire Avenue. Staff is skeptical of this proposal in that access to and from the project on Empire will not be encumbered by Stop signs while the route utilizing Lowell has a three-way Stop at Lowell and Manor Way and a Stop sign on Manor onto Empire. Further, unenforced signs have no effect and frequent delivery trucks will quickly utilize the fastest route to and from the project which will continue to be Empire Avenue.

Loading and unloading zones are located onsite and do not effect the traffic circulation. The trash pickup areas are also located within the project and do not effect the current analysis on traffic circulation.

Exhibits

- Exhibit A – Treasure Parking and Operations Plan
- Exhibit B – PEC 6th Addendum to Traffic Analysis
- Exhibit C – Cost Calculation by City Staff
- Exhibit D – PEC 5th Addendum to Traffic Analysis (Parking Study)
- Exhibit E – Alta Engineering road sections for Empire and Lowell
- Exhibit F – PEC Updated Walkability Study
- Exhibit G – Sketch of Empire Avenue and Lowell Avenue changes

Summary Recommendations

Staff recommends that the Planning Commission review the traffic updates for the Treasure Hill Conditional Use Permit (CUP) as analyzed in the staff report and presented by the applicant, and discuss the project as a work session item. The focus of discussion should be traffic mitigation as it relates to the CUP review criteria 2, 4, 5, 6, and 13. A public hearing shall follow the work session during the regular meeting. The public hearing should be continued to August 22, 2009.

During the August 22, 2009 work session, the applicant will host a site visit for the Planning Commission and the public at 5pm leaving from the town lift plaza. Staff plans to begin the analysis on mass, scale, architecture, and compatibility during the next meeting.

July 16, 2009

Proposed Treasure Parking and Traffic Operations

When Treasure (the “Project”) opens, it is estimated the Project will employ approximately 300 persons, including the PCMR employees operating the Town Cabriolet gondola and Treasure Express ski lift. That number is spread over 24 hours, 7 days a week, for one year. It assumes a 2080 hour full time equivalent. That is an average of 71 employees per hour. During busy times it is reasonable to assume there will be upward of a hundred employees working. Keep in mind that over a 24-hour period, the number of employees will fluctuate because of the differing requirements for various operating hours. In addition there will be seasonal variation.

A personal vehicle minimization program for employees and guests will be implemented when Treasure opens for business and owner occupancy takes place. Hotel guests will be encouraged and incentivized to use shuttles or limo services from the airport directly to Treasure. It may be possible to bundle the shuttle price into the room rate. Additionally, it will be explained to incoming Treasure’s guests that it is unnecessary to have a personal vehicle onsite because of the availability of free, easily-accessible public transportation, that public transit can transport guests quickly and efficiently to the other two local ski resorts and to many other nearby locations. Most importantly, it will be explained that they are within a minute ride on the Town Cabriolet gondola to Main Street with its eclectic shops, entertainment, and fine and casual dining. The desired goal will be to have 80% of guests arrive without a personal vehicle. Currently, some lodging facilities in Park City are exceeding 60% guest arrivals without personal vehicles. Condominium association documents will be subject to the development agreement with Park City Municipal Corporation with respect to the forgoing and should insure that the Project operator works towards this end.

Nonetheless, keep in mind there will invariably be some full time residents in the Project and guests that have plans that will require personal vehicles. It is not our intent to restrict or limit the freedom of this type of Project resident.

There will be approximately 50 employee parking spaces onsite primarily assigned to those living onsite. The Housing Authority’s has expressed a desire to have a mixed use employing housing configuration, i.e., dorm space and two-bedroom family units. It is estimated that approximately 100 employees will live in the Project. There will be limited onsite parking for service providers. Offsite employees living within Park City will be asked to walk, ride bikes or take public transit and the Town Cabriolet gondola to access Treasure. A shuttle service will be provided for employees as needs dictate.

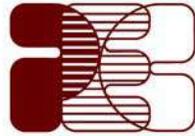
Page 1 of 2



Employees living outside of Park City will be encouraged to use the Park & Rides and take public transportation to the Town Lift Base and from there use the Town Cabriolet gondola to access the Project.

To further restrict vehicular traffic to Treasure, there will be no general public parking. Only individuals residing in the Project and their authorized guests will be permitted to use Treasure's parking. To minimize the traffic impact of hotel guests, arrival and checkout times will be scheduled avoid the peak day skier traffic to and from Park City. Delivery vehicles will be scheduled to avoid peak traffic as well, and, ample underground storage space will be provided to provide flexibility and help limit the number of delivery trips.

Guests that drive to Treasure will be provided a map detailing "How to Drive to Treasure using Lowell Avenue." Delivery vehicles will be instructed to use only Lowell Avenue. Vehicles leaving Treasure will be directed to drive down Lowell Avenue. Through truck traffic will be prohibited on Empire Avenue. The goal is to minimize Treasure's traffic on Empire Avenue. Treasure is recommending that both Lowell and Empire Avenues be redesigned and reconstructed to present an image of a neighborhood, pedestrian-friendly, secondary streets, all be it with Lowell having the greater traffic capacity.



June 25, 2009

Matthew Cassel, P.E.
Park City Engineer
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480

**RE: Sixth Addendum to the Treasure Hill Traffic Impact Analysis, July, 2004
Intersection Operations Limiting Development Traffic on Empire Avenue**

Dear Mr. Cassel,

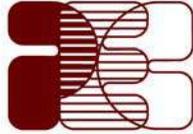
Project Engineering Consultants (PEC) has performed a re-analysis of the anticipated traffic impacts of the site traffic on the local street system. This new analysis is due to changes to the development plan made to minimize the use of Empire Avenue south of Manor Way by traffic to and from the development.

The proposed change affects the traffic projections and analysis at the Manor Way intersections with Lowell Avenue and Empire Avenue. The original traffic study analyzed the traffic operations for both the Design Non Ski-Day and the Design Ski-Day. Because the Design Ski-Day is the “worst case” this re-analysis includes only that scenario. The results of the re-analysis are presented in Table 1 below. The highway capacity output sheets for each analysis run are attached.

Table 1 – Design Ski-Day Summary

	<i>Empire / Manor</i>		<i>Lowell / Manor</i>	
	AM Peak	PM Peak	AM Peak	PM Peak
Total Intersection	A / 8.6	B / 10.6	A / 7.7	B / 11.4
Northbound	A / 7.9	A / 8.6	A / 7.3	B / 10.7
Southbound	A / 8.1	A / 9.4	A / 7.9	B / 12.3
Eastbound	A / 9.2	B / 11.7	N/A	N/A
Westbound	N/A	N/A	A / 8.3	B / 11.3
<i>Legend: A / 8.7 A = Level of Service 8.7 = Delay Time in Seconds</i>				

By moving that portion of the site traffic that was previously projected to use Empire Avenue over to Lowell Avenue, some of the traffic movements at the analysis intersections are projected to experience less delay, while other movements will experience increased delay. The net effect at both intersections is a minor increase in total intersection average delay. Both intersections are still projected to operate well within acceptable levels of delay in both the AM and PM peak periods on ski-days.



After a review of this addendum, if there are any questions or need for further clarifications, please contact me at your earliest convenience.

Respectfully,

Project Engineering Consultants

A handwritten signature in blue ink, appearing to read 'Gary Horton', is written over a light blue rectangular background.

Gary Horton, P.E.
Principal

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Exhibit A – 2009.07.22 Planning Commission Staff Report & Exhibits

ALL-WAY STOP CONTROL ANALYSIS									
General Information				Site Information					
Analyst	KJF			Intersection	Manor/Empire				
Agency/Co.	PEC			Jurisdiction	Park City				
Date Performed	6/25/2009			Analysis Year	Total Traffic - Ski Day				
Analysis Time Period	AM Peak								
Project ID <i>Treasure Hill TIA - Addendum 6</i>									
East/West Street: <i>Manor Way</i>				North/South Street: <i>Empire Avenue</i>					
Volume Adjustments and Site Characteristics									
Approach	Eastbound			Westbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R
Volume	179	0	2	0	0	0	0	0	0
%Thrus Left Lane	50				50				
Approach	Northbound			Southbound					
Movement	L	T	R	L	T	R	L	T	R
Volume	2	41	0	0	53	117			
%Thrus Left Lane	50				50				
	Eastbound		Westbound		Northbound		Southbound		
	L1	L2	L1	L2	L1	L2	L1	L2	
Configuration	LR				LT		TR		
PHF	0.90				0.90		0.90		
Flow Rate	200				47		188		
% Heavy Vehicles	0				0		0		
No. Lanes	1		0		1		1		
Geometry Group	1				1		1		
Duration, T					0.25				
Saturation Headway Adjustment Worksheet									
Prop. Left-Turns	1.0				0.0		0.0		
Prop. Right-Turns	0.0				0.0		0.7		
Prop. Heavy Vehicle									
hLT-adj	0.2	0.2			0.2	0.2	0.2	0.2	
hRT-adj	-0.6	-0.6			-0.6	-0.6	-0.6	-0.6	
hHV-adj	1.7	1.7			1.7	1.7	1.7	1.7	
hadj, computed	4.61				4.61		4.61		
Departure Headway and Service Time									
hd, initial value	3.20				3.20		3.20		
x, initial	0.18				0.04		0.17		
hd, final value	4.61				4.61		4.61		
x, final value	0.26				0.06		0.21		
Move-up time, m	2.0				2.0		2.0		
Service Time	2.6		2.6		2.6		2.6		
Capacity and Level of Service									
	Eastbound		Westbound		Northbound		Southbound		
	L1	L2	L1	L2	L1	L2	L1	L2	
Capacity	450				297		438		
Delay	9.18				7.90		8.12		
LOS	A				A		A		
Approach: Delay	9.18				7.90		8.12		
LOS	A				A		A		
Intersection Delay					8.58				
Intersection LOS					A				

Exhibit A – 2009.07.22 Planning Commission Staff Report & Exhibits

ALL-WAY STOP CONTROL ANALYSIS									
General Information					Site Information				
Analyst	KJF				Intersection	Manor/Empire			
Agency/Co.	PEC				Jurisdiction	Park City			
Date Performed	6/25/2009				Analysis Year	Total Traffic - Ski Day			
Analysis Time Period	PM Peak								
Project ID <i>Treasure Hill TIA - Addendum 6</i>									
East/West Street: <i>Manor Way</i>					North/South Street: <i>Empire Avenue</i>				
Volume Adjustments and Site Characteristics									
Approach	Eastbound					Westbound			
Movement	L		T		R	L	T	R	
Volume	292		0		16	0	0	0	
%Thrus Left Lane	50					50			
Approach	Northbound					Southbound			
Movement	L		T		R	L	T	R	
Volume	2		55		0	0	85	130	
%Thrus Left Lane	50					50			
	Eastbound		Westbound		Northbound		Southbound		
	L1	L2	L1	L2	L1	L2	L1	L2	
Configuration	LR				LT		TR		
PHF	0.90				0.90		0.90		
Flow Rate	341				63		238		
% Heavy Vehicles	0				0		0		
No. Lanes	1		0		1		1		
Geometry Group	1				1		1		
Duration, T	0.25								
Saturation Headway Adjustment Worksheet									
Prop. Left-Turns	1.0				0.0		0.0		
Prop. Right-Turns	0.0				0.0		0.6		
Prop. Heavy Vehicle									
hLT-adj	0.2	0.2			0.2	0.2	0.2	0.2	
hRT-adj	-0.6	-0.6			-0.6	-0.6	-0.6	-0.6	
hHV-adj	1.7	1.7			1.7	1.7	1.7	1.7	
hadj, computed	4.79				4.79		4.79		
Departure Headway and Service Time									
hd, initial value	3.20				3.20		3.20		
x, initial	0.30				0.06		0.21		
hd, final value	4.79				4.79		4.79		
x, final value	0.45				0.09		0.30		
Move-up time, m	2.0				2.0		2.0		
Service Time	2.8		2.8		2.8		2.8		
Capacity and Level of Service									
	Eastbound		Westbound		Northbound		Southbound		
	L1	L2	L1	L2	L1	L2	L1	L2	
Capacity	591				313		488		
Delay	11.70				8.60		9.43		
LOS	B				A		A		
Approach: Delay	11.70				8.60		9.43		
LOS	B				A		A		
Intersection Delay	10.55								
Intersection LOS	B								

Exhibit A – 2009.07.22 Planning Commission Staff Report & Exhibits

ALL-WAY STOP CONTROL ANALYSIS									
General Information					Site Information				
Analyst	KJF				Intersection	Manor/Lowell			
Agency/Co.	PEC				Jurisdiction	Park City			
Date Performed	6/25/2009				Analysis Year	Total Traffic - Ski Day			
Analysis Time Period	AM Peak								
Project ID <i>Treasure Hill TIA - Addendum 6</i>									
East/West Street: <i>Manor Way</i>					North/South Street: <i>Lowell Avenue</i>				
Volume Adjustments and Site Characteristics									
Approach	Eastbound					Westbound			
Movement	L		T		R	L	T		R
Volume	0		0		0	94	0		0
%Thrus Left Lane	50					50			
Approach	Northbound					Southbound			
Movement	L		T		R	L	T		R
Volume	0		0		140	37	32		0
%Thrus Left Lane	50					50			
	Eastbound		Westbound		Northbound		Southbound		
	L1	L2	L1	L2	L1	L2	L1	L2	
Configuration			L		R		LT		
PHF			0.90		0.90		0.90		
Flow Rate			104		155		76		
% Heavy Vehicles			0		0		0		
No. Lanes	0		1		1		1		
Geometry Group			1		1		1		
Duration, T	0.25								
Saturation Headway Adjustment Worksheet									
Prop. Left-Turns			1.0		0.0		0.5		
Prop. Right-Turns			0.0		1.0		0.0		
Prop. Heavy Vehicle									
hLT-adj			0.2	0.2	0.2	0.2	0.2	0.2	0.2
hRT-adj			-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6
hHV-adj			1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed			0.00		0.00		0.00		0.00
Departure Headway and Service Time									
hd, initial value			3.20		3.20		3.20		
x, initial			0.09		0.14		0.07		
hd, final value			0.00		0.00		0.00		
x, final value			0.13		0.16		0.09		
Move-up time, m			2.0		2.0		2.0		
Service Time									
Capacity and Level of Service									
	Eastbound		Westbound		Northbound		Southbound		
	L1	L2	L1	L2	L1	L2	L1	L2	
Capacity			354		405		326		
Delay			8.27		7.31		7.86		
LOS			A		A		A		
Approach: Delay			8.27		7.31		7.86		
LOS			A		A		A		
Intersection Delay	7.73								
Intersection LOS	A								

Exhibit A – 2009.07.22 Planning Commission Staff Report & Exhibits

ALL-WAY STOP CONTROL ANALYSIS									
General Information					Site Information				
Analyst	KJF				Intersection	Manor/Lowell			
Agency/Co.	PEC				Jurisdiction	Park City			
Date Performed	6/25/2009				Analysis Year	Total Traffic - Ski Day			
Analysis Time Period	PM Peak								
Project ID <i>Treasure Hill TIA - Addendum 6</i>									
East/West Street: <i>Manor Way</i>					North/South Street: <i>Lowell Avenue</i>				
Volume Adjustments and Site Characteristics									
Approach	Eastbound					Westbound			
Movement	L		T		R	L	T		R
Volume	0		0		0	180	0		0
%Thrus Left Lane	50					50			
Approach	Northbound					Southbound			
Movement	L		T		R	L	T		R
Volume	0		0		327	181	112		0
%Thrus Left Lane	50					50			
	Eastbound		Westbound		Northbound		Southbound		
	L1	L2	L1	L2	L1	L2	L1	L2	
Configuration			L		R		LT		
PHF			0.90		0.90		0.90		
Flow Rate			200		363		325		
% Heavy Vehicles			0		0		0		
No. Lanes	0		1		1		1		
Geometry Group			1		1		1		
Duration, T	0.25								
Saturation Headway Adjustment Worksheet									
Prop. Left-Turns			1.0		0.0		0.6		
Prop. Right-Turns			0.0		1.0		0.0		
Prop. Heavy Vehicle									
hLT-adj			0.2	0.2	0.2	0.2	0.2	0.2	0.2
hRT-adj			-0.6	-0.6	-0.6	-0.6	-0.6	-0.6	-0.6
hHV-adj			1.7	1.7	1.7	1.7	1.7	1.7	1.7
hadj, computed			0.00		0.00		0.00		0.00
Departure Headway and Service Time									
hd, initial value			3.20		3.20		3.20		
x, initial			0.18		0.32		0.29		
hd, final value			0.00		0.00		0.00		
x, final value			0.32		0.44		0.46		
Move-up time, m			2.0		2.0		2.0		
Service Time									
Capacity and Level of Service									
	Eastbound		Westbound		Northbound		Southbound		
	L1	L2	L1	L2	L1	L2	L1	L2	
Capacity			450		613		575		
Delay			11.32		10.73		12.28		
LOS			B		B		B		
Approach: Delay			11.32		10.73		12.28		
LOS			B		B		B		
Intersection Delay	11.43								
Intersection LOS	B								

Treasure Hill Snow removal/ Hauling

Empire Ave and Lowell Ave will require enhanced levels of snow removal/hauling during a typical snow fall season. Comparisons can be made between current efforts along Park Ave with Lowell and Empire. Below illustrates cost and effort of a single snow haul.

Contract Support

Service	Hourly rate	Quantity	Hours	Total
Haul trucks	\$85.00	18	10	\$15,300.00
Dump site dozer	\$120.00	1	10	\$1,200.00
				\$16,500.00

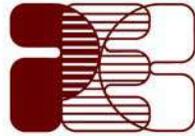
City Services

Service	Hourly rate	Quantity	Hours	Total
Loader w/ blade	103.10	1	10	\$1,031.00
Unimog	96.30	1	10	\$963.00
Two ton truck w salt	62.60	2	10	\$626.00
Sidewalk plow	62.60	1	10	\$626.00
Loader with snow blower	180.55	1	10	\$1,805.50
Traffic Control officers	40.00	2	10	\$800.00
Variable message boards	120.00 day	2	1 day	\$240.00
Mechanic	30.00	1	10	\$300.00
Supervisor	40.00	1	10	\$400.00
				\$6,791.50

Total per event \$ 23,291.50

Staff budgets for three snow hauling events along Park Ave and Main Street during a typical season. This level of service is consistent with proposed level of service for Lowell and Empire Ave.

Providing expended service to Lowell Ave and Empire Ave will cost **\$69,874.50** for a typical snow season.



June 18, 2009

Matthew Cassel, P.E.
Park City Engineer
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480

**RE: Fifth Addendum to the Treasure Hill Traffic Impact Analysis, July, 2004
Parking Generation Study**

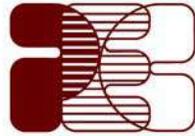
Dear Mr. Cassel,

Upon your request, Project Engineering Consultants (PEC) has performed a parking generation study to estimate the demand for parking that the Treasure Hill development in Park City would be expected to create. We have used information provided in the Traffic Impact Analysis completed in July, 2004 (including addendums 1-4), as well as information provided via other submitted development documents.

Forecasts of vehicle parking demand for the proposed development were calculated using the 3rd edition of *Parking Generation*, published by the Institute of Transportation Engineers (ITE). Land use codes that matched the codes in the original traffic impact analysis were used to estimate the trips generated by the facility with the exception of the hotel support commercial. The original traffic impact analysis used land use code 814: Specialty Retail which is not currently available in *Parking Generation*. Land use code 820: Shopping Center was the closest available land use and was used in place of the original land use code. Regression equations were used to determine the parking generation. Details of the land use codes and generation rates used are attached.

Table 1 - Raw Parking Generation

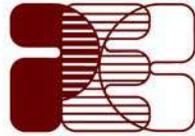
<i>Type of Facility</i>	<i># of Units</i>	<i>Weekday Parking Generation</i>	<i>Weekend Parking Generation</i>
<i>Hotel</i>	202	168	235
<i>Condominium/Townhouse</i>	103	176	143
<i>Hotel/Resort Support Commercial</i>	19	189	394
<i>Employee Housing</i>	58	57	61
<i>TOTAL</i>		590	833



Details on how each land use was used in this analysis include:

- Land Use 310: Hotel – The data for this land use was fairly limited. Actual parking generation data was only available for the Weekday peak period. However, in the accompanying description of the data, the Parking Generation document noted that Saturday parking demand rates averaged 40 percent higher than the weekday rates. Therefore, calculated weekday rates were increased by 40 percent to reflect estimated weekend rates.
- Land Use 230: Residential Condominium/Townhouse – Similar to the Hotel land use, no data was available for weekend parking generation rates. However, the description of the data stated that in one set of data, the Saturday peak demand was 19 percent lower than the weekday demand. Therefore, calculated weekday rates were reduced by 19 percent to obtain estimates for weekend demand.
- Land Use 820: Shopping Center (used for the hotel support commercial) – This land use had substantial data and included data for weekday (December), weekday (non-December), and separate data for Friday, Saturday, and Sunday for both December and non-December. For the purposes of this analysis, the Mon.-Thurs. (December) data was used to estimate the weekday parking demand and the Sunday (December) data was used to estimate weekend parking demand at the proposed development. An assumption was made that the difference in December vs. non-December parking demand was similar to the difference in ski-day vs. non-ski-day demand at the proposed development.
- Land Use 221: Low/Mid-Rise Apartment (used for employee housing) – This land use was chosen as best representing the parking generation for the employee housing. PEC was informed that approximately 23,000 SF of employee housing will be provided. It was assumed that 400 SF of space (dormitory style) would approximate the parking generation of one urban low/mid-rise apartment, resulting in 58 units for analysis purposes. The weekday urban peak period and Saturday urban peak period from *Parking Generation* were used.

Similar to the original traffic impact analysis, the raw estimated parking demand was calculated assuming no interaction or internal sharing of trips by the different land uses. This is unrealistic considering the mixed use nature of the development and the high probability of shared trips between the different land uses. In the original traffic impact analysis, a reduction was made to the calculated trips to account for the trips that are made internal to the development. In addition, trips were further reduced to account for the addition of on-site employee housing. Similarly, a portion of the parking demand is expected to be shared between the different land uses. This is especially true of the support commercial, where a large portion of visitors to these areas will be patrons of the Hotel, residents of the Condominium/Townhomes, or employees.



However, the reduction in parking demand due to shared demand is not expected to be as great as the reduction in vehicle trips. In some instances, the reduction in vehicle trips does not correlate to a similar reduction in parking demand. Some examples of this could include patrons of the Hotel that access Main Street via the gondola or walking and employees who live on site and walk to work, Main Street, etc. In both of these examples, there is justification for reducing the number of vehicle trips. However, the demand for parking still exists since, in both cases, the patron and employee still have a car parked in the project.

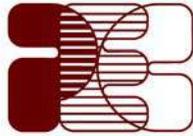
Addendum four of the traffic impact analysis showed a reduction in trips (compared to the raw numbers) of 55% with on-site employee housing. The reduction in trips was applied across the board for the various land uses. Many of the mitigating factors that allow for that reduction also apply to the parking need, but for the reasons stated above, the reduction in parking generation is expected to be somewhat less. The assumed reductions for each of the land uses are as described below:

- Residential Uses (Hotel, Condominium/Townhouse, and Employee Housing) – While vehicle trips for these land uses are greatly reduced by the ability to walk or ride the cabriolet, the reduction in parking demand is expected to be modest. For purposes of this study, a 10% reduction was assumed.
- Hotel/Resort Support Commercial – These facilities are intended for the use of the resort guests only. Therefore no public parking is provided. However, a certain amount of parking will be needed for managers/employees living off-site, service issues, etc. 90% reduction was assumed.

The reduced parking generation is shown in Table 2.

Table 2 – Reduced Parking Generation

<i>Type of Facility</i>	<i># of Units</i>	<i>Weekday Parking Generation</i>	<i>Weekend Parking Generation</i>
<i>Hotel</i>	202	151	212
<i>Condominium/Townhouse</i>	103	158	129
<i>Hotel/Resort Support Commercial</i>	19	19	39
<i>Employee Housing</i>	58	51	55
TOTAL		379	435



Based on the information presented in this addendum, PEC recommends that approximately 435 parking spaces be provided to service the expected parking demand at the Treasure Hill development.

After a review of this addendum, if there are any questions or need for further clarifications, please contact me at your earliest convenience.

Respectfully,

Project Engineering Consultants

A handwritten signature in blue ink, appearing to read 'Gary Horton', is written over a light blue horizontal line.

Gary Horton, P.E.
Principal

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Land Use: 221 Low/Mid-Rise Apartment

Land Use Description

Low/mid-rise apartments are rental dwelling units located within the same building with at least three other dwelling units, for example quadraplexes and all types of apartment buildings. The study sites in this land use have one, two, three, or four levels. High-rise apartment (Land Use 222) is a related use.

Database Description

The database consisted of a mix of suburban and urban sites. Parking demand rates at the suburban sites differed from those at urban sites and therefore the data were analyzed separately.

- Average parking supply ratio: 1.4 parking spaces per dwelling unit (44 study sites). This ratio was the same at both the suburban and urban sites.
- Suburban site data: average size of the dwelling units at suburban study sites was 1.7 bedrooms and the average parking supply ratio was 0.9 parking spaces per bedroom (three study sites).
- Urban site data: average size of the dwelling units was 2.2 bedrooms with an average parking supply ratio of 0.8 spaces per bedroom (eight study sites).

Saturday parking demand data were only provided at two suburban sites. The average Saturday parking demand at these two sites was 1.13 vehicles per dwelling unit.

One urban site with 15 dwelling units was counted on a Sunday during consecutive hours between 1:00 p.m. and 5:00 a.m. Peak parking demand occurred between 12:00 and 5:00 a.m. and was measured at 1.00 vehicle per dwelling unit.

About half of the urban sites were identified as affordable housing.

Several of the suburban study sites provided data regarding the number of bedrooms in the apartment complex. Although these data represented only a subset of the complete database for this land use, they demonstrated a correlation between number of bedrooms and peak parking demand. Study sites with an average of less than 1.5 bedrooms per dwelling unit in the apartment complex reported peak parking demand at 92 percent of the average peak parking demand for all study sites with bedroom data. Study sites with less than 2.0 but greater than or equal to 1.5 bedrooms per dwelling unit reported peak parking demand at 98 percent of the average. Study sites with an average of 2.0 or greater bedrooms per dwelling unit reported peak parking demand at 13 percent greater than the average.

Land Use: 221 Low/Mid-Rise Apartment

For the urban study sites, the parking demand data consisted of single or discontinuous hourly counts and therefore a time-of-day distribution was not produced. The following table presents a time-of-day distribution of parking demand at the suburban study sites.

Based on Vehicles per Dwelling Unit (Suburban)	Weekday Data	
Hour Beginning	Percent of Peak Period	Number of Data Points*
12:00–4:00 a.m.	100	19
5:00 a.m.	96	15
6:00 a.m.	92	22
7:00 a.m.	74	15
8:00 a.m.	64	2
9:00 a.m.	–	0
10:00 a.m.	–	0
11:00 a.m.	–	0
12:00 p.m.	–	0
1:00 p.m.	–	0
2:00 p.m.	–	0
3:00 p.m.	–	0
4:00 p.m.	44	1
5:00 p.m.	59	1
6:00 p.m.	69	1
7:00 p.m.	66	10
8:00 p.m.	75	9
9:00 p.m.	77	11
10:00 p.m.	92	26
11:00 p.m.	94	11

* Subset of database

Parking studies of apartments should attempt to obtain information on occupancy rate and on the mix of apartment sizes (in other words, number of bedrooms per apartment and number of units in the complex). Future parking studies should also indicate the number of levels contained in the apartment building.

Additional Data

- Apartment occupancy can affect parking demand ratio. In the United States, successful apartment complexes commonly have a vacancy rate between 5 and 8 percent.²
- While auto ownership has increased over time, based on the limited data sample, the parking demand ratios for the provided data set did not vary significantly with age. There is a wide range of data from the 1960s to 2000s (primarily from the 1980s to 2000s) in the database. In fact, a series of surveys conducted in 1961 and 1963 found a peak parking demand ratio very similar to the data collected in *Parking Generation*. The study conducted in Hayward, CA³ surveyed 53 apartment complexes with a total of 1,759 dwelling units between the hours of 3:00 and 5:00 a.m. on seven consecutive days in both years. The study found an average of 1.26 parked vehicles per dwelling unit.

² Rental and Homeowner Vacancy Rates for the United States: 1960 to 2001, U.S. Census Bureau. www.census.gov/hhes/www/housing/hvs/q401tab1.html

³ Crommelin, Robert. *Planning for Parking: Residential Requirements*, Proceedings of the 16th California Street and Highway Conference. UC Berkeley: Institute of Transportation Studies, January 30, 1964.

Land Use: 221 Low/Mid-Rise Apartment

- Additional research was conducted in the Portland, OR region using 2000 U.S. Census data⁴ to relate rental households to the availability of vehicles. These data provided trends in the ratio of vehicles owned per rental household. While it was recognized that area type was not the only factor affecting vehicle ownership (household income was a very significant factor), this general assessment provided a means of comparison to the survey data submitted to ITE. The following table summarizes the number of vehicles owned per household, based on year 2000 Census data. Note that these data do not include visitor parking demand.

Area Type	Vehicles Owned per Household
Suburban (within urban growth boundary)	1.4
Central City, Not Downtown	1.2
Central Business District (CBD)	0.7
Areas within 1/3 mile of a light rail station and more than 10 miles from CBD	1.0–1.3
Areas within 1/3 mile of a light rail station and less than 10 miles from CBD	0.8–1.2

SOURCE: DKS Associates. Portland, OR, 2002 (based upon 2000 Census block data).

Study Sites/Years

Suburban:

Skokie, IL (1964); Glendale, CA (1978); Irvine, CA (1981); Newport Beach, CA (1981); Dallas, TX (1982); Farmers Branch, TX (1982); Euless, TX (1983, 1984); Baytown, TX (1984); Syracuse, NY (1987); Devon, PA (2001); Marina del Rey, CA (2001); Milburn, NJ (2001); Parsippany, NJ (2001); Springfield, NJ (2001); Westfield, NJ (2001); Beaverton, OR (2002); Hillsboro, OR (2002); Portland, OR (2002); Vancouver, WA (2002)

Urban:

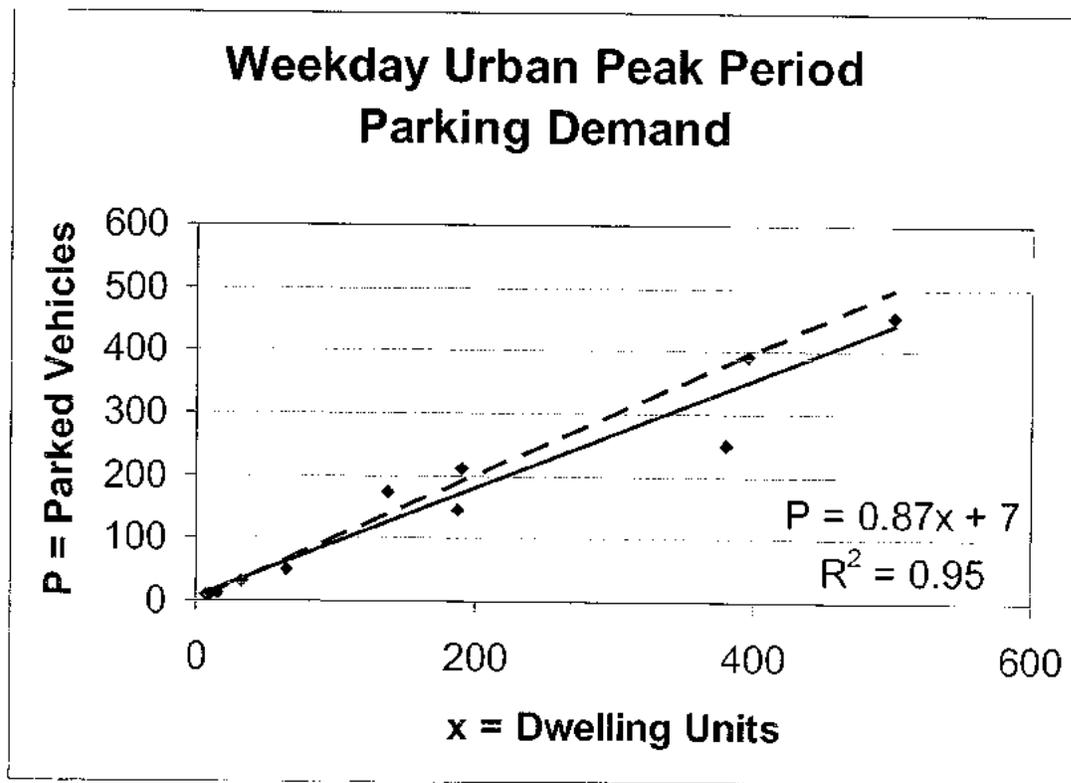
Dallas, TX (1982, 1983); San Francisco, CA (1982); Syracuse, NY (1984, 1987); Santa Barbara, CA (1994); Long Beach, CA (2000); Santa Monica, CA (2001); San Diego, CA (2001)

⁴ Census 2000, U.S. Census Bureau, 2002, Table H44.

Land Use: 221 Low/Mid-Rise Apartment

**Average Peak Period Parking Demand vs: Dwelling Units
On a Weekday
Location: Urban**

Statistic	Peak Period Demand
Peak Period	9:00 p.m.–5:00 a.m.
Number of Study Sites	12
Average Size of Study Sites	165 dwelling units
Average Peak Period Parking Demand	1.00 vehicles per dwelling unit
Standard Deviation	0.22
Coefficient of Variation	22%
Range	0.66–1.43 vehicles per dwelling unit
85th Percentile	1.17 vehicles per dwelling unit
33rd Percentile	0.92 vehicles per dwelling unit

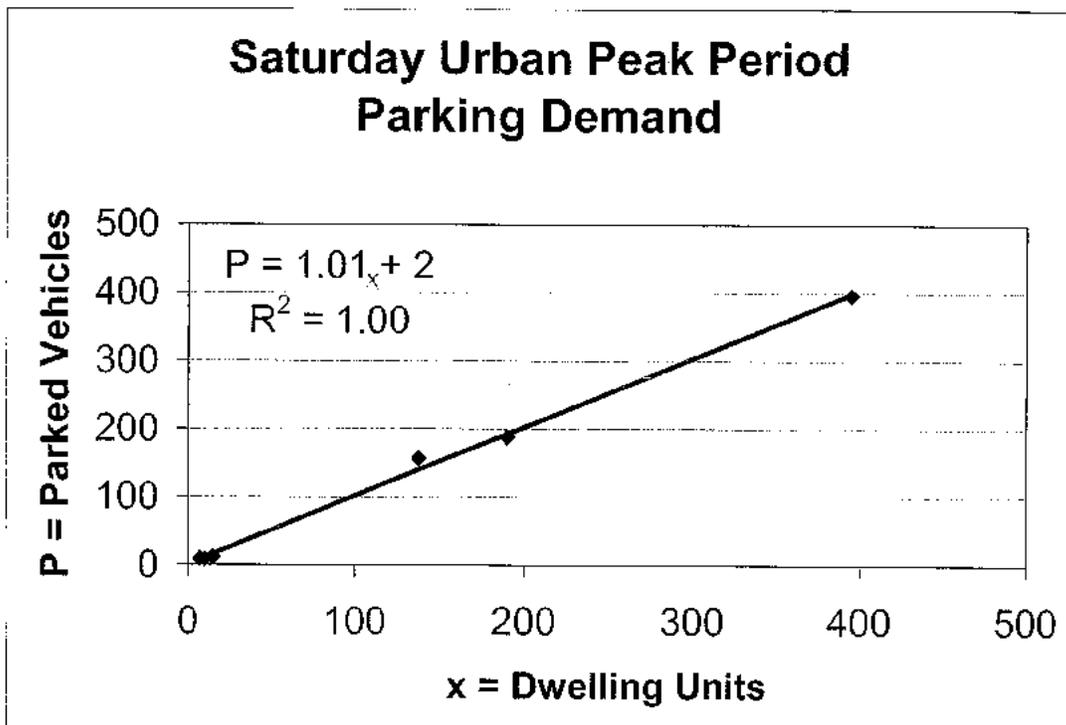


◆ Actual Data Points — Fitted Curve - - - - Average Rate

Land Use: 221 Low/Mid-Rise Apartment

**Average Peak Period Parking Demand vs: Dwelling Units
On a: Saturday
Location: Urban**

Statistic	Peak Period Demand
Peak Period	9:00 p.m.–7:00 a.m.
Number of Study Sites	7
Average Size of Study Sites	110 dwelling units
Average Peak Period Parking Demand	1.02 vehicles per dwelling unit
Standard Deviation	0.21
Coefficient of Variation	20%
Range	0.80–1.43 vehicles per dwelling unit
85th Percentile	1.17 vehicles per dwelling unit
33rd Percentile	0.90 vehicles per dwelling unit

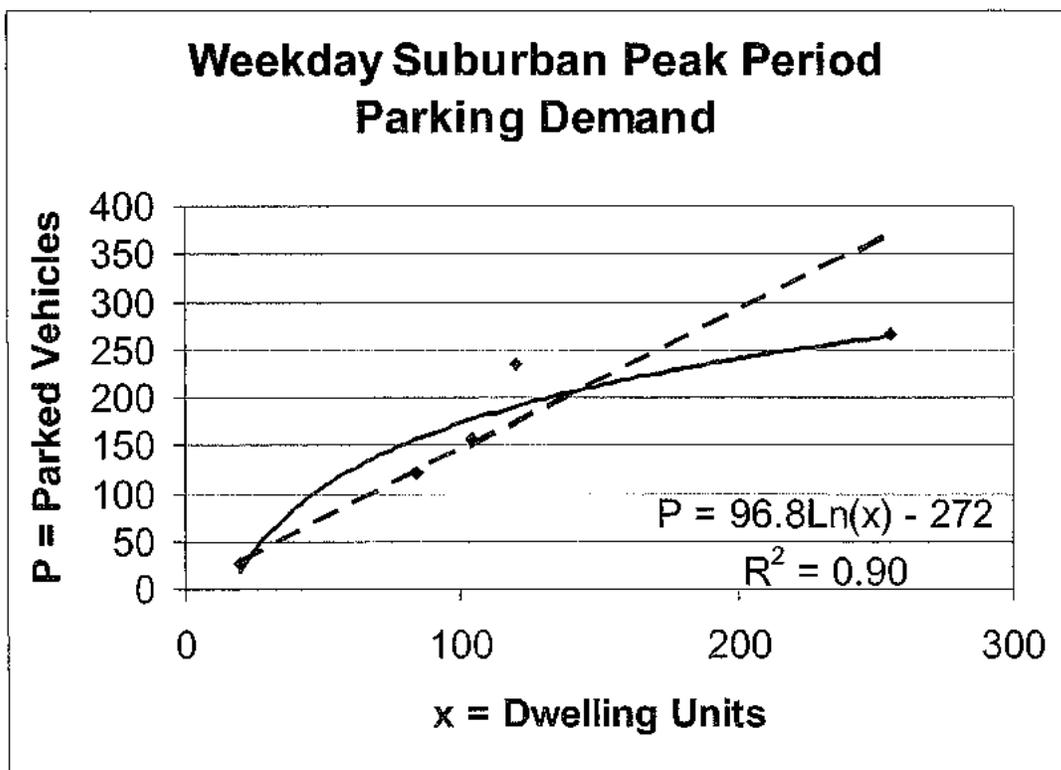


◆ Actual Data Points — Fitted Curve/Average Rate

Land Use Group: 230 Residential Condominium/Townhouse

**Average Peak Period Parking Demand vs: Dwelling Units
On a: Weekday
Location: Suburban**

Statistic	Peak Period Demand
Peak Period	5:00–6:00 a.m.
Number of Study Sites	5
Average Size of Study Sites	120 dwelling units
Average Peak Period Parking Demand	1.46 vehicles per dwelling unit
Standard Deviation	0.33
Coefficient of Variation	23%
Range	1.04–1.96 vehicles per dwelling unit
85th Percentile	1.68 vehicles per dwelling unit
33rd Percentile	1.38 vehicles per dwelling unit



♦ Actual Data Points — Fitted Curve - - - Average Rate

Land Use: 310 Hotel

Land Use Description

Hotels are places of lodging that provide sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room) and/or other retail and service shops. All suites hotel (Land Use 311), business hotel (Land Use 312), motel (Land Use 320) and resort hotel (Land Use 330) are related uses.

Database Description

- Average parking supply ratio: 1.3 spaces per room (nine study sites).

Some of the submitted studies provided information on the size of the supporting facilities. For example, seven of the study sites reported the presence of convention facilities and two of these seven sites reported meeting or banquet rooms with capacities of 1,300 and 4,100 seats. As another example, five of the study sites reported the presence of a restaurant with an average capacity of 300 seats. However, none of the studies indicated the level of activity at these supporting facilities during observations (such as, full, empty, partially active, number of people attending a meeting/banquet).

Although the weekend database was limited, it indicated that Saturday peak parking demand was higher than on weekdays. Three study sites provided both Saturday and weekday parking demand data; Saturday parking demand rates averaged 40 percent higher than the weekday rates. It should be noted that all three sites included significant supporting facilities (restaurants, lounges, meeting space), which may be more active on weekends.

The following table presents a time-of-day distribution of parking demand for four study sites.

<i>Based on Vehicles per Room</i>	<i>Weekday</i>	
	<i>Percent of Peak Period</i>	<i>Number of Data Points*</i>
Hour Beginning		
12:00–4:00 a.m.	–	0
5:00 a.m.	–	0
6:00 a.m.	100	3
7:00 a.m.	95	3
8:00 a.m.	91	3
9:00 a.m.	87	2
10:00 a.m.	82	2
11:00 a.m.	100	3
12:00 p.m.	98	4
1:00 p.m.	90	4
2:00 p.m.	82	4
3:00 p.m.	70	3
4:00 p.m.	70	4
5:00 p.m.	66	4
6:00 p.m.	73	4
7:00 p.m.	81	4
8:00 p.m.	79	3
9:00 p.m.	80	3
10:00 p.m.	80	3
11:00 p.m.	–	0

*Subset of database

Land Use: 310 Hotel

Parking demand at a hotel may be related to the presence of supporting facilities, such as convention facilities, restaurants, meeting/banquet space and retail facilities. Future data submissions should specify the presence of these amenities.

For all lodging uses, it is important to collect data on occupied rooms as well as total rooms in order to accurately estimate parking generation characteristics for the site.

Additional Data

During the course of a year most hotels maintain at least an overall average occupancy ratio of 60 to 70 percent. Peak (above 90 percent) occupancy is common, but generally occurs for limited times throughout the year. Analysts are encouraged to consider the month and day activity/occupancy trend of hotels. Supplementary information on seasonal and daily variation in hotel room occupancy is presented below from Smith Travel Research for all hotels in North America. Its direct applicability to this land use code is limited because the occupancy data averages all regions and hotel types, including resort, business, convention and all-suites hotels. More parking survey data is needed to better understand these peak and non-peak trends.

Month	Average Hotel Occupancy (%)
January	51
February	61
March	66
April	65
May	67
June	72
July	72
August	71
September	67
October	67
November	59
December	48

Day of Week	Average Hotel Occupancy (%)
Sunday	51
Monday	62
Tuesday	67
Wednesday	69
Thursday	66
Friday	69
Saturday	72

SOURCE: Smith Travel Research, average data from North American hotels from 2000. www.wvstar.com

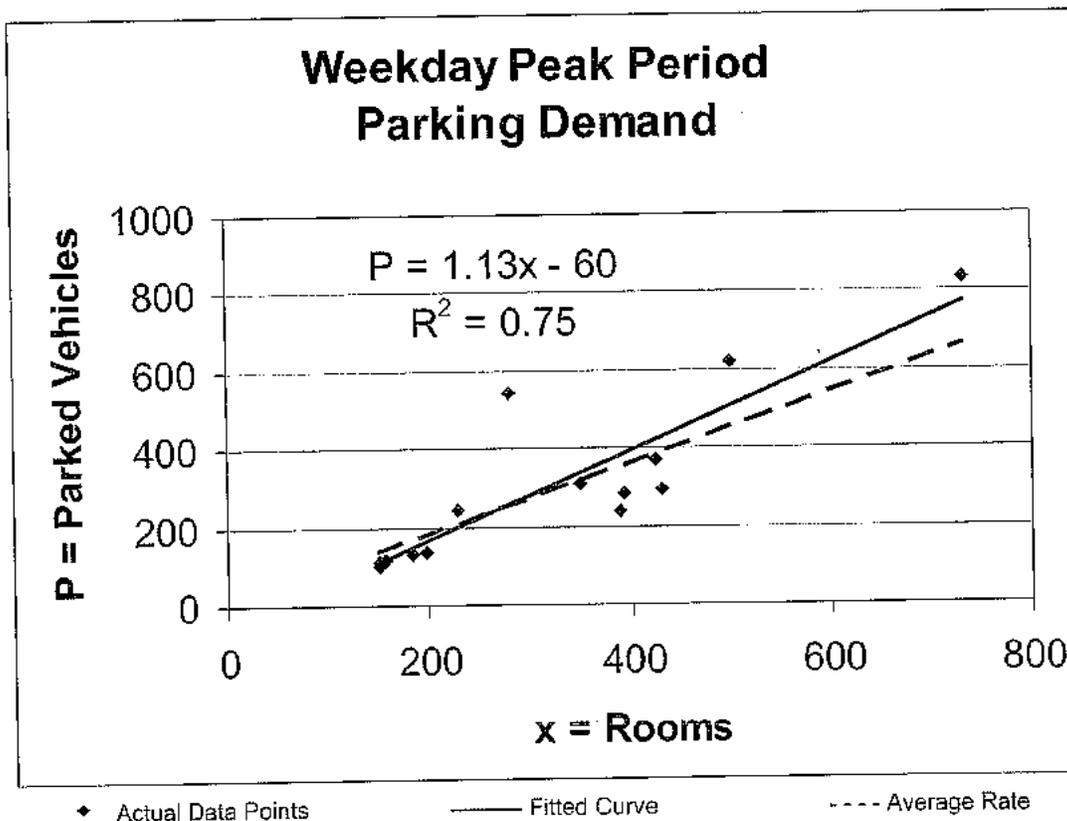
Study Sites/Years

Rosemont, IL (1969); Chicago, IL (1973); Newport Beach, CA (1981); Boca Raton, FL (1983); Scottsdale, AZ (1983); Concord, CA (1985); Orlando, FL (1988); Cypress, CA (1989); La Palma, CA (1989); Burlingame, CA (2001); Millbrae, CA (2001); Milpitas, CA (2001); San Mateo, CA (2001)

Land Use: 310 Hotel

Average Peak Period Parking Demand vs: Rooms On a Weekday

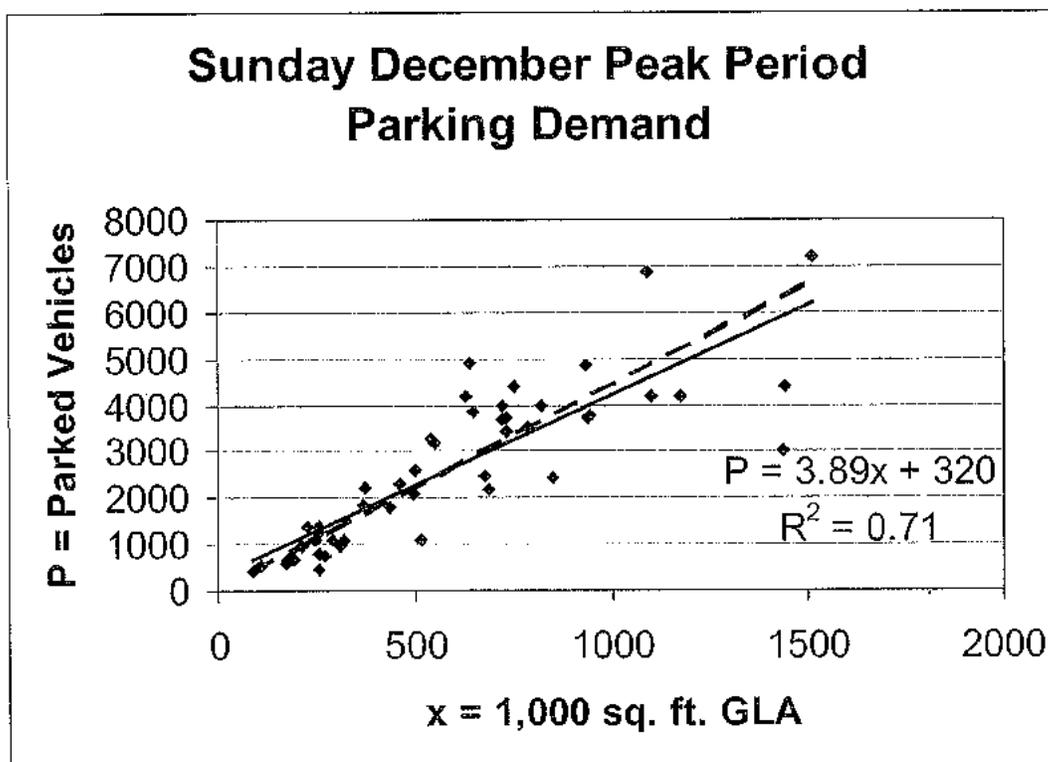
Statistic	Peak Period Demand
Peak Period	12:00–1:00 p.m.; 7:00–10:00 p.m.; 11:00 p.m.–5:00 a.m.
Number of Study Sites	14
Average Size of Study Sites	340 rooms
Average Peak Period Parking Demand	0.91 vehicles per room
Standard Deviation	0.35
Coefficient of Variation	39%
Range	0.61–1.94 vehicles per room
85th Percentile	1.14 vehicles per room
33rd Percentile	0.72 vehicles per room



Land Use: 820 Shopping Center

**Average Peak Period Parking Demand vs: 1,000 sq. ft. GLA
On a: Sunday (December)**

Statistic	Peak Period Demand
Peak Period	1:00–4:00 p.m.
Number of Study Sites	47
Average Size of Study Sites	593,000 sq. ft. GLA
Average Peak Period Parking Demand	4.45 vehicles per 1,000 sq. ft. GLA
Standard Deviation	1.28
Coefficient of Variation	29%
95% Confidence Interval	4.09–4.81 vehicles per 1,000 sq. ft. GLA
Range	1.79–7.67 vehicles per 1,000 sq. ft. GLA
85th Percentile	5.85 vehicles per 1,000 sq. ft. GLA
33rd Percentile	3.83 vehicles per 1,000 sq. ft. GLA

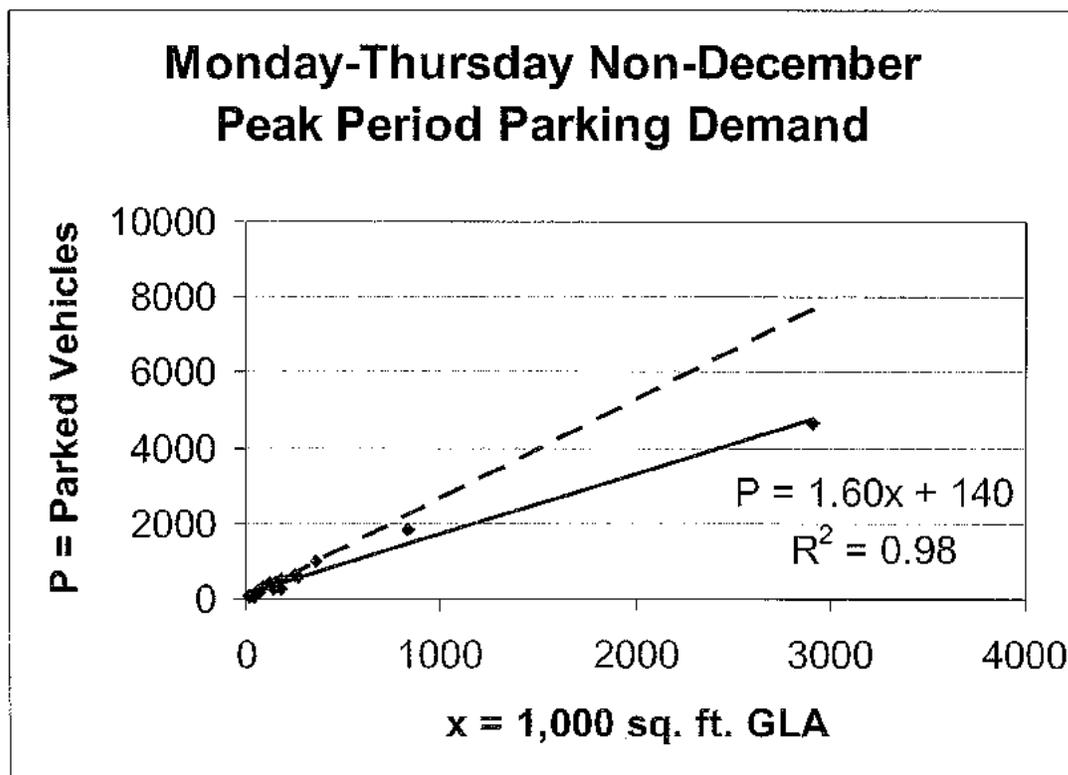


◆ Actual Data Points — Fitted Curve - - - Average Rate

Land Use: 820 Shopping Center

**Average Peak Period Parking Demand vs: 1,000 sq. ft. GLA
On a: Monday through Thursday (Non-December)**

Statistic	Peak Period Demand
Peak Period	11:00–3:00 p.m.; 6:00–7:00 p.m.
Number of Study Sites	19
Average Size of Study Sites	331,000 sq. ft. GLA
Average Peak Period Parking Demand	2.65 vehicles per 1,000 sq. ft. GLA
Standard Deviation	0.98
Coefficient of Variation	37%
Range	1.33–5.58 vehicles per 1,000 sq. ft. GLA
85th Percentile	3.35 vehicles per 1,000 sq. ft. GLA
33rd Percentile	2.26 vehicles per 1,000 sq. ft. GLA



♦ Actual Data Points

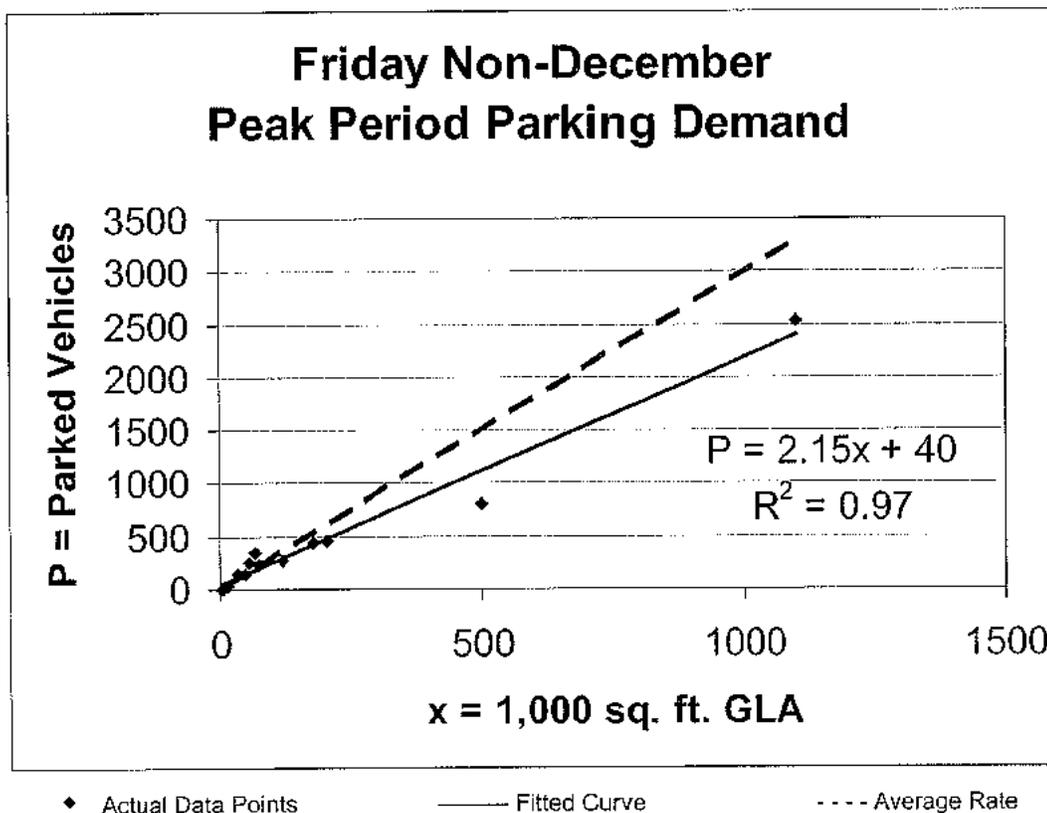
— Fitted Curve

- - - Average Rate

Land Use: 820 Shopping Center

**Average Peak Period Parking Demand vs: 1,000 sq. ft. GLA
On a: Friday (Non-December)**

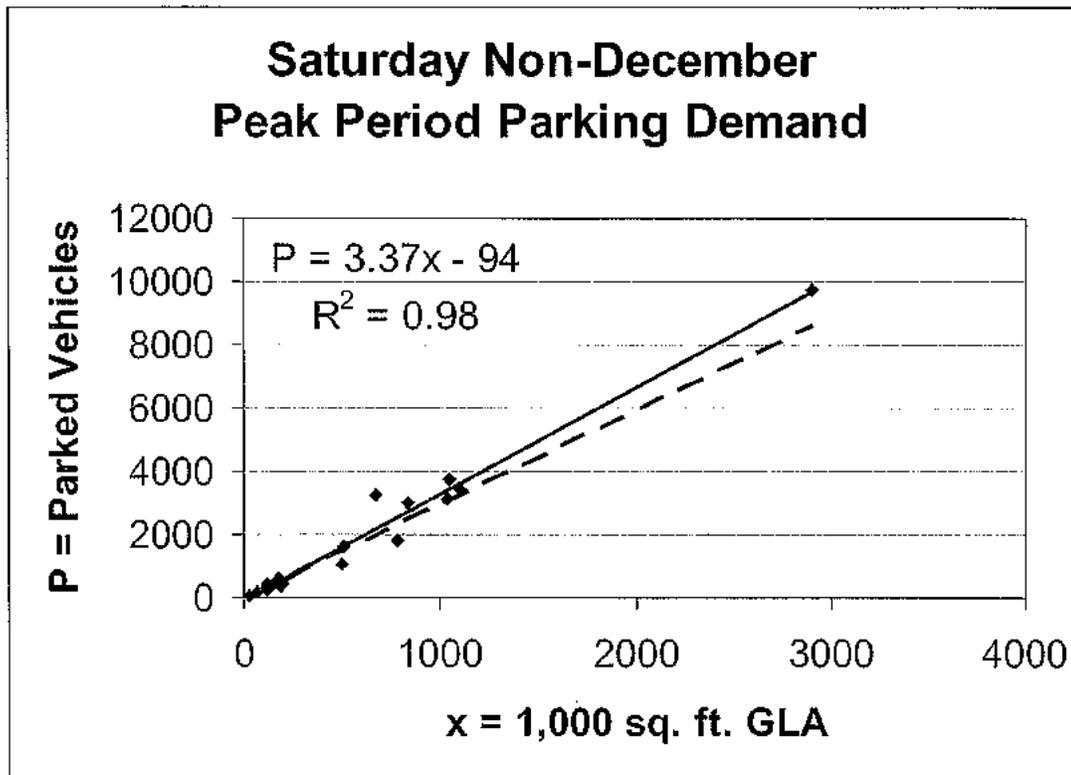
Statistic	Peak Period Demand
Peak Period	12:00 p.m.–1:00 p.m.
Number of Study Sites	14
Average Size of Study Sites	172,000 sq. ft. GLA
Average Peak Period Parking Demand	3.02 vehicles per 1,000 sq. ft. GLA
Standard Deviation	1.12
Coefficient of Variation	37%
Range	1.62–5.25 vehicles per 1,000 sq. ft. GLA
85th Percentile	4.36 vehicles per 1,000 sq. ft. GLA
33rd Percentile	2.30 vehicles per 1,000 sq. ft. GLA



Land Use: 820 Shopping Center

Average Peak Period Parking Demand vs: 1,000 sq. ft. GLA On a: Saturday (Non-December)

Statistic	Peak Period Demand
Peak Period	1:00–2:00 p.m.
Number of Study Sites	20
Average Size of Study Sites	549,000 sq. ft. GLA
Average Peak Period Parking Demand	2.97 vehicles per 1,000 sq. ft. GLA
Standard Deviation	0.71
Coefficient of Variation	24%
95% Confidence Interval	2.66–3.28 vehicles per 1,000 sq. ft. GLA
Range	1.85–4.82 vehicles per 1,000 sq. ft. GLA
85th Percentile	3.56 vehicles per 1,000 sq. ft. GLA
33rd Percentile	2.65 vehicles per 1,000 sq. ft. GLA

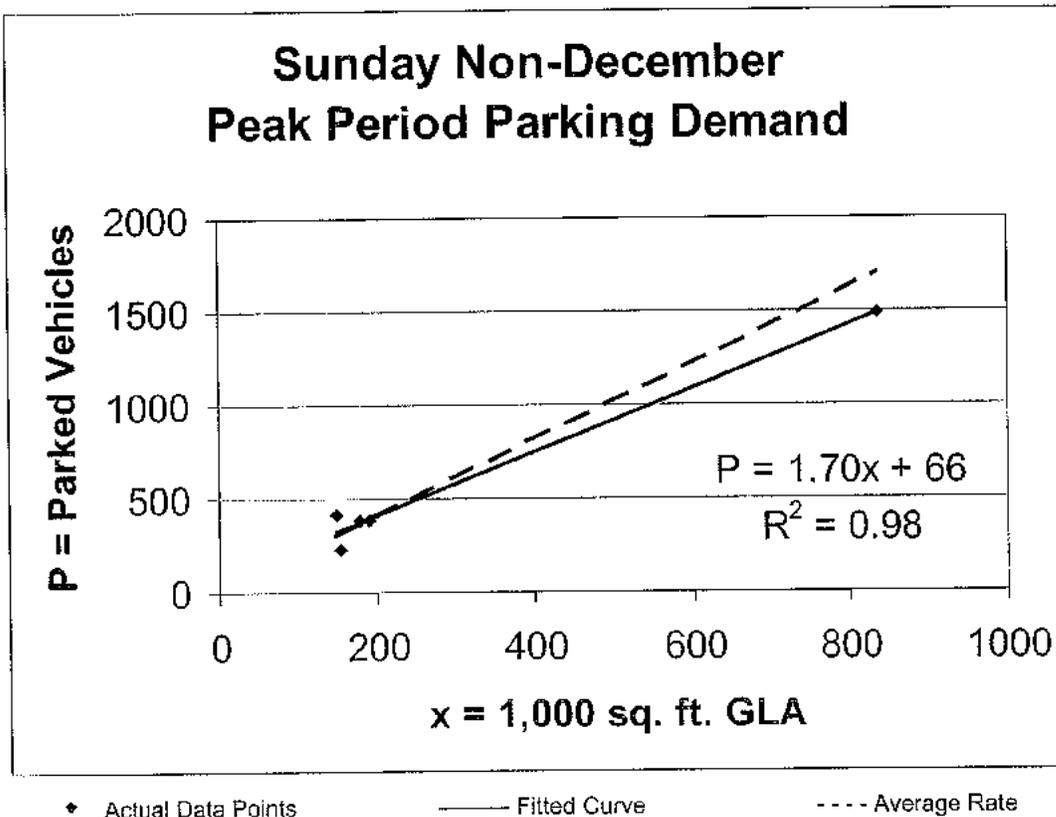


◆ Actual Data Points — Fitted Curve - - - Average Rate

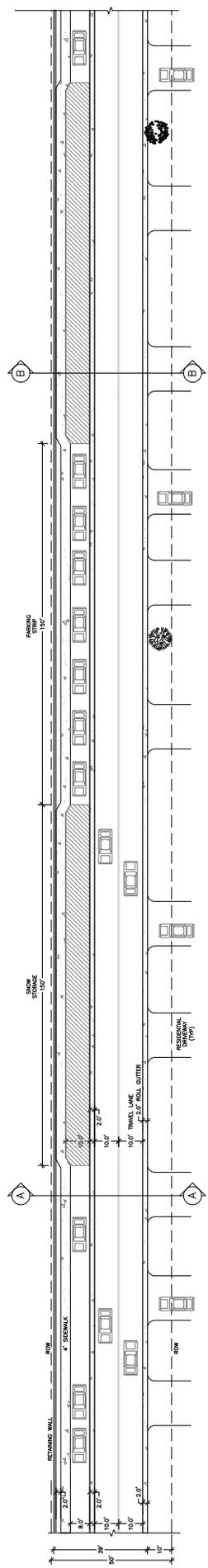
Land Use: 820 Shopping Center

**Average Peak Period Parking Demand vs: 1,000 sq. ft. GLA
On a: Sunday (Non-December)**

Statistic	Peak Period Demand
Peak Period	12:00–3:00 p.m.
Number of Study Sites	5
Average Size of Study Sites	306,000 sq. ft. GLA
Average Peak Period Parking Demand	2.04 vehicles per 1,000 sq. ft. GLA
Standard Deviation	0.48
Coefficient of Variation	23%
Range	1.47–2.75 vehicles per 1,000 sq. ft. GLA
85th Percentile	2.39 vehicles per 1,000 sq. ft. GLA
33rd Percentile	1.86 vehicles per 1,000 sq. ft. GLA

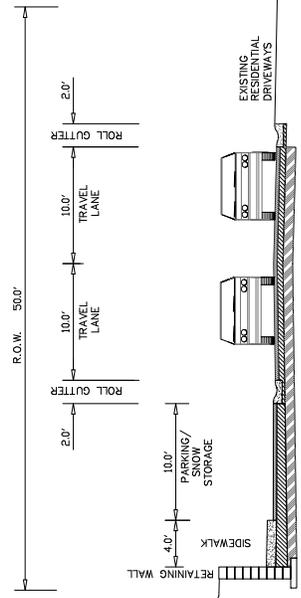


DATE: JULY 22, 2009
PROJECT NO.: 01-08-02
FILE: PROJECTS/PH4



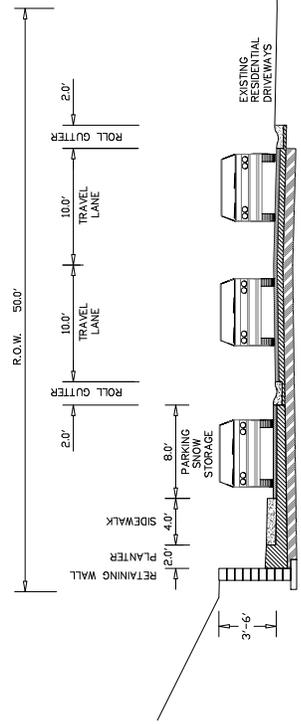
RECOMMENDED TRAVEL LANE WITH SNOW STORAGE & UPHILL SIDEWALK

SCALE 1"=20'



SECTION B: SNOW STORAGE & UPHILL SIDEWALK

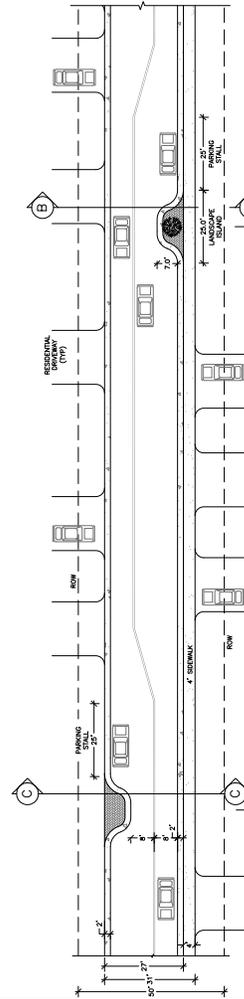
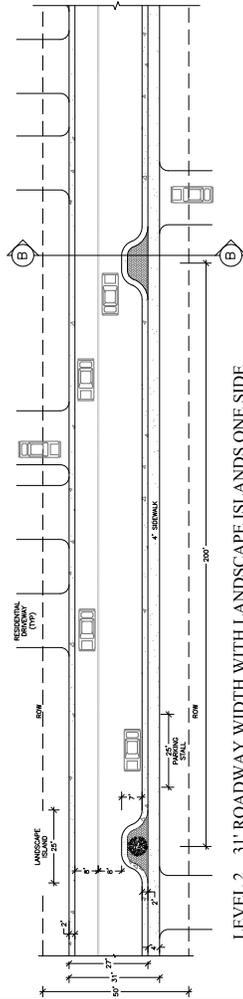
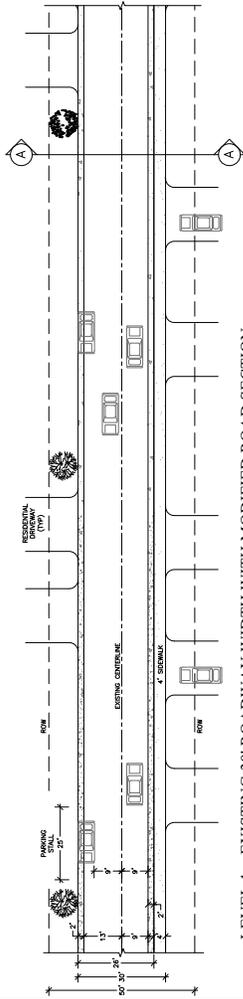
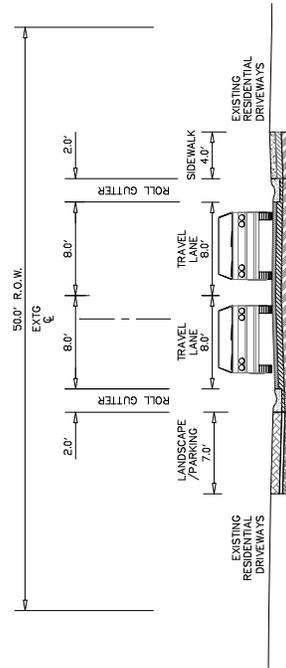
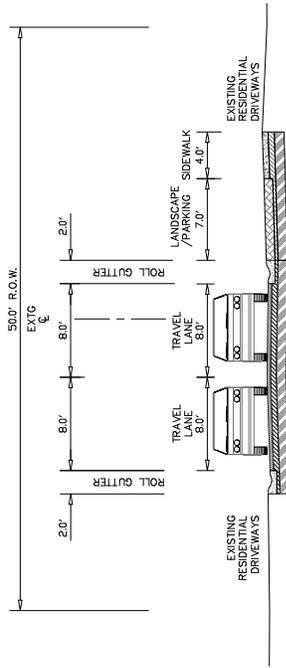
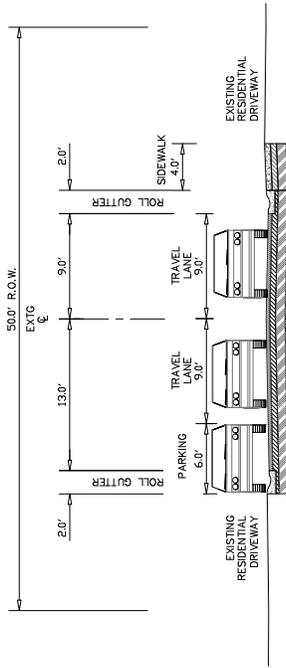
SCALE: 1"=5'

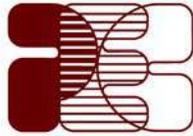


SECTION A: PARKING STRIP & UPHILL SIDEWALK

SCALE: 1"=5'

DATE: JULY 22, 2019
 PROJECT NO.: 01-08-02
 FILE: PROJECTS\PH4





June 18, 2009

Mr. Pat Sweeney
MPE, Inc.
P.O. Box 2429
Park City, UT 84060

**RE: Revised Letter
Treasure Hill – Walkability Study / Recommended Improvements and
Effects on Traffic of Proposed Roadway Section on Empire Ave.**

Dear Mr. Sweeney,

The purpose of this letter is two-fold: present revisions to the walkability study and comment on the effect of the proposed changes to the roadway section on Empire Ave.

Walkability Study

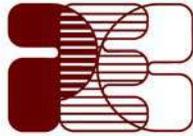
PEC performed a walkability study for the Treasure Hill development and surrounding Park City Resort area in March 2009. The recommended improvements from that study were documented in a letter from PEC to MPE, Inc. dated March 31, 2009. In summary, the study concluded that improvements need to be made in order to provide safer pedestrian accommodations, with or without the proposed project. A list of recommended pedestrian improvements was included.

This letter updates the previous walkability study based on concerns brought forward by the Park City Planning Commission regarding safety on Empire Avenue. Changes to the walkability study recommended improvements include:

- Installation of sidewalk on the downhill side of Empire Avenue, and
- Elimination of the proposed sidewalk/stair improvements from Empire to Lowell on 10th Street (need eliminated by improvements on Empire).

The attached figure provides a graphical representation of the suggested improvements described with the addition of the changes listed above. The complete list of suggested improvements, as updated, is as follows:

- Install new sidewalk on the west side of Lowell Avenue and on the east side of Empire Avenue from the Park City Mountain Resort area to the Treasure Development. Current conditions warrant this improvement without the Treasure Development. It would also be in the best interest of pedestrian safety to provide for the sidewalks to remain reasonably clear of snow during the winter season to allow for continued pedestrian use. It is PEC's experience that the adjacent property owners can not be relied on to complete this in a timely fashion. Accordingly, we recommend that the City take on this responsibility.



- Install new sidewalk/stair connections. This includes connections from Woodside to Crescent on 8th Street and Empire to Lowell on Manor.
- Install signs and paint crosswalks in eight (8) locations in the Park City Mountain Resort Area. These installations will help increase the safety of pedestrians using the area and their locations have the least amount of impact on vehicle traffic. Because of the current pedestrian habits of walking these roads freely, once the crosswalks are established it may be necessary for the City to enforce the crossing restrictions in order to realize safer traffic and pedestrian interaction.
- There are currently two (2) locations where sidewalk/stair improvements are warranted in order to provide adequate access for future growth. These improvements are understood to be scheduled for completion by others sometime in 2009. They are from Woodside to Treasure on 6th Street and Park to Woodside on 8th Street.

Pursuit of these recommendations will contribute to safe pedestrian access around the Park City Resort area and the Treasure Development.

Empire Avenue

The walkability study as presented above reflects the current proposal to install sidewalk on Empire Ave. between the project and Manor Way. It is our understanding that some narrowing of the roadway will be required in order to create the space for that sidewalk. The question has been raised as to whether or not that action would reduce the traffic-carrying capacity of Empire Ave. significantly enough to affect the conclusions of the traffic impact analysis performed previously.

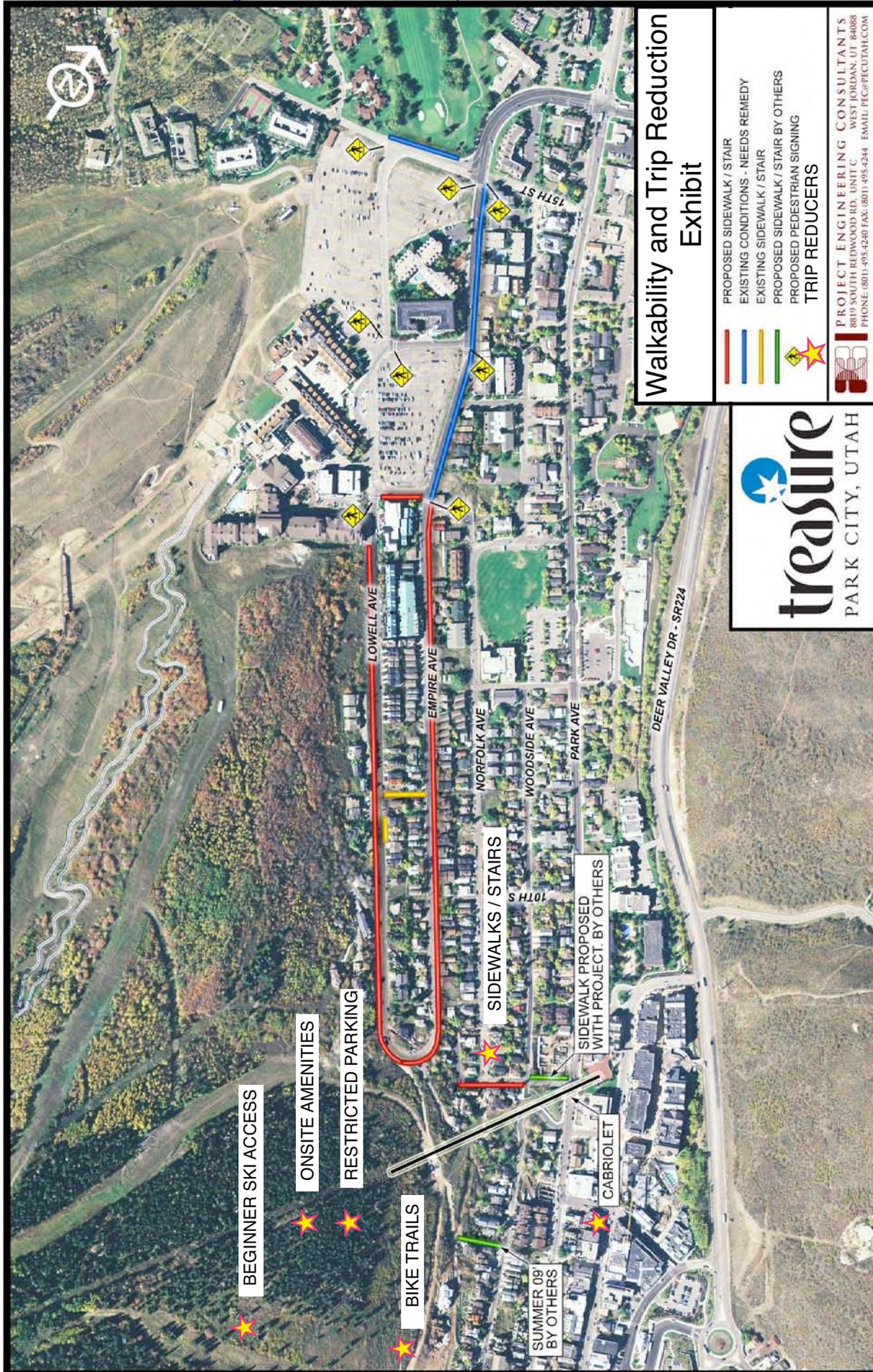
The original traffic study concluded that traffic on Empire south of Manor would operate at LOS A during the AM and PM peak hours. While the roadway narrowing may affect operating speeds on the roadway, it is our opinion that the operations will remain at LOS A. Those lower speeds are in line with the anticipated and desired character of that roadway. The traffic impact of the proposed change is negligible.

Respectfully,
Project Engineering Consultants

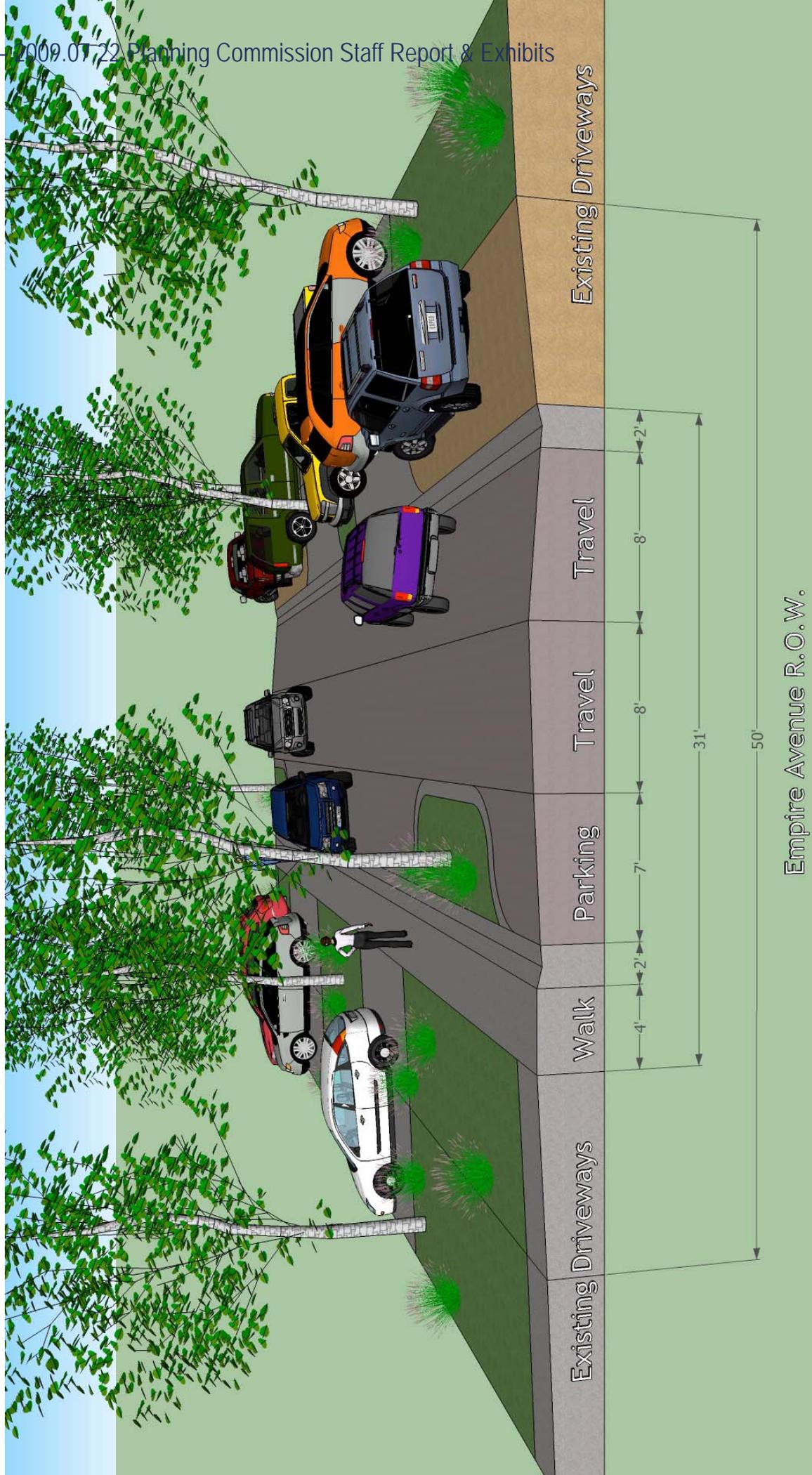
A handwritten signature in blue ink, appearing to read 'Gary Horton', is written over a horizontal line.

Gary Horton, P.E.
Principal

Cc: Project File





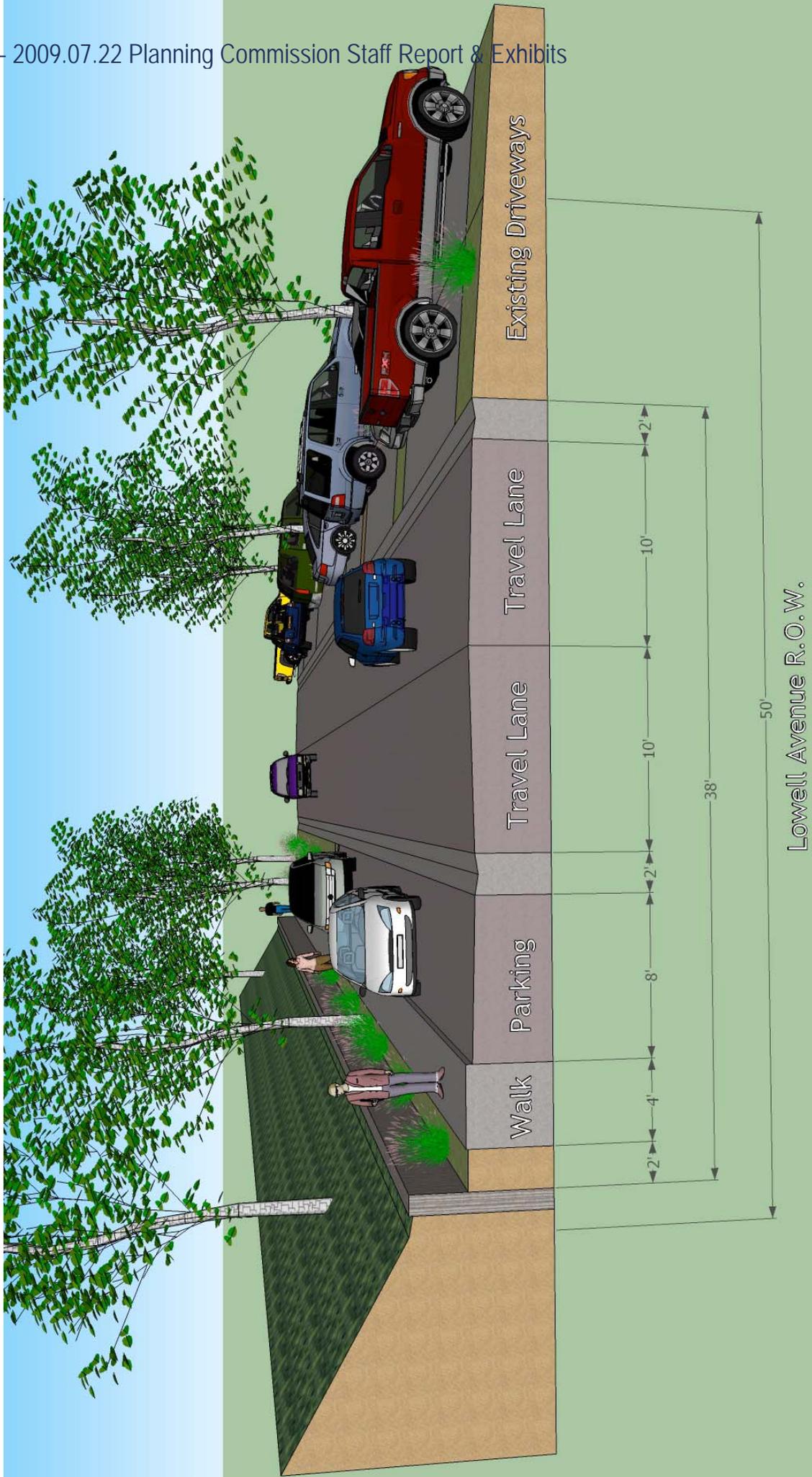


Empire Avenue R.O.W.

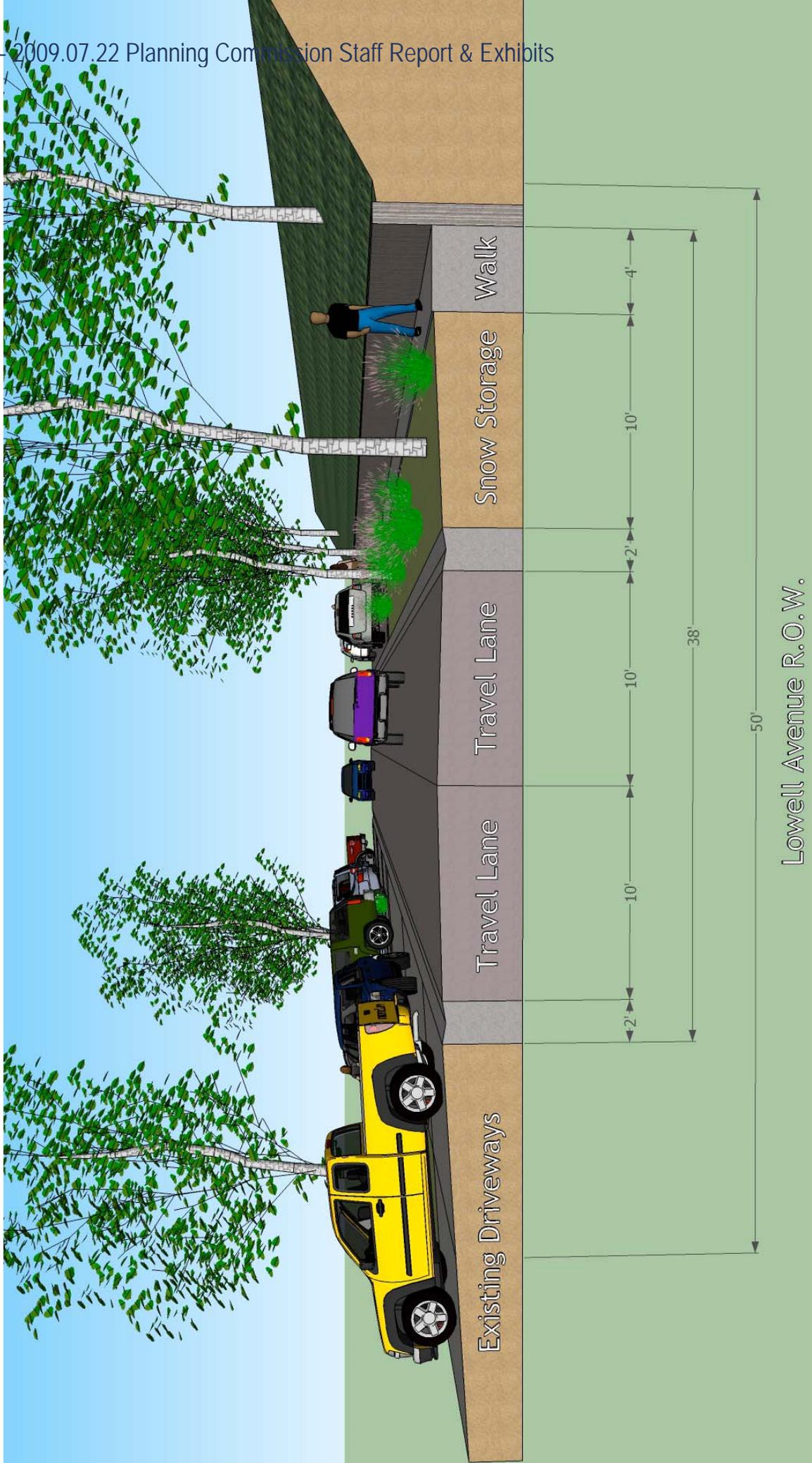


Empire Avenue R.O.W.





Lowell Avenue R.O.W.



Katie Cattan

From: Stuart Shaffer [stutio@earthlink.net]
Sent: Friday, June 26, 2009 9:28 PM
To: patsweeney@treasureparkcity.com; mikesweeney@treasureparkcity.com;
 edsweeney@treasureparkcity.com
Cc: Brian Van Hecke; Katie Cattan

Dear Sweeneys:

I do not know if it is appropriate to contact you directly, however...

I am enclosing one of the many letters I have written to the Planning Commission, the City Council, and to the Park Record. I am very afraid that you are not receiving the vast numbers of letters and messages expressing opposition to your proposed project. I spent the past hour pouring over letters from Park City residents who are concerned about your efforts.

The bottom line, of course, is money.

My hope is that your statements about being good citizens of Park City are not hollow and that you will find some way for the city or a land conservancy to provide you with enough capital to halt your efforts to develop "Treasure Hill," which would, in my opinion, ruin Park City. I have donated money to Brian Van Hecke's organization and to the Land Conservancy in the hopes that someone can change the course of your efforts.

I have attended many Planning Commission meetings, and it seems that you turn a blind eye to those present and to the wishes of the rest of the citizens of Park City. It also seems that you change meeting dates to reduce the numbers of those who do not want your development to progress. As a mere half-time resident of Park City, I cannot attend the meeting you postponed from June 24 to July 22. I have a teaching commitment at the University of California at Santa Barbara during that time, but my absence does not diminish my concern over your "Treasure" Hill project.

Please be aware of what you are doing to everyone else in the city, and please read this letter, one of many.

Very respectfully,
 Stu Shaffer

Dear Katie and Members of the Park City Planning Commission:

I find myself fretting about Mr. Burnett's April 22nd report to the Planning Commission. Mr. Burnett states that, although the Treasure Hill proposal was approved in 1986 in a town far different from the Park City of today, the Sweeney's do have the right to develop Treasure Hill above Historic Old Town.

Most of the opposition to the project comes from those on Empire and Lowell whose rights are being trampled. The topic of traffic and safety has centered around just those two streets. I don't understand why so little discussion includes the rest of the people in Old Town. I do feel sorry for the residents on Lowell and Empire Streets. Their lives would be turned upside down by the Sweeneys' development, but so would mine.

07/16/2009

My condo is in the back of a building on Main Street. I have lived there (currently a little over half time) for over twenty years. At one time, mine was the last building on Main Street except for The Depot. As everyone knows, Historic Old Town does not provide adequate parking, particularly overnight parking. My building does not have parking facilities, and to ensure an overnight space, I rent monthly at the Diamond Parking facility on 7th Street. On months when I know my guests will need it, I rent two spaces. Still a parking space is not guaranteed. The Sweeneys' solution to traffic on Lowell and Empire Streets is to provide minimal parking at their new project. That decision has a direct impact on me. Parking in Old Town will be even more strained than it is today. Workers will take up Old Town parking spaces. Visitors to Treasure Hill who aren't staying there will not be allowed to park there, and so they will occupy parking spaces in Old Town and ride the cabriolet. Many owners and guests at Treasure Hill will choose to drive to Main Street instead of taking the cabriolet, further impacting the already short supply of Old Town parking spaces. To be sure, most people will vacate their spaces after shopping and a nice dinner, but I need to park overnight. Am I supposed to wander around looking for a space until they finish their after-dinner drinks? Apparently, the Sweeneys have a right to flood Old Town with people and cars, but I have no right to an overnight parking space near the condo I've owned since 1988.

Looking out my living room window, my view is of the hillside in question. Do I not have a right to that natural view instead of looking up at a new "downtown" featuring "near- skyscrapers" which do not blend with the character and personality of Old Town? I've enjoyed that view for over twenty years. Can the Sweeney's just take it away? Proudly, they point out their land donation to Park City for open space, never to be developed. I fear their motivations are more selfish than altruistic. Their donation guarantees that their view is protected forever, even from their own development, while my view and that of numerous others will be ruined.

I ski over fifty days a year and for years have enjoyed the convenience of the Town Lift, a block and a half from my condo. To me and my guests, the uninterrupted ride through the trees is a treat in itself. Now the Sweeneys tell me I'll have to ride on their cabriolet, stop at their development, and change to a different chairlift. To be sure, a high speed quad would be nice, but why do they have the right to force me into their development? As slow as it is, I'd rather ride the existing lift from Old Town all the way to the resort. If they want a cabriolet, why can't the Sweeneys build one beside the Town Lift to bring their guests into and out of Old Town instead of inconveniencing everyone else?

This past winter I had twenty-seven guests and six more last summer. Everyone loves the character and convenience of Historic Old Town, Main Street, and Park City Mountain Resort. Everyone dreads the impact Treasure Hill would have on the area and hope that through some miracle the project will not go through.

Because this project makes so little sense, I have hoped the Treasure Hill development would just go away. Now, after Mr. Burnett's report, I can only hope this recession will slip into a long deep depression or that the Sweeneys will suddenly develop a social conscience and realize the eyesore and inconvenience they want to impose on everyone else in Park City.

Maybe I should hope for a miracle... some sort of divine intervention.

Very truly yours,
Stu Shaffer
613 Main Street, #403

07/16/2009

Katie Cattan

From: Stuart Shaffer [stutio@earthlink.net]
Sent: Monday, May 04, 2009 5:44 PM
To: Katie Cattan
Cc: Brian Van Hecke
Subject: Treasure Hill Report, April22

Dear Katie and Members of the Park City Planning Commission:

I find myself fretting about Mr. Burnett's April 22nd report to the Planning Commission. Mr. Burnett states that, although the Treasure Hill proposal was approved in 1986 in a town far different from the Park City of today, the Sweeney's do have the right to develop Treasure Hill above Historic Old Town.

Most of the opposition to the project comes from those on Empire and Lowell whose rights are being trampled. The topic of traffic and safety has centered around just those two streets. I don't understand why so little discussion includes the rest of the people in Old Town. I do feel sorry for the residents on Lowell and Empire Streets. Their livcs would be turned upside down by the Sweeneys' development, but so would mine.

My condo is in the back of a building on Main Street. I have lived there (currently a little over half time) for over twenty years. At one time, mine was the last building on Main Street except for The Depot. As everyone knows, Historic Old Town does not provide adequate parking, particularly overnight parking. My building does not have parking facilities, and to ensure an overnight space, I rent monthly at the Diamond Parking facility on 7th Street. On months when I know my guests will need it, I rent two spaces. Still a parking space is not guaranteed. The Sweeneys' solution to traffic on Lowell and Empire Streets is to provide minimal parking at their new project. That decision has a direct impact on me. Parking in Old Town will be even more strained than it is today. Workers will take up Old Town parking spaces. Visitors to Treasure Hill who aren't staying there will not be allowed to park there, and so they will occupy parking spaces in Old Town and ride the cabriolet. Many owners and guests at Treasure Hill will choose to drive to Main Street instead of taking the cabriolet, further impacting the already short supply of Old Town parking spaces. To be sure, most people will vacate their spaces after shopping and a nice dinner, but I need to park overnight. Am I supposed to wander around looking for a space until they finish their after-dinner drinks? Apparently, the Sweeneys have a right to flood Old Town with people and ears, but I have no right to an overnight parking space near the condo I've owned since 1988.

Looking out my living room window, my view is of the hillside in question. Do I not have a right to that natural view instead of looking up at a new "downtown" featuring "near- skyscrapers" which do not blend with the character and personality of Old Town? I've enjoyed that view for over twenty years. Can the Sweeney's just take it away? Proudly, they point out their land donation to Park City for open space, never to be developed. I fear their motivations are more selfish than altruistic. Their donation guarantees that their view is protected forever, even from their own development, while my view and that of numerous others will be ruined.

I ski over fifty days a year and for years have enjoyed the convenience of the Town Lift, a block and a half from my condo. To me and my guests, the uninterrupted ride through the trees is a treat in itself. Now the Sweeneys tell me I'll have to ride on their cabriolet, stop at their development, and change to a different chairlift. To be sure, a high speed quad would be nice, but why do they have the right to force

07/16/2009

me into their development? As slow as it is, I'd rather ride the existing lift from Old Town all the way to the resort. If they want a cabriolet, why can't the Sweeneys build one beside the Town Lift to bring their guests into and out of Old Town instead of inconveniencing everyone else?

This past winter I had twenty-seven guests and six more last summer. Everyone loves the character and convenience of Historic Old Town, Main Street, and Park City Mountain Resort. Everyone dreads the impact Treasure Hill would have on the area and hope that through some miracle the project will not go through.

Because this project makes so little sense, I have hoped the Treasure Hill development would just go away. Now, after Mr. Burnett's report, I can only hope this recession will slip into a long deep depression or that the Sweeneys will suddenly develop a social conscience and realize the eyesore and inconvenience they want to impose on everyone else in Park City.

Maybe I should hope for a miracle... some sort of divine intervention.

Very truly yours,
Stu Shaffer
613 Main Street, #403

07/16/2009

Planning Commission
Park City, Utah

John R. Stephens, M.D.
503 Riverside Drive
Newport News, VA 23606
757 595 7494

1260 Empire Avenue
Park City, Utah 84060

Regarding Sweeney Family Treasure Project:

Dear Sirs:

July 15, 2009

I will not be able to attend the July 22, 2009 meeting, but I did want to comment on the proposed Treasurer development above Empire and Lowell.

I think this foolish enterprise is going to destroy the quality of life for those living on Empire and Lowell, and frustrate the people who invest in this new property.

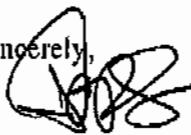
I am not a traffic engineer but 200 hotel rooms, 100 condos and 19,000 square feet of commercial space may be an additional 400 to 500 cars during the peak season. Lowell is supposedly built to handle increased traffic but the traffic, just like water, will follow the path of least resistance. The cars coming up Empire will follow Empire, rather than turning at the upper edge of the Park City Resort parking lot. Buses and skiers compete on this connecting road. The increased traffic will erode the character of the neighborhood as a river erodes the bank. I would not be surprised if the tremors from the trucks and cars destabilized the houses and drive ways perched on the side of the hills.

Empire is barely 1 lane in the winter, with cars and skiers mixed. The proposed Empire sidewalk is an illusion as there is no available land on either side of the road. The skiers will use the road as it is the path of least resistance. Clearly the skiers will be at risk from motorist eager to travel to and from Treasure.

I do not understand the need for more commercial space to compete with an appealing downtown which the city is trying to develop and improve.

I think this plan should be summarily rejected. A smaller alternative might be considered. The geography and infrastructure do not work.

Sincerely,



John R. Stephens, M.D.

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
July 22, 2009**

PRESENT: Jack Thomas, Dick Peek, Julia Pettit, Charlie Wintzer, Brooks Robinson, Katie Cattan, Mark Harrington, Matt Cassel, Kent Cashel

WORK SESSION ITEMS

Upper Ridge Plat Amendment

Planner Brooks Robinson noted that the Planning Commission had seen this plat amendment during discussions on the Alice Claim project. He reviewed a site plan to orient the Commissioners to the area and the subject property. Planner Robinson indicated platted Ridge Avenue, which is unimproved at this point. He stated that the applicant is proposing to use platted Ridge Avenue as access to 40 lots that would be combined into 8 lots. Planner Robinson presented the current lot configuration showing where Ridge would come into existing Ridge near the King Road intersection. He pointed out the location for a proposed fire turnaround that could potentially tie into the Alice Claim.

Planner Robinson reviewed a slide showing the proposed lot combination into eight lots, as well as road dedication along existing Ridge Avenue as it comes up from Daly Avenue. He pointed out the individual eight lots and the open space parcel on the south end. Planner Robinson stated that an existing jeep road that turns into a trail that goes on the back side of Daly would be used as access to Lots 6,7 and 8. There is also the potential for having access for lots 1-4 and possibly 5, from existing Ridge Avenue as it goes up the slope.

Planner Robinson noted that the applicants have a completed application and they are ready to undertake geo-technical exploration, which would involve some grading through the existing rock wall coming off of Ridge and King Avenues, and then doing bore holes for the geo-tech study. The applicant was looking for feedback from the Planning Commission on the proposal in general before starting the geo-technical exploration.

Planner Robinson commented on the Echo Spur project on McHenry where there was a platted right-of-way and the applicant decided to build to City standards. The Staff and the applicant were sensitive to the impact that had and would like to achieve a better planning solution that works for both the applicant and the City.

Commissioner Pettit indicated the triangle piece that abuts Lots 7, 8 and the open space parcel and asked who owns the land directly below it. Planner Robinson replied that 234 Daly, which is the house on the corner goes from Daly to the back of vacated Anchor. The other condo development further down Daly extends across. Therefore, existing Ridge Avenue, in that location, crosses those properties. He noted that the land was essentially unbuildable elements of the condo projects on Daly Avenue.

Commissioner Pettit asked if platted Ridge Avenue ends where it was shown on the diagram. She was trying to understand which of the lots have access off platted Ridge or the existing Ridge. Planner Robinson stated that the Park City survey runs parallel and comes to a point on Lot 7. What was shown was the extent of platted Ridge. Going back to the existing lot layout, all the lots up Lot 21 front on to Ridge as platted. Existing Ridge crosses over several of the other lots to the east. The zoning is HRL and the required lot size is 3,750 square feet. The existing lots as currently platted do not comply with the HRL standards.

Work Session Notes
July 22, 2009
Page 5

Commissioner Wintzer was not opposed to the height exception, but he felt it was an important issue that should have been mentioned in the Staff report. Planner Whetstone stated that there would be a full analysis of the MPD and CUP at a future meeting. The Staff is working on that analysis and the applicant wanted Planning Commission feedback before moving too far forward. Commissioner Wintzer was comfortable that the applicants were heading in the right direction.

Treasurer Hill - Conditional Use Permit

Chair Thomas commended Planner Cattan on an excellent Staff report. Commissioner Wintzer remarked that he had prepared a written statement and his first comment was that he agreed with the Staff report completely. He thought the Staff's comments reflected the best interest of the City and the project. All the Commissioners concurred with the Staff analysis.

Commissioner Pettit read into the record the letter Commissioner Wintzer had submitted. Commissioner Wintzer had provided comments and suggestions of traffic mitigation for the Treasure Hill project. He remarked that Lowell and Empire Avenue currently work and the new project and related impacts are the issue. The impacts need to be mitigated at the expense of Treasure Hill. He believes the Planning Commission and the applicant need to know the size of the project, what the final ownership will be and how much and what kind of commercial spaces will be in the project. He had noted that all the information is needed before anyone can completely understand the traffic and mitigation. Commissioner Wintzer had offered his own ideas for traffic mitigation as follows: 1) Any extra snow removal cost for snow and sidewalks is paid for by the applicant, including hauling and any special equipment needed to remove the snow. A 25 foot road must be maintained at all times. 2) The design of empire preserves and enhances the neighborhood feeling of the street. Planting, bulb outs, realigned curb and gutter, possible light, and sidewalks must be added to the street at the cost of the applicant. 3) Sidewalk location is part of the neighborhood experience and should be next to houses. 4) Parking on street must be maintained at 90% or more of existing on-street spaces. 5) Parking may not exceed allowed parking under the master planned development. The Planning Commission encourages less parking than anticipated in the MPD. The applicant must provide a management plan for guest parking showing how they are going to encourage guest not to bring cars into the project. The applicant must provide a management plan for a 100% park and ride for employee shuttle. 6) Applicant must provide a management plan outlining where vehicles will unload and how they will be scheduled so they are not staging on the street. This plan must work on reducing commercial vehicles to the minimum. Commissioner Wintzer expressed his preference for one delivery per day.

Commissioner Wintzer submitted his letter to the record.

Commissioner Wintzer clarified that he submitted his letter so they could begin answering questions and work on solutions. He pointed out that the letter contained his own ideas and did not reflect the thoughts of the rest of the Commissioners or the Staff. Commissioner Wintzer reiterated that they cannot define the parking issues until they define the functions of the building. He suggested that they put the parking issue aside for now and focus on what is being proposed commercially in size and mass. Once that is determined, they can discuss the parking more effectively being better informed. Chair Thomas agreed that the two issues are connected and that they would have a

Work Session Notes
July 22, 2009
Page 6

broader understanding of traffic after better understanding the building.

Planner Katie Cattan commented on the MPD parking calculations. She explained that under the MPD of 1986, one of the exhibits was very clear that the parking calculations were different from the Land Management Code. The applicant utilized those calculations with their current plan and found that under the MPD, they could have 366 spaces. Planner Cattan clarified that the MPD calculation did not take into consideration any of the support commercial or commercial on site, or the employee housing associated with the project. Therefore, the applicant has proposed an additional 58 spaces. Planner Cattan noted that the 424 spaces shown in the current proposal only allows 58 additional spaces for commercial and employees. Planner Cattan wanted it clear that commercial was never considered in the MPD calculation. The applicants expect to have 300 employees on the payroll, but they would not all be on site at the same time.

Pat Sweeney, the applicant, requested the opportunity to briefly respond to some of the comments after the public hearing.

Mr. Sweeney commented on the suggestion to address massing first and then return to the parking discussion. Because the two issues are a package, he preferred to have the parking discussion, seriously think about the applicants position with respect to parking, and create a very complete document that talks about where they started, where they have been and where they are going. He would like to put those issues out for approval and use them as background for the discussion on volume. If it makes sense to go back and revise parking based on those discussions, that would be reasonable to consider. Mr. Sweeney stated that at some point there needs to be resolution if they ever hope to see this project built.

Mr. Sweeney appreciated the comments Commissioner Wintzer had submitted and they would try to touch on those issues as they go through their presentation this evening.

Mr. Sweeney addressed previous public comments about thinking outside of the box. He noted that they had done that once before and it resulted in a very interesting box. They are willing to think outside of the box again, but he felt it was important for people to understand that extraordinary things have been done to bring them to this point. Mr. Sweeney remarked that in conjunction with the efforts of the Park City Mountain Resort, they brought skiing to Old Town. In the initial process they walked away from 50% of their underlying density. They also agreed to 97% open space, which started to shape their box. They built the first dedicated bike trails in Park City in 1991. They also helped create lower Main Street with the efforts of Harry Reid and Jack Mahoney.

Mr. Sweeney stated that with this application they are proposing a people mover from the Treasure Hill project to Main Street. The intent is complete destinization of the project. He pointed out that they trusted the master plan process and that put them in a box.

Regarding traffic, Mr. Sweeney remarked that they are trying to accomplish three goals. The first is to accommodate everybody's traffic on those roads, including existing and future residences. The second is to accommodate pedestrians. Finally, they do not want to take away existing parking. Mr. Sweeney believes there is an opportunity to accomplish all three goals. It is unique in Old Town but it can be done.

Work Session Notes

July 22, 2009

Page 7

Steve Perkins, representing the applicant, understood that using Lowell Avenue as the main access to the Treasure project was discussed at the last meeting. He believed the opportunity of using Lowell as the main access allows them to take another look at Empire as part of this process. Mr. Perkins remarked that Lowell Avenue is a modern street in Old Town that was built in the late 1970's. The Treasure project was part of a Special Improvement District that participated in the construction of that project. The master plan of the Treasure project supplied land that allowed for the connection between Lowell and Empire.

Mr. Perkins noted that along Lowell all the houses are contemporary buildings with one exception. The homes on Lowell also have off-street parking requirements; unlike most of the homes on Empire. Mr. Perkins stated that uphill development on Lowell is located well away from the street. There are only three existing driveways on the uphill side, which provides flexibility in terms of how to manipulate that portion of the right-of-way. Mr. Perkins remarked that the Treasure project at the south end of Lowell has been well publicized since 1977.

Mr. Perkins understood that snow management was another major issue that was previously discussed and raised again in Commissioner Wintzer's letter. This issue affects both vehicular and pedestrian circulation and parking on the streets. Their position has been to use traditional methods similar to those used in other Old Town areas, where snow emergencies are posted and snow is removed when required. Mr. Perkins noted that the City Staff has suggested a "no parking zone" from 2:00-6:00 a.m. on Lowell as an appropriate way to manage snow. Mr. Perkins stated that this approach could be tried and tested to see if it operationally works.

Mr. Perkins stated that they could take advantage of the west side of the right-of-way of Lowell where existing development is not located immediately on this street and where there is greater opportunity for snow storage as described. Mr. Perkins commented on the importance of continually enforcing parking regulations for a snow removal operation.

Mr. Perkins commented on the cost of snow removal. He stated the property tax base generated from the Treasure project was estimated at approximately \$3 million. The applicants believe there would be substantial funds from the allocation of property taxes to pay for additional snow removal.

Mr. Sweeney requested input from Kent Cashel and Matt Cassel regarding snow removal. Mr. Sweeney wanted it clear that this idea came from thinking outside of the box; but the management of the streets is the responsibility of the City.

Kent Cashel, City Transportation Manager, responded to the comment about maintaining the streets similar to other areas in Old Town. Mr. Cashel remarked that the Staff suggestion for the 2:00-6:00 a.m. closure would be consistent with how high volume streets are maintained in the rest of the City. To maintain the 25-foot width during the winter, it is important for cars to be moved on a consistent basis for snow removal. Mr. Cashel stated that the storage areas are nice but they are really just staging areas. Snow would not be hauled out with every storm, but it does need to be cut back to the curb. He noted that the Staff is adamant about removing cars consistently because of the importance of keeping that width and safely moving the expected volumes of traffic.

Work Session Notes

July 22, 2009

Page 8

Commissioner Wintzer asked about equipment other than snow plows that would accomplish what they need without having to move the cars. He did not think it was practical for people move their cars with every snow storm. Mr. Cashel explained that even with additional or new equipment, the cars would still need to be moved in order to push the snow back to the curb. He was not aware of any equipment that would solve that problem.

Mr. Sweeney stated that Rob McMahon had done a survey count of existing parking spaces. Currently 40 people park on the downhill side of Lowell on a regular basis, particularly during business hours. With his project they would provide the same amount of parking or slightly more across the street. Mr. Sweeney believed the key difference is that on the downhill side of Lowell, when the empty lots get built on, most of those 40 parking spaces will go away. However, on the upside of Lowell, because of the natural way it is zoned and how the houses sit off the road, there is an opportunity to fix in time those parking spaces so they will not be lost to future development on the downhill side.

Mr. McMahon pointed out that their proposal also increases the width of the road 8-feet to accommodate snow storage, parking and road maintenance.

Mr. Cashel stated that snow storage was not the issue. The issue is having access to plow to the curb and snow storage areas do not provide that. Mr. Cashel was unsure if the City would even use the snow storage areas.

City Engineer, Matt Cassel, stated that if the 40 parking spaces on the uphill side is street parking, they would still be dealing with parking/storage, parking/storage. In order to clear the snow, either a front-end loader would need to try to turn in beeping backwards or the cars would need to be moved. Mr. Cassel stated that he had been trying to determine the number of cars that would actually be displaced. Knowing that number would help frame the issue.

Commissioner Pettit asked if the current count for off-street parking is based on the current season versus the winter season. Mr. Sweeney replied that it is based on the spaces that look like you could park a car anytime. He explained that it would be counting the opportunity to park as opposed to counting parked cars.

Mr. Cassel clarified that his question is where the cars would go between 2:00-6:00 a.m. if they have to pull off the road. Chair Thomas questioned the life safety impacts for an elderly person who has to move their car between 2:00-6:00 a.m. Mr. McMahon agreed, based on the assumption that those car would need to be removed. Mr. Sweeney stated that he did not have an answer for where the cars would go at night, but theoretically there are places for them. Mr. Cassel felt they were getting closer to an answer in their discussions. He reiterated that for Public Works to be effective, the cars need to be off the road from 2:00-6:00 a.m. The key question is where those cars can go.

Mr. Sweeney reported that Rob McMahon had surveyed 81 off-street spaces on Lowell and 55 spaces in garages. Based on a count of one car per door and off-street parking in driveways, 136 vehicles would not be disturbed by the proposed street section.

Mr. Perkins felt it was important to understand that some of the current on-street parking occurs in front of existing undeveloped lots. Once those lots are developed, those parking spaces would then

Work Session Notes

July 22, 2009

Page 9

be used for resident parking and driveways. Therefore, they may not have 40 spaces once those lots are built out.

Mr. Sweeney pointed out that they have voluntarily committed to not park on the public streets as part of their contribution to making the roads work better. This was not a requirement of the MPD. It will take pressure off the existing on-street parking that people rely on. All the parking proposed for Treasure Hill will be under the project.

Commissioner Wintzer clarified that the all conversations have been about Lowell Avenue and they have not discussed parking and snow removal on Empire Avenue. Mr. Sweeney summarized that they have proposed adding a sidewalk and formalizing the travel lanes and existing parking. He believes this can be done in the existing utilized right-of-way without losing parking and accommodating pedestrians. To the extent practical, all the traffic from the project would be diverted to Lowell. Empire would be managed as it is currently.

Planner Cattan reported on a previous discussion about the costs associated with snow removal. She clarified that the \$3 million from Treasure was the number submitted to the Finance Department. Finance then assessed which portion of that \$3 million calculation would be allocated to snow removal. The amount of tax generated dollars would be \$26,846 based on current allocation of money from taxes. Public Works estimated snow removals using three trucks and that cost was slightly under \$70,000. Commissioner Wintzer pointed out that the costs did not include clearing sidewalks.

Mr. Sweeney felt it was important to note that the project would create a significant tax base. He noted that part of the Master Plan concept was to minimize City service costs. Mr. Sweeney believed additional money could be diverted from their tax base to use for snow removal because the project is not adding four miles of road to the equation or the need for public transportation. Mr. Sweeney clarified that as an applicant he could make suggestions but the City ultimately makes the decision on how to allocate tax revenues. He felt there would be a positive pool of resources that can be allocated to deal with many of the impacts. Commissioner Wintzer stated that if the Finance Department can demonstrate his point and justify it, the Planning Commission could accept it. However, it is not the job of the Planning Commission to make that determination. Commissioner Wintzer noted that Mr. Sweeney would need to convince the Finance Department and ask them to make a presentation to the Planning Commission.

Mr. Sweeney moved on to street aesthetics. Mr. Perkins provided an overview of the proposed street improvements, which he believed addressed some of Commissioner Wintzer's ideas about traffic mitigation and preserving and enhancing the neighborhood feeling. These improvements included limiting and defining travel lanes for vehicular and pedestrian safety, enforcing reduced speed limits, enhanced landscaping and planting of additional street trees. They propose to involve the residents in some of these decisions to find workable solutions.

Mr. Perkins reviewed the improvements specific to Empire Avenue. Mr. McMahon had proposed three options for three different roadway sections. He noted that there are varying conditions as they move down the road and each option allows them to address those conditions as they move through the Empire section.

Work Session Notes

July 22, 2009

Page 10

Mr. Sweeney noted that similar improvements have been done on Upper Park Avenue and Lower Norfolk Avenue. In his opinion it has not worked well because there is not enough room to accommodate parking, travel lanes and sidewalks. He stated that Mr. McMahon has surveyed Empire Avenue and he is reasonably certain that there is a unique opportunity to accommodate all three on Empire and to do it right.

Mr. McMahon pointed out that the houses are not set back as far on Norfolk as they are on Empire and Lowell. In his opinion, there is a lot more room to work with on Empire.

Mr. Cassel agreed that they tried to put in parking, road lanes and a sidewalk on Norfolk and it is a very tight fit. He believes it would also be tight on Empire because they do not have a lot of space to work with. Mr. Cassel preferred to leave Empire the way it is and to change the end treatment so cars from Treasure Hill cannot use Empire as a route to and from the development. He outlined a number of options that have been discussed. One would be to make a disconnect on the south end of Empire so traffic from Treasure Hill can only go one way, which would be on to Lowell. Another option would be to make Manor Way the main thoroughfare so there would be some constriction at Empire, such as stop signs and “no truck” signs at that end to make it clear that it is not the route from Treasure Hill. Manor Way would be a larger, flowing road that brings people to Treasure Hill.

Commissioner Wintzer asked about the right-of-way width on Manor Way. Mr. Cassel replied that it is narrow, but it could be as wide as 40 feet. Commissioner Wintzer asked if it was possible to make the right-of-way wider. He worried that unless Manor Way can be widened, people would not use it as the entrance to the project. He could support the idea if he was convinced that Manor Way would be used. Mr. Cassel stated that his intent is to make it difficult for a truck to make it down Empire.

Commissioner Peek suggested intermediate stop signs along Empire to discourage traffic. He noted that this has been done in other cities to resolve problems with through traffic. Mr. Cassel stated that many things can be done to slow the traffic. Commissioner Wintzer felt the burden was on the applicant to show why Empire would not be used as a viable way to the project. Chair Thomas agreed.

Mr. Sweeney was willing to pay for the road improvements, but he felt the costs to maintain them should come out of their tax base. He was also willing to improve the roads based on direction from the City.

Commissioner Pettit referred to comments regarding Empire and the preference that it not be improved. She wanted to know how they can account for the change in the traffic pattern on Empire for those not going to Treasure Hill. Mr. Cassel replied that most of the discussion about Empire has been diverting traffic down Crescent Tram and whether that would be the shortest way from Treasure Hill to Main Street. If the applicants can demonstrate that there would be end treatments at the exit of Treasure Hill that prohibit the ability to turn right on to Empire and down Crescent Tram, that could keep most of the traffic off of Empire. He believed the ability was there.

Work Session Notes

July 22, 2009

Page 11

If Treasure Hill does not improve Empire, Commissioner Peek wanted to know where Empire would rank in the City's program of re-doing Old Town Streets. Mr. Cassel replied that it would be improved in the next couple of years. He explained that Empire was originally listed for construction next summer, but that time frame was pushed back because of the Treasure Hill discussion.

Mr. Perkins reviewed the proposed Lowell Avenue improvements, which involved grading on the uphill side of the street to create a greater width in order to widen the street section. There would be a 3 to 6 foot retaining wall on the uphill side along the length of the street. In addition, they are proposing a four-foot sidewalk and a planting strip along the parking adjacent to the wall. In the areas of the proposed snow storage, the sidewalk would move back to the wall to accommodate ten feet of snow storage. Roll gutters and two ten-foot travel lanes are proposed for a total of 24 feet of travel lane width.

Mr. Sweeney suggested that an occasional bump with trees to visually create a more residential street should not interfere with the snow plowing operation. He remarked that the City and the residents need to have a say on the improvements. Having lived in Park City, he would never attempt to take away parking.

Mr. Sweeney commented on the debate regarding the sidewalk and the pros and cons for putting a sidewalk on the uphill side. Mr. Sweeney believed the sidewalk could be on either side; but he felt it was worthwhile to have that debate and to hear other comments. Mr. Sweeney asked Mr. Perkins to explain his reasons for why the sidewalk should be on the uphill side.

Mr. Perkins stated that a sidewalk is usually placed for greater community-wide connectivity. Having the sidewalk connect directly to the Park City Mountain Resort through Treasure Hill and to Old Town via the 8th Street stairs, appears to have a greater community-wide connectivity. Because of the narrow street sections, it is important to put the parallel parking on the same side as the sidewalk. The uphill side allows a greater length to put additional cars that can be dedicated overtime, as opposed to the parallel parking areas on the lower side of the street that may eventually go away because of future development.

Mr. Perkins stated that because the hillside is naturally vegetated, putting the sidewalk on the uphill side would provide a parkway feel. In addition, there are a number of driveways on the lower side and a sidewalk would encourage encroachments from over-sized vehicles in shorter driveways.

Mr. Cassel remarked that there is a tremendous grade on the uphill side that they are trying to match with existing driveways. A sidewalk would defeat that purpose. Secondly, if they store snow on the west side, eventually the sidewalks on that side would be covered with ten feet of snow. In his opinion, the sidewalks are necessary for the winter months. Mr. Cassel agreed that there were more conflicts with having a sidewalk on the residential side, but that is the side where most people would be walking. Sidewalks should be where the people are.

Chair Thomas agreed that sidewalks are for the people and children in the neighborhood. He did not favor the idea of having a sidewalk across the street because it creates greater pedestrian/vehicle conflicts. Chair Thomas preferred the sidewalk on the residential side of the street.

Work Session Notes

July 22, 2009

Page 12

Mr. Perkins stated that if the sidewalk is placed on the residential side with parking, that would negate the possibility of having a one-way section on Empire leading to Lowell. People would need to come down Lowell and make a U-turn in order to parallel park.

Commissioner Wintzer asked for the minimum travel width Mr. Cassel would like to see on Lowell or Empire. Mr. Cassel replied that 8 feet is too small. There are currently going through the process to determine an acceptable width. He believed that 10 feet was the narrowest they could allow. Planner Cattan stated that fire code requires 20 feet of width and that number can include the gutter.

Mr. Sweeney reviewed the parking and noted that all the parking would be underground for the project. He stated that 366 spaces are required based on a table provided in the MPD approval. Additional spaces were added for employee service. He noted that they are considering putting 23,000 square feet of additional space for employees, bringing the number to 417 spaces. PEC did a parking generation study and concluded that 335 spaces was the right number. Mr. Sweeney stated that if you strictly apply the current Code to the project, the parking requirement would be 700+ parking spaces. He noted that the Planning Commission, under the current Code, has the right to reduce the parking and take into account joint uses. Mr. Sweeney remarked that PEC used the Cabriolet proposed to reduce the number of parking spaces. They also used the fact that some employees would be living on site and that the public outside of the project would not be invited to use the underground parking.

Mr. Cassel commented on the need to see a management plan for employee parking that demonstrates their assurance that the parking proposed on site is adequate and that employees would not be parking on Lowell. This correlated with point #5 in Commissioner Wintzer's letter.

Commissioner Wintzer clarified that his reason for raising point #5 was that the amount of parking is directly related to the amount of traffic on the project. If the applicants can find a way to reduce the parking on the project, that would begin to reduce the traffic. If they insist on having more parking than what is needed, that would encourage more cars to the project and increase the traffic mitigation problems. Commissioner Wintzer remarked that the intent is to find a way to reduce the traffic to this project. It can be done because it was done on Montage project. To address concerns about traffic up and down Marsac, the developer revised their plan and reduced the on-site parking by 25%. Chair Thomas recalled that the majority of employee parking for the Montage was off-site.

Mike Sweeney, the applicant, pointed out that the Montage parking is greater than what is being proposed for Treasure Hill. He noted that the parking plan provided is very explicit as to how they propose to manage the parking in the project and how they plan to reach their goal to have 80% of the hotel guests come without cars. Mr. Sweeney remarked that it was in their best interest to reduce the amount of parking, instead of paying \$40,000 per stall for stalls that sit empty.

Commissioner Wintzer reiterated that the applicants need to reduce traffic on the roads and the first step is to reduce the parking. To this point, he has not seen a plan that reduces the parking or mitigates the traffic. Pat Sweeney noted that there is a formal plan in the appendix under traffic

Work Session Notes

July 22, 2009

Page 13

and parking, that addresses items 5 and 6 in Commissioner Wintzer's letter. He remarked that the initial 366 parking spaces did not count the cross over parking for support commercial. If you take the master plan out of the process and apply parking requirements to the project, the number is approximately 700 spaces. He intended to formally present that plan at a future meeting.

Chair Thomas stated that they cannot take the master plan out of the process. Mr. Sweeney stated that 700+ spaces was a place to start and then they can reduce from that number. He believed they were already close to a 50% reduction. He noted that they have less parking per unit than the Montage project.

Chair Thomas agreed with Commissioner Wintzer. He would like to see an effort for reducing the parking below 366 spaces. The Commissioners concurred. Planner Cattan clarified that Exhibit A was a plan prepared by Mike Sweeney that explains their traffic mitigation. She understood that the Planning Commission wanted more specifics on employee parking and shuttling.

July 22, 2009
From: Charlie Wintzer

Treasure Hill
Comments and suggestions of traffic mitigation

- **I agree with all staff comments in the staff report of July 22, 2009**
- Lowell and Empire work at this time, the new project and its impacts are the issue and need to be mitigated with the cost paid by Treasure Hill.
- The Planning Commission and the applicant need to know: the size of the project, what the final ownership will be, (there is **NO** Time Share in the Estate zone) and how much and what kind of commercial spaces will be in the project. All this information is needed before we can completely understand the traffic and mitigation.

These are some ideas towards traffic mitigation.

1. Snow removal--any extra snow removal cost for road and sidewalks is paid for by the applicant, including hauling and any special equipment needed to remove the snow. A 25 foot road must be maintained at all times.
2. The design of Empire preserves and enhances the neighborhood feeling of the street. Planting, bulb outs, realigned curb and gutter, possible lighting, sidewalks must be added to the street at the cost of the applicant.
(Incorporating staff recommendations into Option 3 is a good start)
3. Sidewalk location is part of neighborhood experience and should be next to houses.
4. On street parking—Parking on street must be maintained at 90% or more of existing on street spaces.
5. Parking on site—Parking may not exceed allowed parking under the Master Plan Development. Planning Commission encourages less parking than anticipated in the MPD. Applicant must provide a management plan for guest parking showing how they are going to encourage guests not to bring cars to the project. Applicant must provide a management plan for a 100% park and ride for employee shuttle.
6. Commercial deliveries and service vehicles—Applicant must provide a management plan outlining where vehicles will unload and how they will be scheduled so they are not staging on the street. This plan must work on reducing commercial vehicles to the minimum. I would like to see only one delivery per day.



Treasure Hill Traffic Study Summary

January 2017

Submitted To:
Treasure Hill

Submitted By:
Triton Engineering
954 East Oakridge Road South
Park City, Utah 84098



Table of Contents	Page
Report History	2
Original Traffic Impact Analysis	2
Addendum #1, Wayfinding Sign Study	3
Addendum #2, Winter Traffic Counts	3
Questions and Response from Planning Commission	4
Addendum #3, Lowell Ave Sidewalk Improvements	4
Addendum (no number), Walkability Study Update	4
Addendum #4, Refined Land Use and Trip Generation	6
Addendum #5, Parking Generation Study	7
Additional information Relevant to Parking - Lowell Avenue Community Meeting	8
Addendum #6, Intersection Operations Limiting Development Traffic on Empire Ave	9
Additional information Relevant to Lowell Avenue; Lowell Avenue Project	9
Conclusion and Summary	10
Exhibit A	11



Report History

The following is a list of traffic studies, addendums or pertinent information that has been provided and is relevant to the proposed Treasure Hill Project with a focus on traffic and parking.

Original Traffic Impact Analysis – July 2004

As seen in the original report, the Treasure Hill Project accesses and intersections will function adequately to transfer the project-generated traffic to and from the site.

Occasional delays are currently experienced during winter PM Peak Periods and during special events such as Sundance, Arts Festival, 4th of July, etc. This Project will contribute little to existing delays. One intersection that will continue to experience delays higher than recommended is the Park Ave. and Empire Ave. / Deer Valley Drive intersection. Several proposals have been presented to Park City Staff for possible improvement to this intersection based on prior traffic studies performed in the study area. Another intersection that currently experiences delays on a limited number of days during the PM Peak Period is the Silver King Dr. and Empire Ave. intersection. Delays at this intersection result from the Park City Mountain day-skiers leaving the parking lots at approximately the same time. Any Treasure Hill Project traffic will also contribute to these delays. However, individuals who leave Treasure Hill in their cars to ski or visit elsewhere will be returning in the direction opposite to the main traffic flow during the PM Peak Periods. Therefore, they will not contribute to the traffic flow and delays created by day-skiers leaving the resort parking area. Finally, it is important to note that addressing the Silver King Dr. and Empire Ave. intersection delays will be of minimal practical value without addressing coinciding delays at Park Ave. and Empire Ave. / Dear Valley Drive.

Adding turning lanes at Park Ave. and Empire Ave. / Dear Valley Drive, and a roundabout or traffic signal at Silver King Dr. and Empire Ave., although not recommended at the present time, are potential viable options if delays become more frequent and or longer in the future.

The following recommendations are forwarded with the purpose of assuring the most favorable LOS for the traffic study area: 1. Construct the gondola to Main Street and operate during PM Peak Periods. 2. Construct and maintain the proposed pedestrian connections. 3. Limit parking on Lowell / Empire Loop to local residents with permits and restrict parking to one side of Lowell / Empire Loop during winter months. 4. Prohibit parking on both sides of Lowell / Empire Loop adjacent to the Project. 5. Level the berm on the inside of the Lowell / Empire curve and revegetate with low lying plants. 6. Remove snow from Lowell and Empire Avenues on a priority basis. 7. Direct construction and service traffic to follow specified routes and avoid winter PM Peak Periods. 8. Accommodate construction parking and staging on site. 9. Encourage Treasure Project guests and residents to use alternate modes of transportation and follow the set pattern of up Lowell Avenue and down Empire Avenue. 10. Update analysis periodically using actual Peak Hour delay counts.



Addendum #1, Wayfinding Sign Study – Summer 2004

This study identified locations where wayfinding signs could be placed to direct motorists to Treasure and reduce unnecessary out of direction travel. Most locations identified are areas that existing signs currently direct motorists to other key landmark locations.

Addendum #2, Winter Traffic Counts – April 2005

The timing of the original study estimated winter traffic conditions at the study intersections. This addendum focused on the results of traffic volumes gathered on President’s Day Weekend of 2005 to evaluate the difference between the estimated volumes in the original report and actual traffic volumes on one of the busiest skier weekends. As reflected in the addendum every intersection in the report was analyzed with more traffic than was found during President’s Day Weekend.

Table 1 – Refined Traffic Count

<i>Intersection</i>	<i>Projected (From Original Report)</i>		<i>Actual (Counted February 19th)</i>	
	<i>AM</i>	<i>PM</i>	<i>AM</i>	<i>PM</i>
Park Ave. / Deer Valley	2392	2392	2302	3503
Deer Valley Dr. / Silver King Dr.	624	1003	314	438
Empire Ave. / Shadow Ridge	431	694	188	303
Empire Ave. / Manor Way	277	435	120	190
Empire Ave. / Crescent Tram	84	140	37	123
Lowell Ave. / Shadow Ridge	201	230	82	101
Lowell Ave. / Manor Way	170	637	74	139
Lowell Ave. / North Star	96	197	21	41

Note: The numbers depict the total volume at the intersection during one peak hour.

Therefore the reduction in traffic volumes will improve the level of service previously reported and support the previous study conclusions.

Fehr and Peers Traffic Study Review – July 2005

Park City Municipal Corporation hired a third-party traffic engineering consultant to review the traffic study and associated addendums prepared for the Treasure Development. As stated from the review, *“In general, Fehr & Peers found that the Traffic Impact Analysis (TIA) performed by PEC, Inc. provides an adequate assessment of the traffic characteristics and potential impacts related to the proposed Treasure Hill project. Fehr & Peers also found that the proposed Treasure Hill project is consistent with general guidelines provided in the Transportation Element of the General Plan and Land Management Code.”*



Questions and Response from Planning Commission – February 2006

This was not a formal addendum to the traffic study but there were various questions raised by the Planning Commission. Many of these questions resulted in further addendums as described below but one question that was resolved with this letter was regarding truck turning movements at the various intersections. Exhibit A at the end of this Traffic Study Summary provides graphical results to answer this question. It identifies that there is sufficient room for the trucks to make the necessary turning movements.

Addendum #3, Lowell Ave Sidewalk Improvements – January 2008

This addendum addressed the questions regarding the need for a sidewalk along Lowell Ave. It was found that a five-foot sidewalk could be constructed on the uphill (west side) of Lowell Ave but the City would need to evaluate that versus the potential impact it may have on parking and existing driveways.

Addendum (no number), Walkability Study Update – June 2009

The purpose of this addendum letter was two-fold: present revisions to the walkability study and comment on the effect of the proposed changes to the roadway section on Empire Ave.

Walkability Study

A walkability study for the Treasure Hill development and surrounding Park City Resort area in January 2008 and this letter updated that addendum. In summary, the study concluded that improvements need to be made to provide safer pedestrian accommodations, with or without the proposed project. A list of recommended pedestrian improvements was included.

This letter updates the previous walkability study based on concerns brought forward by the Park City Planning Commission regarding safety on Empire Avenue. Changes to the walkability study recommended improvements include:

- Installation of sidewalk on the downhill side of Empire Avenue, and
- Elimination of the proposed sidewalk/stair improvements from Empire to Lowell on 10th Street (need eliminated by improvements on Empire).

The attached figure provides a graphical representation of the suggested improvements described with the addition of the changes listed above. The complete list of suggested improvements, as updated, is as follows:

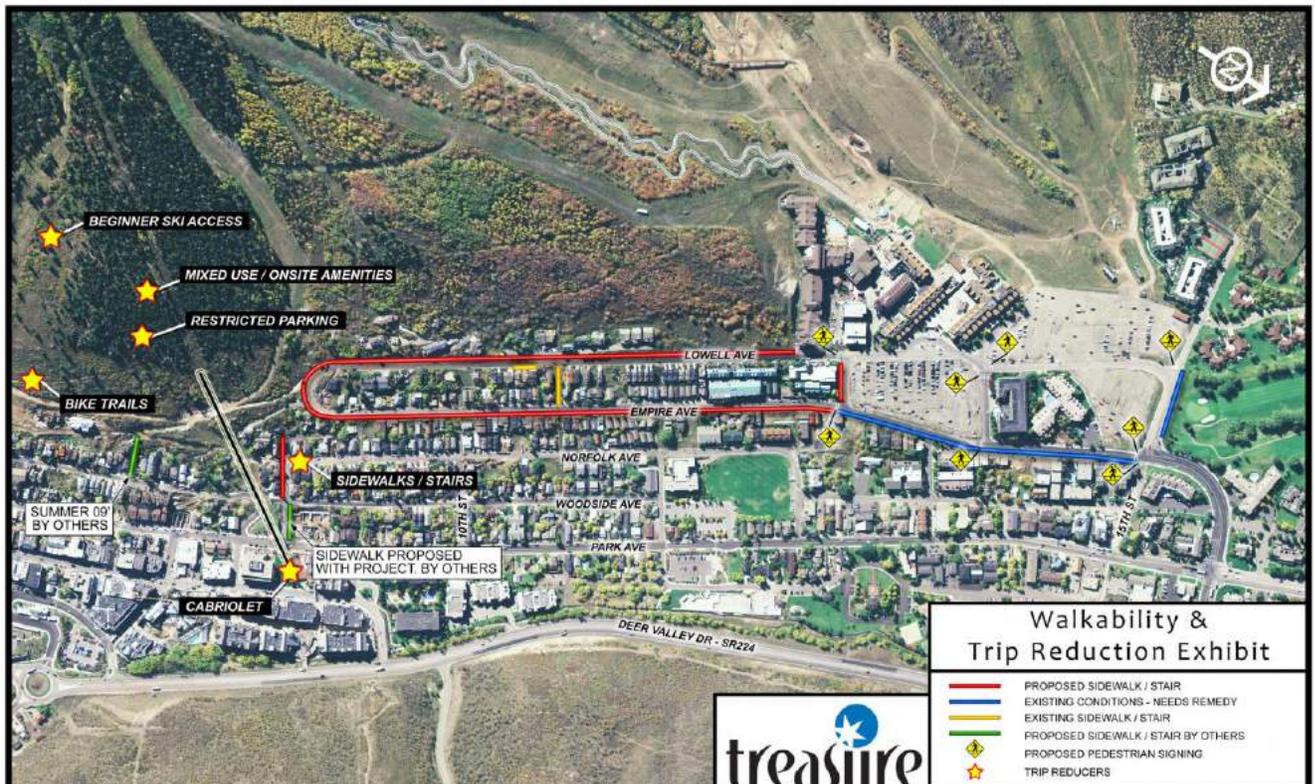
- Install new sidewalk on the west side of Lowell Avenue and on the east side of Empire Avenue from the Park City Mountain Resort area to the Treasure Development. Current conditions warrant this improvement without the Treasure Development. It would also be in the best interest of pedestrian safety to provide for the sidewalks to remain reasonably clear of snow during the winter season to allow for continued pedestrian use.



Due to the amount of snow and the number of rental units it is in the best interest of the City to assist in the snow clearing operations.

- Install new sidewalk/stair connections. This includes connections from Woodside to Crescent on 8th Street and Empire to Lowell on Manor.
- Install signs and paint crosswalks in eight (8) locations in the Park City Mountain Resort Area. These installations will help increase the safety of pedestrians using the area and their locations have the least amount of impact on vehicle traffic. Because of the current pedestrian habits of walking these roads freely, once the crosswalks are established it may be necessary for the City to enforce the crossing restrictions in order to realize safer traffic and pedestrian interaction.
- There are currently two (2) locations where sidewalk/stair improvements are warranted in order to provide adequate access for future growth. These improvements are understood to be scheduled for completion by others sometime in 2009. They are from Woodside to Treasure on 6th Street and Park to Woodside on 8th Street. It is our understanding that the 6th Street sidewalk/stair improvements are still anticipated.

Pursuit of these recommendations will contribute to safe pedestrian access around the Park City Resort area and the Treasure Development.





Empire Avenue

The walkability study as presented above reflects the current proposal to install sidewalk on Empire Ave. between the project and Manor Way. It is our understanding that some narrowing of the roadway will be required in order to create the space for that sidewalk. The question has been raised as to whether or not that action would reduce the traffic-carrying capacity of Empire Ave. significantly enough to affect the conclusions of the traffic impact analysis performed previously.

The original traffic study concluded that traffic on Empire south of Manor would operate at LOS A during the AM and PM peak hours. While the roadway narrowing may affect operating speeds on the roadway, it is our opinion that the operations will remain at LOS A. Those lower speeds are in line with the anticipated and desired character of that roadway. The traffic impact of the proposed change is negligible.

Addendum #4, Refined Land Use and Trip Generation – April 2009

A modification of the traffic trip generation rates based on refined land use information and these rates were modified to include more current information at the request of the Park City Municipal Planning Commission. The Land Use values are similar to those used in the original Traffic Impact Analysis, the Institute of Transportation Engineers (ITE) land use (L.U.) cited was: L.U. 230 for Condominium/Townhouse, L.U. 221 for Employee Housing, L.U. 310 for Hotel and L.U. 814 for Specialty Retail. The commercial L.U. applies to only 19,000 square feet because 34,000 square feet of the commercial space is already included in the hotel L.U. trip generation. The ITE Trip Generation Manual states, “Hotels have supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities and /or other retail and service shops”. Therefore the 34,000 square feet of commercial land use is included in the hotel trip generation numbers. It was assumed approximately 400 square feet per employee for housing accommodations.

Table 2 – Refined Trip Generation

<i>Type of Facility</i>	<i>AM Trip</i>	<i>PM Trip</i>	<i>AM Peak Hour</i>		<i>PM Peak Hour</i>	
	<i>Generation</i>	<i>Generation</i>	<i># Entering</i>	<i># Exiting</i>	<i># Entering</i>	<i># Exiting</i>
ORIGINAL STUDY TOTAL	133	162	73	60	79	83
MODIFIED PER ADDENDUM	108	147	45	63	79	68
NET CHANGE	-25	-15	-28	+3	0	-15

As reflected in the table above from Addendum #4, by providing employee housing on site and not providing additional parking for commercial use, there will be a net decrease of trips generated by the proposed development in comparison with the original study. Therefore



modified trip generation rates will improve the level of service previously reported and support the previous study conclusions.

Addendum #5, Parking Generation Study – June 2009

This study focused on evaluating the parking demand for the Treasure Project. Forecasts of vehicle parking demand for the proposed development were calculated using the 3rd edition of *Parking Generation*, published by the Institute of Transportation Engineers (ITE). Land use codes that matched the codes in the original traffic impact analysis were used to estimate the trips generated by the facility with the exception of the hotel support commercial. The original traffic impact analysis used land use code 814: Specialty Retail which is not currently available in *Parking Generation*. Land use code 820: Shopping Center was the closest available land use and was used in place of the original land use code. Regression equations were used to determine the parking generation. Details of the land use codes and generation rates used are attached.

Table 3 - Raw Parking Generation

<i>Type of Facility</i>	<i># of Units</i>	<i>Weekday Parking Generation</i>	<i>Weekend Parking Generation</i>
<i>Hotel</i>	202	168	235
<i>Condominium/Townhouse</i>	103	176	143
<i>Hotel/Resort Support Commercial</i>	19	189	394
<i>Employee Housing</i>	58	57	61
TOTAL		590	833

Similar to the original traffic impact analysis, the raw estimated parking demand was calculated assuming no interaction or internal sharing of trips by the different land uses. This is unrealistic considering the mixed use nature of the development and the high probability of shared trips between the different land uses. In the original traffic impact analysis, a reduction was made to the calculated trips to account for the trips that are made internal to the development. In addition, trips were further reduced to account for the addition of on-site employee housing. Similarly, a portion of the parking demand is expected to be shared between the different land uses. This is especially true of the support commercial, where a large portion of visitors to these areas will be patrons of the hotel, residents of the condominium/townhomes, or employees.

However, the reduction in parking demand due to shared demand is not expected to be as great as the reduction in vehicle trips. In some instances, the reduction in vehicle trips does not correlate to a similar reduction in parking demand. Some examples of this could include patrons of the hotel that access Main Street via the gondola or walking and employees who live on site and walk to work, Main Street, etc. In both of these examples, there is justification for



reducing the number of vehicle trips. However, the demand for parking still exists since, in both cases, the patron and employee still have a car parked in the project.

Addendum four of the traffic impact analysis showed a reduction in trips (compared to the raw numbers) of 55% with on-site employee housing. The reduction in trips was applied across the board for the various land uses. Many of the mitigating factors that allow for that reduction also apply to the parking need, but for the reasons stated above, the reduction in parking generation is expected to be somewhat less. The assumed reductions for each of the land uses are as described below:

- Residential Uses (Hotel, Condominium/Townhouse, and Employee Housing) – While vehicle trips for these land uses are greatly reduced by the ability to walk or ride the cabriolet, the reduction in parking demand is expected to be modest. For purposes of this study, a 10% reduction was assumed.
- Hotel/Resort Support Commercial – These facilities are intended for the use of the resort guests only. Therefore no public parking is provided. However, a certain amount of parking will be needed for managers/employees living off-site, service issues, etc. 90% reduction was assumed.

The reduced parking generation is shown in Table 4.

Table 4 – Reduced Parking Generation

<i>Type of Facility</i>	<i># of Units</i>	<i>Weekday Parking Generation</i>	<i>Weekend Parking Generation</i>
<i>Hotel</i>	202	151	212
<i>Condominium/Townhouse</i>	103	158	129
<i>Hotel/Resort Support Commercial</i>	19	19	39
<i>Employee Housing</i>	58	51	55
TOTAL		379	435

Based on the information presented in this addendum, it was recommended that approximately 435 parking spaces be provided to service the expected parking demand at the Treasure development.

Additional information Relevant to Parking - Lowell Avenue Community Meeting

While not an addendum as part of the Treasure Hill Project, a petition in December 2016 was submitted requesting the City to develop a residential permit parking zone on Lowell Avenue from Manor Way to 12th Street. A community meeting was held to discuss the issue of nonresidents looking for parking. This highlights the importance of the Treasure Project to have



an appropriate amount of parking on the site to alleviate any concerns of adding to the parking challenges along the streets specifically during the winter ski months.

Addendum #6, Intersection Operations Limiting Development Traffic on Empire Ave – June 2009

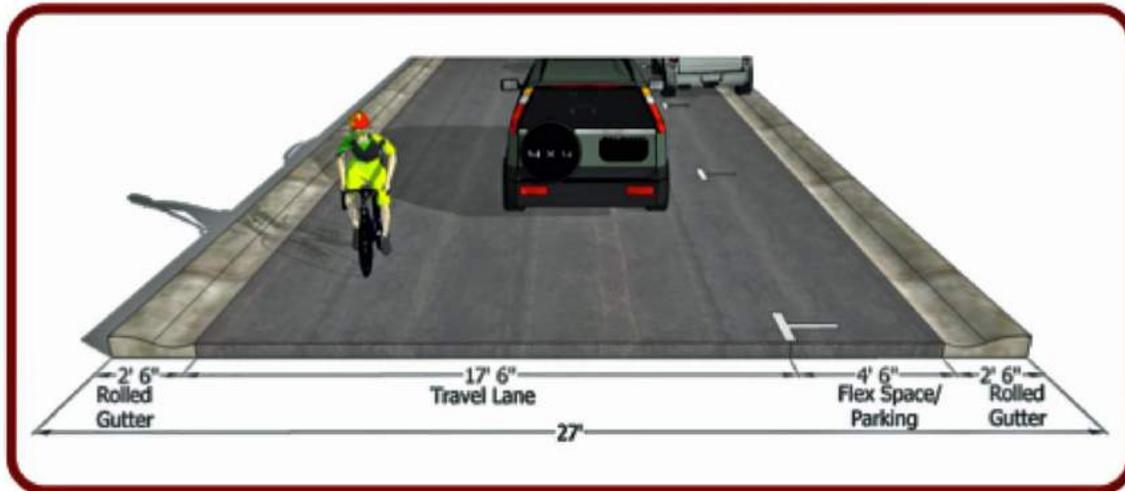
This addendum focused on the local street system and associated intersections if the traffic was focused towards Lowell Ave. instead of Empire Ave south of Manor Way. By moving that portion of the site traffic that was previously projected to use Empire Avenue over to Lowell Avenue, some of the traffic movements at the analysis intersections are projected to experience less delay, while other movements will experience increased delay. The net effect at both intersections is a minor increase in total intersection average delay. Both intersections are still projected to operate well within acceptable levels of delay in both the AM and PM peak periods on ski-days.

Additional information Relevant to Lowell Avenue; Lowell Avenue Project - 2015 to 2017

Park City has designed and plan to construct improvements along Lowell Avenue from Manor Way to the curve heading down to Empire Avenue. Along with utility improvements the finished typical section is anticipated to have 2.5 feet of rolled gutter on both sides, 17.5 feet of travel lane, 4.5 feet of flexible space for parking with a total hard surface of 27 feet (see diagram below). This typical section known as “Local Road – Old Town” adheres to the 2011 Park City Traffic and Transportation Master Plan (TMP).

During the planning phase of the project a traffic model was created and a memorandum of the results of that study were issued on April 2, 2015. The traffic model examined future traffic volumes on Lowell Avenue using the travel demand model developed for the Park City TMP update in 2011. The traffic model included existing conditions and build out conditions for Treasure Hill Project and the Bamberger property.

The conclusion of the study was that even with the addition of the Treasure Hill Project and potential Bamberger property development that Lowell Avenue can facilitate the existing and future traffic needs with the Local Road – Old Town typical section depicted below.



Conclusion and Summary

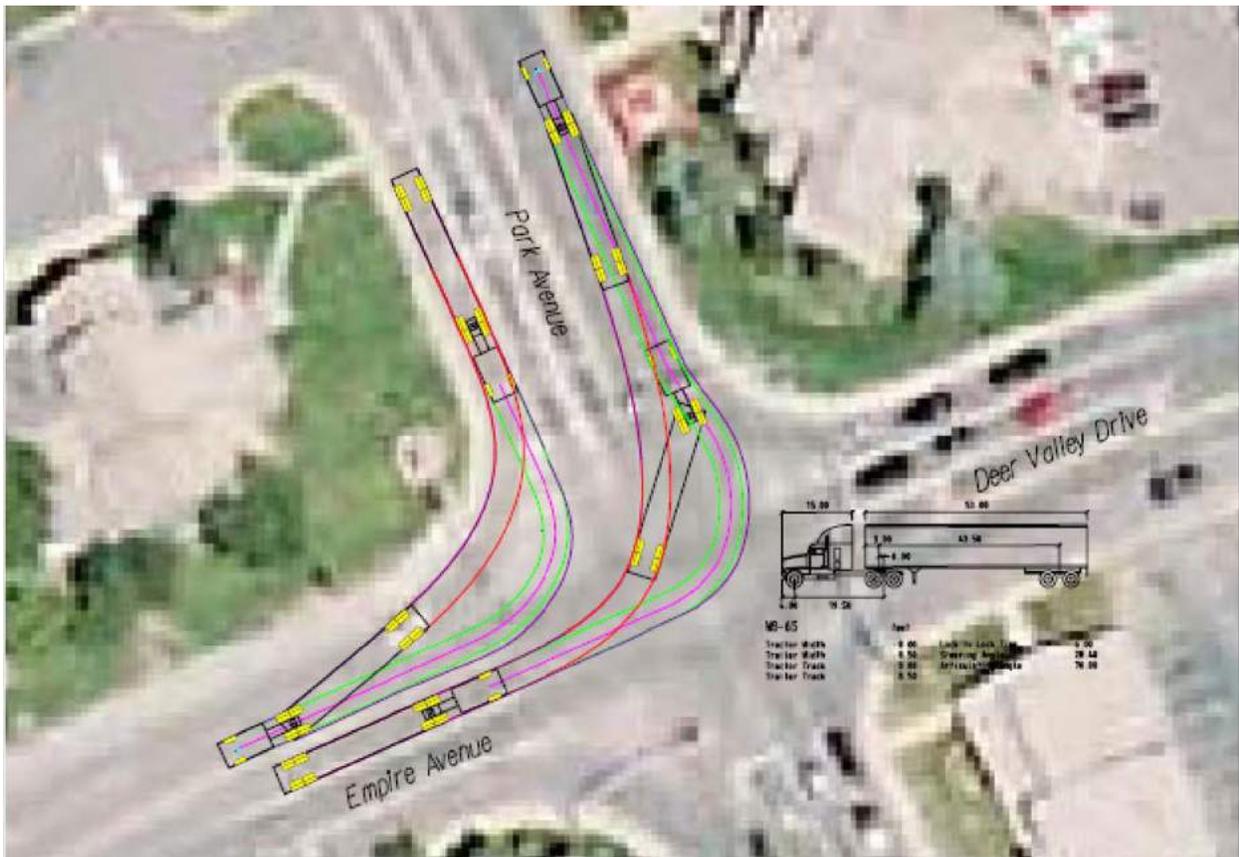
As reflected in the summary of the original study and subsequent addendums the roadway network can facilitate the traffic needs for existing traffic and the traffic anticipated from the Treasure Hill Project. These results are supported with the traffic modeling completed by Park City for the upcoming Lowell Avenue Project. With implementing the traffic study recommendations, it will continue to allow traffic to operate at an acceptable level of service in the future.



Exhibit A - Truck Turning Templates



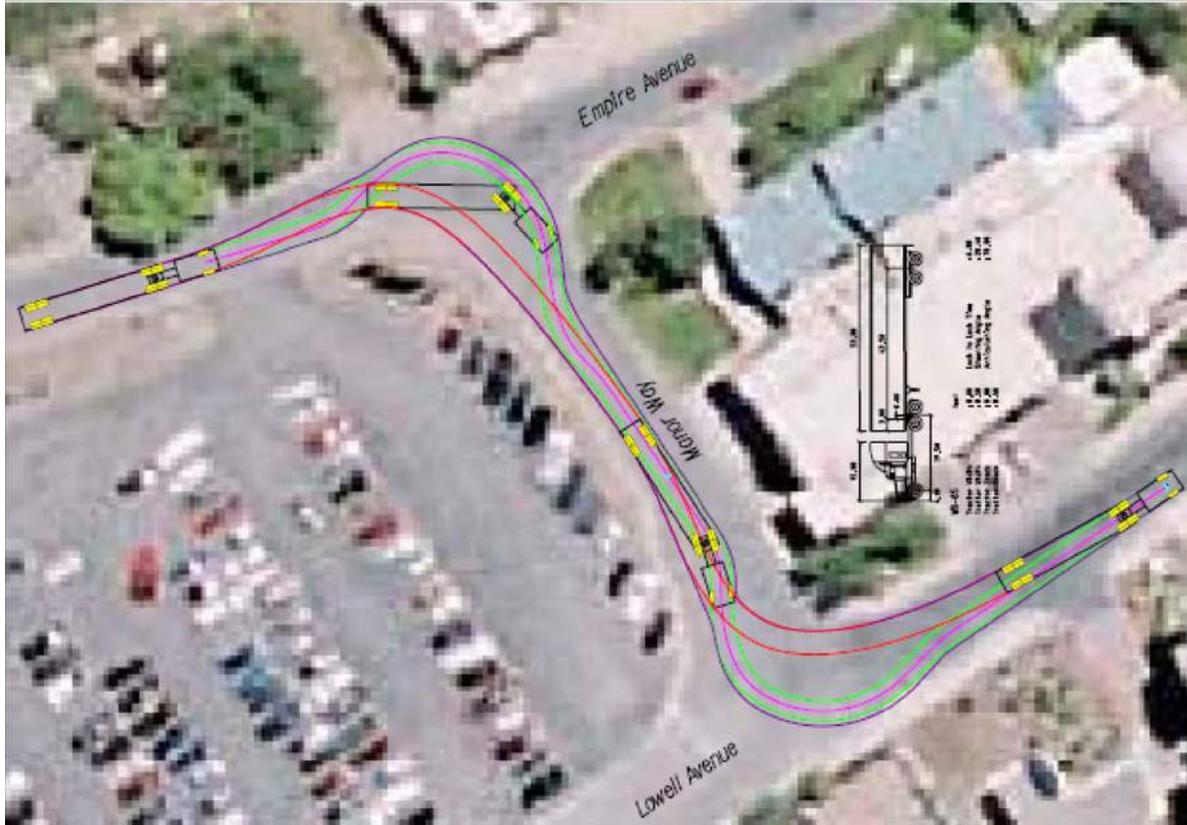
Overall view of the intersections evaluated for truck turning templates



Truck turning templates for Park Ave / Empire Ave and Deer Valley Drive



Truck turning templates for Silver King Dr / Empire Ave and Silver King Dr / Lowell Ave



Truck turning templates for Manor Way / Empire Ave and Manor Way / Lowell Ave



DATE: January 6, 2016

SUBJECT: Treasure Hill Properties’ Responses to Issues Raised in Prior Staff Reports and at Previous Hearings

1. Background.

The Planning Commission Staff Report dated July 13, 2016, recites the applicable background of the Sweeney Properties Master Plan (“SPMP”) and current Conditional Use Permit (“CUP”) Application. (*See* p. 1–2.) MPE further incorporates the Background section set forth in its December 9, 2016, position statement.

2. Staff’s New Contentions about the Limits of Disturbance Are Contrary to the SPMP, the Applicable Code, and Staff’s Own Prior Conclusions.

The SPMP Staff Report specifically states that “[g]eneral development parameters have been proposed for Master Plan approval *with the detailed definition of ‘limits of disturbance’ deferred until conditional use review.*” (SPMP Staff Report, p. 14 (emphasis added).) Astonishingly, however, Staff now takes the position that SPMP implicitly defined the limits of disturbance for the project, despite its plain language to the contrary. (December 14, 2016, Staff Report p. 67.)

Staff claims that the SPMP Staff Report impliedly defined the limits of disturbance when it stated that “land not included within the development area boundary will be rezoned to Recreational Open Space (ROS).” (December 14, 2016, Staff Report, p. 67 (quoting SPMP Staff Report, p. 8).) Staff then latches onto an exhibit submitted with MPD Application titled “Town Lift Midstation & Creole *Height Zones*” (subtitled “Development Requirements and Restrictions”), to suggest that an exhibit expressly designating height zones also defines the limits of disturbance, despite that Sheet 22 says nothing about limits of disturbance. (SPMP Exhibits, [Sheet 22](#) (emphasis added).)

The SPMP Staff Report specifically explains the purpose of Sheet 22:

Building heights shall be limited to the maximum envelope described on the Restrictions and Requirements Exhibit. At the time of conditional use approval, projects shall be reviewed for conformance with the heights prescribed thereon

(SPMP Staff Report, p. 3.) The SPMP Staff Report likewise describes Sheet 22 this way: “An exhibit defining building ‘envelopes’ has been developed to define areas where increased

building heights can be accommodated with the least amount of impact.” (*Id.* at 12.) Thus, according to the SPMP Staff Report itself, the purpose of Sheet 22 is to define the areas where taller buildings may be placed. Nothing in the SPMP Staff Report’s description of the Restrictions and Requirements exhibit suggests that it was intended by any party to define the limits of disturbance, which, as noted above, the SPMP Staff Report expressly stated would be defined at the CUP stage.

Indeed, the purpose of Sheet 22 was to define the areas where the Applicant could construct buildings in excess of the height restrictions under the existing zoning ordinances, which was part of the consideration that MPE received for agreeing to forego a substantial amount of density and cluster the remainder in the two development parcels designated for development. The “lines” on Sheet 22 that Staff references in its December 14, 2016, report define the boundary of MPE’s rights to construct buildings in excess of the height restrictions in the existing zoning, not the limits of disturbance. That is the how the SPMP Staff Report describes Sheet 22, and the context of the deal struck by the City and MPE shows that such description is accurate.

While Staff acknowledges that Sheet 22 does not reference “limits of disturbance,” it relies on the building height envelopes established on Sheet 22 and, anachronistically, definitions in the 2004 Land Management Code (that did not exist in the 1985 Land Management Code) to suggest that the building height envelopes also define the limits of disturbance. Even if Staff’s interpretation were plausible, it runs headlong into the explicit language of the SPMP Staff Report that the “definition of ‘limits of disturbance’ [will be] deferred until conditional use review.” Staff never attempts to reconcile the plain language of the SPMP Staff Report with its current interpretation of Sheet 22 or explain why the Planning Commission should ignore the clear directive of the SPMP Staff Report.

Moreover, Staff’s current position about the purpose and effect of Sheet 22 are contrary to Staff’s earlier positions. For example, the then-director of the Planning Department, Patrick Putt, explained that the purpose of Sheet 22 was to “identify maximum building heights.” (April 12, 2006, Staff Report, p. 10; *see also, e.g.*, March 9, 2005 Staff Report, p. 7 (“The building heights shall conform to the height zones and maximum elevations as shown on Sheet 22 of the approved MPD.”).)

Indeed, Staff previously explained that the purpose of Sheet 22 was to define areas where additional building height could be accommodated with the least amount of impact:

In order to minimize site disturbance and coverage, the clustering of density necessitated consideration of building heights in excess of that which was permitted in the underlying zoning. The various concept plans were reviewed in detail for the trade-offs between height and site coverage and open space. The MPD approval includes an exhibit defining building envelopes *to define areas where increased building heights can be accommodated with the least amount of impact.*

(March 9, 2005 Staff Report, p. 4 (emphasis added).)

Staff has been issuing reports about this application since 2004. Staff has written approximately thirty-three (33) reports about this application since that time. Staff has discussed Sheet 22 on numerous occasions in those thirty-three reports, and never once has Staff—until December 2016—suggested, hinted, or intimated that Sheet 22 defines the limits of disturbance or addresses any issue other than the building height envelopes. Staff's sudden change in position raises due process, equitable, and breach-of-contract concerns with respect to the Staff's apparent desire that the City essentially repudiate its prior agreement with Applicant as embodied in the SPMP approval.

2.1 Staff's Current Position that No Development Activity Is Permitted Outside the Lines on Sheet 22 Contradicts Staff's Previous Interpretations of the SPMP.

Furthermore, current Staff's attempts to graft definitions from the 2004 Land Management Code onto the 1985 SPMP Staff Report are contradicted by Sheet 22 itself. According to Staff's interpretation, no "Development Activity which disturbs or changes the natural vegetation [or] Grade" or that "erect[s] a new . . . Structure" is permitted outside of the building height boundaries on Sheet 22. (December 14, 2016, Staff Report, p. 67 (quoting 2004 LMC § 15-15-1.56).) Staff claims that the "cliffscapes/retaining walls outside the line identified on Sheet 22" are impermissible. (*Id.*)

However, Staff's current position fails to account for the fact that Staff and the City previously allowed MPE to undertake "Development Activity" outside the building area boundaries in connection with *this very Master Planned Development*. The homes built on the single-family lots included in the SPMP involved significant "Development Activity" outside the building area boundaries specified in the SPMP. On a proportional basis, the amount of "Development Activity" outside the building area boundaries on these single-family lots far exceeds what is proposed for the Midstation and Creole sites. Nonetheless, the City allowed the "Development Activity" outside the building area boundaries on those lots without raising any objection or concern. Staff fails to explain why the City is taking one position on certain portions of the SPMP and the opposite position on the hillside portion.

Staff's conflation of the building height envelopes with the limits of disturbance, in addition to the problems noted above, is also contrary to common sense. Under Staff's interpretation of the 1985 SPMP Staff Report through the lens of the 2004 Land Management Code's definitions, MPE would not be allowed to "disturb" a single speck of dirt outside the building height zone envelope. According to Staff's interpretation, *any* disturbance outside of those lines, including for utility tie-ins, ski improvements, or even landscaping would be a violation of the limits of disturbance. Basic logic dictates that Staff's contrived interpretation is erroneous.

2.2 Staff's Current Position that the Proposed Development is Outside the Development Area Established by the SPMP Is Contrary to Prior Representations by Staff.

While Staff now claims that certain cliffscapes and retaining walls are outside the limits of disturbance supposedly established by Sheet 22, when Staff reviewed the same basic site

design in 2005 and 2006—including in view of the requirements of Sheet 22—Staff not only never raised concerns about development outside of the limits of disturbance, it concluded that the proposed design complied with such requirements.

For example, in its March 9, 2005, report (p. 2), Staff concluded that “[t]he revised Treasure Hill CUP plans comply with the approved density and *all development is contained within the identified development parcels*” (emphasis added).

3. Staff’s Reliance on the SPMP in Asserting that the Current Design Includes Unanticipated and/or Excessive Excavation Is Unsupported by the Facts.

Staff rather incredibly suggests that the Woodruff drawings “returned final (finished) grade back to existing (natural) grade.” (December 14, 2016 Staff Report, p. 66.) In reality, the Woodruff drawings did not address excavation in any meaningful way, as MPE’s design professional, Steve Perkins, explained during the hearing on October 12, 2016. Staff’s claim is based on drawings showing some of the buildings in profile that depict land mass in front of the building facades. Staff reads those drawings to show finished grade against the buildings, but if that were really the case, there would literally be dirt covering building windows and the ski runs under the Woodruff buildings would be as short as eight or nine feet in height.¹ Obviously, no reasonable interpretation of the Woodruff drawings could conclude that the finished grade would result in half-covered windows and unusable ski runs. Thus, for Staff to rely on these preliminary drawings and unreasonable assumptions to conclude that the Woodruff drawings “returned final (finished) grade back to existing (natural) grade” is untenable.

Moreover, despite MPE informing the City years ago that its claims about the Woodruff drawings depicting no excavation were based on a misinterpretation of the drawings, *which actually show final grade well below existing grade*, Staff repeated those exact same claims as recently as September 14, 2016. After MPE *again* pointed out Staff’s error during the October 12, 2016 hearing, Staff has yet to correct the record or inform the Planning Commission that the Woodruff drawings do in fact show significant excavation. On the contrary, Staff basically repeated those erroneous claims in its December 14, 2016, report.

In reality, the grading required to construct buildings like those depicted in the Woodruff drawings would have been significant. Even though the current design requires more excavation, Staff’s position that the Woodruff drawings contemplated virtually none is unsupported. Moreover, to suggest that the incremental increase in excavation required by the current design, which mitigates a number of other concerns with the basic Woodruff design (as discussed in previous submissions), is inconsistent with the CUP standard.

Moreover, the Woodruff design would have required significant additional excavation and grading to make it safe from a fire-protection standpoint. For example, because the Woodruff buildings are built into the hillside, a fire-protection barrier would have been

¹ The exhibits to the SPMP Staff Report expressly specify that “[w]here ski trail passes through a building, opening to be a minimum of . . . 20’-0” vertical.” (SPMP Exhibits, [Sheet 22](#).) Thus, Staff’s interpretation of the Woodruff drawings showing openings for the ski trails as little as eight or nine feet in height is erroneous.

necessary, as described by Ron Ivie at the December 13, 2016, CUP hearing. Additionally, access for fire-fighting equipment would have been necessary for the points of the Woodruff buildings farthest from public rights-of-way. The need for a barrier and emergency vehicle access would have necessitated the construction of a roadway on the uphill side of the Woodruff buildings, requiring further excavation and grading, all outside the lines on Sheet 22.

Based on the fact that Woodruff did not specifically address excavation (and there was no requirement that it did), Staff concludes that SPMP did not approve and does not allow significant excavation. Leaving aside that any reasonable person looking at the Woodruff buildings would have understood that they would have required significant excavation, as MPE has addressed in prior submissions, the SPMP, by its own terms, contemplated that excavation would be significant. As MPE has already explained, the SPMP Staff Report repeatedly addressed the issue of excavation and did so in a way that shows the City knew significant excavation would be necessary. (SPMP Staff Report, p. 4 (establishing building heights relative to “mean sea level” and not from existing grade because existing grade would be excavated); *id.* at 6 (“[C]ut and fill shall be balanced and distributed on-site whenever practicable”); *id.* at 14 (noting that “[a] balance between site disturbance and scale/visibility has been attained through the course of reviewing alternate concepts.”).) Staff has completely ignored these parts of the SPMP approval.

Moreover, in its December 14, 2016, Staff Report, Staff effectively concedes that the SPMP specifically addresses the issue:

Grading - The proposed cluster concept will result in less grading than the alternatives considered. The MPD review enabled the staff, Planning Commission, and developer the opportunity to consider this kind of concern early in the project design process. The concept plans developed have examined the level of site work required and how potential impacts can be mitigated. Various *conditions* supported by staff *have been suggested* in order to verify the efforts to be taken to minimize the amount of grading necessary and correlated issues identified.

(December 14, 2016, Staff Report, p. 66 (quoting SPMP Staff Report, p. 14 (emphasis added)).) Despite the clear language of this passage, which is written in the past tense, explaining that Staff *already* set forth conditions in the SPMP to address grading concerns, current Staff reads the passage to allow Staff to impose additional conditions on the CUP Application regarding grading and excavation.

However, as this passage states in plain language, the SPMP Staff Report already sets forth a number of “Development Parameters and Conditions” in Part III of the report, including conditions that address grading issues. As explained above, those conditions include specifying building-height limits relative to mean sea level rather than site grade² and requiring that cut and

² This is actually a significant change in practice, since the 1985 Land Management Code specified that building height was measured from “natural undisturbed grade.” 1985 LMC § 2.1. Because the City understood that there would be no meaningful “natural undisturbed grade” left

fill be balanced “whenever practicable.” (SPMP Staff Report, p. 4, 6.) The conditions set forth in the SPMP Staff Report do not support Staff’s current contentions, and Staff does not suggest that they do. The SPMP specifically addressed grading issues and imposed conditions relating to those issues. Imposing new, different, and additional conditions on the CUP Application is contrary to the agreement reflected in the SPMP and raises additional due process, equitable, and breach-of-contract issues.

Staff has also failed to provide any explanation for its complete change in position regarding the contemplated excavation and the ability of MPE to mitigate its effects. For example, in its March 9, 2005, Staff Report, Staff recognized that the proposed plans contemplated significant excavation but also noted that MPE had submitted “fairly extensive plans for the grading, retaining, and revegetation of the cut-slopes.” (*See, e.g.*, March 9, 2005 Staff Report, p. 9.) While Staff certainly contemplated mitigation conditions for the excavation, Staff never suggested that excavation would prevent approval of the CUP Application.

While current Staff has claimed that changes to the design since 2005–06b explain Staff’s complete change in position, the plans evaluated by Staff in 2005–06 generally depicted about the same amount of excavation as the current plans. Because the differences between the 2005–06 plans and the current refinements are immaterial from an excavation standpoint—and current Staff has not shown otherwise—Staff’s unexplained change in position raises due process, equitable, breach-of-contract, and other legal concerns.

BJM:

in the project after development, the City specified building heights from a fixed reference point—mean sea level—in the SPMP.



DATE: January 6, 2016

SUBJECT: Treasure Hill Properties’ Executive Summary of Responses to Issues Raised in Prior Staff Reports and at Previous Hearings

1. Staff’s Reliance on Sheet 22 to Assess the Limits of Disturbance Is Misplaced.

- Sheet 22 from the SPMP was never intended to address the limits of disturbance. Instead, it sets forth the areas where MPE is allowed to construct buildings that are taller than the zoning otherwise allows.
- Staff’s conclusions about Sheet 22 defining the limits of disturbance are contrary to the SPMP Staff Report and numerous prior Staff reports about the CUP Application specifically addressing Sheet 22.
- The SPMP Staff Report notes that the limits of disturbance are to be defined in the CUP process, and Staff previously concluded that the CUP Application proposed that all development activity occur in the assigned development parcels.
- The Applicant has addressed this issue in greater depth in the Applicant’s accompanying position statement.

2. Staff’s Conclusion that the Proposed Development Requires Unanticipated and/or Excessive Excavation Is Unsupported by the Facts.

- Staff’s estimation of the amount of excavation required for the Woodruff buildings is based on flawed assumptions that are contrary to the Woodruff drawings themselves. The Woodruff buildings would have required significant excavation. Furthermore, additional excavation would have been required to actually build the Woodruff buildings.
- The SPMP Staff Report demonstrates that the City understood the development of the hillside properties would require significant excavation. Indeed, the City imposed conditions—as stated in the SPMP Staff Report—to address excavation issues.
- The Applicant has addressed this issue in greater depth in the Applicant’s accompanying position statement.

3. The Public Misstates the Site Design Requirements, Which the Projects Conforms to in Any Event.

- Several members of the public have claimed that the CUP Application is bound by the requirement that “[t]he project should be designed to fit the Site, not the Site modified to fit the project.” (2004 LMC § 15-6-5(F).) That provision applies to new Master Planned Development applications under the 2004 Land Management Code. It does not apply to CUP Applications.
- In any event, the proposed development conforms to the goals and objectives of the 2004 Land Management Code’s site design criteria. For example, the first criteria under this broad directive instructs developers that “Units should be clustered on the most developable and least visually sensitive portions of the Site.” (2004 LMC § 15-6-5(F)(1).) For the reasons previously explained and set forth in MPE’s accompanying position statement, the proposed development—by clustering most of the density into less than three percent (3%) of the development area and placing that density on parcels that require less grading and that are less visually sensitive—has conformed exactly to this standard.

4. Hotel-type Uses Were Contemplated from the Beginning, As Noted in the SPMP Staff Report.

- A member of the public raised a question about whether the CUP Application’s proposed hotel-type use was permitted.
- At the time the SPMP approval, the City understood that a hotel-type development was the most likely use of the hillside properties. For example, the SPMP Staff Report (p. 12) notes that “[t]he building forms and massing as well as location lend themselves to hotel-type development. Although future developers of projects within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these projects will likely be geared toward the visitor looking for more of a destination-type of accommodation.” Other exhibits to the SPMP Staff Report also reflect that the City understood MPE would likely seek to develop the property as a hotel or similar commercial enterprise.

BJM:



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Zoning Map Amendment Request
Author: Anya Grahn, Historic Preservation Planner
 Bruce Erickson, AICP, Planning Director
Project Number: PL-16-03323
Date: January 11, 2017
Type of Item: Legislative – Zoning Map Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council to approve the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Park City Planning Department
Location: 622, 652, and 660 Rossie Hill Drive
Existing Zoning: Residential Medium (RM) District
Proposed Zoning: Historic Residential Low-Density (HRL) and Recreation Open Space (ROS)
Adjacent Land Uses: Single-family and multi-unit residential
Reason for Review: Zoning Map Amendment applications require a Planning Commission recommendation and City Council review and action

Proposal

City Council has expressed concern about the future development of the BLM parcels along Rossie Hill Drive, which include 622, 652, and 660 Rossie Hill Drive. The neighborhood of the BLM parcels is currently zoned Residential Medium (RM) District along Deer Valley Drive, and Estate (E) to the south of Rossie Hill Drive; this area provides a transition between Old Town to the West and Lower Deer Valley to the east. As outlined in the General Plan, the aesthetics of the Lower Deer Valley neighborhood should be preserved with special consideration to preserving the few remaining miners' houses along Deer Valley Drive and encouraging compatible development that does not overwhelm the historic houses. Additionally, the General Plan recommends the use of conservation neighborhoods tools to protect native vegetation and wildlife corridors in the Lower Deer Valley neighborhood.

In order to maintain the aesthetic experience of arriving at the resort and meeting City Council's goals for preserving historic resources along Deer Valley Drive, City Council directed staff to make a zone change amendment on September 22, 2016 ([Staff Report](#))

page 92, [Minutes](#) page 18).

Background

Prior to 2013, the BLM has owned the hillside containing the three historic miner's houses at 622, 652, and 660 Rossie Hill Drive the fire-damaged historic house at 632 Deer Valley Loop, and the triangle parcel above Rossie Hill Drive. In 2013, the BLM granted a land patent to the Bertagnoles for the 632 Deer Valley Loop parcel after 30 years of Color of Title legal action. Richard Dennis is currently in a Color of Title action with BLM for the three remaining houses.

This hillside was initially zoned R-1 in 1968, which permitted a density of about 14.5 units/acre; however, by 1985, it had been rezoned to RM. The RM zoning district serves as a transition neighborhood between Old Town to the west and Lower Deer Valley to the east. The neighborhood is largely characterized by resort-oriented housing development, including single family, duplex, and multi-unit dwellings that serve as primary and second homes as well as nightly rentals.

The triangle parcel to the west of Coalition View Court is currently zoned Estate; however, the size of the parcel is a substandard lot for the minimum lot size requirements for the Estate zone.

During City Council's review of the Lilac Hill Subdivision at 632 Deer Valley Loop on July 14, 2016, Council was concerned about future development of the adjacent BLM parcels. In particular, Council asked staff to return with limitations on house size, height, site parameters, and restrictions on relocation of the historic houses. On September 22, 2016 [See [City Council Staff Report](#) (starting page 92) and [City Council Minutes](#) (starting page 15)], staff presented to City Council the potential to rezone the area from Residential-Medium (RM) to Residential Development (RD) District; however, upon further analysis, staff finds that Historic Residential Low-Density (HRL) is more appropriate.

Staff's change of recommendation from RD to HRL was largely due to the size of BLM parcel PC-537-X, which contains the three Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive. The RD zone district limits density to three units per acre (3 units/1 acre), and this property contains 3 houses on 0.74 acres. Therefore, if zoned RD, the site would be legal non-complying and no further development could occur. However, additions could be made to the existing homes during restoration.

Additionally, the proposed zone change is consistent with the plat notes added to the Lilac Hill Subdivision, approved by City Council on October 20, 2016 [See [City Council Staff Report](#) (starting on page 108) and [City Council Minutes](#) (starting page 9)]. The property at 632 Deer Valley Loop is zoned RM; however, any new development at this site is required to comply with Park City Design Guidelines for Historic Districts and Historic Sites in order to ensure that new development is compatible to the historic structure on this lot and the Historic Structures in the surrounding area. The Conditions of Approval of [Ordinance 16-32](#) for this Subdivision also provided a 40% open space

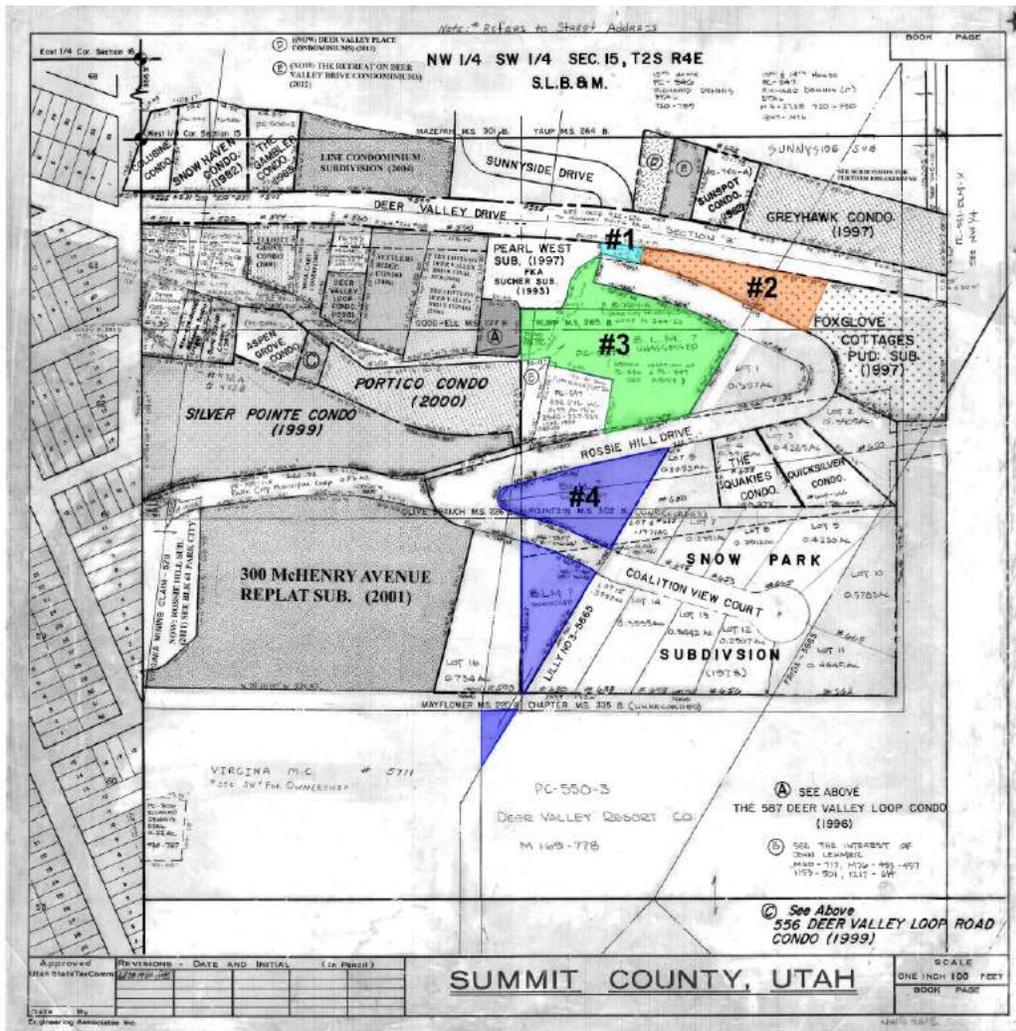
provision.

Zoning Map Amendment

In order to accommodate their goals, City Council directed staff to bring an application to rezone the BLM properties and private property which includes:

- Parcel 1: The City-owned parcel PC-750-4-X to the south of Rossie Hill Drive and north of the historic houses on Rossie Hill Drive
- Parcel 2: The portion of the Foxglove Cottages PUD Subdivision (1997) that was designated as common open space on their plat
- Parcel 3: BLM parcel PC-537-X which includes the Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive
- Parcel 4: BLM triangle parcel that extends from Rossie Hill to the north, across Coalition View Court, and south adjacent to the Snow Park Subdivision

These parcels are shown on the image below:



Summit County, Utah Parcel Map

These parcels are under separate ownership. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hill Drive and south of Coalition View Court.

Parcel #1 is owned by Park City Municipal Corporation; it is the paved area that connects Rossie Hill Drive to Deer Valley Drive. Parcel #2 has been designated as open space on the Foxglove Cottages PUD Subdivision, recorded in 1997, and owned by the Foxglove Homeowners association. Parcel #3 is owned by the BLM; however, the BLM is in a Color of Title legal action with the Dennis family for the northeast side of the property which includes the three (3) historic houses along Rossie Hill Drive. Finally, Parcel #4 is also owned by the BLM.

Parcels #1, #2, and #3 are currently zoned Residential Medium (RM); whereas the triangle Parcel #4 is zoned Estate (E). Zoned as estate, Parcel #4 is an undevelopable parcel as the Estate zone requires a minimum lot size of three (3) acres for all uses with density limited to one (1) unit per three (3) acres. Parcel #4 consists of approximately 0.6 acres north of Coalition View Court and approximately 0.4 acres on the south side of Coalition View Court. These lots are substandard lots and cannot be developed under the current zoning.

Staff proposes rezoning Parcel #1, #2, and #4 as Recreation and Open Space (ROS). This will protect this area from development and allow it to retain its natural character of an open meadow. It will also help preserve the context of the historic houses along Rossie Hill Drive as they will continue to be framed by open space. The purposes of the ROS District include:

- 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.
- E. encourage sustainability, conservation, and renewable energy.

Staff also proposes to rezone Parcel #3 from RM to HRL. The change in zone will aid in meeting Council's goals as it will reduce the amount of density permitted on the site as the RM zone would permit up to twenty-two (22) units of development and the HRL zone would only allow eight (8) units of development; these unit calculations are based only on the size of the lot and do not consider the placement of the historic houses on the property. The Historic zone designation will ensure that development is reviewed under the Historic District Design Guidelines and Review process (HDDR).

This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive. The size of the

proposed rezoning area is approximately 15% of the total the size the entire existing HRL Zone District along McHenry Road.

This proposal to modify this specific area is aligned with the City's General Plan and current zoning restrictions. The zone change will maintain the existing open space on the hillside and designated by the Fox Glove Cottages PUD Subdivision and further protect the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

The purpose statements of the HRL zoning district reflect the strategies and goals outlined in our General Plan. The purpose statements for the HRL Zoning District include:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- B. provide an Area of lower density Residential Use within the old portion of Park City,
- C. preserve the character of Historic residential Development in Park City,
- D. encourage the preservation of Historic Structures,
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

These purpose statements reflect the goals for Historic Character as outlined in the General Plan. The General Plan seeks to preserve the integrity, mass, scale, and character of Park City's Historic fabric. It also addressed examining lot sizes in Old Town to ensure compatible mass and scale of infill development and additions to historic structures. It recommends developing compatibility regulations that limit lot size, massing, siting, and height in order to guide compatible neighborhood development as well as retain and preserve the character of historic sites. Most importantly it intends to maintain local and national historic assignments, prevent incompatible infill as well as significant modifications/alterations to historic structures, and the loss of historic resources.

Parcel #3 was identified as Old Town in the General Plan. However, the historic resources along Deer Valley Drive were actually addressed as part of the Lower Deer Valley Neighborhood. In this area, Deer Valley is meant to be a transition between historic Old Town and the relatively new resort. The General Plan sought to preserve the aesthetic experience of the approach to the resort by maintaining cultural resources along Deer Valley Drive, particularly the few remaining miner's home. Again, preservation is a key component to the HR-L zoning District.

The following table outlines the differences between the existing RM and proposed HRL

zones:

Zone Allowance:	Residential Medium-Density (RM)	Historic Residential Low-Density (HRL) District
Lot Size Requirements: Single Family Duplex Dwelling Triplex Dwelling Four-plex Dwelling More than four dwelling units	2,812 SF 3,750 SF 4,687 SF 5,625 SF 5,625 SF + 1,000 SF for each additional unit	3,750 SF Not permitted Not permitted Not permitted Not permitted
Lot Width	37.50 ft.	35 ft.
Setbacks <u>Front Yard</u> Single Family, Duplex, and Accessory Buildings Front Facing Garages for Single Family and Duplex Dwellings Triplex or Multi-Unit Dwellings Front Facing Garages for Multi- Unit Dwellings <u>Rear Yard</u> Single Family and Duplex Dwellings Triplex or Multi-Unit Dwelling Accessory Building less than 18 ft. in height <u>Side Yard</u> Single Family, Duplex, and Accessory Buildings Triplex or Multi-Unit Dwelling Accessory Building less than 18 ft. in height	15 ft. 20 ft. 20 ft. 25 ft. 10 ft. 15 ft. 5 ft. 5 ft. 10 ft. 3 ft.	10-15 ft. depending on lot depth N/A N/A 10-15 ft. depending on lot depth N/A 1 ft. 3-10 ft. depending on lot width N/A 3 ft.
Open Space Requirement Triplex or Multi-Unit Dwelling	60%	Not permitted
Building Height	28 ft.	27 ft. from existing grade; maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the

		<i>Structure.</i>
<i>Maximum House Size</i>	<i>N/A</i>	<i>Based on footprint allowance</i>

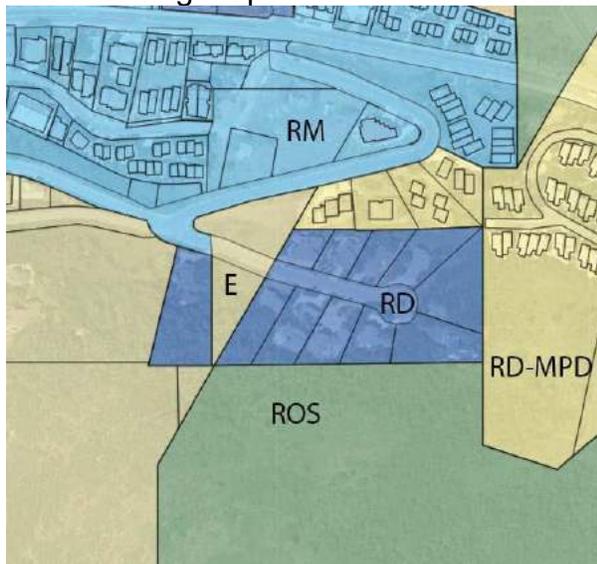
¹ As part of a MPD or subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. See equations outlined in LMC 15-2.13-6.

As noted in the following table, the allowed uses of the zones are fairly similar in promoting residential development. The HRL zone restricts residential development only to single family dwellings which is consistent with the historic development on Parcel #3. Additionally, the conditional uses of the HRL zone include Passenger Tramway Stations and Ski Base Facilities, Ski Tow Ropes, Ski Lifts, Ski Runs, and Ski Bridges which further support resort development to the east. The following table shows the differences in allowed uses between the RM and RD zones:

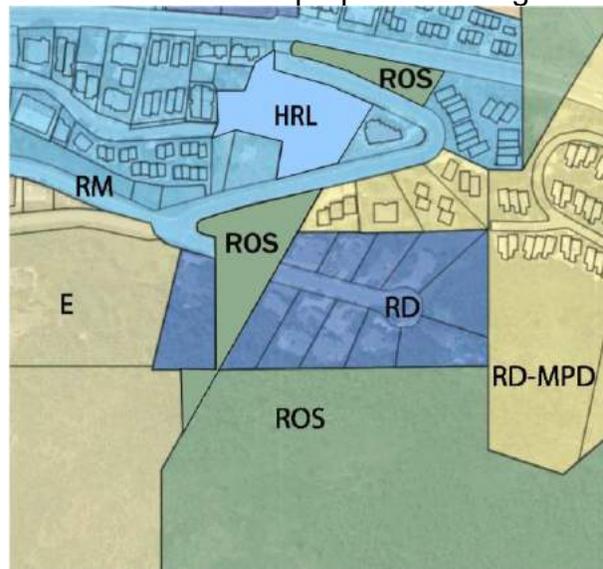
Zone Allowance:	Residential Medium-Density (RM)	Historic Residential Low-Density (HRL) District
<i>Single Family Dwelling</i>	<i>Allowed</i>	<i>Allowed</i>
<i>Duplex Dwelling</i>	<i>Allowed</i>	<i>Not Permitted</i>
<i>Triplex Dwelling</i>	<i>Allowed</i>	<i>Not Permitted</i>
<i>Secondary Living Quarters</i>	<i>Allowed</i>	<i>Not Permitted</i>
<i>Lockout Unit</i>	<i>Allowed</i>	<i>CUP</i>
<i>Accessory Apartment</i>	<i>Allowed</i>	<i>CUP</i>
<i>Nightly Rental</i>	<i>Allowed</i>	<i>CUP</i>
<i>Home Occupation</i>	<i>Allowed</i>	<i>Allowed</i>
<i>Child Care, In-Home Babysitting</i>	<i>Allowed</i>	<i>Allowed</i>
<i>Child Care, Family</i>	<i>Allowed</i>	<i>Allowed</i>
<i>Child Care, Family Group</i>	<i>Allowed</i>	<i>Allowed</i>
<i>Accessory Building and Use</i>	<i>Allowed</i>	<i>Allowed</i>
<i>Conservation Activity</i>	<i>Allowed</i>	<i>Allowed</i>
<i>Agriculture</i>	<i>Allowed</i>	<i>Allowed</i>
<i>Bed & Breakfast Inn</i>	<i>Allowed</i>	<i>Not Permitted</i>
<i>Parking Area or Structure with four (4) or fewer spaces</i>	<i>Allowed</i>	<i>Not Permitted</i>
<i>Multi-Unit Dwelling</i>	<i>CUP</i>	<i>Not Permitted</i>
<i>Guest House, on Lot greater than one (1) acre</i>	<i>CUP</i>	<i>Not Permitted</i>
<i>Group Care Facility</i>	<i>CUP</i>	<i>Not Permitted</i>
<i>Child Care Center</i>	<i>CUP</i>	<i>Not Permitted</i>
<i>Public and Quasi-Public Institution, Church, and School</i>	<i>CUP</i>	<i>Not Permitted</i>
<i>Essential Municipal Public Utility Use, Facility, Service, and Structure</i>	<i>CUP</i>	<i>CUP</i>
<i>Telecommunication Antenna</i>	<i>CUP</i>	<i>CUP</i>
<i>Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter</i>	<i>CUP</i>	<i>CUP</i>
<i>Boarding House, Hostel</i>	<i>CUP</i>	<i>Not Permitted</i>
<i>Hotel, Minor</i>	<i>CUP</i>	<i>Not Permitted</i>
<i>Outdoor Event</i>	<i>Admin-CUP</i>	<i>Not Permitted</i>
<i>Residential Parking Area or Structure with four (4) or fewer spaces</i>	<i>Not Permitted</i>	<i>Allowed</i>

Parking Area or Structure with five (5) or more spaces	CUP	CUP
Temporary Improvement	Admin-CUP	Admin-CUP
Recreation Facility, Public and Private	CUP	CUP (Private only)
Master Planned Development with moderate income housing Density bonus	CUP	Not Permitted
Master Planned Development with residential and transient lodging Uses only	CUP	Not Permitted
Master Planned Development with Support Retail and Minor Service Commercial Uses	CUP	Not Permitted
Fences greater than six feet in Height from Final Grade	Admin-CUP	Admin-CUP
Passenger Tramway Station and Ski Base Facility	Not Permitted	CUP
Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge	Not Permitted	CUP

The following maps show the current zoning for this area and the proposed zoning:



Current Zoning



Proposed Zoning

General Plan Compliance

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals are copied below in italics below:

Small Town

- Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. *The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood while safeguarding the neighborhood’s historic character through rezoning Parcel #3 to HRL and the remaining parcels to recreation and open space by zoning it ROS.*

- Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Salt Lake County regions through regional land use and transportation planning. Not applicable.
- Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character. Not applicable.

Natural Setting

- Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. The proposed zoning change will continue to maintain the existing open space by zoning it ROS to further protect it from future development.
- Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020. The zone change will ensure the protection of existing natural resources and open space by zoning it ROS.
- Goal 6: Climate Adaptation: Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change. Not applicable.

Sense of Community

- Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents. Not applicable.
- Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City. Not applicable.
- Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. The purpose statements of the ROS zoning district encourages parks, trails, and other recreational uses as well as the preservation and enhancement of environmentally sensitive lands such as the meadows, stream corridors, and forests.
- Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. Not applicable.
- Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. The proposed zone change will encourage the rehabilitation of the three (3) existing miner's cottages along Rossie Hill Drive while also maintaining their

context by rezoning the existing open space as ROS.

- Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. Not applicable.
- Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression. Not applicable.
- Goal 14: Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region. Not applicable.

Historic Character

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. The rezone of the historic cottages from RM to HRL will allow redevelopment of these sites and ensure their longevity by encouraging their adaptive reuse. The context of their location will be maintained and preserved by rezoning the existing open space as ROS.
- Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. The proposed Zone Changes does not affect the "heart" of the City, Main Street.

Good Cause

Planning Staff finds that there is Good Cause for this Zone Amendment as the amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code can be met. In addition, the portion of land proposed to change from RM to HRL and RM and E to ROS have not been developed previously and still contain undisturbed native grasses and shrubs in a natural state typical of other designated open space areas so no re-vegetation will be necessary and it satisfies the requirements of the Zone.

Process

The approval of the proposed rezoning application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC § 1-8.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on

December 31, 2016 according to requirements of the Land Management Code.

If this application is forwarded to City Council, the property owners will be noticed once again, ten days prior to the public hearing, according to requirements of the LMC.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the Zoning Map Amendment; or
- The Planning Commission may forward a negative recommendation to City Council to deny the Zoning Map Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Zoning Map Amendment to a date certain and provide input to Staff and the applicant on any additional information they require in order to make a recommendation; or

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The zoning designation would remain as is.

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council to approve the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

- Exhibit A – Zoning Map Amendment Draft Ordinance and map of amendment
- Exhibit B – Survey of Richard Dennis Property
- Exhibit C – Aerial photographs of the rezone
- Exhibit D – Site Photographs

Exhibit A: Zoning Map Amendment Draft Ordinance

Ordinance No. 17-XX

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FROM RESIDENTIAL MEDIUM (RM) DISTRICT TO HISTORIC RESIDENTIAL LOW-DENSITY (HRL) DISTRICT AND RECREATION OPEN SPACE (ROS) AT 622, 652, AND 660 ROSSIE HILL DRIVE AS WELL AS THE BLM-OWNED PARCELS, PARK CITY, UTAH.

WHEREAS, City Council directed staff to initiate a Zoning Map Amendment on September 22, 2016; and

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

WHEREAS, on December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet; and

WHEREAS, legal notice was published in the Park Record on December 31, 2016 according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2017 to receive input on Zoning Map Amendment; and

WHEREAS, the Planning Commission, on January 11, 2017, forwarded _____ recommendation to the City Council; and,

WHEREAS, on February 16, 2017 the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Amend the Zoning Map.

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

SECTION 1. APPROVAL. Zoning Map Amendment from Residential Medium (RM) District to Historic Residential Low-Density Development (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels as shown in Attachment 1 is approved subject to the following Findings of Facts, and Conclusions of Law.

Findings of Fact:

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to

- the south and east of Rossie Hill Drive and south of Coalition View Court.
2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).
 3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.
 4. This rezone also includes the northwestern half of the Foxglove Cottages PUD Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.
 5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.
 6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.
 7. The access to the sites is from Rossie Hill Drive and Coalition Court.
 8. The ROS District lists Conservation Activity as the only allowed use.
 9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.
 10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.
 11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.
 12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication and when the revised Official Zoning Map is signed by the City upon final review by the City

Attorney.

PASSED AND ADOPTED this 16th day of February, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

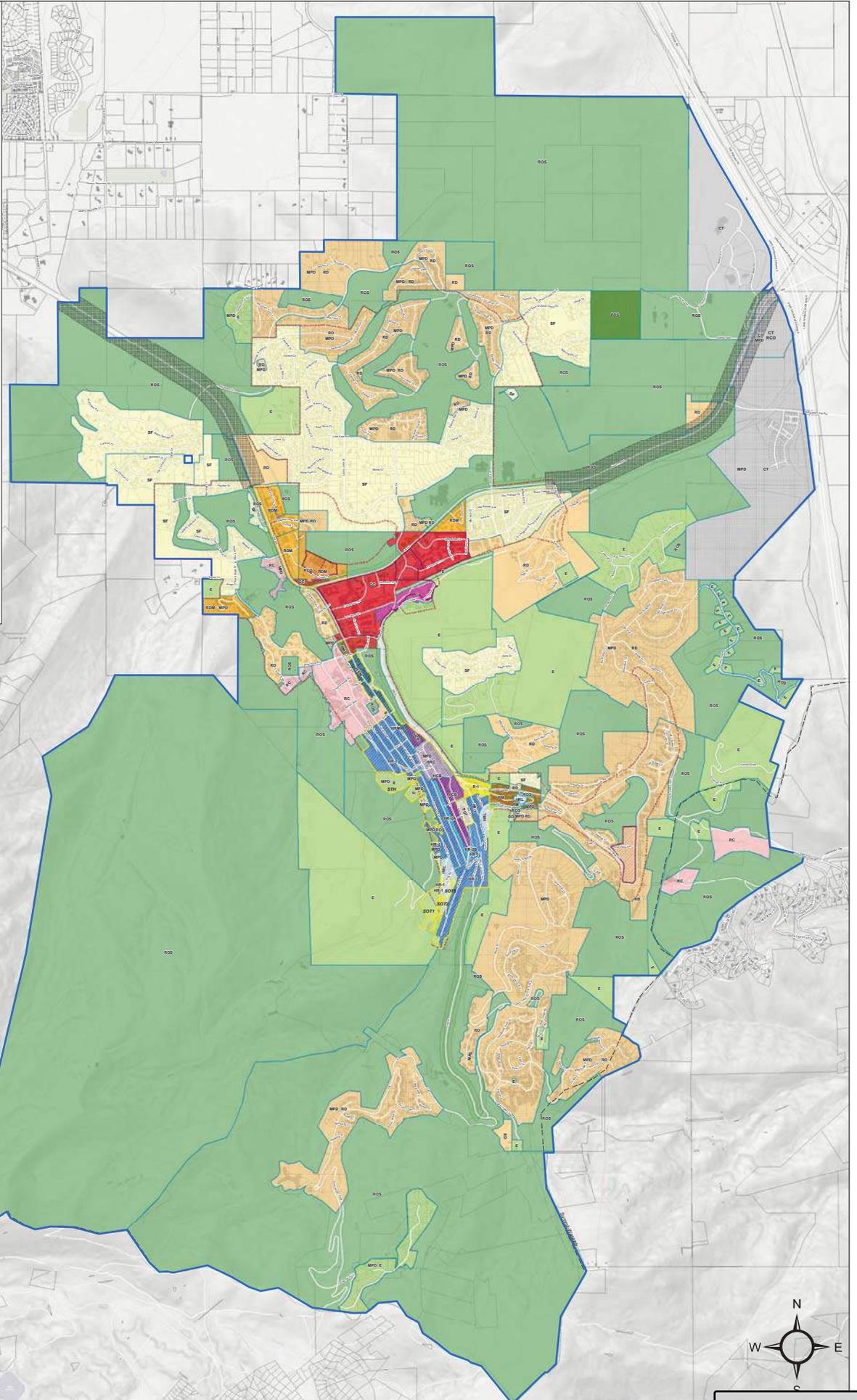
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Zoning Map Amendment

Legend

- Park City Limits
- County Boundaries
- Sending Zones
- Receiving Zones
- Sensitive Lands (SLO)
- Frontage Protection Zone (FPZ)
- Entry Corridor Protection (ECP)
- Master Planned Development (MPD)
- Regional Commercial (RCO)
- Community Transition (CT)
- Estate (E)
- General Commercial (GC)
- Historic Commercial Business (HCB)
- Historic Residential (HR-1)
- Historic Residential (HR-2A)
- Historic Residential (HR-2B)
- Historic Recreation Commercial (HRC)
- Historic Residential - Low Density (HRL)
- Historic Res. - Medium Density (HRM)
- Light Industrial (LI)
- Protected Open Space (POS)
- Public Use Transition (PUT)
- Residential (R-1)
- Recreation Commercial (RC)
- Residential Development (RD)
- Residential Dev. - Medium Density (RD-M)
- Residential - Medium Density (RM)
- Recreational Open Space (ROS)
- Single Family (SF)
- Parcels

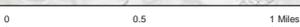
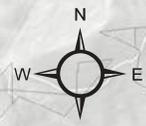


Official Zoning Map

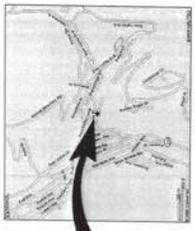
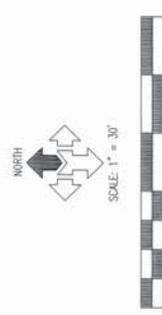
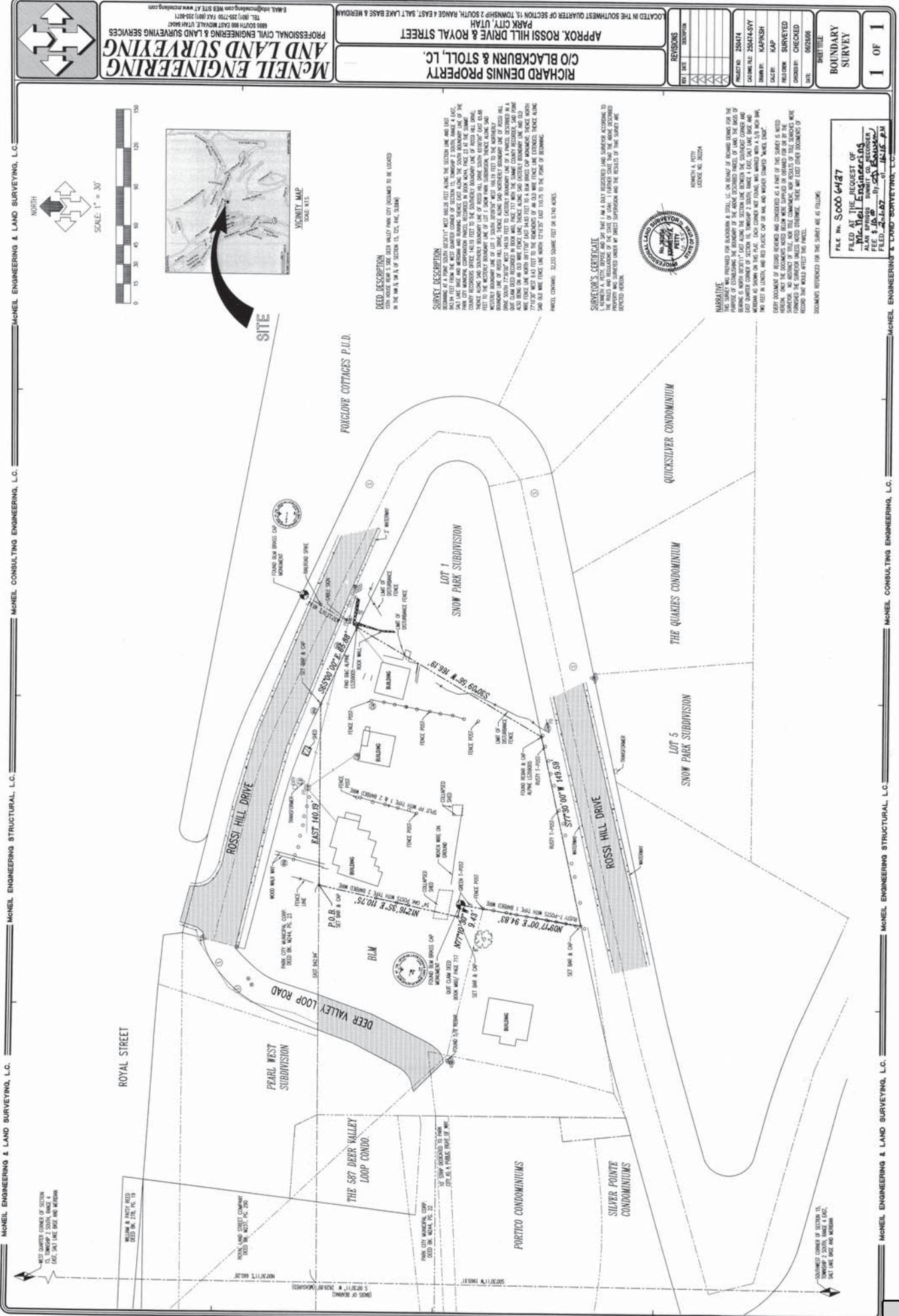
Jack Thomas, Mayor

Bruce Erickson, Planning Director

Adam Strachan, Planning Commission Chair



This map is a graphic illustration of Park City's zoning districts and is not intended to establish precise dimensions and/or surveyed boundaries of each zone. Interpretation of the Zoning Map is governed by the standards in IAC Section 10-5-1. For complete information regarding the specific provisions of any of the zoning designations shown on this map, please contact the Park City Planning Department.



DEED DESCRIPTION
 1000 WOODS BOWL S. 500' DEED TRACT PINK CITY (RECORDED TO BE LOCATED IN THE NW 1/4, SW 1/4 OF SECTION 15, T2S, R4E, S38M)

SURVEY DESCRIPTION
 THIS SURVEY WAS PERFORMED BY THE SURVEYOR IN ACCORDANCE WITH THE PROVISIONS OF THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS. THE SURVEYOR HAS REVIEWED THE DEED RECORDS AND HAS FOUND THAT THE DEED RECORDS ARE CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE DEED RECORDS AND HAS FOUND THAT THE DEED RECORDS ARE CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE DEED RECORDS AND HAS FOUND THAT THE DEED RECORDS ARE CORRECT AND ACCURATE.

SURVEYOR'S CERTIFICATE
 I, KAREN A. VETTY, SURVEYOR, DO HEREBY CERTIFY THAT I AM A duly registered land surveyor according to the rules and regulations of the state of Utah. I HEREBY STATE THAT THE ABOVE DESCRIBED SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THE RESULTS OF THIS SURVEY ARE REPORTED ACCURATE.



NARRATIVE
 THIS SURVEY WAS PERFORMED FOR BLACKBURN & STOLL, LC. ON BEHALF OF RICHARD DENNIS FOR THE PROPERTY DESCRIBED IN THE DEED RECORDS. THE SURVEYOR HAS REVIEWED THE DEED RECORDS AND HAS FOUND THAT THE DEED RECORDS ARE CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE DEED RECORDS AND HAS FOUND THAT THE DEED RECORDS ARE CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE DEED RECORDS AND HAS FOUND THAT THE DEED RECORDS ARE CORRECT AND ACCURATE.

FILE NO. S000 6427
 FILED AT THE REQUEST OF
 RICHARD DENNIS PROPERTY
 ALAM STREET
 FILED 9/20/16 BY KASRASH
 FILED AT THE OFFICE OF THE
 COUNTY CLERK, SALT LAKE CITY, UTAH

S-6427



Rossie Hill Zone Change

(Please note that 632 Deer Valley Drive is not included)





Planning Commission Staff Report



Subject: Prospector Apartments CUP
Author: Ashley Scarff, Planning Technician
Project Number: PL-16-03356
Date: January 11, 2017
Type of Item: Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission holds a public hearing and considers approving a Conditional Use Permit for the construction of six (6) residential units within two (2) new floors above an existing one-story commercial building at 1846 Prospector Avenue, according to the findings of fact, conclusions of law, and conditions of approval incorporated herein.

Description

Applicant: Josh McConnell/The Burbridge Group LLC, represented by Brandon Schofield, CDR Development
Location: 1846 Prospector Avenue
Zoning: General Commercial (GC) District
Adjacent Land Uses: Office/Retail uses to the north and south; Parking Lot H to the west; Parking Lot K to the east
Reason for Review: All residential uses within the General Commercial (GC) zone require a Conditional Use Permit (CUP) with review and final action by the Planning Commission.

Proposal

The applicant requests approval of a Conditional Use Permit (CUP) for residential uses within the General Commercial (GC) zoning district. The applicant, Josh McConnell of the Burbridge Group, LLC, proposes to construct two (2) new floors above an existing one-story commercial building located at 1846 Prospector Avenue. Each new floor will contain three residential units, one two-bedroom and two one-bedroom units per level. The first floor, which currently houses Black Tie Skis (ski rentals), will maintain its existing use. The exterior of the entire building will be updated, and the applicant has indicated that the new residential units will be rentals.

Background

On October 31, 2016, Staff received an application for a Conditional Use Permit to construct two stories of residential use above an existing one-story commercial structure at 1846 Prospector Avenue. The subject property consists of a 3,600 square foot lot, lot 28A of the Prospector Square Amended plat dated December 26, 1974. The parcel falls within the Prospector Overlay of the GC zone and contains a one-story commercial structure that currently houses Black Tie Skis. The owner of the ski rental business is also the owner of the land and building, and serves as applicant for this proposed mixed-use project. Each new floor is to contain three rental units (one two-bedroom and two one-bedroom units) for a total of six (6) new residential units within the project. The first floor will maintain its existing Retail and Service Commercial use. The application was considered complete on November 9, 2016.

Purpose

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City’s entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

Analysis

The proposal complies with lot and site requirements of the Prospector Overlay of the GC district as described below:

GC Zoning District	Permitted by LMC for Prospector Overlay of the GC zone 15-2.18-3(I)
Lot Size	No minimum lot size. Subject lot is 45 feet x 80 feet = 3,600 sf.
Building Footprint- Floor Area Ratio (FAR)	Per 15-2.18-3(I), the FAR must not exceed 2.0 (For this lot, area must not exceed 3,600 sf x 2 = 7,200 sf). All Uses in the building, except enclosed parking areas, are subject to the FAR. 7,106 total sf building proposed (FAR of 1.97). First level commercial shown at 2,794 sf; second and third level residential uses both shown at 2,156 sf.
Front/rear yard setbacks	Zero lot line development permitted within Prospector Overlay.

Side yard setbacks	Zero lot line development permitted within Prospector Overlay.
Building Height	Thirty-five feet (35') from Existing Grade is the Zone Height. Building Height exceptions from LMC 15-2.18-4(A) apply. Building height will be verified at the time of Building Permit review.
Parking	<p>The existing commercial unit requires three (3) off-street parking spaces and the six (6) residential units require a total of six (6) spaces (1 space required for each Dwelling Unit less than 1,000 sf in floor area). Total of 9 spaces required for total project.</p> <p>The Subdivision contains thirteen (13) shared lots with 1,096 total spaces. In addition, there are 255 street parking spaces available throughout the area. Parking Lot H to the west of the existing building has 66 available spaces, and Parking Lot K to the east contains 85 available spaces. The only restrictions on these spaces are ADA stalls, and some time-restricted spaces. Per Prospector Overlay, parking lots A through K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping. Prospector Square POA representatives have indicated that tenants of/visitors to the new project may utilize all shared parking areas.</p>
Architectural Design	All construction is subject to LMC §15-5 Architectural Review with final review conducted at the time of Building Permit review/issuance.
Uses	<p>All uses listed in 15-2.18-2(A) Allowed Uses are permitted unless otherwise noted. The existing ski rental business is an Allowed Use.</p> <p>All uses listed in 15-2.18-2(B) Conditional Uses require either an Administrative CUP or a CUP approved by the Planning Commission, as noted. All Residential Uses are Conditional Uses within the GC District and require Planning Commission review.</p>

Within the GC zoning district, all Residential Uses are Conditional Uses subject to review according to the following criteria set forth in the LMC §15-1-10(E).

1. Size and location of the Site;

The project is to be located at 1846 Prospector Avenue on a 3,600 sf lot shown as lot 28A on the Prospector Square Amended plat. The surrounding area largely contains office and retail uses in multi-tenant buildings on small lots, as well as a few larger residential and hotel structures. Within the Prospector Overlay of the GC district, a maximum Floor Area Ratio (FAR) of 2.0 is allowed on each lot, along with zero lot line development. Per LMC §15-2.18-3(I), all Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio (FAR).

FAR is defined as the maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.

Gross Residential Floor Area is defined as the Area of a Building, including all enclosed Areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area... Floor Area is measured from the finished surface of the interior of the exterior boundary walls.

Gross Commercial Floor Area is defined as the Area of a Building including all enclosed Areas, excluding parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.

The applicant proposes to construct two (2) new floors with residential use above an existing one-story commercial building. The existing structure has a floor area of 2,926 sf, but will be altered to have a floor area of 2,794 sf to accommodate exterior stairs and an elevator at the northeast corner. The two new residential levels will each have floor areas of 2,156 sf, for a total of 4,312 sf. The resulting structure will have a FAR of 1.97, and will be limited to the maximum zone height of 35 feet from existing grade (currently proposed at 34 feet, 10 inches at tallest point). The lot is sufficient in size for the proposed use. **No unmitigated impacts.**

2. Traffic considerations including capacity of the existing Streets in the Area;

At times, the streets and intersections in the Prospector Square area are congested, and the addition of six (6) new residential units will add traffic from new residents and visitors. The subject lot is part of the Prospector Square Subdivision and development with a maximum 2.0 FAR has been anticipated since the parcels were platted. The traffic resulting from the existing commercial use will likely remain as-is, and that resulting from the residential uses is less than what would be spurred if the owner was proposing other uses that are expressly allowed in the zone, such as an Office use. **No unmitigated impacts.**

3. Utility capacity, including Storm Water run-off;

Utilities necessary for this use are available at or near the site. All new above-ground utility structures will need to be located on private property, or within the Prospector Square POA's common areas—no above-ground utility structures will be allowed in the right-of-way (ROW).

At the City's internal Development Review Committee (DRC) meeting, a representative from the Fire Department indicated that the added residential uses and increased floor area of the structure will require that the riser size going into the building be upgraded. In addition, there was a comment that the existing sewer laterals will not be large enough to support the residential units, and they will need to be upgraded. The City is re-building Prospector Avenue in summer 2017, and the City Engineer has added that, if the applicant does not upgrade utility connections during that construction period, he will need to wait two (2) years until the street can be cut into again. Details will be coordinated during the Building Permit review period. **No unmitigated impacts, as conditioned.**

4. Emergency vehicle Access;

The proposed development will not interfere with existing access routes for emergency vehicles. **No unmitigated impacts.**

5. Location and amount of off-Street parking;

Zero lot line development with maximum density of 2.0 FAR has been anticipated since the Prospector Square Subdivision was first platted in 1974. The Subdivision contains thirteen (13) shared lots with 1,096 total spaces intended for common use. In addition, there are 255 on-street parking spaces available throughout the area, and 210 spaces with ADA and/or time restrictions. Parking Lot H to the west of the existing building has 66 available spaces, and Parking Lot K to the east contains 85 available spaces. Per the Prospector Overlay section of the LMC, parking lots A through K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping. Prospector Square POA representatives have indicated that they have no specific concerns with this project, and tenants of/visitors to the new project may utilize all shared parking areas.

The existing commercial unit requires three (3) off-street parking spaces and the six (6) residential units will require a total of six (6) spaces (1 space per unit with floor area of less than 1,000 sf), for a total of 9 required spaces for the entire project. This demand is minimal when compared to other prevalent uses expressly allowed within the zoning district, such as an Office, which may require up to 5 off-street spaces per 1,000 sf of net leasable floor area. Therefore, parking is mitigated by the construction of residential uses rather than other potential uses allowed within the GC zone. **No unmitigated impacts.**

6. Internal vehicular and pedestrian circulation system;

Nearby vehicular and pedestrian access and circulation thru-ways include sidewalks on either side of Prospector Avenue and to the immediate east of the subject property; an internal walkway managed by the Prospector Square Property Owners' Association to the north of the building; and the Rail Trail bikeway to the south of the structure on the southern side of Prospector Avenue. None of these items will be affected by this project. **No unmitigated impacts.**

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

No outdoor storage of goods or mechanical equipment is proposed or allowed onsite. No fencing is proposed. A definitive landscaping plan was not required with this Conditional Use Permit application, but renderings show trees that may be planned or existing. There are plans to make Prospector Avenue a "complete street" with greater pedestrian amenities during 2017. **No unmitigated impacts.**

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

The proposed two (2) new levels will be located on top of the existing one-story commercial structure, which will have its footprint decreased by approximately 132 sf to accommodate access to the residential units via an exterior stairway and elevator. The structure will nearly reach the maximum allowable FAR of 2.0 (1.97 proposed), as well as the maximum allowable building height of 35 feet from existing grade (34 feet, 10 inches currently proposed). There are other nearby three-story structures, including some that front Prospector Avenue, and this structure will have similar mass and bulk as those buildings. The main access to the commercial unit will remain in its existing location, off of Prospector Avenue. The main residential access will be from Parking Lot K to the east of the structure, and will not affect existing parking configurations. Both access points integrate well with existing sidewalks and parking amenities. **No unmitigated impacts.**

9. Usable Open Space;

Not applicable as this project will not impact any existing open space within the Prospector Square area. **No unmitigated impacts.**

10. Signs and lighting;

There are no signs or lighting proposed for the building at this time. Any new exterior signs or lighting must be approved by the Planning Department prior to installation. **No unmitigated impacts.**

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

The physical design of the building, in terms of mass, scale, style, design and architectural detailing, complies with LMC §15-5-5 Architectural Design. The building is contemporary and compliments the variety of building styles in the area. It will nearly reach the maximum allowable FAR of 2.0 (1.97 proposed), as well as the maximum allowable building height of 35 feet from existing grade (34 feet, 10 inches currently proposed), but there are other nearby structures with similar massing and bulk. Proposed materials consist of metal and asphalt roofing, and concrete and brick exterior elements. The building is an allowed use in the zone and the CUP is for the residential units on the second and third floors. **No unmitigated impacts.**

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

The project will not create any of the conditions listed. **No unmitigated impacts.**

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;

Currently, the existing ski rental business loads and unloads delivery vans at the front door of the commercial unit along Prospector Avenue—the owner has indicated that this will continue after the remodel, and the Prospector Square POA has not expressed any specific concerns. In addition, all tenants of the Subdivision utilize shared dumpsters located within the shared parking lots throughout the area—this will continue into the future as well. **No unmitigated impacts.**

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities;

The applicant and current owner will maintain ownership of the lot and structure, as well as the existing ski rental business on the first level. He has indicated that the six (6) new residential units will be rentals. **No unmitigated impacts.**

15. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site; and

The site falls within the Park City Soils Ordinance Boundary, therefore, any soil disturbance or proposed landscaping shall adhere to Park City Municipal Code 11-15-1. Failure to comply with the Soils Ordinance is a Class B misdemeanor. **No unmitigated impacts.**

16. reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

The residential uses on the second and third stories are to be located within the General Commercial zone within the Prospector Square Subdivision in Park City. The 2014 Park City General Plan, Volume 2, contains objectives for the Prospector Square neighborhood, and states that “as the neighborhood continues to evolve, multifamily residential uses should be concentrated within the Prospector Square commercial area (zoned General Commercial). By directing higher density redevelopment to these areas, the neighborhood has the potential to provide more life-cycle housing opportunities for Parkites, including starter and empty-nester (step down) housing” (p. 180). This section also emphasizes the opportunity that Prospector Square presents for additional mixed-use developments, which this proposal supports. **Consistent.**

Department Review

This project has gone through an interdepartmental review at a Development Review Committee meeting and issues raised, namely regarding upgrades to the fire riser and adequately sized sewer laterals for residential uses, have been relayed to the applicant and will be addressed during Building Permit review, as conditioned. No other issues were raised at that meeting.

Notice

On December 28th the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on December 24, 2016.

Public Input

No public input has been received *by the time of this report*.

Alternatives

- The Planning Commission may approve the CUP as conditioned or amended; or
- The Planning Commission may deny the CUP and direct staff to make Findings for this decision; or
- The Planning Commission may continue the CUP to a date certain and provide staff with direction on additional information that they would like to see.

Significant Impacts

There are no significant impacts to the City or neighborhood as a result of this Conditional Use Permit.

Consequences of not taking the Suggested Recommendation

The addition of residential uses above the existing commercial structure would not be permitted, and the mixed-use project would not move forward as currently planned.

Recommendation

Staff recommends that the Planning Commission reviews the Conditional Use Permit application, holds a public hearing, and considers approving the CUP according to the findings of fact, conclusions of law and conditions of approval incorporated herein:

Findings of Fact

1. The subject property is located at 1846 Prospector Avenue, lot 28A of the Prospector Square Amended plat.
2. The property is located within the Prospector Overlay of the General Commercial (GC) zoning district.
3. The lot currently contains a one-story commercial structure with a floor area of 2,296 sf.
4. The applicant proposes to construct two (2) stories of residential use above the existing one-story commercial structure. Each new floor is to contain three rental units (one two-bedroom and two one-bedroom) for a total of six (6) new units within the project. The first floor will maintain its Retail and Service Commercial use.
5. Residential uses, including multi-dwelling units, are required to be reviewed

per the Conditional Use Permit criteria in the Land Management Code (LMC), and require approval by the Planning Commission.

6. The Prospector Overlay allows for zero lot line development and a maximum Floor Area Ratio of 2.0. The applicant is proposing a total floor area of 7,106 sf on a 3,600 sf lot, resulting in a FAR of 1.97. The structure will be limited to the maximum zone height of 35 feet (35') from existing grade, and is currently proposed at 34 feet, 10 inches.
7. The existing floor area of the first level will be reduced by approximately 132 sf to accommodate an exterior stairway and elevator to serve as access to the residential units. The first level floor area is proposed at 2,794 sf, and the second and third floors are proposed at 2,156 sf, each.
8. The existing commercial unit requires three (3) off-street parking spaces and the six (6) residential units will require six (6) spaces (1 space required for each unit less than 1,000 sf in area). The Prospector Square Subdivision contains thirteen (13) shared parking lots with a total of 1,096 shared spaces. Parking Lot H to the west of the site contains 66 spaces, and Lot K to the east contains 85 spaces.
9. Traffic and parking impacts are minimized by the construction of the residential uses rather than other prevalent, expressly allowed uses within the zone, such as an Office use, which would require 5 off-street parking spaces for every 1,000 sf of net leasable floor area.
10. Utilities necessary for this use are available at or near the site. Comments regarding fire riser size and capacity of sewer laterals were gathered at the Development Review Committee meeting, and will be addressed prior to the issuance of a building permit.
11. The proposed development will not interfere with access routes for emergency vehicles.
12. Existing internal vehicular and pedestrian circulation systems will not be impacted by this project.
13. No outdoor storage of goods or mechanical/utility equipment is proposed or allowed onsite. No fencing has been proposed.
14. The structure will nearly reach the maximum FAR of 2.0, as well as the maximum zone height of 35 feet (35') from existing grade; however, there are other nearby structures, including those that front Prospector Avenue, with similar massing and bulk.
15. This project will not impact any existing open space, nor create additional open space.
16. No signs are proposed at this time.
17. Exterior lighting will be reviewed at the time of the building permit review.
18. The proposal falls within the Park City Soil Ordinance Boundary and any soil disturbance or landscaping will require compliance with Park City Municipal Code 11-15-1.
19. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-15);
2. The use, as conditioned, will be compatible with surrounding structures in use, scale, mass, and circulation;
3. The Applicant complies with all requirements of the LMC; and

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. The structure shall comply with the General Commercial (GC) zone maximum building height of 35 feet (35') from existing grade.
3. All required utility upgrades must be completed concurrently with the City's re-build of Prospector Avenue in the summer of 2017, or the applicant will need to wait two (2) years to cut into the right-of-way and make the improvements.
4. Any new above ground utility structures will need to be located within private property, or within the Prospector Square POA's common area.
3. All signs associated with the use of the property must comply with the City's Sign Code and require a separate sign permit issued by the Planning Department prior to installation.
4. No outdoor storage of goods or mechanical equipment is allowed on-site.
5. A final utility plan shall be approved by the City Engineer and SBWRD prior to issuance of building permits for the new construction.
6. Any soil disturbance or proposed landscaping shall adhere to Park City Municipal Code 11-15-1.

Exhibits

- Exhibit A – Project Intent
- Exhibit B – Prospector Square Amended Plat
- Exhibit C – Site Plan
- Exhibit D – Floor Plans with Shaded Floor Areas
- Exhibit E – Main Level Demo and Floor Plans
- Exhibit F – Exterior Perspectives and Elevations
- Exhibit G – Aerial and Site Photos
- Exhibit H – Standard Conditions of Approval

Exhibit A - Project Intent

Prospector Apartments
1846 Prospector Ave
Park City, UT

General Description:

- The current building is an owner occupied one story commercial space that houses his ski rental business. We are proposing adding two additional stories to the existing building, updating the exterior look of the building, and adding six apartments (1- 2 bedroom & 2- 1 bedroom units per floor). These units will be nicely finished with a modern feel to them. This addition of the residential units will turn this existing out of date building into a new mixed use building that many people desire.
- How will the proposed use “fit in” with the surrounding areas?
 - We are proposing adding 6 apartments for rent that fit in very well with the area. Prospector Square Property Owners Association has reviewed our proposed project and have expressed their desire for the project. There are many mixed use buildings in the area.
- What type of service will it provide to Park City?
 - The main level will remain commercial space with the existing tenant (owner occupied) ski rental business. We are proposing to add 6 rental units above it providing Park City with more rental property.
- Is the proposed use consistent with the current zoning district and with the General Plan?
 - We believe that it is
- Is the proposed use suitable for the proposed site?
 - We believe that it is
- Will the proposed use emit noise, glare dust, pollutants, and odor?
 - No
- What will the hour of operation and how many people will be employed?
 - Not applicable we are adding 6 residential units.
- Are other special issues that need to be mitigated?
 - Not that we are aware of

Exhibit B - Prospector Square Am. Plat



SURVEYOR'S CERTIFICATE

I, M. Carl Larsen do hereby certify that I am a Registered Land Surveyor and that I hold certificate No. 2970 as prescribed under the laws of the State of Utah, I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below and have subdivided said tract of land into lots and streets, hereafter to be known as PROSPECTOR SQUARE and that same has been correctly surveyed and staked on the ground as shown on this plat.

PARCEL No. 1
Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence N 0° 13' 40" E along the west line of the North-east 1/4 of Section 9, 502.73 feet to a point on a curve to the left, which is the south line of State Highway No. 248, the radius point of which is N 40° 22' 32" W of 1482.26 feet, thence Northeastly along the arc of said curve and south line 58.41 feet, thence N 40° 22' 32" E along said south line 153.90 feet, thence S 89° 53' 18" E 1022.94 feet, thence S 0° 04' 58" W 182.00 feet, thence East 25.32 feet, thence South 404.77 feet to a point of a 66.0 foot radius curve to the right, thence Southwestly along the arc of said curve 103.47 feet, thence S 0° 04' 58" W 111.39 feet to the northerly line of a Union Pacific Railroad right of way, thence along said right of way as follows: S 73° 03' 48" W 244.1 feet to a point of a 1482.40 foot radius curve to the left, thence Southwestly along the arc of said curve 224.33 feet to a point of tangency, thence S 64° 26' 38" W 1048.18 feet to the south line of the said Northeast 1/4 of Section 9, thence leaving said right of way line, N 83° 46' 18" W along said south line 632.762 feet to the point of beginning. Contains 42.383 Acres.

PARCEL No. 2
Beginning at a point N 0° 13' 40" E along the west line of the Northeast 1/4 of said Section 9, 620.28 feet from the center of said Section 9, and running thence N 0° 13' 40" E along said west line 486.09 feet, thence S 89° 53' 18" E 741.88 feet to the north line of State Highway No. 248, thence S 47° 52' 22" W along said north line 1016.10 feet to the point of beginning. Contains 5.873 Acres.

Date Dec. 13, 1973
M. Carl Larsen
M. Carl Larsen
Surveyor

OWNERS DEDICATION
Know all men by these presents that we the undersigned owners of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as PROSPECTOR SQUARE do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use. In witness whereof we have hereunto set our hands this 5th day of DECEMBER, 1973.

Murray First Thrift & Loan Co.
Edward J. Vetter
Edward J. Vetter-President

ACKNOWLEDGMENT

STATE OF UTAH
County of DE
On the 5th day of December, 1974 personally appeared before me Edward J. Vetter who being by me duly sworn did say that he is the President of MURRAY FIRST THRIFT & LOAN CO. a Utah Corporation and that the within owners dedication was made in behalf of said corporation, by authority of its Board of Directors and the said Edward J. Vetter did then and there to me that said corporation executed the same.

My Comm. No. 2270 expires 7-11-77
Residing in Salt Lake County
Quinn Moriarty
Notary Public

AMENDED PLAT
PROSPECTOR SQUARE

A SUBDIVISION LOCATED IN THE NE 1/4 OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

CURVE DATA			
1	11-32°-04'24"	4126.00	4126.00
2	01-50°-00'	2123.52	2123.52
3	01-50°-00'	2012.47	2012.47
4	11-32°-04'24"	4126.00	4126.00
5	01-50°-00'	2123.52	2123.52
6	01-50°-00'	2012.47	2012.47

44.225 ACRES IN SUBDIVISION
47 LOTS IN SUBDIVISION
MINUTE 12 TO BE SET
FIRE HYDRANTS TO BE INSTALLED

PREPARED BY BUSH & GUDGELL INC. ENGINEERS SURVEYORS 815 SOUTH 900 EAST ST. SALT LAKE CITY, UTAH 84111 344-7775 814 24451 ERJ	CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION THIS <u>20</u> DAY OF <u>NOVEMBER</u> 1974 <u>Richard</u> CITY MANAGER	ENGINEERS CERTIFICATE APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS <u>6th</u> DAY OF <u>DEC.</u> 1974 <u>John</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>6th</u> DAY OF <u>DEC.</u> 1974 <u>John</u> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST ATTEST THIS <u>5th</u> DAY OF <u>December</u> 1974 <u>James P. Decker</u> PARK CITY CLERK	CITY COUNCIL APPROVAL APPROVED AND ACCEPTED BY THE CITY COUNCIL THIS <u>5th</u> DAY OF <u>December</u> 1974 <u>John</u> PARK CITY MAYOR	RECORDED # 125443 STATE OF UTAH, COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF <u>MURRAY FIRST THRIFT & LOAN CO.</u> DATE <u>12-14</u> 1974 39.00 REC # 43 <u>Theresa Y. Anderson</u> SUMMIT COUNTY RECORDER
---	---	--	---	---	--	--

Exhibit C - Site Plan



517 S 200 W
 Salt Lake City, UT 84101
 TEL: 801.458.1234
 WWW.BLACKBOXDESIGN.COM

THE DESIGN TEAM HAS NOT
 INCLUDED ALL TECHNICAL DRAWINGS
 DRAWING REVISIONS AND A MODEL'S
 DETAILS AND PROVISIONS SHALL
 NOT BE COPIED, REPRODUCED OR
 COMMERCIALLY EXPLOITED IN WHOLE
 OR IN PART WITHOUT THE WRITTEN
 AND EXPRESS WRITTEN PERMISSION FROM
 BLACKBOX, L.L.C.

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 LIMITED REVIEW AND EVALUATION BY
 CLIENTS, CONSULTANTS,
 FABRICATORS, EQUIPMENT
 VENDORS, SUBCONTRACTORS, AND OTHER
 PERSONNEL ONLY IN ACCORDANCE
 WITH THIS NOTICE.

PROJECT NAME

**PROSPECTOR
 APARTMENTS**
 1846 Prospector Ave.
 Park City, UT

DATE

SEPTEMBER 13TH,
 2016

NUMBER

PROJECT NO.

1843

DRAWN BY

BB

CHECKED BY

BB

TITLE

Site Plan

DESIGN

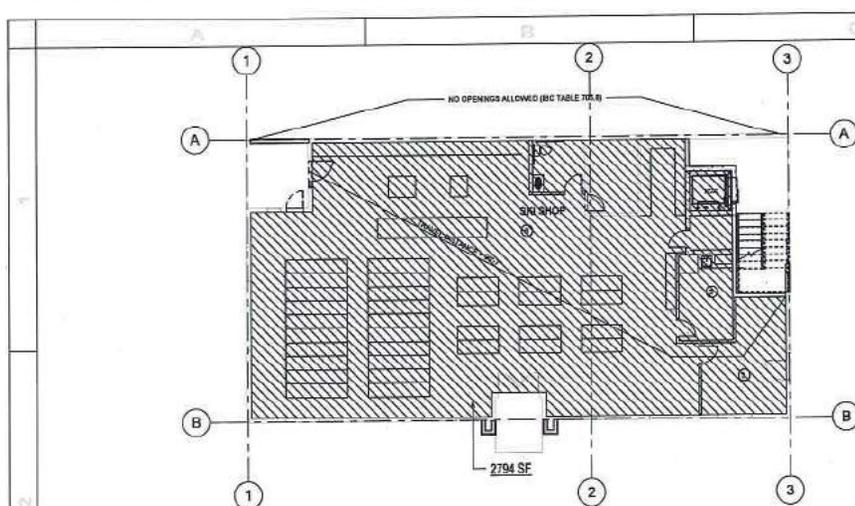
A101

CUP SUBMITTAL 20161 003

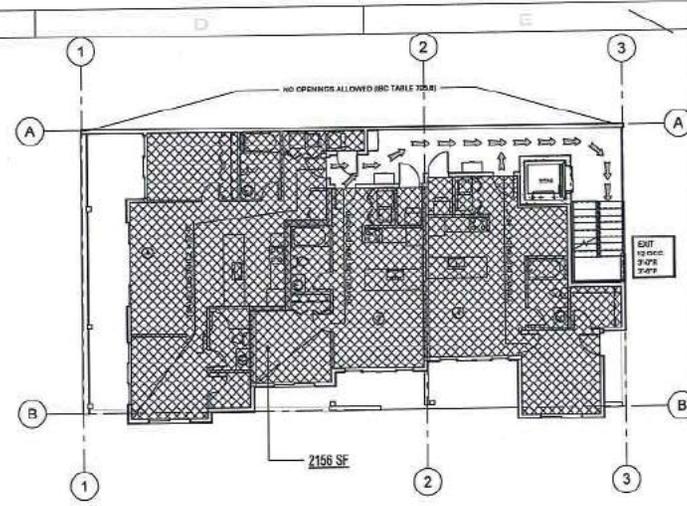


2 Site Plan
 A101 1" = 20'-0"

Exhibit D - Floor Plans with Shaded Floor Areas

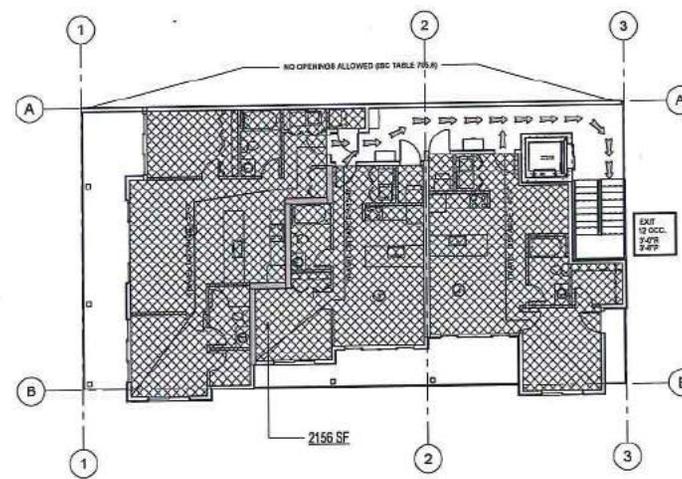


1 01 - Main Level - Code Analysis
ADW
 1/8" = 1'-0"



2 02 - Second Level - Code Analysis
ADW
 1/8" = 1'-0"

CODE REVIEW CRITERIA	FIRE RESISTIVE RATINGS	CODE ANALYSIS LEGEND																								
BASED ON THE 2015 IBC OCCUPANCY GROUP(S) NEW BUILDING R2, M TYPE(S) OF CONSTRUCTION TYPE VB - 500/1000 MARK TYPE VB - 2 LEVELS WOOD ABOVE FIRE SPRINKLERS NFPA 13 SPRINKLERED TOTAL ALLOWABLE BLDG HEIGHT 4 STORIES / 79 FEET NUMBER OF STORIES THREE ACTUAL HEIGHT 38 FEET ACTUAL SQUARE FOOTAGE: MAIN (GROSS) 2,794 SQ FT LEVEL THREE (GROSS) 3,100 SQ FT LEVEL THREE (GROSS) 2,100 SQ FT TOTAL AREA (GROSS) 7,100 SQ FT PROJECT AREA 3,600 SQUARE FEET (SEE SITE) FWR 2.0 3,000 S.F. - 7,000 ALLOWABLE GROSS SQUARE FEET	FIRE RESISTANCE RATINGS FOR BUILDING ELEMENTS IBC 1910 - TABLE 601 TYPE VB CONSTRUCTION R2, M OCCUPANCY STRUCTURAL FRAME 0 HR BEARING WALLS - EXTERIOR 0 HR BEARING WALLS - INTERIOR 0 HR NON-BEARING WALLS - EXTERIOR 0 HR NON-BEARING WALLS - INTERIOR 0 HR FLOOR - CEILING/ROOF 0 HR ROOFS - CEILING/ROOFS 0 HR CURB PARTS/ENCLOSURE 1 HR (IBC TABLE 703.1) COORIDORS 1/2 HR (IBC TABLE 703.1) OPENING PROTECTION EXT. WALLS U.L.C. PARTY WALLS - UNIT SEPARATOR 1 HR (SEE IBC 708) RATED OCCUPANCY SEPARATION 1 HR (SEE IBC TABLE 608.4)	CODE ANALYSIS LEGEND [Cross-hatch] "R2" - RESIDENTIAL OCCUPANCY TYPE [Diagonal lines] "M" - MERCANTILE OCCUPANCY TYPE [Circle with 'O'] OCCUPANT LOAD ASSIGNED TO SPACE [Line with '100 OCC. 4'-0" 9'-0"] MAXIMUM OCCUPANT LOAD THRU EXIT [Line with '100 OCC. 9'-0" 9'-0"] MINIMUM REQUIRED STAIR WIDTH [Line with '9'-0" 9'-0"] STAIR WIDTH PROVIDED [Line with 'EXIT 12 OCC. 2 ARE 7'-0"'] MAXIMUM OCCUPANT LOAD THRU EXIT [Line with '100 OCC. 9'-0" 9'-0"'] MINIMUM REQUIRED EXIT WIDTH [Line with '9'-0" 9'-0"'] EXIT WIDTH PROVIDED [Line with 'ONE HOUR RATED PARTY WALLS (IBC 708) 210 (0-900-107)'] ONE HOUR RATED PARTY WALLS (IBC 708) 210 (0-900-107) [Line with 'GENERAL PATH OF EGRESS'] GENERAL PATH OF EGRESS																								
PLUMBING REQUIREMENTS 1 WATER CLOSET REQUIRED PROVIDED SEPARATE PLUMBING FIXTURES ARE NOT REQUIRED FOR EACH SEX PER IBC SECTION 2902.3 EXCEPT FOR 3 SERVICE SINK IS NOT REQUIRED IN RESIDENTIAL OCCUPANCY WITH OCCUPANT LOAD OF 15 OR FEWER PER TABLE 2902.1 FOOTNOTES E DRINKING FOUNTAIN NOT REQUIRED FOR AN OCCUPANT LOAD OF 15 OR FEWER PER IBC SECTION 2902.4	GOVERNING CODES 2015 INTERNATIONAL BUILDING CODE W/ LOCAL AMENDMENTS 2015 INTERNATIONAL RESIDENTIAL CODE W/ LOCAL AMENDMENTS 2015 INTERNATIONAL ENERGY CONSERVATION CODE W/ LOCAL AMENDMENTS 2015 INTERNATIONAL MECHANICAL CODE W/ LOCAL AMENDMENTS 2015 INTERNATIONAL FUEL GAS CODE W/ LOCAL AMENDMENTS 2015 INTERNATIONAL PLUMBING CODE 2014 NATIONAL ELECTRIC CODE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE W/ LOCAL AMENDMENTS ACCESSIBILITY: STATE LAW CRS 9-4 & ICA 117-1-2000 SNOW LOAD - LIVE LOAD: 30 PSF / GROUND SNOW LOAD: 30 PSF FROST DEPTH: 48 INCHES WIND LOAD: 100 MPH (3-SEC GUST) SEISMIC DESIGN CATEGORY B	OCCUPANT LOAD <table border="1"> <thead> <tr> <th>SPACE</th> <th>LOAD FACTOR</th> <th>AREA</th> <th>OCCUPANTS</th> </tr> </thead> <tbody> <tr> <td>MERCANTILE</td> <td>80</td> <td>277 SF</td> <td>5</td> </tr> <tr> <td>STORAGE, STOCK</td> <td></td> <td>3,400 SF</td> <td>0</td> </tr> <tr> <td>SHIPPING AREA</td> <td>200</td> <td></td> <td>14</td> </tr> <tr> <td>2ND LEVEL RESIDENTIAL</td> <td>200</td> <td>2204 SF</td> <td>12</td> </tr> <tr> <td>3RD LEVEL RESIDENTIAL</td> <td>200</td> <td>2204 SF</td> <td>12</td> </tr> </tbody> </table>	SPACE	LOAD FACTOR	AREA	OCCUPANTS	MERCANTILE	80	277 SF	5	STORAGE, STOCK		3,400 SF	0	SHIPPING AREA	200		14	2ND LEVEL RESIDENTIAL	200	2204 SF	12	3RD LEVEL RESIDENTIAL	200	2204 SF	12
SPACE	LOAD FACTOR	AREA	OCCUPANTS																							
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SHIPPING AREA	200		14																							
2ND LEVEL RESIDENTIAL	200	2204 SF	12																							
3RD LEVEL RESIDENTIAL	200	2204 SF	12																							



3 03 - Third Level - Code Analysis
ADW
 1/8" = 1'-0"

RECEIVED
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 PARK CITY
 PLANNING DEPT.



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 845 LARK CRY, UT 84101
 1.801.319.2000
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PROJECT NAME

PROSPECTOR APARTMENTS
 1846 Prospector Ave.
 Park City, UT

DATE
 DECEMBER 2016

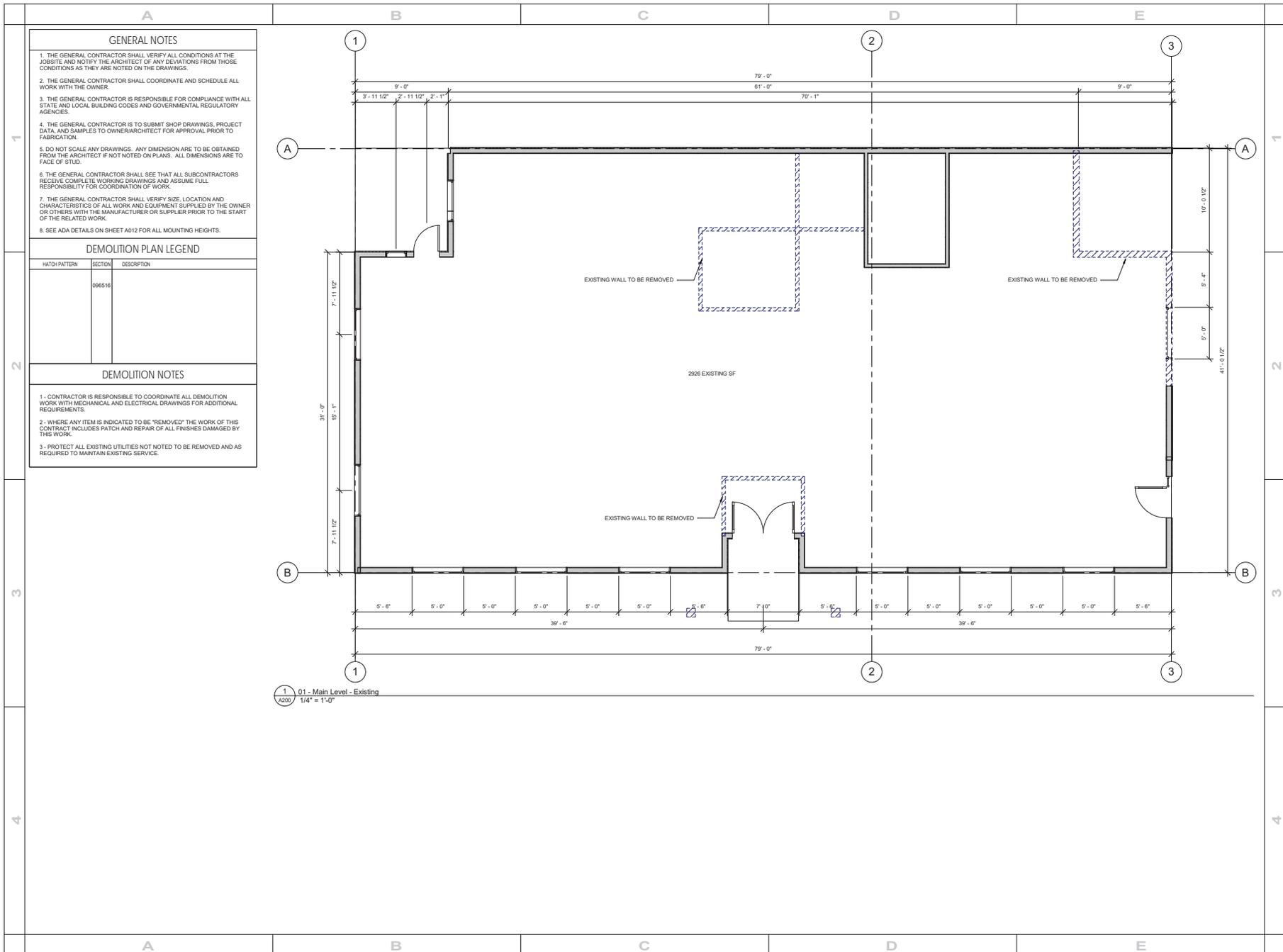
REVISIONS

PROJECT NO.
 1843
 DRAWN BY
 Author
 CHECKED BY
 Checker
 TITLE
 Code Analysis

CUP SUBMITTAL 20161221

SHEET NO.
 A004

Exhibit E - Main Level Demo and Floor Plans



517 S 200 W
Salt Lake City, UT 84101
T 801.879.5089
WWW.BLACKBOXSLC.COM

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PROJECT NAME

PROSPECTOR APARTMENTS
1846 Prospector Ave.
Park City, UT

DATE

DECEMBER 2016

REVISIONS

PROJECT NO.

1643

DRAWN BY

Author

CHECKED BY

Checker

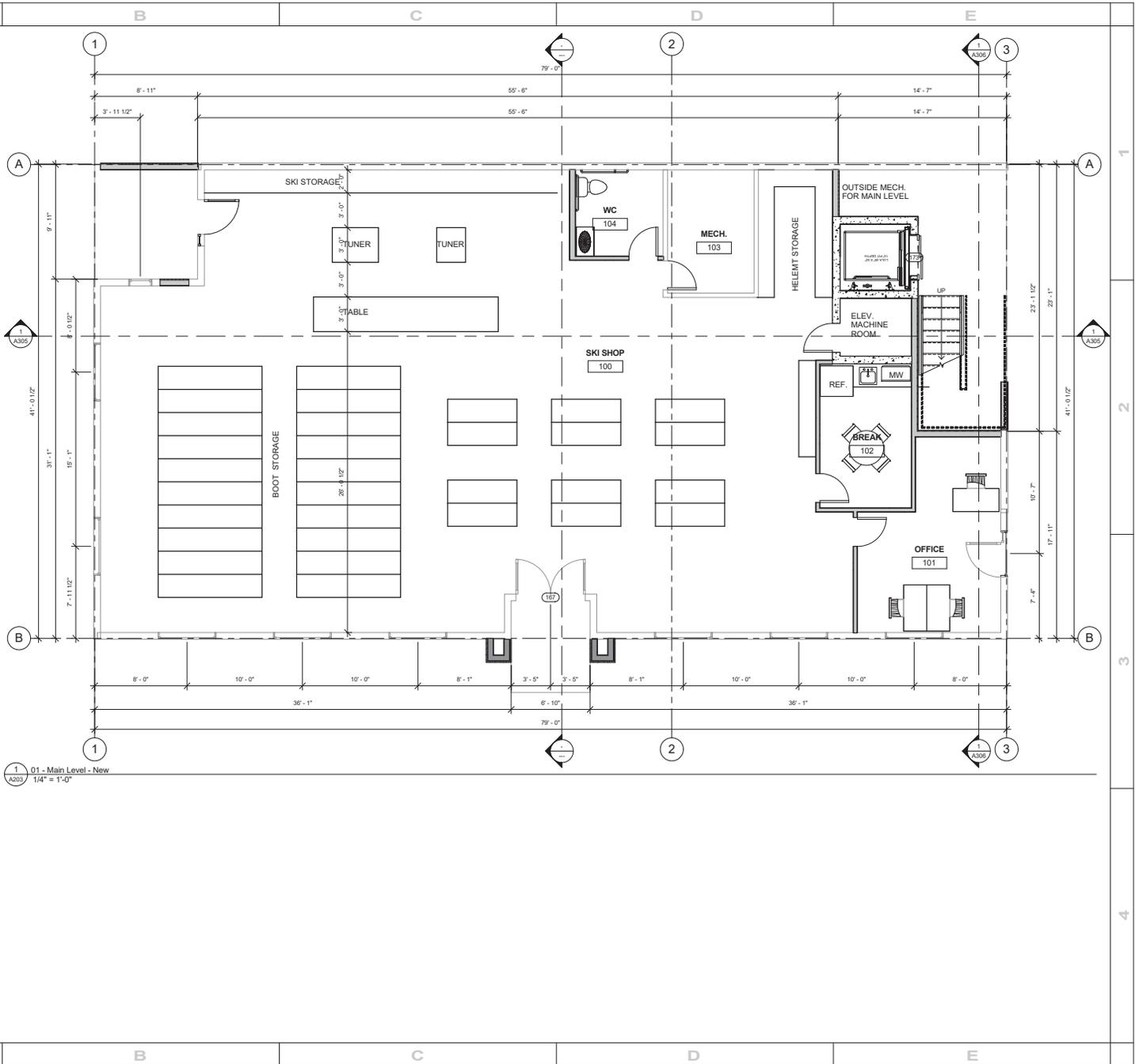
TITLE

Main Level Demolition Plan

SHEET NO.

A200

CUP SUBMITTAL 20161221



1 01 - Main Level - New
A203 1/4" = 1'-0"

GENERAL NOTES

1. THE GENERAL CONTRACTOR SHALL VERIFY ALL CONDITIONS AT THE JOBSITE AND NOTIFY THE ARCHITECT OF ANY DEVIATIONS FROM THOSE CONDITIONS AS THEY ARE NOTED ON THE DRAWINGS.
2. THE GENERAL CONTRACTOR SHALL COORDINATE AND SCHEDULE ALL WORK WITH THE OWNER.
3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL STATE AND LOCAL BUILDING CODES AND GOVERNMENTAL REGULATORY AGENCIES.
4. THE GENERAL CONTRACTOR IS TO SUBMIT SHOP DRAWINGS, PROJECT DATA, AND SAMPLES TO OWNER/ARCHITECT FOR APPROVAL PRIOR TO FABRICATION.
5. DO NOT SCALE ANY DRAWINGS. ANY DIMENSION ARE TO BE OBTAINED FROM THE ARCHITECT IF NOT NOTED ON PLANS. ALL DIMENSIONS ARE TO FACE OF STUD.
6. THE GENERAL CONTRACTOR SHALL SEE THAT ALL SUBCONTRACTORS RECEIVE COMPLETE WORKING DRAWINGS AND ASSUME FULL RESPONSIBILITY FOR COORDINATION OF WORK.
7. THE GENERAL CONTRACTOR SHALL VERIFY SIZE, LOCATION AND CHARACTERISTICS OF ALL WORK AND EQUIPMENT SUPPLIED BY THE OWNER OR OTHERS WITH THE MANUFACTURER OR SUPPLIER PRIOR TO THE START OF THE RELATED WORK.
8. SEE ADA DETAILS ON SHEET A012 FOR ALL MOUNTING HEIGHTS.

FLOOR PLAN LEGEND

HATCH PATTERN	SECTION	DESCRIPTION
[Cross-hatch pattern]	096516	VINYL SHEET
[Stippled pattern]	096816	CARPET
[White box]	035300	BREEZEWAY CONCRETE TO BE 1 1/2" LIGHTWEIGHT CONCRETE OVER WOOD FRAME

FLOOR PLAN NOTES

1. SEE SHEETS IN THE SERIES A400 FOR UNIT FLOOR AND CEILING PLANS.
2. COORDINATE WITH STRUCTURAL FRAMING PLANS & SHEAR WALL PLANS FOR LOCATION OF COLUMNS, BEAMS, SHEAR WALLS, ETC.
3. COORDINATE WITH BUILDER/OWNER FOR ALL INTERIOR FINISHES.
4. COORDINATE WITH ELECTRICAL DRAWINGS FOR ALL LIGHTING, POWER, AND DATA REQUIREMENTS.
5. ALL EXT. WALLS ARE ASSUMED TO BE 2X6 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE. ALL INTERIOR WALLS WITH THE EXCEPTION OF "WET" WALLS TO BE 2X4.
6. SEE SPECIFICATIONS AND SHEET A002 FOR PROJECT KEY NOTES, REVIEW ALL SPECIFICATIONS AND NOTES PRIOR TO CONSTRUCTION.
7. SEE SHEET A801 FOR DOOR AND WINDOW SCHEDULE.
8. REFER TO SITE PLAN FOR BUILDING ORIENTATION. BUILDING MAY BE FLIPPED, ROTATED OR MIRRORRED ON SITE.
9. EACH SLEEPING ROOM SHALL HAVE AN EGRESS WINDOW AS PER CODE.
10. ROOF ACCESS PANEL OF NOT LESS THAN 22"X48" WITH A 1 HOUR FIRE RATING AND LOCKING MECHANISM SHALL BE INSTALLED IN EACH BUILDING. SEE ROOF PLAN.
11. RAILINGS TO BE 42" A.F.F. TYPICAL.
12. ALL DIMENSIONS ARE TO FACE OF STUD.
13. SLOPE STAIR TOWER TO DRAIN TOWARDS STAIRS.
14. SEE SPECIFICATION SECTION 072100 FOR ALL INSULATION VALUES AND REQUIRED DOOR AND WINDOW U-FACTORS.
15. ALL ANGLED WALLS SHALL BE 45 DEG. U.N.O.

SLAB PLAN GENERAL NOTES

1. CONTRACTOR IS RESPONSIBLE TO COORDINATE PENETRATIONS THROUGH SLAB WITH PLUMBING, ELECTRICAL & MECHANICAL.
2. CONTRACTOR IS RESPONSIBLE TO COORDINATE EMBEDS IN SLAB W/ STRUCTURAL DRAWINGS. SEE STRUCTURAL DRAWINGS FOR ALL CONNECTIONS AND DETAILS.
3. CONTRACTOR IS RESPONSIBLE TO COORDINATE ANY AND ALL PENETRATIONS PRIOR TO WATERPROOFING.
4. SEE SHEET A801 FOR REQUIREMENTS OF WALL TYPES AND DETAILS.
5. BASE PLATES TO BE EITHER RECESSED OR UNDER TOPPING SLAB TO PROVIDE FOR CLEAR FINISH FLOOR SPACE.

PROJECT NAME

PROSPECTOR APARTMENTS
1846 Prospector Ave.
Park City, UT

DATE

DECEMBER 2016

REVISIONS

PROJECT NO.

1643

DRAWN BY

CS

CHECKED BY

BB

TITLE

Second Floor Plan

SHEET NO.

A204

CUP SUBMITTAL 20161221



GENERAL NOTES

1. THE GENERAL CONTRACTOR SHALL VERIFY ALL CONDITIONS AT THE JOBSITE AND NOTIFY THE ARCHITECT OF ANY DEVIATIONS FROM THOSE CONDITIONS AS THEY ARE NOTED ON THE DRAWINGS.
2. THE GENERAL CONTRACTOR SHALL COORDINATE AND SCHEDULE ALL WORK WITH THE OWNER.
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FLOOR PLAN LEGEND

HATCH PATTERN	SECTION	DESCRIPTION
	096916	VINYL SHEET
	096816	CARPET
	035300	BREEZEWAY CONCRETE TO BE 1 1/2" LIGHTWEIGHT CONCRETE OVER WOOD FRAME

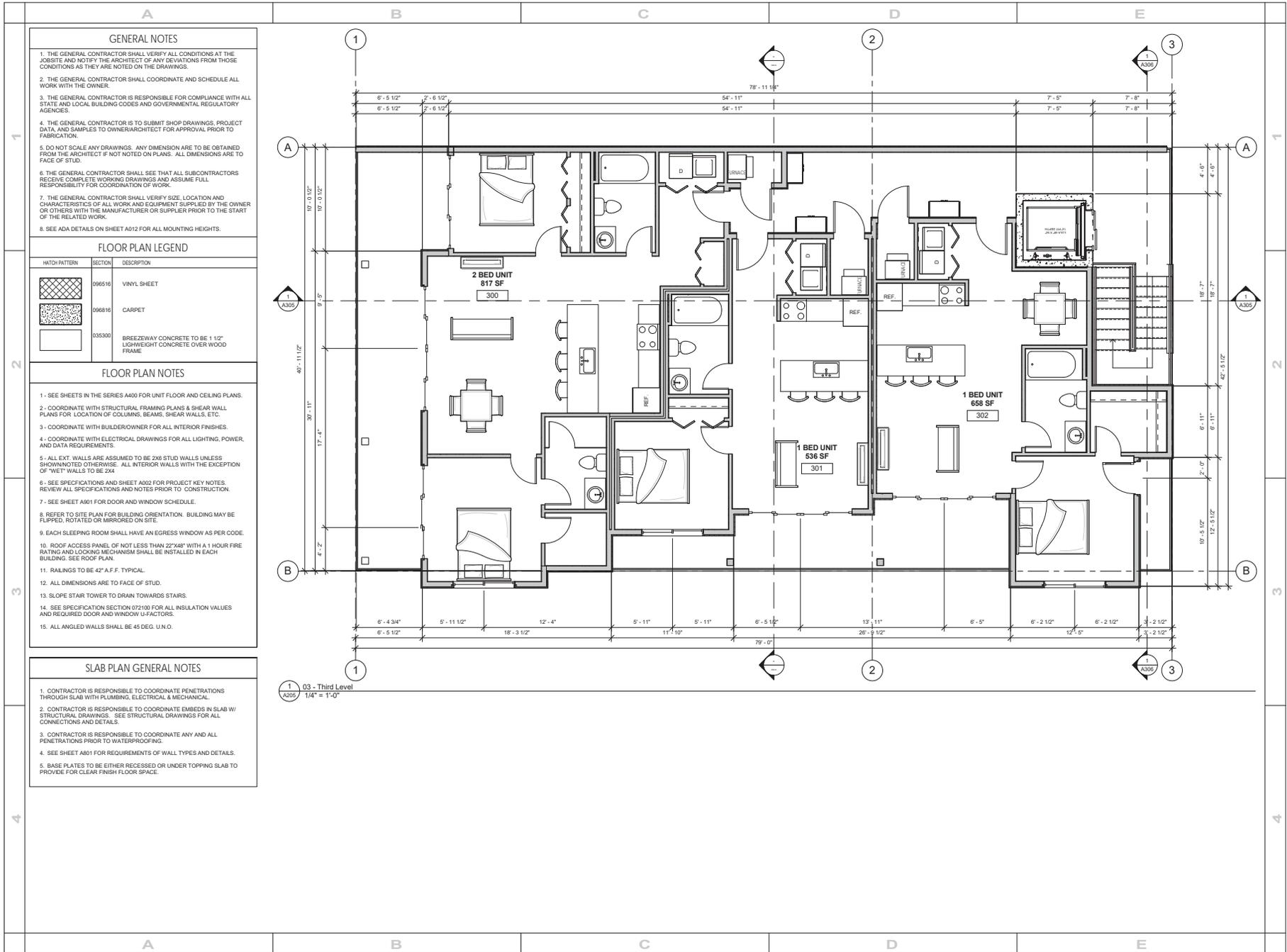
FLOOR PLAN NOTES

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2. COORDINATE WITH STRUCTURAL FRAMING PLANS & SHEAR WALL PLANS FOR LOCATION OF COLUMNS, BEAMS, SHEAR WALLS, ETC.
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11. RAILINGS TO BE 42" A.F.F. TYPICAL.
12. ALL DIMENSIONS ARE TO FACE OF STUD.
13. SLOPE STAIR TOWER TO DRAIN TOWARDS STAIRS.
14. SEE SPECIFICATION SECTION 072100 FOR ALL INSULATION VALUES AND REQUIRED DOOR AND WINDOW U-FACTORS.
15. ALL ANGLED WALLS SHALL BE 45 DEG. U.N.O.

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3. CONTRACTOR IS RESPONSIBLE TO COORDINATE ANY AND ALL PENETRATIONS PRIOR TO WATERPROOFING.
4. SEE SHEET A801 FOR REQUIREMENTS OF WALL TYPES AND DETAILS.
5. BASE PLATES TO BE EITHER RECESSED OR UNDER TOPPING SLAB TO PROVIDE FOR CLEAR FINISH FLOOR SPACE.

1
A204 02 - Second Level
1/4" = 1'-0"



GENERAL NOTES

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FLOOR PLAN LEGEND

HATCH PATTERN	SECTION	DESCRIPTION
	096516	VINYL SHEET
	096816	CARPET
	055300	BREEZEWAY CONCRETE TO BE 1 1/2" LIGHTWEIGHT CONCRETE OVER WOOD FRAME

FLOOR PLAN NOTES

1. SEE SHEETS IN THE SERIES A400 FOR UNIT FLOOR AND CEILING PLANS.
2. COORDINATE WITH STRUCTURAL FRAMING PLANS & SHEAR WALL PLANS FOR LOCATION OF COLUMNS, BEAMS, SHEAR WALLS, ETC.
3. COORDINATE WITH BUILDER/OWNER FOR ALL INTERIOR FINISHES.
4. COORDINATE WITH ELECTRICAL DRAWINGS FOR ALL LIGHTING, POWER, AND DATA REQUIREMENTS.
5. ALL EXT. WALLS ARE ASSUMED TO BE 2X6 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE. ALL INTERIOR WALLS WITH THE EXCEPTION OF "WET" WALLS TO BE 2X4
6. SEE SPECIFICATIONS AND SHEET A002 FOR PROJECT KEY NOTES. REVIEW ALL SPECIFICATIONS AND NOTES PRIOR TO CONSTRUCTION.
7. SEE SHEET A801 FOR DOOR AND WINDOW SCHEDULE.
8. REFER TO SITE PLAN FOR BUILDING ORIENTATION. BUILDING MAY BE FLIPPED, ROTATED OR MIRRORRED ON SITE.
9. EACH SLEEPING ROOM SHALL HAVE AN EGRESS WINDOW AS PER CODE.
10. ROOF ACCESS PANEL OF NOT LESS THAN 22"x48" WITH A 1 HOUR FIRE RATING AND LOCKING MECHANISM SHALL BE INSTALLED IN EACH BUILDING. SEE ROOF PLAN.
11. RAILINGS TO BE 42" A.F.F. TYPICAL.
12. ALL DIMENSIONS ARE TO FACE OF STUD.
13. SLOPE STAIR TOWER TO DRAIN TOWARDS STAIRS.
14. SEE SPECIFICATION SECTION 072100 FOR ALL INSULATION VALUES AND REQUIRED DOOR AND WINDOW U-FACTORS.
15. ALL ANGLED WALLS SHALL BE 45 DEG. U.N.O.

SLAB PLAN GENERAL NOTES

1. CONTRACTOR IS RESPONSIBLE TO COORDINATE PENETRATIONS THROUGH SLAB WITH PLUMBING, ELECTRICAL & MECHANICAL.
2. CONTRACTOR IS RESPONSIBLE TO COORDINATE EMBEDS IN SLAB W/ STRUCTURAL DRAWINGS. SEE STRUCTURAL DRAWINGS FOR ALL CONNECTIONS AND DETAILS.
3. CONTRACTOR IS RESPONSIBLE TO COORDINATE ANY AND ALL PENETRATIONS PRIOR TO WATERPROOFING.
4. SEE SHEET A801 FOR REQUIREMENTS OF WALL TYPES AND DETAILS.
5. BASE PLATES TO BE EITHER RECESSED OR UNDER TOPPING SLAB TO PROVIDE FOR CLEAR FINISH FLOOR SPACE.

03 - Third Level
1/4" = 1'-0"

Exhibit F - Exterior Perspectives and Elevations



1
A300 NORTHEAST VIEW



2
A300 SOUTHEAST VIEW



3
A300 NORTHWEST VIEW



4
A300 SOUTHWEST VIEW



517 S 200 W
Salt Lake City, UT 84101
T 801.879.5089
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THESE DRAWINGS ARE AVAILABLE FOR LIMITED REVIEW AND EVALUATION BY CLIENTS, CONSULTANTS, CONTRACTORS, GOVERNMENT AGENCIES, VENDORS, AND OFFICE PERSONNEL ONLY IN

PROJECT NAME

PROSPECTOR APARTMENTS
1846 Prospector Ave.
Park City, UT

DATE

DECEMBER 2016

REVISIONS

PROJECT NO.

1643

DRAWN BY

CS

CHECKED BY

BB

TITLE

Exterior Perspectives

SHEET NO.

A300

CUP SUBMITTAL 20161221

ELEVATION/SECTION LEGEND

HATCH PATTERN	SECTION	DESCRIPTION
	074113	METAL
	0092400	ASPHALT SHINGLE
	092400	PRE CAST
	042000	BRIC

ELEVATION/SECTION NOTES

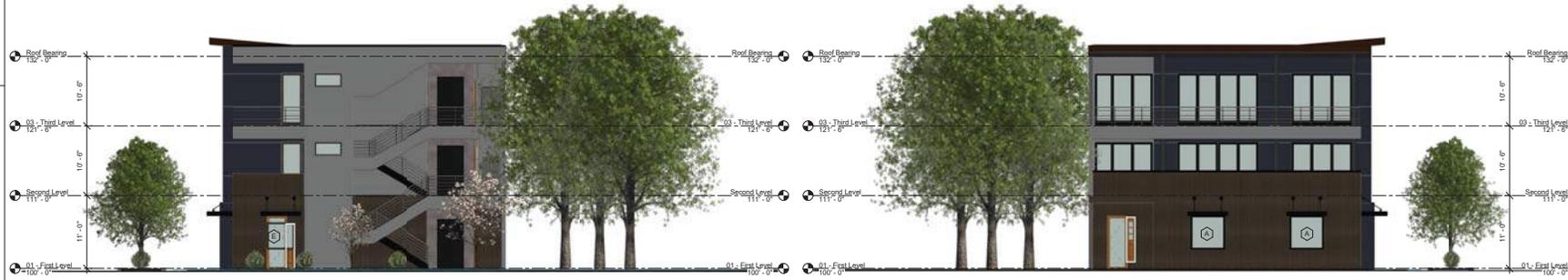
- SEE SHEET A003 FOR KEY NOTE REFERENCES.
- SEE STRUCTURAL SHEETS FOR ALL BEAM SIZES, FOOTING SIZES, ETC. REGARDLESS OF WHAT IS SHOWN IN SECTIONS.
- ALL ROOF PITCHES TO BE SLOPED TO DRAIN AT FLAT ROOF LOCATIONS OR 1:12 AT METAL ROOF LOCATIONS U.N.D. - REFER TO ROOF PLAN FOR MORE INFO.
- ALL ROOFS TO BE PREFABRICATED WOOD TRUSSES WITH PLYWOOD DECKING. SEE STRUCTURAL AND SPECIFICATIONS FOR ADDITIONAL INFO.
- TYPICAL OVERHANGS TO BE 12" FROM FACE OF FRAMING TO FACE OF FASCIA. REFER TO ROOF PLAN, DETAILS AND STRUCTURAL FOR ADDITIONAL INFO.
- THE GENERAL CONTRACTOR IS TO SUBMIT SHOP DRAWINGS, PRODUCT DATA AND SAMPLES TO OWNER/ARCHITECT FOR APPROVAL PRIOR TO FABRICATION OF ALL MILLWORK AND WALL FINISHES.
- REFER TO DETAILS FOR ADDITIONAL WINDOW AND DOOR TRIM INFORMATION.
- REFER TO STRUCTURAL FOR SHEATHING TYPE, HOLD DOWNS AND SHEARWALL LOCATIONS.
- SEE SHEET A003 FOR ALL INSULATION VALUES AND REQUIRED DOOR AND WINDOW U-FACTORS.



1 South
1/8" = 1'-0"



2 North
1/8" = 1'-0"



3 East
1/8" = 1'-0"

4 West
1/8" = 1'-0"



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PROJECT NAME

PROSPECTOR APARTMENTS
1846 Prospector Ave.
Park City, UT

DATE

DECEMBER 2016

REVISIONS

PROJECT NO.

1643

DRAWN BY

CS

CHECKED BY

BB

TITLE

Exterior Elevations

SHEET NO.

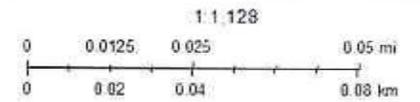
A301

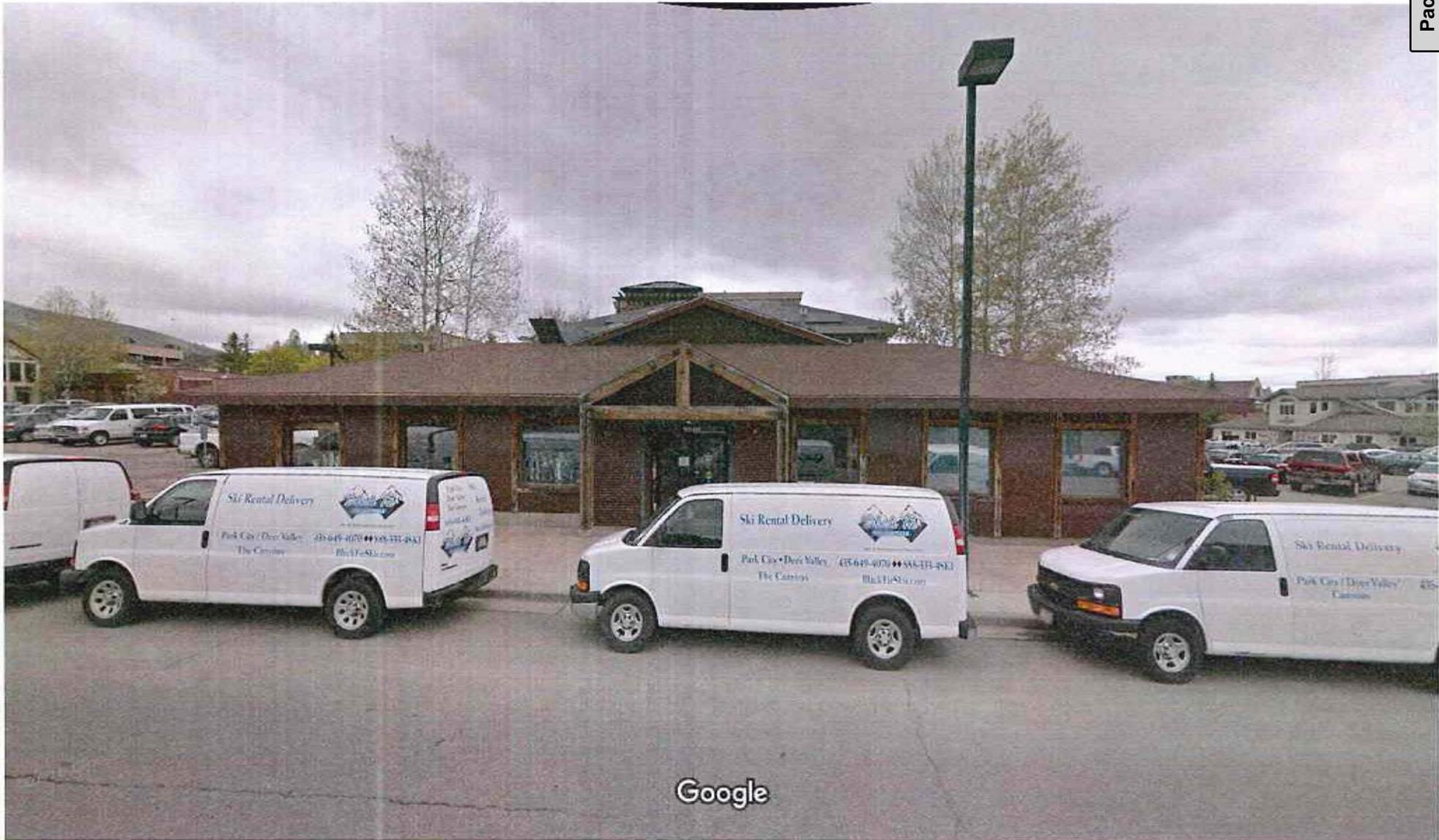
CUP SUBMITTAL 20161221

Zoning



November 15, 2016





Google

Image capture: May 2016 © 2016 Google

Park City, Utah

Street View - May 2016

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist

the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Kipp Subdivision being the Second Amendment to The Aerie Phase One Subdivision, amending Lots 5 and 6
Location: 1264 and 1276 Aerie Drive
Author: Makena Hawley, City Planner
Project Number: PL-16-03362
Date: January 11, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Kipp Subdivision, being the Second Amendment to The Aerie Phase One – Second Amendment Amending Lot 5 and 6 and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Craig Kipp
Location: 1264 and 1276 Aerie Drive
Zoning: Single Family (SF) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining Lot 5 and Lot 6 of the Aerie Phase 1 Subdivision to create one (1) legal lot of record by removing the property line which separates them. The applicant owns both lots and requests to combine Lot 5 and Lot 6.

Background

On November 20, 2016, the City received a complete application to amend the Aerie, Phase 1 Subdivision by combining lots 5 and 6. The applicant wishes to combine Lot 5 and Lot 6 as shown on the Aerie Phase 1 Subdivision plat (Exhibit B) by removing the lot line that currently separates them. Summit County recognizes 1264 Aerie Dr. as Parcel AER-5 and 1276 Aerie Drive as Parcel AER-6 (Tax IDs).

Currently Lot 5 holds a single family dwelling and Lot 6 is vacant. If the plat amendment is approved the applicant would like to demolish the existing house on Lot 5 and construct a single family dwelling. This proposal was devised when the applicant found that Lot 6 was too steep to construct the single family home they desired, therefore

removing the lot line and existing house the applicants would be able to build parallel to the slope verse perpendicular.

An easement exists on Lots 5 and 6 which consists of a concrete driveway leading to 1156 Aerie Drive (Lot 13). This easement was recorded in 1983 as Entry No. 211399 in Book 274 Page 168 (Exhibit F). This easement will remain unchanged.

The existing Aerie Phase 1 Subdivision only includes one plat note which referred to a settlement agreement recorded as Entry No. 179581 (Exhibit G). This plat note from the original Aerie Phase 1 Subdivision will continue to apply

The proposed plat amendment would be the second amendment for the Aerie Phase 1 subdivision. In 1997 a Lot Line Adjustment was approved to modify Lots 10 and 11 as the Olch Replat. The common lot line was simply moved in the middle of the lots to accommodate the existing house and a proposed addition. Both lots still exist, they were just modified.

No other application have been submitted with this permit

Purpose

The purpose of the Single Family SF District is to:

- A. maintain existing predominately Single Family detached residential neighborhoods,
- B. allow for Single Family Development Compatible with existing Developments,
- C. maintain the character of mountain resort neighborhoods with Compatible residential design; and
- D. require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

Analysis

The proposed plat amendment combines two (2) existing parcels to create one (1) lot of record consisting of 1.67 acres (72,863 square feet). A single-family dwelling is an allowed use in the SF District. There is no specified minimum lot area for a single family dwelling.

There is no minimum lot width in the SF district. The proposed plat amendment will combine Lots 5 and 6, with current lot widths of 98 feet each, to create one (1) lot of record with a width of 196 feet. The proposed plat amendment meets the lot and site requirements of the Single Family (SF) District as described below:

Land Management Code (LMC) Regulation	Existing	Permitted
Lot Size	1.67 Acres	Not Applicable (Max density is 3 units per acre)
Building Footprint	Approx. 3,840 sq. ft.	N/A – Lots are only required to

		meet setbacks.
Front/rear yard setbacks	<p>Front yard (North): 20 feet from property line</p> <p>Rear yard (South): 260 feet from property line</p> <p>Due to the lot bordering a street on both the back and front, per 15-4-17 both sides must have a front setback, unless otherwise an exception by this code.</p>	<p>20 feet minimum, 25 feet for front facing garages.</p> <p>15 feet minimum for Rear yard.</p>
Side yard setbacks	15 feet from property line	12 feet minimum
Height	Approx. 28 feet from existing grade with portions of gabled roof reaching a max of 33 feet	28 ft. from existing grade. An additional 5' are granted for a gabled roof 4:12 or greater.
Maximum House Size	Not applicable currently as there are no house size restrictions within the Aerie Subdivision	As part of a Master Planned Development, or a subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility.
Parking	2 parking spots exist on this lot	Two (2) parking spaces per dwelling unit. Max width of 27' for driveway, minimum width is 10'

The changes proposed for the lot are to demolish the existing house and build a house across the existing lot line as to meet LMC requirements for height by not building down the steep hill. Potential density would be reduced, the subdivision is currently platted allowing for two (2) single family dwellings, and the combined lot could accommodate one (1) single family dwelling (a reduction in density). Duplexes are not permitted in the Single Family (SF) District for lots within the Aerie Subdivision. Similarly, off-street parking requirements would be reduced, as each single family dwelling requires the provision of two (2) off-street parking spaces.

The proposed plat amendment does not create any non-conformities or remnant parcels. This plat amendment is consistent with the LMC and applicable State law regarding plat amendments. Any new structures proposed at the site must comply with applicable LMC. A building permit will be required to demo the existing house and create a new single family dwelling.

During the internal Development Review Committee meeting it was noted that there are no public utility easements along the side yard lot lines. The property is not within the soils ordinance boundary. In the event that mine wastes or impacts are encountered, the applicant is responsible for handling the material properly.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the parcels will allow the property owner to develop the proposed design that meets the LMC and will create one (1) legal lot of record out of the existing two (2) parcels. The plat amendment will also utilize best planning and design practices while preserving the character of the neighborhood and of Park City, while furthering the health, safety, and welfare of the Park City community. The plat amendment allows a building pad to be located on the lot compatible with the topography and results in a reduction in the overall number of dwelling units.

Staff finds that the plat will not cause undue harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements of the LMC on December 22, 2016. Legal notice was also published in the Park Record on December 24, 2016, and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has received letter of support for this application (Exhibit I).

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures will require a Building Permit, which is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for approval of The Kipp Subdivision being a Second Amendment to The Aerie Phase One Subdivision, Amending Lot 5 and 6 as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for The Kipp Subdivision being a Second Amendment to The Aerie Phase One Subdivision, Amending Lot 5 and 6 direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the existing lots would not be adjoined and would remain as is.

Recommendation

Staff recommends the Planning Commission hold a public hearing for The Kipp Subdivision, being the Second Amendment to the Aerie Phase One Subdivision, Amending Lot 5 and 6 and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Project Scope and Intent from applicant
- Exhibit C – Survey of Existing Conditions
- Exhibit D – The Aerie Phase 1 Subdivision Plat
- Exhibit E – Vicinity Map/Aerial
- Exhibit F – Recorded Grant of Easement
- Exhibit G – Recorded Settlement Agreement from Aerie Phase 1 Subdivision Plat
- Exhibit H – Pictures of the property
- Exhibit I – Letters of support from neighbors

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 17-

AN ORDINANCE APPROVING THE KIPP SUBDIVISION BEING THE SECOND AMENDMENT TO THE AERIE PHASE ONE SUBDIVISION, AMENDING LOT 5 and LOT 6, LOCATED AT 1264 AND 1276 AERIE DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as 1264 and 1276 Aerie Drive have petitioned the City Council for approval of the the Kipp Subdivision being a Second Amendment to The Aerie Phase One Subdivision, Amending Lot 5 and 6 Aerie Phase One – Second Amended, Amending Lot 5 and 6 Subdivision; and

WHEREAS, on December 24, 2016 proper legal notice was posted in the Park Record posted according to the requirements of the Land Management Code; and

WHEREAS, on December 22, 2016 proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2017 to receive input on the proposed subdivision;

WHEREAS, on January 11, 2017 the Planning Commission forwarded a ____ recommendation to the City Council; and,

WHEREAS, on February 16, 2017 the City Council held a public hearing on the proposed The Kipp Subdivision being a Second Amendment to The Aerie Phase One Subdivision, Amending Lot 5 and 6; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed The Kipp Subdivision being a Second Amendment to The Aerie Phase One Subdivision, Amending Lot 5 and 6.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Kipp Subdivision being a Second Amendment to The Aerie Phase One Subdivision, Amending Lot 5 and 6, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Kipp Subdivision being a Second Amendment to The Aerie Phase One Subdivision, Amending Lot 5 and 6 is located within the Single Family (SF) District.
2. On November 20, 2016, the City received a complete application to amend the Aerie, Phase 1 Subdivision by combing lots 5 and 6.

3. Summit County recognizes 1264 Aerie Dr. as Parcel AER-5 and 1276 Aerie Drive as Parcel AER-6 (Tax IDs).
4. Currently Lot 5 holds a single family dwelling and Lot 6 is vacant.
5. An easement exists on Lots 5 and 6 which consists of a concrete driveway leading to 1156 Aerie Drive. This easement was recorded in 1983 as Entry No. 211399 in Book 274 Page 168. This easement will remain unchanged.
6. The existing Aerie Phase 1 Subdivision only had one note which referred to a settlement agreement recorded as Entry No. 179581
7. In 1997 a Lot Line Adjustment to modify Lots 10 and 11 was approved to create the Olch Replat.
8. The proposed plat amendment combines two (2) existing parcels to create one (1) lot of record consisting of 1.67 acres (72,863 square feet)
9. The proposed plat amendment will combine Lots 5 and 6, with current lot widths of 98 feet each, to create one (1) lot of record with a width of 196 feet.
10. Front yard setbacks in the SF district are 20 feet minimum, 25 feet for front facing garages.
11. Due to the lot bordering a street on both the back and front, per 15-4-17 both sides must have a front setback.
12. Side yard setbacks in the SF district are 12 feet minimum.
13. Height in the SF district is 28 ft. from existing grade. An additional 5' are granted for a gabled roof 4:12 or greater.
14. As stated in the LMC Single Family District, as part of a Master Planned Development, or a subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility.
15. The property is not within the soils ordinance boundary. In the event that mine wastes or impacts are encountered, the applicant is responsible for handling the material properly.
- 16.
17. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations, or any remnant parcels.
18. Any new structures must comply with applicable LMC requirements
19. The proposed plat amendment will not cause undo harm to adjacent property owners.

Conclusions of Law:

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 subdivisions.
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:

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 plat amendment 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. 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.
4. A 10 foot Public Snow Storage Easement will be required along both roads on the North and South side of the property.
5. Any land disturbances over 1.0 acres will require the applicant to abide by the City's storm water MS4 permit program.
6. All above ground utility infrastructures shall be located on the applicants property.

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

PASSED AND ADOPTED this ___ day of _____, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

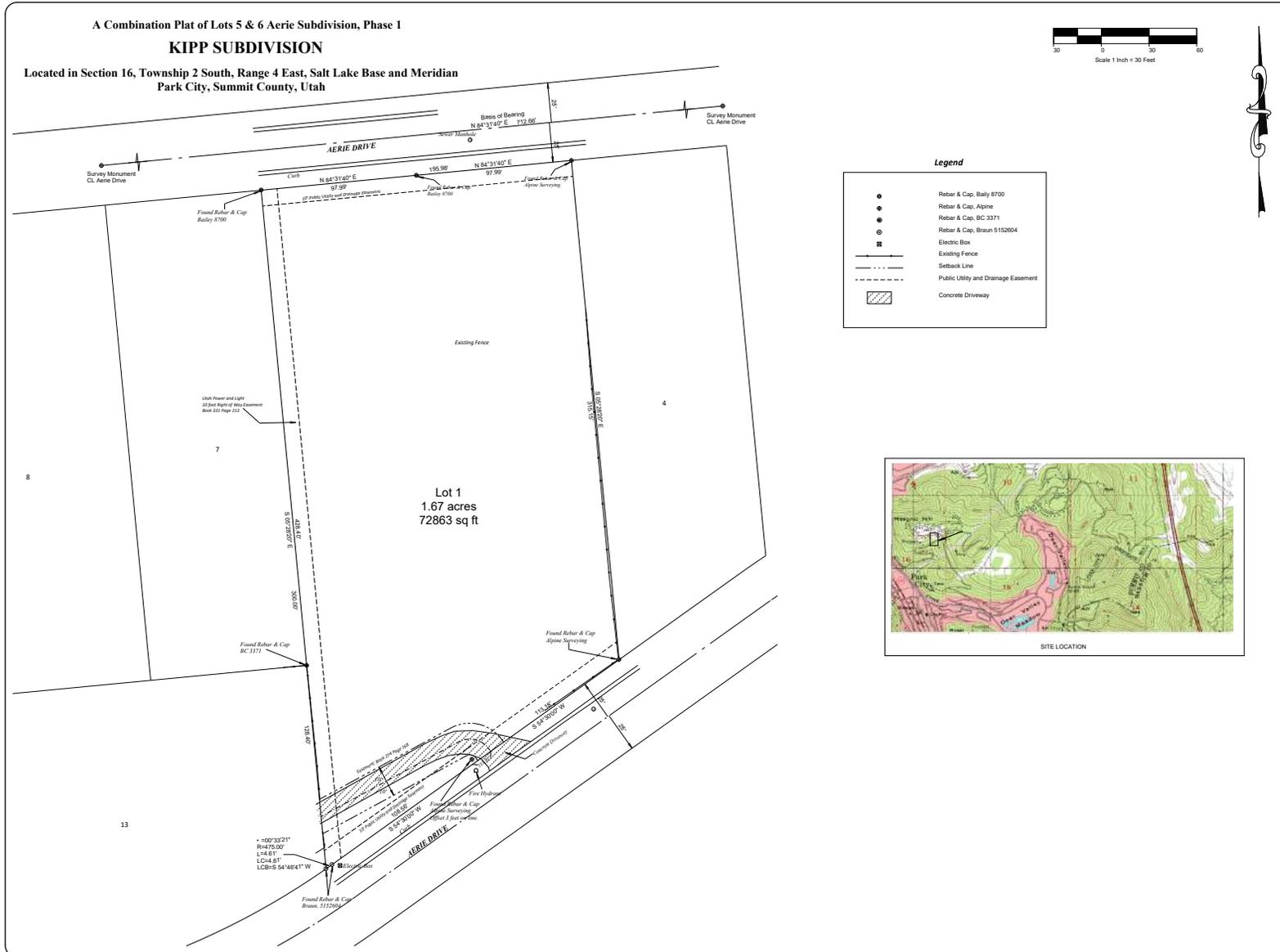
ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A - Proposed Plat



Surveyor Certificate

I Paul Ferry do certify that I am a Professional Land Surveyor holding certificate No. 368358 as prescribed by the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and prepared the KIPP Subdivision and that the same has been correctly surveyed and marked on the ground as shown on this plat.



October 25, 2016

Boundary Description

All of Lot 5 and Lot 6 of the Aerie Phase I Subdivision on file in the Office of the Summit County Recorder.

Owner Dedication

Know by all men by these presents that we, all of the undersigned owner(s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the KIPP Subdivision do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use:

In witness whereof _____ have hereunto set _____ this _____ day of _____ A.D. 20____

Acknowledgement

STATE OF UTAH
 COUNTY OF SUMMIT

Personally appeared before me this _____ day of _____, 20____ the following:

Who acknowledged to me that _____ be _____ executed the above OWNERS DEDICATION.

My commission expires: _____
 Residing in: _____ Notary Public

Consent to Record

STATE OF UTAH
 COUNTY OF SUMMIT

The undersigned lien holder hereby consents to the recordation of the plat.

By: _____

The foregoing CONSENT TO RECORD was acknowledged before me this _____ day of _____, 20____ By: _____

My commission expires: _____
 Residing in: _____ Notary Public

STATE OF UTAH
 COUNTY OF SUMMIT

The undersigned lien holder hereby consents to the recordation of the plat.

By: _____

The foregoing CONSENT TO RECORD was acknowledged before me this _____ day of _____, 20____ By: _____

My commission expires: _____
 Residing in: _____ Notary Public

HIGH MOUNTAIN SURVEYING, LLC
 P.O. Box 445
 1325 South Hoytsville Road
 Coalville, Utah 84017
 435-336-4210

CITY COUNCIL APPROVAL

Approval and Acceptance by the Park City Council this _____ Day of _____, 2016.

 Mayor

 City Recorder (Attest)

CITY PLANNING COMMISSION

Approved and accepted by the Park City Planning Commission this _____ day of _____, 20____.

 Chairman

CITY ENGINEER

I find this plat to be in accordance with information on file in my office this _____ day of _____, 2016.

 Park City Engineer

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

Approved and accepted by the Snyderville Basin Water Reclamation District this _____ day of _____, 20____.

APPROVAL AS TO FORM

Approved as to form this _____ day of _____, 2016.

 Park City Attorney

COUNTY RECORDER

STATE OF UTAH
 COUNTY SUMMIT

Recorded and filed at the request of _____

Date: _____ Time: _____
 Entry # _____ Fee: _____

 County Recorder

Exhibit B - Project Scope and Intent from Applicant

Kipp Aerie Plat Amendment: Project Scope and Intent

We are requesting permission to combine two adjacent lots in the "Aerie" subdivision. Then we plan to build one house across the two combined lots. Today, there is an existing house on one lot, while the other adjacent property is a virgin lot.

We own the existing 25 year old house, and lot, on 1264 Aerie Dr. For 11 years, it has been our primary residence. In July of 2015, we purchased the adjoining lot, 1276 Aerie Dr. The original intent was to build a ~7,500 Sq. Ft. house on just this new lot (1276), and subsequently sell our current house/lot (1264).

However, because of both the steepness and narrowness of the 1276 lot, while also complying with height restrictions, driveway grade and setbacks, the architectural design of the planned new house on 1276 became very challenging. This was especially true because of the unnatural and man-made steepness of the northwest corner of lot 1276. This appears to be the result of depositing road clearing rubble during the Aerie Dr. road construction, +30 years ago, when the subdivision was created.

Thus, preliminary design of the new house on the single 1276 lot, indicated that the house would require 4 levels, and be positioned "down" the hill in such a fashion that it might impact the views from the adjacent neighbors (1264 and 1288 Aerie).

Therefore, we would like to remove these issues for us, and the neighbors, by combining the two lots (eliminate the single lot line between 1264 and 1276), then physically remove the existing house on 1264, and build one house of ~7500 Sq. Ft. across the now combined 1264/1276 lots.

The demolition submittal for the 1264 house and the new construction submittal for the 1264/1276 house would both follow at a later date.

We would like to start new house construction on lot(s) 1264/1276 in the Spring of 2017.

THE AERIE

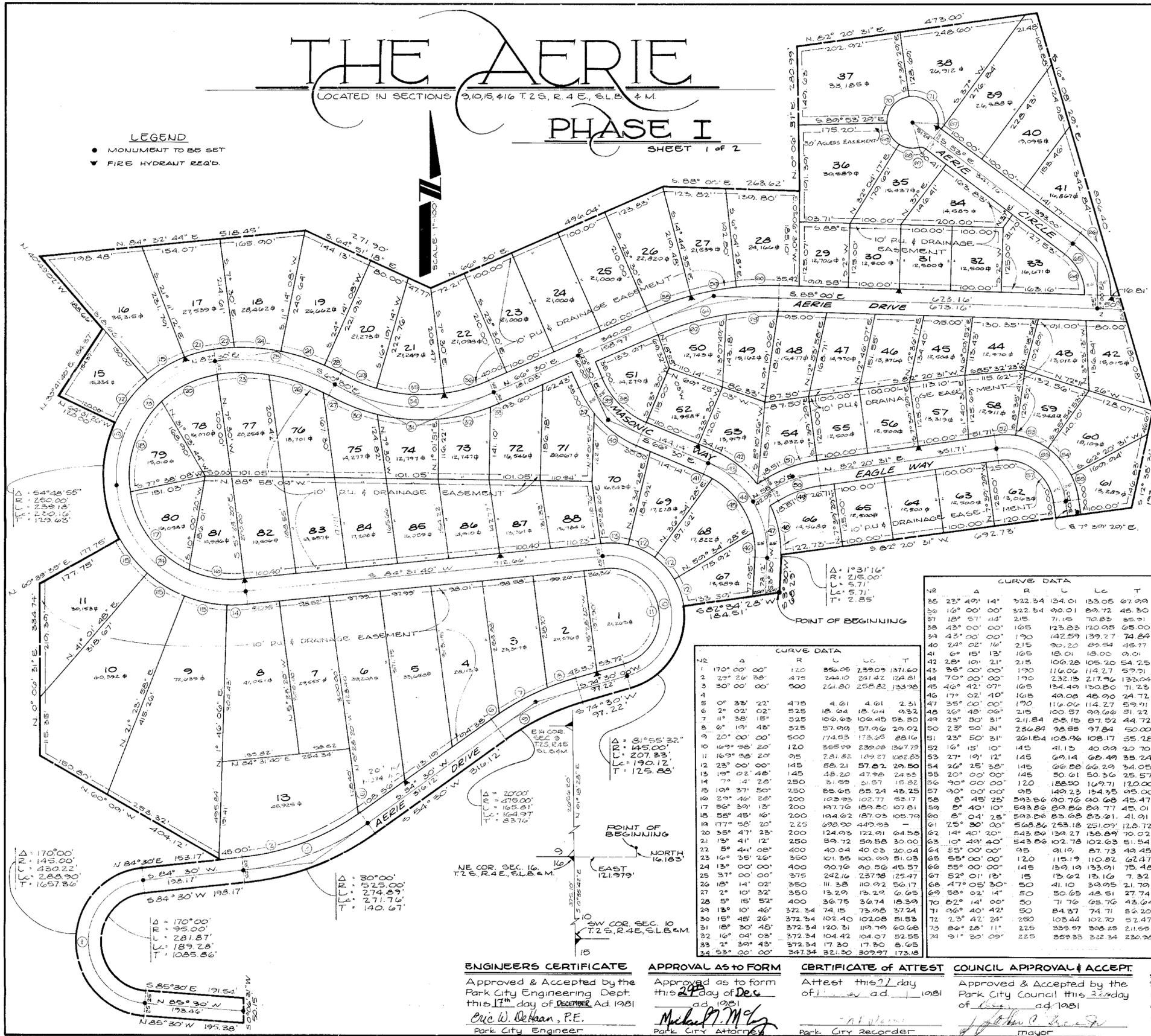
LOCATED IN SECTIONS 9, 10, 15, 16 T.2.S., R.4.E., S.L.B. & M.

PHASE I

SHEET 1 OF 2

LEGEND

- MONUMENT TO BE SET
- ▼ FIRE HYDRANT REQ'D.



SURVEYORS CERTIFICATE

I, Glen R. Larson, do hereby certify that I am a Registered Civil Engineer, and or, land Surveyor, and that I hold Certificate No 5034, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets hereafter to be known as **THE AERIE PHASE I** and that same has been correctly surveyed and staked on the ground as shown on this Plat.

DATE: 10-20-81
 SURVEYOR: GLEN R. LARSON LIC. NO. 5034

BOUNDARY DESCRIPTION

Beginning at a point 121.97 ft East and 16.83 ft North from the NE Corner of section 10, T.2.S., R.4.E., S.L.B. & M.; thence S. 82° 24' 28" W. 184.51 ft; thence 207.33 ft along a curve to the right (central angle = 21° 55' 32", Radius = 145.00 ft); thence S. 74° 30' W. 97.22 ft, thence 105.81 ft along a curve to the left (central angle = 20° 00', Radius = 475.00 ft); thence S. 54° 30' W. 316.12 ft; thence 274.89 ft along a curve to the right (central angle = 30° 00', Radius = 525.00 ft); thence S. 84° 30' E. 148.17 ft; thence 281.87 ft along a curve to the left (central angle = 170° 00', Radius = 95.00 ft); thence S. 85° 30' E. 101.54 ft; thence S. 0° 06' 31" W. 50.15 ft; thence N. 85° 30' W. 195.33 ft; thence 430.22 ft along a curve to the right (central angle = 170° 00', Radius = 145.00 ft); thence N. 84° 30' E. 153.17 ft; thence N. 60° 09' W. 404.12 ft; thence N. 0° 00' 31" E. 334.74 ft; thence N. 60° 33' 33" E. 177.75 ft; thence 233.15 ft along a curve to the right (central angle = 84° 48' 55", Radius = 2500.00 ft); thence N. 64° 31' 26" W. 100.00 ft; thence N. 33° 41' 40" E. 154.57 ft; thence N. 40° 29' 02" W. 103.66 ft; thence N. 84° 32' 44" E. 518.45 ft; thence S. 64° 51' 18" E. 271.90 ft; thence N. 60° 30' E. 409.04 ft; thence S. 88° 00' E. 263.62 ft; thence N. 0° 06' 31" E. 280.00 ft; thence N. 82° 20' 31" E. 473.00 ft; thence S. 16° 08' 29" E. 806.40 ft; thence S. 12° 38' 31" W. 103.50 ft; thence S. 82° 20' 31" W. 692.73 ft; thence 5.71 ft along a curve to the right (central angle = 1° 31' 16", Radius = 215.00 ft); thence S. 3° 30' W. 68.29 ft to the point of beginning, containing 47.65 acres, 86 Lots.

OWNERS DEDICATION

Know all by these presents that we the undersigned owners of the above described tract of land, having caused the same to be subdivided into lots and streets to hereafter be known as:

THE AERIE PHASE I

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use, and do warrant, defend, and save the City harmless against any easements or other incumbrances on the dedicated streets which will interfere with the City's use, operation, and maintenance of the streets and do further dedicate the easements as shown.

FRANK E. DOTSON
 DAN W. FIRMAGE SENIOR V.P. AERIE DEVELOPMENT CO.
 PARK CITY HYDRANTS BY SIERRA WEST REAL ESTATE CO INC
 DAVID L. NIELSEN - PRESIDENT

CORPORATE ACKNOWLEDGEMENT

State of Utah } ss
 County of Summit }

On this 20th day of November, A.D., 1981, personally appeared before me, the undersigned notary public, in and for the State and County, DAVID L. NIELSEN, who after being duly sworn, acknowledged to me that SIERRA WEST REAL ESTATE CO INC a UTAH corporation, and that he signed the Owners Dedication freely and voluntarily for and in behalf of the corporation for the purpose therein mentioned and that the corporation executed the same.

David L. Nielsen
 Notary Public
 residing at Orem, Utah
 my commission expires 7-17-83
 date

THE AERIE SHEET 1 OF 2
 RECORDED
 State of Utah, County of Summit,
 Recorded and Filed at the request of:
 date _____ time _____
 Fee: _____ summit co recorder

CURVE DATA

NO.	Δ	R	L	T
1	170° 00'	120	350.05	239.09
2	29° 26' 38"	475	244.10	241.42
3	73° 00' 00"	500	261.80	258.82
4	0° 33' 22"	475	4.61	4.61
5	2° 02' 02"	525	18.94	18.94
6	11° 38' 15"	525	106.63	106.45
7	6° 19' 45"	525	57.09	57.09
8	20° 00' 00"	500	174.53	173.25
9	169° 28' 20"	120	365.99	239.08
10	16° 08' 29"	95	2.81	2.81
11	123° 00' 00"	145	58.21	57.82
12	19° 02' 48"	145	48.20	47.98
13	7° 4' 28"	250	31.59	31.57
14	109° 37' 50"	250	85.65	85.24
15	2° 46' 28"	200	129.95	127.77
16	56° 39' 15"	200	107.76	109.80
17	55° 45' 16"	200	104.62	107.03
18	177° 58' 20"	225	493.00	449.93
19	35° 47' 23"	200	124.93	122.91
20	13° 41' 12"	250	59.72	59.58
21	5° 44' 08"	400	40.04	40.03
22	16° 35' 26"	350	101.38	100.99
23	13° 00' 00"	400	90.76	90.56
24	31° 00' 00"	375	242.16	237.78
25	18° 14' 02"	350	111.58	110.92
26	2° 10' 32"	350	13.29	13.29
27	15° 15' 52"	400	136.75	136.74
28	13° 40' 46"	372.34	74.15	73.98
29	15° 45' 26"	372.34	102.40	102.08
30	18° 30' 45"	372.34	120.31	119.79
31	16° 04' 03"	372.34	104.42	104.07
32	7° 39' 43"	372.34	17.30	17.30
33	53° 00' 00"	347.34	321.50	309.97
34	23° 49' 14"	322.34	134.01	133.05
35	16° 00' 00"	322.34	90.01	89.72
36	18° 57' 44"	215	71.15	70.85
37	43° 00' 00"	165	123.83	120.95
38	43° 20' 00"	190	142.59	139.77
39	24° 02' 16"	215	90.20	89.54
40	6° 18' 13"	165	18.01	18.00
41	28° 19' 21"	215	106.28	105.20
42	35° 00' 00"	190	116.06	114.27
43	35° 00' 00"	190	116.06	114.27
44	70° 00' 00"	190	232.15	217.96
45	46° 42' 07"	165	134.49	130.80
46	17° 02' 40"	165	49.08	48.00
47	35° 00' 00"	190	116.06	114.27
48	26° 48' 06"	165	82.57	80.66
49	23° 50' 31"	211.84	85.15	87.52
50	23° 50' 31"	236.84	98.58	97.84
51	23° 50' 31"	261.84	108.96	108.17
52	16° 15' 10"	145	41.13	40.99
53	27° 19' 12"	145	69.14	68.49
54	26° 25' 38"	145	66.88	66.29
55	20° 00' 00"	145	50.61	50.36
56	90° 00' 00"	120	188.80	169.71
57	90° 00' 00"	95	149.23	134.35
58	45° 25' 00"	593.86	90.76	90.68
59	40° 10' 00"	593.86	89.86	89.77
60	6° 04' 25"	593.86	83.68	83.31
61	25° 30' 00"	568.86	253.18	251.09
62	14° 40' 20"	543.86	139.27	138.89
63	10° 49' 40"	543.86	102.78	102.63
64	55° 00' 00"	95	91.19	87.73
65	55° 00' 00"	120	115.19	110.82
66	55° 00' 00"	145	139.19	133.91
67	52° 01' 13"	15	15.62	13.16
68	47° 05' 30"	50	41.10	39.95
69	58° 02' 14"	50	50.65	48.51
70	82° 14' 00"	50	71.76	69.76
71	36° 40' 42"	50	84.37	74.71
72	23° 42' 24"	250	103.44	102.70
73	86° 28' 11"	225	399.57	395.25
74	91° 30' 09"	225	859.33	832.34

ENGINEERS CERTIFICATE

Approved & Accepted by the Park City Engineering Dept. this 17th day of December, A.D. 1981
Eric W. DeKhan, P.E.
 Park City Engineer

APPROVAL AS TO FORM

Approved as to form this 22nd day of Dec. A.D. 1981
Michael J. McLaughlin
 Park City Attorney

CERTIFICATE OF ATTEST

Attest this 22nd day of December, A.D. 1981
Attest
 Park City Recorder

COUNCIL APPROVAL & ACCEPT

Approved & Accepted by the Park City Council this 3rd day of December, A.D. 1981
John P. ...
 Mayor

THE AERIE

PHASE I

SHEET 2 of 2

Pursuant To A Motion & Stipulation, Civil No 4613, In The Third Judicial District Court of Summit County, State of Utah, And A Settlement Agreement Between The Same Parties Dated April 24, 1981, Notice of Which Was Filed For Record On May 15, 1981 As Entry No. 179581 Book M187 Page 429 to 431, Records of Summit County.

APPROVED BY PLANNING AND ZONING COMMISSION ..

Arlene Loble 12-24-81
Arlene Loble, City Manager and Acting Planning and Zoning Commissioner: date

Ron Ivie 12-23-81
Ron Ivie, City Building Official and Acting Planning and Zoning Commissioner: date

Robert Wells 12-24-81
Robert Wells, City Councilman and Acting Planning and Zoning Commissioner: date

CORPORATE ACKNOWLEDGEMENT

State of Utah } ss
County of Summit }

On this 15th day of DECEMBER ad., 1981 personally appeared before me, the undersigned notary public, in and for said State and County, DAN W. FIRMAGE who after being duly sworn, acknowledged to me that AERIE DEVELOPMENT CORP. is a UTAH corporation, and that HE signed the Owner's Dedication freely and voluntarily for and in behalf of the corporation for the purpose therein mentioned and that the corporation executed the same.

J. Anderson
Notary Public
residing in ORION, UTAH, my commission expires 7-17-84



CORPORATE ACKNOWLEDGEMENT

State of Utah } ss
County of Summit }

On this 15th day of DECEMBER ad., 1981 personally appeared before me, the undersigned notary public in and for said State and County, DAN W. FIRMAGE who after being duly sworn, acknowledged to me that AERIE DEVELOPMENT CORP. is a UTAH corporation, and that HE signed the Owner's Dedication freely and voluntarily for and in behalf of the corporation for the purpose therein mentioned and that the corporation executed the same.

J. Anderson
Notary Public
residing in ORION, UTAH, my commission expires 7-17-84

INDIVIDUAL ACKNOWLEDGEMENT

State of Utah } ss
County of Summit }

On this 15th day of DECEMBER ad., 1981 personally appeared before me, the undersigned notary public, in and for said State and County, DAN W. FIRMAGE who after being duly sworn, acknowledged to me that HE signed it freely and voluntarily and for the purposes therein mentioned.

J. Anderson
Notary Public
residing in ORION, UTAH, my commission expires 7-17-84

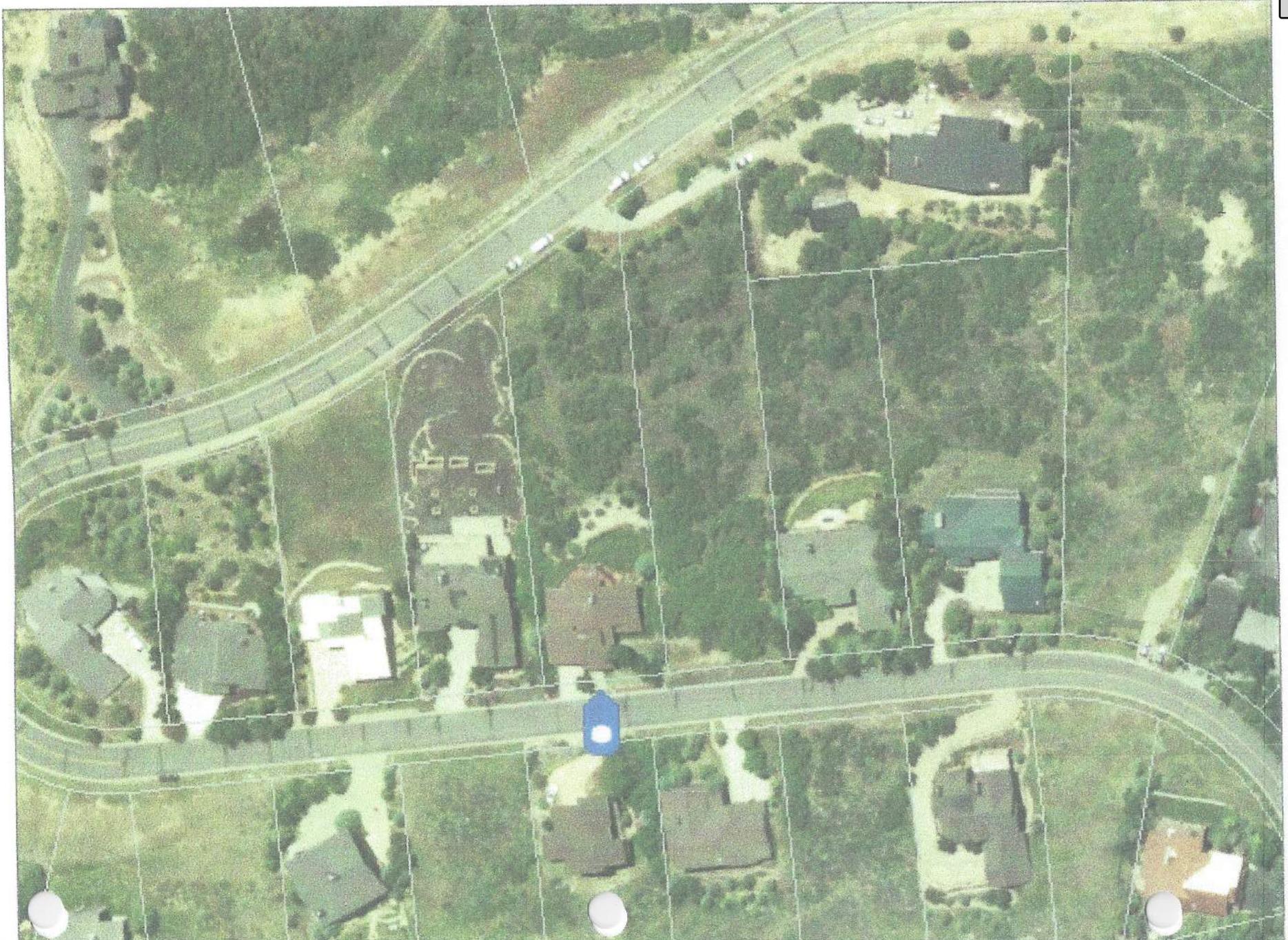
THE AERIE
PARK CITY, UTAH

SHEET
2 OF 2

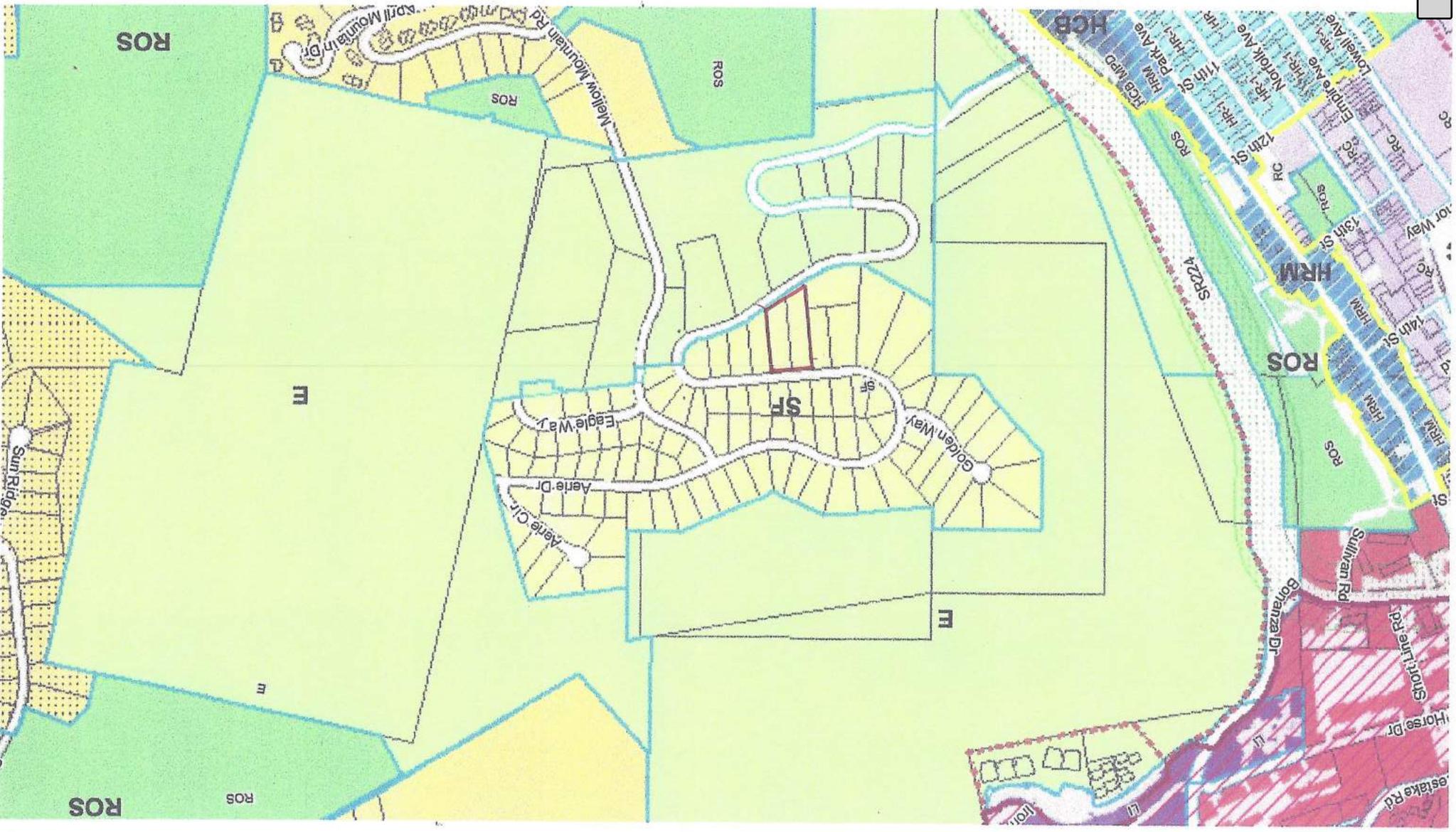
Book
Page
FILED IN PUBLIC RECORDS

Exhibit E - Vicinity Map/Aerial

PCMC







Wayne H. Braumberger
1811 West 2300 So.
SLC 84119

Exhibit F - Recorded Grant of Easement

Entry No. 211399
REQUEST OF Wayne H. Braumberger
FEE 7.00 ALAN SPRIGGS, SUMMIT CO.
By Susan Robinson
RECORDED SEP 29 1983 at 11:50

GRANT OF EASEMENT

FMA Financial Corporation, dba Firmage Financial Corporation, Grantor, does hereby convey to Valley Bank and Trust Company, as Trustee for FMA Financial Corporation, dba Firmage Financial Corporation, (successor to Park City Hylands), under an Exchange Agreement dated September 11, 1981, Grantee, its successors and assigns, for the sum of One and no/100 Dollars (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, a nonexclusive easement for right-of-way, 20 feet wide, as illustrated on Exhibit "A" attached hereto and incorporated herein by reference, for access to and from Lot 13, the Aerie, Phase I, Summit County, Utah, through and across the following described land and premises situated in Summit County, State of Utah, and being a part of Lots 5 and 6, The Aerie, Phase I, to-wit:

10.00 feet on each side of the following described centerline:

Beginning at a point on the North Right-of-way line of Aerie Drive said point being 366.014 feet South and 638.935 feet West from the Northeast Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence running North 35°30' West 1.73 feet; thence 21.73 feet along the arc of a curve to the left having a central angle of 83°00' and a radius of 15.00 feet (Chord bears; N 77°00' W 19.88 feet); thence South 61°30' West 98.19 feet to the East property line of Lot 13, the Aerie Subdivision as recorded in the office of the Summit County Recorder.

This Grant of Easement shall run with the land described above and shall be binding on and iner to the benefit of the parties hereto, their heirs, successors or assigns. This Easement shall include the reasonable right to enter upon the above described land for the purpose of excavating, grating, filling, revegetating, draining,

repairing, building or rebuilding a 15 foot driveway or
access road to and from said Lot 13.

IN WITNESS WHEREOF, the Grantor has executed this
document on the 27 day of September, 1983.

FMA FINANCIAL CORPORATION, dba
FIRMAGE FINANCIAL CORPORATION

Dan D. Firmage
Dan D. Firmage, Sr. Vice-President

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 27th day of September, 1983, personally
appeared before me, Dan D. Firmage, who duly acknowledged to
me that he is Sr. Vice-President of FMA Financial Corporation,
Firma Fimage Financial Corporation, a Utah corporation,
and that he signed the foregoing instrument on behalf of
said corporation.

Wayne H. Braunberger
Notary Public
Residing in Salt Lake County,
State of Utah

My Commission expires:

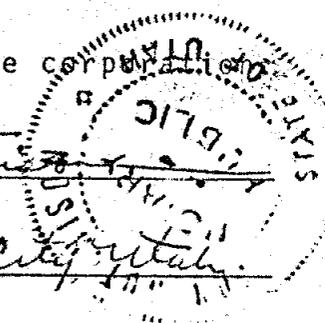
6-12-86

Sept #1 83
CF B21-22

BOOK 274 PAGE 169

the same and that the seal affixed is the seal of the corporation.

Don Hutchins
Notary Public



My Commission expires:

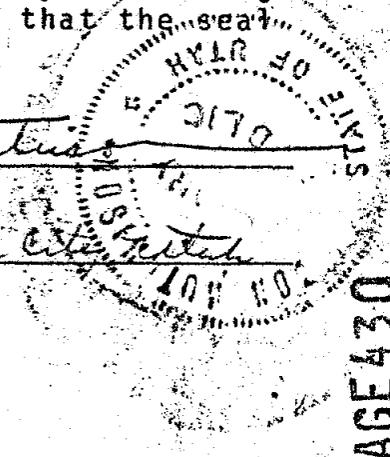
4-1-85

Residing at: Park City, Utah

STATE OF UTAH,)
County of Summit) ss.

On the 24th day of April, 1981, A.D. personally appeared before me Elwood L. Nielsen and Lowell V. Summerhays who being by me duly sworn did say, each for himself, that he, the said Elwood L. Nielsen is the president, and he, the said Lowell V. Summerhays is the secretary of Great Eastern Mining Company, and that the within and foregoing instrument was signed in behalf of said corporation and said Elwood L. Nielsen and Lowell V. Summerhays each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Don Hutchins
Notary Public



My Commission expires:

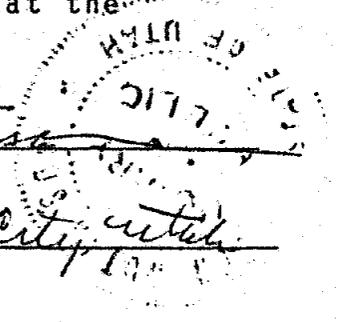
4-1-85

Residing at: Park City, Utah

STATE OF UTAH,)
County of Summit) ss.

On the 24th day of April, 1981, A.D. personally appeared before me Elwood L. Nielsen and Lowell V. Summerhays who being by me duly sworn did say, each for himself, that he, the said Elwood L. Nielsen is the president, and he, the said Lowell V. Summerhays is the secretary of Park West Village, Inc., and that the within and foregoing instrument was signed in behalf of said corporation and said Elwood L. Nielsen and Lowell V. Summerhays each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Don Hutchins
Notary Public



My Commission expires:

4-1-85

Residing at: Park City, Utah

BOOKM 187 PAGE 430

EXHIBIT A-1

Beginning on the West line of the Southeast quarter of the Northeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, at a point 176.25 feet North from the Southwest corner of said Southeast quarter of the Northeast quarter; thence North $81^{\circ}06'00''$ West 40.34 feet; thence North $24^{\circ}11'00''$ West 28.29 feet; thence North $65^{\circ}49'00''$ East 56.38 feet to a point on said West line of the Southeast quarter of the Northeast quarter; thence North 184.7 feet; thence South $37^{\circ}08'11''$ East 123.39 feet; thence South $52^{\circ}51'49''$ West 16.00 feet; thence South $37^{\circ}08'11''$ East 351.76 feet; thence North $66^{\circ}11'00''$ West 242.70 feet; thence North 42.45 feet; thence North $81^{\circ}06'00''$ West 52.71 feet to the point of beginning.

EXHIBIT B-1

Beginning at a point 888.57 feet South and 1321.72 feet West from the Northeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian thence North $82^{\circ}20'31''$ East 400.00 feet, thence North $0^{\circ}6'31''$ East 175.00 feet; thence North $54^{\circ}17'32''$ East, 740.79 feet; thence South $17^{\circ}0'0''$ East 830.00 feet; thence South $82^{\circ}20'31''$ West, 654.60 feet; thence South $0^{\circ}42'31''$ West 150.00 feet; thence South $82^{\circ}21'13''$ West 598.92 feet thence North $1^{\circ}01'36''$ East , 150.00 feet to corner No. 3 of Patented Claim Surprise No. 4 (M.S. 5553); thence North $0^{\circ}06'31''$ East 300.00 feet to the point of beginning.

EXHIBIT C-1

Beginning at a point 888.57 feet South and 1321.72 feet West from the Northeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North $0^{\circ}06'31''$ East 1193.30 feet; thence North $82^{\circ}20'31''$ East 30.90 feet; thence North $16^{\circ}08'29''$ West 240.00 feet; thence North $80^{\circ}49'31''$ East 37.00 feet; thence North $0^{\circ}06'31''$ East 555.10 feet; thence North $80^{\circ}49'31''$ East 1500.00 feet; thence South $0^{\circ}6'30''$ West 256.80 feet; thence North $82^{\circ}20'31''$ East 473.00 feet; thence South $16^{\circ}8'29''$ East 806.40 feet; thence South $12^{\circ}38'31''$ West 193.50 feet; thence South $82^{\circ}20'31''$ West 447.32 feet; thence South $12^{\circ}36'38''$ West 698.02 feet; thence South $19^{\circ}30'0''$ East 428.48 feet; thence South $82^{\circ}20'31''$ West 445.00 feet; thence North $17^{\circ}0'0''$ West 830.00 feet; thence South $54^{\circ}17'32''$ West 740.79 feet; thence South $0^{\circ}06'31''$ West 175.00 feet; thence South $82^{\circ}20'31''$ West 400.00 feet, to the point of beginning.

BOOKM 187 PAGE 431

Exhibit H - Pictures of the Property

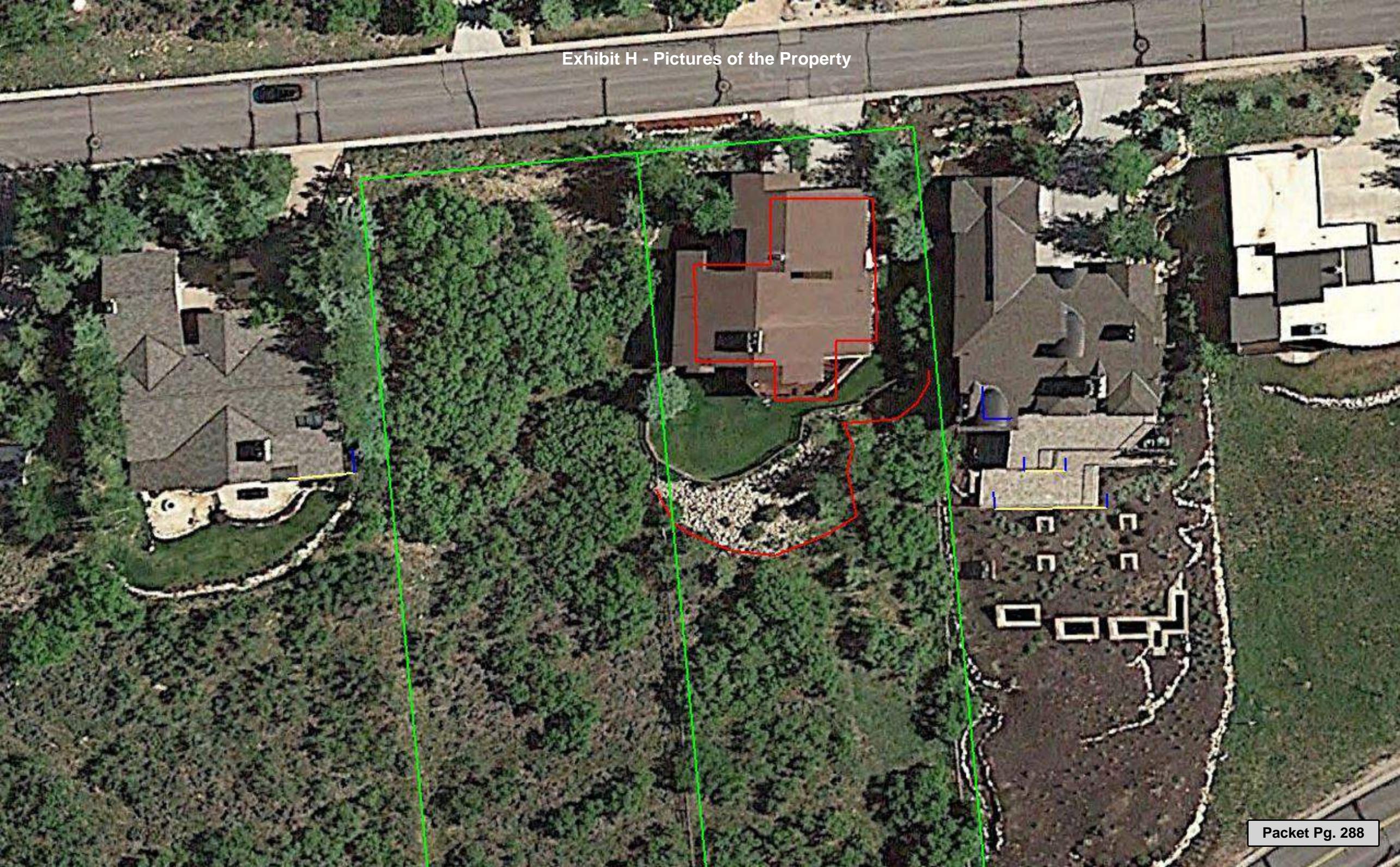


Exhibit I - Public Comment from Neighbors

From: PaulZane@Pilzer.org
Sent: Tuesday, January 03, 2017 11:22 AM
To: Makena Hawley
Cc: "Lisa Dang Pilzer"; 'PaulZane@Pilzer.org'
Subject: 1264 Aerie Drive (attached)
Attachments: 2017_01_02_15_25_15.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Makena

My name is Paul Zane Pilzer—I have lived in Park City since 1981 and owned the lot (and house) at 1371 Aerie Drive up the street from this property since 1985.

My wife and I wholeheartedly support the application of Craig Kipp to combine the two lots at 1264 Aerie Drive without any reservations. This will be a great addition to our community and reduce traffic and density.

Please let us know anything we can to further support this application.

Sincerely,

Paul and Lisa Pilzer
1371 Aerie Drive



PAUL@PAULZANEPILZER.COM
WWW.PAULZANEPILZER.COM
WWW.ZANECHINA.COM

From: Mark Atkinson <malatkinson1952@gmail.com>
Sent: Friday, December 30, 2016 11:49 AM
To: Makena Hawley
Subject: Planning Application PL-16-033632

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for providing us with the opportunity to comment on the plat change requested by Craig Kipp to combine his two lots. My wife and I live at 1395 Aerie Drive with is due North and up the hill from the Kipp's lots. Please make the Planning Commission aware of our strong support for the proposed combination of their two lots.

Mark A L Atkinson, M.A., D.Phil. & Lynn D Morrow, M.D.
1395 Aerie Drive, Park City, Utah 84060.