

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 23, 2011

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Katie Cattan, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 5:55 p.m. and noted that all Commissioners were present.

II. APPROVAL OF MINUTES - February 9, 2011

Chair Wintzer referred to page 31 of the Staff report, page 11 of the minutes, and the discussion regarding the model that was presented for the Bonanza Park area. He noted that five Commissioners had wanted to see that proceed further. Chair Wintzer wanted to make sure the Staff had enough direction to meet that request.

Director Eddington replied that the Staff had sufficient direction, and he asked if the Commissioners had specifics for taking this to the next level in terms of massing, modeling, planning, and design. The model showed what the massing could be with the General Commercial zoning for Bonanza Park. He understood from the last meeting that the Planning Commission wanted to look at better positioning the massing in Bonanza Park with lower and higher heights, open space, transportation linkages, and streetscapes.

Commissioner Savage remarked that during the visioning meeting they talked about possible uses in the Bonanza Park area, including the idea of a conference center or a meeting facility that would accommodate larger groups. He thought it would be beneficial to have someone from a community planning point of view to participate in discussions regarding large scale uses. From that point they could try to derive ideas about mass and scale in conjunction with the concept of use.

Director Eddington understood that the next level would be to see what the mass feels like and looks like, and how it can be manipulated in an MPD.

Commissioner Savage personally thought use was the primary factor. If they are going to talk about the idea of a certain density in Bonanza Park, it raises the question of how that density

will be used. Director Eddington stated that they could begin to look at percentages with regards to mixed use per commercial, per residential, etc. He pointed out that it is close to impossible to know exactly what the market would bear, but they could determine calculations based on what has occurred in other areas around town.

Commissioner Pettit thought that correlated back to their discussion about form base coding and the tools that can be implemented through changes to the LMC. It would help them plan that area and make sure the results are more consistent with their visions for that area. Commissioner Pettit definitely wanted to see how utilizing the tools for form base coding would impact what could be built and what it would look like.

Commissioner Savage asked Commissioner Pettit to clarify her intent when she talks about their "vision" for that area. Commissioner Pettit replied that the vision is developing. They know what it is today, and there are many ideas about what it could be in the future. She felt it was more of a mixed use commercial/retail/residential. What the mix is and the percentage of mix is still unknown because they do not know what could be supported based on the current population and the future of the economy. Commissioner Pettit stated that from her perspective, Bonanza Park has always been a great location for services that are important to the locals, and she hoped that would continue for that area. She remarked that various elements are being flushed out as part of the General Plan, and they are trying to do everything at the same time in terms of determining the ultimate vision. However, that vision is unknown at this point in time.

Chair Wintzer stated that the City previously spent a year re-writing the General Plan for that area. He noted that the model presented at the last meeting did not meet one criteria of the General Plan, it only showed the massing. Chair Wintzer requested that they keep the General Plan in mind while determining what can be done in that area and what it would look like. Director Eddington stated that the Staff would also look at transportation linkages for vehicles and pedestrians.

Commissioner Hontz felt there was a quick and easy way to work with the model to help formulate words on paper for the form base code and relative to the General Plan. She suggested that they pick specific view corridor points along Kearns and Bonanza and add height and move it around. That would help the Commissioners see which areas are better suited for height so it can be included in the language of the code.

Commissioner Pettit questioned the way in which the minutes reflected Commissioner Hontz's motion to forward a positive recommendation for the TDRs. She noted that the motion talks about the amendments to the proposed TDR ordinance with enumerations, one being adding Snow Creek as an additional receiving zone. Commissioner Pettit referred to bullet #3, which states, reduces the sending zone values from the middle column on page 157 of the Staff report. She noted that the motion as written did not mention the Ridge properties, however, it was mentioned in the discussion on the motion.

Commissioner Hontz clarified that the Ridge properties were included in bullet #2, which states, "includes all of the other Old Town areas as identified in the Staff report as sending zones". Commissioner Hontz thought she had identified the specific areas in her motion, but it was not reflected in the minutes and she could not recall for certain.

Commissioner Pettit was more comfortable having the minutes reflect the entire motion that was made. Even though it is picked up later in the discussion she wanted the exact motion clear for the record.

Director Eddington offered to have the motion clarified from the recording.

MOTION: Commissioner Peek moved to CONTINUE the minutes of February 9, 2010. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF & COMMISSIONER COMMUNICATIONS/DISCLOSURES

Director Eddington thanked the Commissioners who attended the meeting and tour of Park City with the University of Utah Planning and Architecture Departments. Interesting points and observations about Park City were raised and there is interest in doing it again. Commissioner Savage asked if it would be possible to have a summary of their comments and key ideas. Director Eddington stated that the ideas are still being developed and the City is hoping to establish a working relationship with the University. Some of the professors have a keen interest in doing some work in Park City.

Commissioner Pettit remarked that the take-away metaphor from the evening was that Planning is like acupuncture in that they are trying to relieve pressure points within the community. That comment resonated with everyone in terms of taking a more holistic view on how to move forward to help the community grow in a healthy way that relieves a lot of pressure. Commissioner Pettit thanked the group responsible for putting the meeting together, which included, Director Eddington, Commissioner Wintzer, and Kayla, and Myles Rademan. She felt it was important to recognize this opportunity to tap into fabulous resources and cross-disciplines through the University of Utah and contacts with the Departments of Architecture and Planning. It allows them to bring some good best practices, good minds and great local resources to bear. Many people are excited about this opportunity and it would be a great learning experience for the students who participate in the process.

Director Eddington stated that he would notify the Planning Commissioner for the next meeting, and keep them updated in terms of creating the link and how it evolves.

Commissioner Strachan asked if it was possible for the Staff to create a matrix of all the one-year reviews that are pending and when they come due. He noted that one item on the agenda this evening was a proposal for a one-year review of Deer Crest. This has been done in the past a number of times, however it is difficult to keep track of all the ones they have approved and when the review comes due. Commissioner Strachan thought that information would help give the Planning Commission a heads up on what is coming and what to expect.

Director Eddington stated that each planner keeps a project matrix with current projects, those that are ongoing, and those that have follow up. He thought they could extract the CUPs and one year approval projects, and provide the Planning Commission with that matrix.

Chair Wintzer thought it would be helpful to see how it all plays out and whether the process is working. If not, they could discuss ways to make it work better.

Commissioner Pettit asked about a second joint meeting with the Snyderville Basin Planning Commission. Director Eddington stated that the Commissioners should have received an email with the dates of March 29th and March 30th. He would ask Patricia to send a reminder. Commissioner Savage requested that Patricia send a reminder every time she sends a message to the City account because he and others do not check that account regularly.

Director Eddington stated that March 29th and 30th fall on the 5th week in March and neither Planning Commissions have scheduled meetings. The email asked the Planning Commission to respond with the best date and time.

V. CONTINUATION(S) AND PUBLIC HEARING.

573 Main Street - Plat Amendment (Application #PL-10-01105)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE 573 Main Street - plat amendment to a date uncertain. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - Discussion, public hearing and possible action.

1. 2300 Deer Valley Drive, St. Regis - Conditional Use Permit **(Application #PL-11-01189)**

Planner Kirsten Whetstone reviewed the application for a conditional use permit for an amenity club at the St. Regis Hotel. The Staff analysis was included in the Staff report, as well as the fifteen criteria for CUP review from LMC 15-1-10(E).

Planner Whetstone reported that the amenity club would be located within the existing St. Regis Hotel and would use existing amenities, including the restaurant, bar, spa, ski lockers, fitness center and pool. The applicant proposes to limit the number of memberships to 195. The applicant has also agreed to the conditions of approval recommended by Staff, one being a one

year review by the Planning Commission. Planner Whetstone stated that no physical changes are proposed to the building or the site. There would be no change in residential density or the total support commercial area.

Planner Whetstone noted that the membership agreement would be reviewed by the City for compliance with the conditions of approval and the conditions of the Deer Crest CUP.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit for an amenity club at the St. Regis Hotel, according to the findings of fact, conclusions of law and conditions of approval.

Tom Bennett, representing the applicant, recalled a discussion by the Planning Commission when they were considering amenity clubs as an amendment to the Land Management Code. Mr. Bennett introduced Ryan Hales, the traffic engineer, and noted that Mr. Hales had done a preliminary parking study of the project to analyze what impact the Club might have on parking at the St. Regis. Mr. Bennett pointed out that parking is the only potential impact the Club use might have on the community.

Planner Whetstone distributed copies of a letter she received from the Deer Crest Master Association indicating that they were not opposed to the Amenity Club. Commissioner Savage clarified that this application had been presented to the Homeowners Association at Deer Crest and they support the privileges entitled to members of the Club in terms of access to the Deer Crest development area. Planner Whetstone replied that this was correct.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Chair Wintzer wanted to know how Club members living in Old Town would reach the Hotel. Mr. Bennett stated that one option is to drive their personal vehicle through Snow Park, drop off their car at valet parking, and go up the funicular. Another option is to call for the hotel shuttle, which would pick them up and take them as far as Snow Park. Chair Wintzer clarified that members from Old Town would not be adding traffic to the Deer Crest neighborhood. Mr. Bennett replied that people would not be driving through the Deer Crest neighborhood.

Commissioner Hontz referred to condition of approval #6 and felt it thoroughly addressed her concerns on paper. However, in practice she thought they could see something different. Commissioner Hontz did not believe the one year review gives the Planning Commission the ability to make changes or to discontinue the use, and she preferred to add language to Condition #6 to allow that ability.

Planner Whetstone stated that the language gives the Planning Commission the ability to require the applicant to mitigate any identified impacts, which is the basis of a conditional use

permit. Commissioner Hontz did not think the language as written provided the Planning Commission the ability to work through the CUP and either change it or deny it. She wanted to see stronger language with more teeth for authority. Planner Whetstone suggested language stating that any impacts that are identified in the one-year review shall be mitigated or the CUP is void.

Mr. Bennett noted that there is no such thing as a one-year CUP. A CUP is granted after considering all the impacts and whether those impacts were appropriately mitigated. In his opinion, the one-year review allows the applicant to meet with the Planning Commission to address any issues that need to be fixed. Mr. Bennett could see problems if the CUP was subject to termination after one-year, because at that point there would be paying members who have certain expectations. Mr. Bennett remarked that a condition of approval connected to the St. Regis Hotel requires the applicant to report back with an updated traffic and parking study after the hotel has been in operation for two seasons. That review would occur this summer and would provide another opportunity to discuss the amenity club. Mr. Bennett pointed out that if the report finds something unfavorable with the Hotel, it would not mean the Hotel could be shut down. The applicant and the City would work together to resolve the problem.

Commissioner Savage questioned the purpose of the one-year review, particularly if no unmitigated impacts are reported. Planner Whetstone explained that because an amenity club is a new use, it provides the opportunity to discuss how it works and to see if the use creates impacts that no one thought about. Commissioner Savage wanted to know what they could do if they were dissatisfied after hearing the report, since the applicant would have a valid approved CUP. Commissioner Strachan stated that the Planning Commission would review the CUP and work with the applicant to address the issues. Based on that explanation, Commissioner Savage believed that condition of approval #6 as written was sufficient to allow that process.

Commissioner Peek noted that the Planning Commission had placed a condition on the Yard for three complaints. The idea was that the complaints may result from impacts that were not reasonably anticipated. This would allow the Planning Commission to work through those issues and place additional conditions if necessary.

Commissioner Pettit suggested adding language to supplement condition of approval #6 to read, "In the event that such review reveals impacts that have not been sufficiently mitigated, the Planning Commission shall have the ability to further condition the CUP to address such unmitigated impacts." The Commissioners favored adding that language.

Chair Wintzer stated that since this was the first application for an amenity club, a one-year review would give the Planning Commission an idea of whether or not they made the right decision by amending the LMC to allow amenity clubs.

Mr. Bennett did not think the added language was unreasonable, as long as the record is clear that the CUP does not terminate at the end of one year.

Commissioner Pettit clarified that the added language would not terminate the CUP. However,

it allows the Planning Commission to further condition the CUP to address unforeseen impacts that surface during that one-year review.

Commissioner Savage understood that the Planning Commission could impose additional conditions on unmitigated issues that were not part of the original CUP approval process and the approved CUP, or they would have the right to discontinue the use. He did not believe that was fair. He was not opposed to conditioning issues that violate what has already been approved, but he was uncomfortable constraining new issues outside of the original CUP approval.

Director Eddington clarified that the Planning Commission was suggesting to add additional or new mitigation procedures to address the existing conditions. It would not be adding new conditions to the CUP. Director Eddington pointed out that the process is similar to what was done with other CUP applications. Commissioner Pettit pointed out that it is only a one-year review and that the CUP would not come back every year. Commissioner Savage was satisfied with the explanations.

Commissioner Strachan pointed out that the Planning Commission could request another one-year review at the time of the first review, if they are not satisfied that all the problems have been mitigated. Chair Wintzer agreed. If no issues were raised during the first year, he would not expect the applicant to come back. However, if problems were addressed, the Planning Commission would most likely require another review one year later to see if the mitigation measures had worked.

MOTION: Commissioner Pettit moved to APPROVE the Deer Crest Amenity Club at the St. Regis Conditional Use Permit, according to the Findings of Fact, Conclusions of Law and Conditions of Approval, and subject to the amendment of Condition of Approval #6 to read as follows: "The applicant shall submit to the City Planning Department for review by the Planning Commission, a one year review of the Club, including the use, operation, membership, parking, and traffic impacts, and a summary of complaints received regarding impacts of the Club on the hotel operations, guests, and owners of adjacent or nearby property. In the event that such review reveals impacts that have not been sufficiently mitigated, the Planning Commission shall have the ability to further condition the conditional use permit to address such unmitigated impacts." Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Deer Crest Amenity Club

1. On February 3, 2011, the City received a complete application for a conditional use permit for an amenities club to be located within the St. Regis Resort hotel and to utilize existing hotel amenities, including the restaurant, bar, spa, ski lockers, fitness center, and pool. A total of 195 memberships are requested for the initial one year review period with a limit of 150 members residing outside of the Deer Crest gates. Membership is expected to include owners of units at the St. Regis Resort, homeowners in the Deer Crest residential area, and others from the community. Membership is for singles, couples, and families.

2. This application is reviewed under Section 15-1-10(E) of the Land Management Code.
3. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
4. The project has access from Deer Valley Drive and Deer Crest Estates Drive.
5. The property is located within the Recreation Commercial (RC) zoning district and is subject to the Deer Crest Settlement Agreement and the revised Deer Crest Hotel CUP as approved by the Planning Commission on April 22, 2009.
6. Amenity Clubs require a Conditional Use Permit in the RC zone.
7. No physical changes are proposed to the existing restaurant, bar, spa, fitness center or pool to increase the posted capacity limits. No exterior changes are proposed to the building or site.
8. The applicant provided a parking analysis (Exhibit B) demonstrating that there is adequate parking available for the parking requirements of the Club activities. During the busiest weeks (Christmas and Sundance) when the hotel was at its maximum occupancy, the parking use was at 46% of capacity.
9. The approved Deer Crest Hotel CUP for the St. Regis Resort allows for a total of 146 parking spaces at Roosevelt Gap (105 spaces for overnight use and 41 day use spaces) and 67 valet parking spaces at Snow Park with access to Roosevelt Gap via the funicular. There are 185 parking spaces at the Jordanelle lot serviced by the employee and guest shuttle.
10. The St. Regis Resort utilizes a guest shuttle service. The shuttle service is available for Amenity Club members for transportation to and from the St. Regis.
11. The Amenity Club will be operated and managed in accordance with provisions of the Membership Agreement. Access to the Amenity Club uses shall be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. Restrictions on access to the Hotel and parking requirements that are consistent with the conditions of approval of the Deer Crest Hotel CUP will be spelled out in the Membership Agreement.
12. The St. Regis hotel has a total of approximately 225 pillows. One or two additional employees are anticipated for the Club.
13. No additional signs or lighting are proposed with this application.
14. The Findings in the Analysis section are incorporated herein.

Conclusions of Law - Deer Crest Amenities Club

1. The use as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The use as conditioned is consistent with the Park City General Plan.
3. The use as conditioned is compatible with surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits.

Conditions of Approval - Deer Crest Amenities Club

1. A Membership Agreement shall be reviewed and approved by the City, as to form and compliance with the conditions of approval, prior to commencing operation of the Amenity Club. Access shall be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. The Agreement shall reiterate conditions of approval for the Deer Crest Hotel CUP regarding access to the hotel and parking requirements and restrictions.
2. The applicant is responsible for management of the club and enforcement of the Membership Agreement.
3. The applicant stipulates to a condition of approval limiting this Conditional Use Permit approval to a maximum of 195 memberships with a limit of 150 memberships allowed for members residing outside of the area bounded by the Deer Crest gates.
4. All conditions of approval of the 1995 Deer Crest Settlement Agreement continue to apply.
5. All conditions of approval of the Deer Crest Hotel CUP as amended on April 22, 2009, continue to apply.
6. The applicant shall submit to the City Planning Department for review by the Planning Commission, a one-year review of the club, including the use, operation, membership, parking and traffic impacts, and a summary of complaints received regarding impacts of the club on the hotel operations, guests and owners of adjacent or nearby property. In the event that such review reveals impacts that have not been sufficiently mitigated, the Planning Commission shall have the ability to further condition the conditional use permit to address such unmitigated impacts.

Commissioner Pettit commented on how under parked this particular project is based on the parking study. For planning purposes, she suggested that they begin thinking about other projects. Commissioner Peek thought hotel projects in general should add that type of parking study to their format. Commissioner Pettit stated that the St. Regis has been successful in encouraging people to come in without cars and to rely on shuttle service, and she felt this was an example, with supporting statistics, of parking being utilized for a project of that size and type of use.

Planner Whetstone offered to look at the numbers in the study based on the number of units. Currently, two and three parking spaces per unit are required for larger units. Director Eddington noted that the Code currently reads off of minimums and the Staff is looking at adding maximums.

2. 29-83 Silver Strike Trail, Christopher Homes at Empire Pass - Amendment to Record of Survey (Application #PL-10-01140)

Planner Whetstone reviewed the applications for two condominium of survey plats at Empire Pass. The first one was the Belles at Empire Pass, which was a new record of survey plat that is now an amended, consolidated and restated condominium plat. The proposed amended condominium plat would supercede Plats I, II, III, and IV of the Christopher Homes condominium plats. Those plats identified an area on the ground for a two-dimensional condominium with a private area. Planner Whetstone explained that a requirement was to come in with a supplemental plat once the units were built and those supplemental plats would be approved. The owner of those units have to sign the plats.

Planner Whetstone presented a reconfiguration of the four Christopher Homes plats and noted that the number of units was reduced from 18 to 17. The original configuration was ten detached units and four duplexes. The current proposal is 11 detached units and three duplexes.

Planner Whetstone stated that all conditions of approval of the underlying approvals apply, which are the Village at Empire Pass MPD and the Silver Strike Subdivision. Therefore, they still need to track the unit equivalents and maximum square footage.

The Staff recommended that the Planning Commission conduct a public hearing on the Belles at Empire Pass condominium plat and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval in the ordinance attached to the Staff report.

Chair Wintzer clarified that the proposal does not change the outside of the units, the open space, or the number of units. Planner Whetstone replied that the unit count decreased by one unit in the configuration. Planner Whetstone pointed that more of the building footprint is now private area that a person could purchase and build on.

She noted that the next item was the supplemental plats for units 1, 2 and 12, which are under

construction, to create the actual private space for those units.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for lots 1 and 2 of the Silver Strike Subdivision and Pod A, Village at Empire Pass according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2983 Silver Strike Trail

1. The plat incorporates property located on Lots 1 and 2 of the Silver Strike subdivision and within Pod A of the Flagstaff Mountain Development, known as the Village at Empire Pass.
2. The property is located in the RD-MPD zoning district and is subject to the Flagstaff Mountain Development Agreement.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004 the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 detached single family homes and duplexes.
5. On June 29, 2006 the City Council approved the Silver Strike Subdivision creating two lots of record. Lot 1 is 4.37 acres in size while Lot 2 contains 1.99 acres.
6. On August 17, 2007 the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase 1 condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass II condominium plat creating an additional 4 units on Lot 2. The plat as recorded at Summit County on February 20, 2008.
8. On April 23, 2008 the City Council approved two more condominium units on Lot 1 of the

Silver Strike Subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.

9. On August 28, 2008 the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/7, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. On December 20, 2010 the Planning Department received a complete application for an amendment to Christopher Homes at Empire Pass condominium plats Phases I, II, III and IV. The amended plat is an amended, consolidated, and restated condominium plat of The Belles at Empire Pass that supersedes, amends, replaces, and consolidates the Christopher Homes at Empire Pass condominium plats Phases I, II, III and IV.
11. The purpose of the plat amendment is to describe and plat the private area for construction of the 17 condominium units as contemplated by the Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. Units 1-8 are located on Lot 2 and Units 9-17 are located on Lot 1 of the Silver Strike Subdivision.
12. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area.
13. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable, such as crawl spaces and mechanical chases.
14. As conditioned, the proposed Belles at Empire Pass condominium plat is consistent with the approved Flagstaff Development Agreement, the Master Planned Development for the Village at Empire Pass and the conditions of approval of the Silver Strike Subdivision.
15. Units 1, 2 and 12 are constructed and Unit 9 is currently under construction. An application for the supplemental plat for Units 1, 2 and 12 has been submitted by the owners as the First Supplemental Plat for Constructed Units at the Belles at Empire Pass a Utah Condominium project. A supplemental plat for Unit 9 will be submitted upon completion of this unit.
16. The Silver Strike subdivision plat requires that after construction of the units, and prior to issuance of a final certificate of occupancy, the boundaries of the units shall be amended to reflect the final as-built conditions identifying the entire structure as private

with the driveways and patio areas as limited common and the remainder of the land identified as common area in accordance with the Utah Condominium Act.

17. Analysis section is incorporated herein.

Conclusions of Law - 29-83 Silver Strike Trail

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

Conditions of Approval - 29-83 Silver Strike Trail

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey plat for compliance with State law, the Land management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will provide the plat to the City for recordation at the County within one year from the date of City Council approval or the approval will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development and the Silver Strike Subdivision plat shall continue to apply.
4. A fire protection plan requiring the use of modified 13D sprinklers and compliance with the interface zone landscaping requirements is required to be submitted to the Building Department prior to issuance of building permits for the units.
5. All existing recorded easements shall be reflected on the plat prior to recordation.
6. Prior to issuance of final certificates of occupancy by the Park City Chief Building Official for completed units, a supplemental plat or plats shall be submitted to the City for review by the City Council and recorded at Summit County.
7. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor exempts basement areas below final grade and 600 square feet of garage area.
8. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior

square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable.” A total of 45 UE (90,000 square feet) are permitted for the units designated by this plat.

3. 29, 32, and 39 Silver Strike Trail - Supplemental Plat for Units 1, 2 and 12 of the Belles at Empire Pass Record of Survey (Application # PL-10-01023)

Planner Whetstone reviewed the request for a supplemental condominium record of survey for the existing units 1, 2 and 12 of the Belles at Empire Pass subdivision plat. The units are constructed and there is no change to the existing units. The supplemental plat creates the as-built conditions and identifies the private and limited common and common space associated with these units.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council with the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Commissioner Pettit referred to the table on page 85 of the Staff report, the maximum house size permitted and proposed, and the unit equivalent calculations. She understood that the calculation for the proposed was greater than the maximum house size because it includes the basement. Planner Whetstone replied that this was correct. She explained that per the development agreement, the maximum house size limitation on the pods are based on the Land Management Code, and excludes any basement area below final grade. However, the development agreement specifies that unit equivalents include all of the area minus 600 square feet for a garage.

Commissioner Peek referred to the elevations and asked if the basement area was limited common. Planner Whetstone answered yes. Commissioner Peek asked if that was dirt. Planner Whetstone replied that it is dirt below the basement. Commissioner Peek asked if they have ever had dirt as limited common in the past. Planner Whetstone stated that it can be done in a condominium, as well as making the roof private. In this case the HOA wants to be responsible for the roof. She pointed out that because the dirt is limited common, if someone wanted to excavate to create additional space, it would take UEs away from other units and would require approval of the entire HOA.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Belles at Empire Pass Condominium Units 1, 2, and 12 according to the Findings of Fact, Conclusions of Law and Conditions of Approval included in the draft ordinance.

Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 29, 32 and 39 Silver Strike Trail

1. The supplemental plat includes Units 1, 2, and 12 of the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass and associated common area. The property is located on portions of Lots 1 and 2 of the Silver Strike subdivision and within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass. The properties are addressed at 29, 39 and 32 Silver Strike Trail.
2. The property is located in the RD-MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village at Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD-style detached single family homes and duplexes.
5. On June 29, 2006 the City Council approved the Silver Strike Subdivision creating two lots of record. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres.
6. On August 17, 2007 the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007 the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. On December 20, 2010 the Planning Department received a complete application for an

amendment to Christopher Homes at Empire Pass condominium plats Phases I, II, III and IV. The amended plat is an amended, consolidated and restated condominium plat of the Belles at Empire Pass that in whole supersedes, amends, replaces, and consolidates all of the Christopher Homes at Empire Pass condominium plats I, II, III, and IV. The amended plat is being reviewed concurrently with this First Supplemental plat.

11. On January 21, 2011, the Planning Department received a complete application for the First Supplemental Plat for Constructed units at the Belles at Empire Pass a Utah Condominium project amending Units 1, 2, and 12.
12. The purpose of the supplemental plat is to describe and document the as-built conditions and UE calculations for the constructed Units 1, 2, and 12 prior to issuance of a Certificate of Occupancy and to identify private, limited common, and common area for these units.
13. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated and Restated Condominium plat of the Belles at Empire Pass, that is reviewed concurrently with this plat amendment. In addition, the three units are consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.
14. Units 1 and 2 are located on Lot 2 and Unit 12 is located on Lot 1 of the Silver Strike Subdivision.
15. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 1 house size is 4,982.9 sf, Unit 2 house size is 4,999.6 sf, and Unit 12 house size is 4,984.9 sf.
16. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable as the plat". Within the Flagstaff Development Agreement on residential unit equivalent equals two thousand square feet.
17. Unit 1 contains 6010.8 gross square feet and utilizes 3.005 Ues. Unit 2 contains 6,614.1 gross square feet and utilizes 3.307 Ues. Unit 12 contains 5,175.8 sf and utilizes 2.637 Ues. These three units utilize 8.949 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
18. As condition, this supplemental plat is consistent with the approved Flagstaff

Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.

19. The Analysis section is incorporated herein.

Conclusions of Law - 29, 32 and 39 Silver Strike Trail

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

Conditions of Approval - 29, 32 and 39 Silver Strike Trail

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will provide the plat to the City for recordation at the County within one year from the date of City Council approval or the approval will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development and the Silver Strike Subdivision plat shall continue to apply.
4. Unit 1 utilized 3.005 UEs. Unit 2 utilized 3.307UEs. Unit 12 utilized 2.637 UEs. The total UEs utilized for each unit must be written on the plat under the unit name.
5. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 1 house size is 4,982.9 sf, Unit 2 house size is 4,999.6 sf., and Unit 12 house size is 4,984.9 sf.
6. The supplemental plat shall be recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy for these units by the Park City Chief Building Official.
4. Park City Heights - Master Planned Development
(Application #PL-10-01028)

Planner Whetstone reported that the Planning Commission has been reviewing this item for the

past several months. At the last meeting the public hearing was continued to this meeting. The main objective this evening was to open the public hearing on the project plan and model that was available in the Planning Department. Following the public hearing, the Staff requested additional questions or comments from the Planning Commission regarding the proposed master planned development. Planner Whetstone noted that on February 9th the Planning Commission reviewed the model, as well as the design guidelines. She outlined the documents and plans provided in the Staff report. A comprehensive Staff analysis would be prepared for the meeting on March 9, 2011.

Spencer White, representing the applicant, stated that this evening he was handed comments from the Planning Staff regarding the design guidelines. They would combine those comments with comments the Planning Commission made at the last meeting to make the requested changes. He anticipated having the revised guidelines back to the Staff within the next few days.

Mr. White recalled that the issues raised at the last meeting were the additional visuals from the four perspectives, which were included in the Staff report. Setback distances was another issue that was addressed. Mr. White stated that the intent was to show the existing setbacks off of Highways 248, 224, I-80 and Highway 40. He reviewed the setbacks as outlined in the packet. Mr. White remarked that the reason for showing the setback distances was to help with perspective. The closest building, which is the cottage homes product, is 1,365 feet at the intersection of Highway 248 and Richardson Flat Road. The closest distance for the attached units is 1,735 lineal feet. Mr. White stated that the reason for showing the setback distances was to show comparisons to help the Planning Commission understand the distances. He thought some of the structures may appear closer in the visuals, particularly in the Google Earth images. Mr. White remarked that the distance to the attached affordable units off of Highway 40 is 350 feet. The distance to the single family detached and cottage homes is 425 feet. He explained how they tried to buffer the homes from those distances and those roads.

Mr. White explained that the reason for placing the density in the proposed locations was based off of sensitive lands. The density is out of flood plain, wetlands, and off of slopes greater than 30%.

Mr. White requested additional comments from the Planning Commission and the public. He had previously submitted plat maps to the Staff, and the Planning Commission had been provided with those maps. Mr. White hoped to address all the issues for a final vote on March 9th.

Commissioner Pettit requested to see slides of some of the views that were included in the Staff report. Mr. White had the slides available and noted that they were the visual assessments that were done when the application was submitted in June. The first view was a photo from the intersection at 248 and the old intersection that used to go into the National Ability Center. He presented a before and after view, noting that it was a slightly different master plan that what is currently proposed. Mr. White presented a new view with the new plan. View 1 was from the new intersection going into the IHC hospital. View 2 was from the intersection of Highway 248 and Old Dump Road. He pointed out that it was the highest cul-de-sac and only the tops of the roofs of the two houses at the end of the cul-de-sac were visible. Commissioner Peek pointed

out a discrepancy between the visuals shown and the Google view. He believed what they were seeing was the upper house on the second cul-de-sac down to the north. Mr. White explained that the distance needed to be taken from the pivot point of where the photo was taken. He and Commissioner Peek discussed the view.

Mr. Spencer clarified the issue being discussed for the public. He explained what they were looking at from the intersection of Highway 248 and Old Dump Road. Going up the ridge they were looking at the buildings he previously described, which were four rows of cottage homes. He indicated the lower cul-de-sac with two homes on the end, and the upper cul-de-sac with the home that he believed had the visible roof top. He noted that Commissioner Peek was correct in his perspective because there was another home on the upper right. Mr. White stated that the roof he spoke about earlier was the upper home on the first cul-de-sac. He then pointed out the homes on the upper, furthest cul-de-sac, which is the uppermost development area. Mr. White stated that the Staff had expressed concern about those homes, and he had told them that the homes do not skylight at any point. There is always something behind them as viewed from Highway 248. Those homes do not break into the blue.

In response to a question about the hillside, Mr. White replied that the hillside is part of the project. The hillside with the road cut is owned by the Byers and they own approximately 12 acres of land that was part of the annexation. He clarified that the Byer's land is part of the annexation, but not part of the master planned development.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Hontz referred to view 2 that was included on page 123 of the Staff report. She noted that it was a view from Highway 40 looking towards the project and asked if that reflected the current plan. Mr. White answered no and explained that it was the visual massing that was done as part of the June 10 packet. Mr. White showed that same image with the current Google earth, taken from the edge of the road on Highway 40. It was the same view as view 2.

Commissioner Hontz believed that comparing that view with the view on page 123 showed how the project was evolving in massing and breaking up forms. However, she thought they needed to pay particular attention to the design guidelines in terms of what those units look like. Commissioner Hontz remarked that the project was going in the right direction, but she still did not like it. She believed that the project could look better as long as the design guidelines are clear. She thought they could solve the problems with design.

Mr. White clarified that the views were solely to show visual massing and not for detail. They do not reflect the design guidelines. Commissioner Hontz felt that went to her point of what would occur without clear design guidelines. Massing matters and she like this view the least in terms of how the massing appears to hulk on the edge of the property. Commissioner Hontz reiterated that those issues could be resolved in the design guidelines.

Commissioner Peek referred to the view from the intersection of Highway 248 and Old Dump Road, looking at the cottage homes stacked along the ridge. He pointed out the plat for Lots 20, 24, 30 and 31 and asked if those were the four cottage homes that stack up the ridge. Mr. White answered yes. Commissioner Peek suggested adding variation to those four homes as part of making the entry statement. Planner Whetstone remarked that those four structures could be specifically addressed in the design guidelines.

Commissioner Savage asked about landscape plans, particularly large trees to break up the massing. Mr. White stated that the intention is more towards sustainability and water issues. A primary issue is the amount of available water and trying to limit water use, especially in individual yards. Mr. White noted that the design guidelines established landscape requirements that do not require lawn and vegetation maintenance. The landscaping will be drought tolerant plants and trees. There will be trees along the trails and through the project, however, at this point, the guidelines do not identify specific standards or details. Planner Whetstone noted that the design guidelines address large scrubs that would get larger over time. It was important that the guidelines address some of the landscaping along the perimeter, particularly at the view corridors.

Commissioner Savage understood environmental sensitivity and water conservation. However, he thought many of the concerns regarding visual impacts could be significantly buffered by rows of aspens or other trees. Mr. White remarked that computer modeling provides the topography, but it does not give the existing vegetation. There is a significant amount of existing scrub brush that is 6' to 8' tall in the summer. He was amenable to possibly looking at landscaping along the view corridors.

Commissioner Peek commented on the Cottage Homes and Park Homes perspective and asked if the landscaping in the drawings reflected the landscape list. Mr. White answered yes. They gave the designer a list of plants and landscaping that would be allowed in the design guidelines and those were included in the perspective.

Commissioner Pettit asked if there would be a noxious weed management plan, given the amount of open space in the area and the continuing problem in the County with noxious weeds. She wanted to know who would be responsible for weed control. Mr. White replied that it is the developer's responsibility and this developer does a good job of regulating noxious weeds.

Commissioner Hontz asked for the purpose of the biological resources overview. Mr. White replied that it was a requirement of the master planned development process and application. In addition, the developer wanted to make sure they took proper steps to mitigate any habitat impacts. Commissioner Hontz asked if the Planning Department had previously seen the biological study and she was told they had. Commissioner Hontz noted that the recommendations speak to noxious weeds and she understood the State and County law requirements. However, she did not believe the laws go far enough, and specifically not for this project. She read Recommendation #2 on page 159 of the Staff report, "Noxious weeds in the project area could be treated to prevent their spread into adjacent areas". Commissioner Hontz

needed to see a specific noxious weed plan for this project that goes further than the recommendation. She read the first recommendation, "Any future project area developments could minimize impacts to riparian areas and wetland in the project area". She wanted to know how, where, and the benefits. Mr. White clarified that there are wetlands in the project boundary but not in the areas being developed.

Chair Wintzer noted that wetlands may be disturbed when they put in the path away from the road, but that would be addressed in that particular permitting process.

Commissioner Hontz questioned how the biological resource report could have been part of previous project reviews when it was recorded December 10, 2010. Mr. White understood that her initial question was whether the Planning Staff had seen the report prior to this meeting. He reiterated that the Staff has had this report for quite a while.

Commissioner Hontz asked if this was the first time the Planning Commission had seen the biological research report. Mr. White answered yes. Commissioner Hontz clarified that other than the Planning Commission, the only ones who had seen this report was the Planning Staff. Planner Whetstone replied that this was correct. Commissioner Hontz pointed out that this was the first opportunity the Planning Commission had to express an opinion that the report is not sufficient enough for what they want to see as a wildlife biological survey. Mr. White stated that the wildlife study was turned in well before the February 9th meeting. He had assumed that the biological report had been included in the February 9th packet.

Commissioner Peek stated that the original wildlife study was part of the notebook the Commissioners received. Mr. White remarked that it was the original wildlife study submitted with the June application. The biological resource was a more recent study that was submitted to the Planning Staff shortly after the December meeting.

Commissioner Hontz stated that her issue was not with the timing, but rather the fact that this was their opportunity to tell the applicant that the report is insufficient. She has dealt with a number of wildlife habitat and related reports, and she did not believe this was sufficient in any way, particularly the recommendations. It did not meet the baseline standards that she would expect from a biological resource. Commissioner Hontz commented on areas where the wildlife habitats were enhanced with development, and she believed the same could occur with Park City Heights.

Commissioner Strachan pointed out that the indicated conclusions were missing from the report.

Commissioner Savage asked if the Planning Staff was equally qualified to review this type of report within the context of completeness and substance. He noted that the Staff had included the report for the Planning Commission to review and he wanted to know if the Staff supported it. Planner Whetstone replied that the Staff would prepare a complete analysis for the next meeting. They also ask others with that expertise to review it and provide input. Commissioner Hontz stated that as an example, the wildlife study for Flagstaff was excellent. Park City Heights is a smaller project and would not need the same level of study as Flagstaff, but there is a standard and the biological resource study does not meet that standard.

Chair Wintzer requested that the Staff review the biological study in-depth and provide the Planning Commission with recommendations. He agreed with Commissioner Savage that the Planning Commission is not qualified to assess the study and it is important to have it reviewed by someone who is qualified. Commissioner Strachan suggested that Mr. White have the biological review experts from the Utah Department of Natural Resources look at the study.

Mr. White expressed a willingness to address all their concerns. He understood that Commissioner Hontz was looking for recommendations that address responsible mitigation if issues are found, and how that mitigation would occur. Commissioner Hontz answered yes. In addition, she felt it was a great opportunity for a wildlife biologist to suggest how the wetland areas could be enhanced for wildlife and ways to make this a positive development. In order to meet the standards, the study needs to go beyond a report that just says whether or not there are threatened species on the site.

Commissioner Savage suggested that the Staff and the applicant communicate with Commissioner Hontz and draw from her knowledge and experience.

Planner Whetstone reiterated that the Staff would provide a full analysis on all the elements for the next meeting. Mr. White referred to the comments regarding noxious weeds and noted that it is part of the bond that is put in place when development begins. Money for the bond will not be released until those issues have been resolved. Commissioner Hontz understood the process, but she was concerned about responsibility and maintenance once the project is completed. She felt that needed to be clearly addressed and defined in some type of agreement.

Chair Wintzer asked Mr. White to bring up the slide of the site plan with contours. He requested some type of cut and fill analysis on all three of the cul-de-sacs, because he never anticipated the cuts and fills that were showing. Commissioner Peek stated that he had zoomed in on the cul-de-sac that was closest to the power line easement and counted a 36 foot cut. Chair Wintzer wanted to see a section through each one with a plan for retaining and re-vegetating. He also wanted to see what the cuts would look like from various vantage points. Commissioner Peek wanted to know the nature of the cuts based on the preliminary geo-tech.

The Commissioners and Mr. White discussed phasing for the project. Director Eddington stated that if development starts at the lower level and moves up, he wanted to know how they would handle a potential buyer who wanted something higher up before they reach that phase, and whether the developer would be required to provide the necessary transportation. Mr. White replied that a \$300,000 lot in place of \$2 million worth of infrastructure would not be enough incentive to move to the next phase. It might be considered if a buyer wanted to develop several lots.

Planner Whetstone summarized the discussion and requests. 1) The guidelines should address the views in terms of massing, specifically views 1 and 2; 2) Landscaping concerns need to be

addressed in the design guidelines; 3) A noxious weed management plan for both construction and completion of the development; 4) Better recommendations for the wildlife study was requested. The Staff would review the study and seek input; 5) An analysis of cuts and fills was requested for the cul-de-sacs; 6) Provide additional information on phasing. The Staff and applicant would be prepared to respond to these concerns at the next meeting.

MOTION: Commissioner Pettit moved to CONTINUE Park City Heights MPD to March 9, 2011. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:00 p.m.

Approved by Planning Commission_____