

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 23, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Anya Grahn, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Phillips who was expected to arrive later.

ADOPTION OF MINUTES

April 9, 2014

Chair Worel referred to page 4 of the Staff report, page 2 of the minutes and asked for an update on the request from Commissioner Gross for a liaison to replace him on the COSAC Committee. Commissioner Gross stated that he had been unable to find a replacement. Commissioner Strachan had offered to be the alternate but they still needed a primary committee member.

Commissioner Joyce stated that he was the alternate liaison to the Board of Adjustment. He would be willing to be the COSAC liaison if another commissioner would accept the role of alternate to the BOA. Commissioner Stuard offered to be the alternate for the BOA. Commissioner Joyce would be the primary COSAC Liaison and Commissioner Strachan would be the alternate.

Commissioner Phillips arrived.

Commissioner Gross referred to page 33 of the Staff report, page 31 of the Minutes, third line, and replaced "Commissioner Gross was pointed out..." to correctly read, "**Commissioner Gross pointed out...**" Chair Worel referred to page 7 of the Staff report,

page 5 of the Minutes, third line, and replaced "...livability of the neighbor..." to correctly read, "...livability of the **neighborhood...**" In the same sentence she questioned whether "regain the topography" should be changed to "**retain** the topography".

MOTION: Commissioner Strachan moved to APPROVE the minutes of April 9, 2014 as amended. Commissioner Gross seconded the motion.

VOTE: The motion passed. Commissioner Joyce abstained since he was absent from the April 9th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Planning Commission of the joint meeting with the City Council scheduled for May 13th. A preliminary presentation regarding Form Based Code would be held at noon. The regular meeting would start at 6:00 p.m. to re-initiate discussions on the Bonanza Park Area Plan and Form Based Code.

Commissioner Stuard disclosed that he had emailed a communication to the Planning Director and copied Chair Worel. However, he did not send it to the rest of the Planning Commissioners because of the Open Meeting requirements. Commissioner Stuard requested that the Commissioners join him in requesting a work session to discuss the imbalance that exists in the combination of Old Town lots. Large houses with many bedrooms create additional pillows, but only one garage and one off-street parking space is provided. Commissioner Stuard thought the issue should be pursued as a LMC amendment now rather than waiting until the re-write of the LMC. The Planning Commission continues to see a steady stream of applications and he preferred to address the issue sooner than later. Commissioner Stuard was interested in hearing the opinions and analysis of others, but his suggestion would be for an FAR or .75 on a 25' x 75' lots combinations; and a similar number on the 37-1/2' wide lots. Both would be wide enough to accommodate a two-car garage with adequate space to design a house.

Director Eddington stated that the Staff had prepared a chart of future opportunities for long-range planning and Form Based Code, as well as lighting codes, sign codes and a number of other items that would come before the Planning Commission over the course of the next three years. The Staff would like to review the schedule for those items with the Planning Commission at the next meeting. The Staff also tried to outline dates and opportunities for the LMC changes. Director Eddington recommended that the Planning

Commissioner spend work session time at the next meeting to review that schedule. He recalled that the lot combinations were scheduled out a couple of months because the first few months would focus on Form Based Code and Bonanza Park.

Commissioner Joyce asked if the Planning Commission would have the opportunity to see a complete list of proposed LMC changes to help prioritize their importance in terms of scheduling. Director Eddington replied that the schedule would show all the items relative to the LMC revisions.

Commissioner Strachan disclosed that he would be recusing himself from the 1310 Lowell Avenue, Park City Mountain Resort discussion.

CONTINUATIONS(S) – Public hearing and continue to date specified.

1. 500 Deer Valley Drive Broph's Place Condominiums – Condo Record of Survey
(Application PL-14-02269)

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

MOTION: Commissioner Gross moved to CONTINUE 500 Deer Valley Drive Broph's Place Condominiums to May 14, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 1851 Little Kate Road Dority Springs Subdivision– Plat Amendment
(Application PL-12-01733)

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

MOTION: Commissioner Joyce moved to CONTINUE 1851 Little Kate Road Dority Springs Subdivision Plat Amendment to May 14, 2014. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

2. 129 Main Street – Steep Slope Conditional Use Permit
(Application PL-14-02251)

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

MOTION: Commissioner Joyce moved to CONTINUE 129 Main Street, Steep Slope CUP to May 14, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

1. **820 Park Avenue - Subdivision**
(Application PL-14-02271)

Planner Anya Grahn reviewed the application for a plat amendment to combine approximately 123 square feet of the Town Lift Subdivision Plat B1-3, Lot E3, First Amended, as well as a metes and bounds parcel at 820 Park Avenue, and a City-owned tax parcel SAA-398-X, which contains approximately 229 square feet. The existing Rio Grande Building is identified as Significant on the City's Historic Sites Inventory. Planner Grahn reported that on November 13, 2013 the Historic Preservation Board reversed the Staff determination and upheld an appeal to move the structure to the southeast corner of 9th and Park Avenue.

Planner Grahn stated that on February 12, 2014 the Planning Commission approved a conditional use permit that included 10 residential condominium units, a commercial retail and service minor, café or deli, outdoor, office intensive, as well as an underground parking structure that contains approximately 24 parking spaces. The project is a multi-use development with ground level store front spaces and upper level residential units. At the time of the CUP approval, a condition of approval was added to make sure that any parking demands caused by the retail would not exceed the number of parking stalls required. Planner Grahn noted that the City Engineer limited vehicular access to 9th Street to help with traffic congestion that might be caused by this development.

Planner Grahn reported that the applicant has entered into a real estate purchase agreement in order to purchase the City-owned parcel that is located along 9th Street, as well as the Sweeney owned parcel. Planner Grahn noted that this was part of the original Sweeney MPD that was approved in 1985, and it is part of Lot E-3, which includes the ticket office. It was allowed four commercial unit equivalents. The Staff analysis included on page 65 of the Staff report shows that even though 123 square feet would be lost, the project would still comply with the open space requirements of the MPD. Planner Grahn reviewed a graph on page 64 of the Staff report showing that the applicant's proposal

meets the setbacks. They were proposing a 65' long common wall with the Sweeney Parcel. The LMC allows a common wall up to 100' in length.

The Staff found good cause to combine the parcels as it would allow the applicant to move forward with the Historic District Design Review that was approved on April 14th, 2014. The plat will not cause undue harm to any adjacent property owners and the City would gain two 10' wide snow storage easements along 9th Avenue and Park Avenue. The applicant had submitted a condo plat amendment that should come before the Planning Commission in late May to condominiumize the project.

Rory Murphy, representing the applicant, pointed out that they were cleaning up the lot lines. He noted that curb cuts on Park Avenue were changed to go on to 9th Avenue. The City owns the lot and they needed to clean up the lines to enable them to access from 9th Avenue. It was easier to purchase the property rather than to obtain an easement from the City. The little piece on the Sweeney side reflects the common wall boundaries as they currently exist.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Town Lift Subdivision Plat B1-3, Lot B-3 the First Amended and 820 Park Avenue Subdivision, according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 820 Park Avenue

1. The property is located at 820 Park Avenue within the Historic Recreation Commercial (HRC) Zoning District.
2. The applicant is requesting to combine approximately 229 square feet of City-owned located on the southeast corner of 9th Street and Park Avenue, the metes and bounds parcel at 820 Park Avenue, and approximately 123 square feet of Lot B-3 of

the Town Lift Subdivision, Plat B1-3.

3. The existing historic Rio Grande Freight Shed is designated as "Significant" on the City's Historic Sites Inventory (HSI).
4. The applicant submitted a Historic District Design Review (HDDR) application on June 19, 2013. The application was deemed complete on October 17, 2013.
5. The Planning Director and Chief Building Official determined that unique conditions did not exist that warranted the relocation of the historic Rio Grande Building on October 9, 2013. The applicant submitted an appeal to this determination on October 18, 2013, and the Historic Preservation Board (HPB) granted the appeal and reversed staff's determination on November 13, 2013.
6. The Planning Director has granted a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty-percent (50%) above zone height, or to forty-eight feet (48'). This architectural feature does not include habitable space.
7. The proposed development will feature a shared party-wall with the Town Lift Condominiums along the south elevation. Land Management Code (LMC) 15-2.5-3(E) states that a side yard between connected structures is not required where the structures are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a building joined at the side lot line may not exceed 100 feet, and the applicant is proposing a common wall of approximately sixty-five feet (65').
8. Indirect access from the Rio Grande development to the Town Lift Plaza will be provided on the fourth floor of the Rio Grande development and through the Town Lift Condominiums.
9. 820 Park Avenue, LLC is currently working with the owners of 838 Main Street in order to purchase approximately 123 square feet of the Town Lift Subdivision, Lot B-3 and secure the necessary agreements to provide access to their development.
10. 820 Park Avenue, LLC and Park City Municipal Corporation are entering into a real estate purchase contract for the city-owned parcel, SA-398-X, located along 9th Street.
11. The applicant submitted a Conditional Use Permit (CUP) on June 19, 2013. The

application was deemed complete on November 26, 2013. The Planning Commission approved the CUP for a multi-unit dwelling of ten (10) units; commercial retail and service, minor; outdoor dining; café or deli; office (intensive); and a parking structure of twenty-four (24) spaces on February 12, 2014.

12. The development of this site and increased commercial retail use in the neighborhood will result in additional traffic and parking demands. The City Engineer has required that the applicant limit vehicular access to the site from 9th Street so as to not increase traffic congestion along Park Avenue and at the 9th Street-Park Avenue intersection. Site triangles are better on 9th Street than Park Avenue and 9th Avenue is a lesser traveled street. Vehicular ingress and egress to the site's underground parking is proposed off 9th Street.

13. On March 3, 2014, the applicant applied for a plat amendment; the application was deemed complete on March 11, 2014.

14. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of developing the site at 820 Park Avenue, which includes

renovating the historic Rio Grande freight shed and constructing a multi-use structure on the site, as approved with the February 12, 2014 CUP.

15. The amended plat will create one new 12,660.06 square foot lot.

16. 838 Park Avenue was included as part of the 1985 Sweeney Master Planned Development (MPD). In December 1993, the Planning Commission approved the MPD and preliminary plat for the Sweeney Town Lift Properties. City Council approved the Sweeney Town Lift Phase B plat amendment through Ordinance 94-7 in December 1993. 838 Park Avenue is included as Lot B-3 of this plat amendment.

17. Staff finds that the loss of approximately 123 square feet of Lot B-3 of the Sweeney Town Lift Subdivision, Plat B1-3 will not affect the property's open space requirement as the amount of open space will continue to exceed 43% as dictated by the 1985 Sweeney MPD.

18. 820 Park Avenue, LLC and Park City Municipal Corporation are entering into a real estate purchase contract for the city-owned parcel, SA-398-X, located along 9th Street.

19. The development is not located within the sensitive lands overlay.

Conclusions of Law - 820 Park Avenue

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.
5. The plat amendment application is consistent with the General Plan and purposes of the zone.

Conditions of Approval – 820 Park Avenue

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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a 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 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. A 10 foot (10') wide public snow storage easement is required along the street frontages of the lot along Park Avenue and 9th Street. This easement shall be shown on the plat.
6. Vehicular access shall only be from 9th street. No vehicular access shall be from

Park Avenue.

7. 820 Park Avenue, LLC shall have purchased the City-owned tax parcel SA-398-X and approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3 prior to recording the plat with Summit County.

The applicant for 2300 Deer Valley Drive had not arrived. The Commissioners re-arranged the agenda and moved 2300 Deer Valley Drive to the end of the meeting.

MOTION: Commissioner Gross made a motion to move into Work Session to discuss the PCMR and the Woodward Project and to reconvene the regular meeting after the work session to discuss 2300 Deer Valley Drive. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission moved into Work Session. The Work Session discussion can be found in the Work Session Minutes dated April 23, 2014.

The Planning Commission adjourned the Work Session and re-convened the Regular Meeting.

2. **2300 Deer Valley Drive – Modification and extension of a Conditional Use Permit for the Snow Park phase of the Deer Crest Hotel CUP**
(Application PL-14-02267)

Planner Whetstone reviewed the application for an amendment to a conditional use permit for the Deer Crest Hotel. The property includes the Snow Park parcel and Roosevelt Gap. The Snow Park parcel currently has the funicular building, a surface parking lot and a retaining wall on the north side. A temporary sales office on the south side had been removed.

Planner Whetstone reported that in 2009 the applicant requested an amendment that would allow them to obtain a permit to build the building. A condition of the original approval was that the applicant needed to build the parking structure at Snow Park. The applicant requested that the Planning Commission consider allowing them to build a surface parking lot rather than the parking structure because they were not ready to build the condominiums at Snow Park, which would be the units on top of the parking structure. Since the Planning Commission did not want to see a parking structure without units, they approved Condition of Approval #14 to allow surface parking.

Planner Whetstone read Condition #14, "Within 5 years of approval, the applicant will either submit building plans for construction of the parking structure at the Snow Park North Site or apply for an amendment to the Deer Crest Hotel CUP, to be reviewed by the Planning Commission, that either extends the time frame for an additional year, or allows the parking lot as a permanent parking solution at Snow Park North." She explained that the applicant was before the Planning Commission this evening with a request to amend Condition #14 to extend the time frame an additional year.

Planner Whetstone stated and she and Assistant City Attorney McLean had met with Tom Bennett, the applicant's representative, to draft the amended language for Condition #14. The revised language preferred by the Staff was shown as Condition #3 of the amended approval. All other conditions of approval of the CUP would still apply.

The new condition reads, "The applicant shall submit a complete application and building plans for construction of the parking structure and condominium units at Snow Park North on or before June 18, 2015. If plans are not submitted within this timeframe, the June 18, 2009 CUP approval for the Snow Park North parcel shall expire and a new Conditional Use Permit application would be required to be reviewed by the Planning Commission prior to submittal of such building plans".

The Staff recommended that the Planning Commission discuss the proposed application, conduct a public hearing and consider approving the request according to the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Tom Bennett, legal counsel for the applicant, stated that this was a simple matter. The applicant was only asking for a one-year extension to formulate and deliver the plans to move forward with the parking structure in accordance with the original plan. Due to the time lapse, the applicant was in the process of hiring a new architect and starting with new plans. Mr. Bennett assumed that the new architect would make changes and he anticipated coming back to the Planning Commission at a later time with a modification to amend the CUP. The issue this evening was to extend the period of time to provide plans for the parking structure.

Commissioner Stuard understood from the language in the original condition of approval that if the plans were not submitted in five years and the Planning Commission did not approve an extension, the CUP would be re-opened.

Planner Whetstone replied that it would not open the CUP for what was already built, but it would have to be re-opened and amended to anything further. She noted that the CUP already approved a site plan, elevations, landscaping, etc. for the Snow Park parcel. Understanding that things change over time, conditional use permits do come back if the

time frame could not be met. It allows the Planning Commission to extend the time period an additional year at their discretion.

Assistant City Attorney McLean clarified that the language states that if the plans are not submitted within the next year, the applicant would have to come back to amend the CUP. She advised the Planning Commission that the applicant has certain density vested under the CUP at 30.5 UEs. However, they would be subject to the conditional use criteria in existence at the time of the application.

Commissioner Stuard was unclear as to why they were only looking at plans for the garage within the year as opposed to the entire buildout. Mr. Bennett replied that the parking garage was required by the Planning Commission and the City Council when the CUP was approved.

Assistant City Attorney McLean pointed out that the previous language stated, "Within five years of approval, the applicant would either submit building plans for construction of the parking structure at the Snow Park North site, or apply for an amendment to the Deer Crest Hotel CUP to be reviewed by the Planning Commission that either extends the time frame for an additional year or allows the parking lot to become a permanent solution at Snow Park North". She assumed that any application that comes in would include the condominiums units on top and not just the parking structure.

Mr. Bennett suggested that they keep the issue consistent with what was previously approved. It was clearly anticipated that there might be a need for this requested amendment. Mr. Bennett acknowledged that it was likely that there may be a CUP amendment at some point in the near future, but he was not prepared to discuss those details this evening.

Commissioner Campbell understood from the wording that the existing surface parking lot may continue to be used, but it does not specify when the use expires. Mr. Bennett stated that under the language there is a possibility that the surface parking could be used for 50 years. Commissioner Campbell thought it was opposite from what the previous Planning Commission was trying to avoid five years ago when they placed a time limit. Mr. Bennett stated that it was also what the developer was trying to avoid. A piece of property with 30.5 UEs is worth a lot of money and it would not be prudent to let it sit for 50 years.

Commissioner Campbell suggested modifying the language to place a time limit on the surface parking to support the original intent. Planner Whetstone remarked that the Planning Commission gave the developer the option of either coming back in one year or making the parking lot a permanent solution. Commissioner Campbell asked the Staff if there were any negatives to making the surface parking permanent. Planner Whetstone

answered no. Commissioner Campbell clarified that the language would allow the parking lot to remain permanently if approved by the Planning Commission, and that the Staff was comfortable with that. Planner Whetstone explained that the language could be kept as revised and require that the applicant come back in one year to have a discussion on whether or not to amend the CUP to allow the parking to remain permanently. Commissioner Campbell pointed out that that the language as written did not include that requirement. As written, the parking lot could remain forever. He did not have an immediate opinion either way, but he thought it was important to have the discussion.

Mr. Bennett recalled that the Planning Commission had required the parking lot to be built to permanent specifications. He noted that the minutes from the Planning Commission meetings reflect discussions indicating that because it was uncertain when the parking structure would actually be built, the surface parking needed to comply with the specifications imposed on a permanent lot. Commissioner Campbell asked if everyone else would be comfortable if the parking lot remained permanent. Mr. Bennett replied that the developer would not be comfortable.

Commissioner Strachan noted that he was on the Planning Commission when the CUP was amended to allow for the parking lot. He recalled that the Planning Commission was concerned that the Deer Valley lots and the MPD would come into play as well. They did not want a situation where the developer could do nothing and have Deer Valley go through its CUP process without any coordination between the parties. A further concern was that if the phases came in at different times because of the financing, the developer wanted the ability to keep their CUP vesting by requesting an extension of one year, one year, one year on the existing CUP. They did not want to amend the CUP because they understood it would be difficult. Commissioner Strachan stated that the Planning Commission thought about taking a hard line and say that building plans must be submitted by a certain date or the CUP would expire. The Commissioners eventually agreed that the applicant could come back and seek extensions year after year after year because the economy was terrible and it was uncertain when it would recover. However, the Planning Commission did not want to continue the existing use inevitably. To the best of his recollection, Commissioner Strachan did not believe the amended language as proposed was in keeping with the original intent of the previous Planning Commission. Commissioner Strachan pointed out that the current Planning Commission could have a different opinion.

Commissioner Campbell was unsure why they even needed to mention the parking lot. He preferred to say that if plans are not submitted within a specific time frame then a new CUP would be required to be reviewed. He questioned whether they had the legal right to allow an unlimited time frame to use the parking lot. Assistant City Attorney McLean

preferred to address it in the condition because it was the current use and the applicant is entitled to use the parking lot.

Commissioner Strachan stated that the problem is that the parking lot is insufficient and the overflow parking spills into the Deer Valley parking lots. That was the reason for encouraging development of the parking structure. Mr. Bennett disagreed with Commissioner Strachan and stated that there is no overflow parking with the Deer Valley lot. The parking study showed that after a year of operation the facility is grossly over-parked. On the busiest day of the year approximately 40% of the spaces were still open. It was clearly demonstrated to the Planning Commission that the project has more parking than has ever been used.

Commissioner Strachan recalled that the underground parking is behind the hotel. A guest pulls up to the porte cochere and someone parks their car. He did not disagree that there was enough parking provided in the existing structure for the current use. However, everyone thought it was valet parking, or they needed to pay, or they did not understand how to access it. Consequently they parked in the Deer Valley lot and walked to the hotel. Planner Whetstone pointed out that the applicant also wanted the surface parking to remain as overflow parking during the construction of the condominiums on the south side. During the 2009 approval there was a complete analysis of what occurs during construction and how it moves around during the different phases

Commissioner Campbell believed there was consensus for granting a one year extension. However, going beyond the one year and changing the "what if" creates issues that the Planning Commission was not ready to approve. Commissioner Stuard could see no reason to change the "what if" given the ability for the applicant to come back and ask for another year.

Commissioner Campbell was comfortable supporting the one-year extension. His uncertainty was with the parking issue because he felt like the Planning Commission was granting something that the applicant did not have before.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Assistant City Attorney suggested a Finding of Fact indicating the prior language, which was crossed out on page 105 of the Staff report, and state that the applicant requested, and the Planning Commission was granting one additional year until June 18, 2015.

Commissioner Campbell asked if they could grant a two year extension. Commissioner Strachan suggested changing the proposed revised language on page 105 to say, "The applicant shall submit a complete application and building plans for the parking structure and the Snow Park North condominium units on or before June 18, **2016**. If plans are not submitted within this timeframe, the June 18, 2009 CUP approval for the Snow Park North parcel shall expire and a new Conditional Use Permit application would be required to be reviewed by the Planning Commission prior to submittal of such building plans.

Mr. Bennett stated that the applicant may not be ready to submit building plans on the condos within a year. A two year extension was helpful but he could not be certain that the drawings for the condominiums could meet that deadline. He believed they would be far enough in the design process to have enough details to build the parking structure. Mr. Bennett strongly favored an extension to 2016. He did not think the remaining language was necessary because this applicant intends to build. Planner Whetstone stated that if the new architect changes the design and the details from the original CUP approval, the applicant would have to apply for a new CUP or a CUP amendment.

Mr. Bennett stated that the applicant was requesting a one year extension, and it was unfair to add another condition that would allow the CUP to terminate. Commissioner Campbell understood that if the Planning Commission granted a two year extension, the CUP would expire at the end of June 2016 if the required plans were not provided. Commissioner Strachan replied that granted CUPs can go forever.

Assistant City Attorney McLean stated that the Planning Commission could give the applicant the requested one year extension and leave out the rest of the language. They could also grant a two year extension as an amendment to the CUP, and the applicant could come in under the old plan or submit a new plan. She understood Mr. Bennett's concerns regarding the expiration. It makes applicants nervous, but it also makes the City nervous when applications are continually continued. Ms. McLean suggested that the Planning Commission grant the one year extension and let the applicant come back with plans for the condominiums.

Commissioner Strachan preferred to grant a two year extension to give the applicant ample time to finalize the plans.

Commissioner Campbell thought it would be helpful if the Planning Commission could have additional CUP training outside of this meeting. Some things were still unclear and he felt that additional training would help the Commissioners make better decisions.

Mr. Bennett clarified that his issue with the proposed language as written was that requiring the building plans for the parking structure and condominium units sounds like the applicant has to submit a full set of construction plans to obtain a building permit by that date. He stated that in reality, the applicant would be submitting an application and related materials to amend the CUP.

Planner Whetstone pointed out that the applicant could submit those materials at any time within the two year period. Commissioner Strachan emphasized that the second sentence as written gives the applicant the right to submit a new conditional use permit application. Planner Whetstone stated that if the applicant does not submit the construction plans to build what was approved, he could submit for a new CUP. Extending to 2016 would give the applicant two years to make that decision.

Assistant City Attorney McLean remarked that building plans are used to submit for a building permit. The general template language for all CUPs says that if plans have not been submitted for a building permit within one year, the CUP is no longer valid. The underlying density would not be lost, but a new application would be subject to the CUP criteria in effect at the time of the new application.

Commissioner Campbell asked if any of the Commissioners were opposed to building just the parking structure. Commissioner Strachan understood that when the original MPD was approved in 2001, the project was supposed to be phased and they knew it would take a decade to build. When he was on the Planning Commission in 2009, the theory was that it would be completed. Commissioner Strachan did not believe the context of an extension request was the time to say the applicant could just build a parking structure.

Mr. Bennett stated that the parking structure was all that was required by the original condition. Condo units were never mentioned in the condition. Planner Whetstone explained that at the time the Park City entrance to St. Regis was at Snow Park and they had to have parking. The Staff also thought it would be a parking structure with units above; therefore, the condition of approval only said that the parking structure needed to be built. Planner Whetstone suggested that the language should have said "parking" rather than "parking structure."

Commissioner Strachan asked in which phase the condo units were intended to be built. Mr. Bennett replied that it was intended for a later phase. 30.5 UEs were allowed in the 2009 CUP. He anticipated approximately 24 units. Commissioner Preston understood that Mr. Bennett wanted to reserve the right for his client to be able to build the parking structure by itself and add the condo units later. Mr. Bennett replied that only if planning for the condos above the parking structure were not sufficiently done by that time.

MOTION: Commissioner Strachan moved to APPROVE the amendment to the Conditional Use Permit for Deer Crest Hotel, subject to the following condition of approval:

The applicant shall submit a complete application and building plans for construction of the parking structure and condominium units at Snow Park North on or prior to June 18, 2016. If plans are not submitted within this timeframe, the June 18, 2009 CUP approval for the Snow Park North parcel shall expire and a new Conditional Use Permit application would be required to be reviewed by the Planning Commission prior to submittal of such building plans.

All other language of the pre-existing Findings of Fact, Conclusions of Law and Conditions of Approval would remain intact unchanged. Commissioner Joyce seconded the motion.

Commissioner Campbell clarified that if they approve the amendment to the CUP with the condition as read by Commissioner Strachan, they would be forcing the applicant to come back with building plans for the parking structure and for the condominium units. He was told that this was correct. Commissioner Strachan pointed out that the applicant could also come back for an amendment to the CUP to build the parking structure only and not the condominium units. Commissioner Gross stated that the applicant could also request to keep the surface parking permanently.

VOTE: The motion passed unanimously.

Findings of Fact – 2300 Deer Valley Drive

1. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, and April 22, 2009. The City Council denied an appeal of the April 22nd approval on June 18, 2009.
2. The proposed density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.
3. The proposal is located in the RD (Residential Development) and RC (Resort

Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD.

4. A total of 244 parking spaces are required for the entire CUP, with a maximum of 146 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The December 12, 2000 traffic and parking study by Sear-Brown relies on a guest and employee shut system, with a majority of the employee parking provided at Jordanelle Village off of Highway 40. With the shuttle system and parking provided at Jordanelle Village the existing parking, with the surface parking lots at Snow Park, is adequate to meet the demands of the existing uses.

5. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

6. A one- year review of the parking and traffic situation, after certificates of occupancy were issued, was conducted by the applicant and presented to the Planning Commission on January 11, 2012 to evaluate actual traffic and parking impacts of this project. No additional issues were raised and the traffic and parking impacts were found to be mitigated as approved.

7. It is the desire of the developer to build this project in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.

The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). The total density approved for Snow Park is 30.5 UE.

8. During construction of the North Snow Park site when the 56 surfaces spaces are not available and until the north parking structure is complete, there will be a possible shortage of parking spaces at Snow Park. The applicants indicate that they can accommodate any shortfall during construction by tandem parking with valet service in the South Snow Park parking structure and within the porte-cochere/drop off area at

Snow Park.

9. Staff has reviewed this application for an amendment to condition of approval 14 as described above and finds the application in compliance with the Conditional Use Permit criteria and consistent with the Deer Crest Settlement Agreement, as amended.

10. The surface parking was constructed to the requirements of a permanent surface parking lot, including paved surface, physical dimensions, landscaping, lighting, storm water, and a final finish treatment was applied to the retaining wall as previously conditioned.

Conclusions of Law – 2300 Deer Valley Drive

1. 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.
2. There is no change in Use. The approved Use was determined to be compatible with surrounding structures in use, scale, mass, and circulation.
3. The approved Use was found to be consistent with the Park City General Plan per the June 18, 2009 approval. The requested amendment is not contrary to the General Plan.
4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.
5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval – 2300 Deer Valley Drive

1. All standard project conditions shall apply.
2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
3. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), shall continue to apply, with the

exception of Condition #14 amended with this April 23, 2014 CUP Amendment.
Condition #14 is amended as follows:

The applicant shall submit a complete application and building plans for construction of the parking structure and condominium units at Snow Park North on or prior to June 18, 2016. If plans are not submitted within this timeframe, the June 18, 2009 CUP approval for the Snow Park North parcel shall expire and a new Conditional Use Permit application would be required to be reviewed by the Planning Commission prior to submittal of such building plans.

All other language of the pre-existing Findings of Fact, Conclusions of Law and Conditions of Approval would remain intact unchanged.

4. Prior to issuance of a building permit for Phases 2 and 3 the applicant shall submit for approval by the Planning Department staff an interim-parking layout addressing any temporary parking space shortages that may occur due to loss of surface parking during construction at Snow Park.

Park City Planning Commission meeting adjourned at 8:20 p.m.

Approved by Planning Commission: _____