

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

COMMISSIONERS IN ATTENDANCE:

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

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

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

November 30, 2016

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

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

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

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

CONTINUATIONS (Public Hearing and Continue to date specified.)

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

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

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

VOTE: The motion passed unanimously.

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

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

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

VOTE: The motion passed unanimously.

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

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

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

VOTE: The motion passed unanimously.

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

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

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

VOTE: The motion passed unanimously.

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

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

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

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

NOTE: The Treasure Hill portion of the Minutes is a verbatim transcript.

1. Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan. (Application PL-08-00370).

Chair

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

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

Pat
Sweeney

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

Chair

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

Planning Director

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

Pat

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

Director

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

Chair

Strachan: During Marsac business hours.

Director

Erickson: That's correct.

Chair

Strachan: All right. Which are?

Director

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

Chair

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

Francisco

Astorga

(Planner):

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

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

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

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

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

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

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

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

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

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

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

Commissioner

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

Planner

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

Commissioner

Band: Okay.

Planner

Astorga: And we'll simply go from there.

Commissioner

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

Director

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

Planner

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

Director

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

Commissioner

Band: Okay.

Director

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

Commissioner

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

Planner

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

Pat

Sweeney: Unplug? I think we're good.

Planner

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

Commissioner

Joyce: Thank you. Appreciate it.

Chair

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

Planner

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

Director

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

Planner

Astorga: Yes, it is.

Director

Erickson: That all you did is cover over.

Planner

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

Director

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

Planner

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

Chair

Strachan: Right. Okay. All right.

Commissioner

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

Planner

Astorga: Understood. We'll work on that.

Commissioner

Joyce: Thank you.

Chair

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

Pat

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

Chair

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

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

Chair
Strachan: Got it. Okay.

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

Chair
Strachan: Sure.

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

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

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

Chair
Strachan: I would appreciate that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair

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

Ron

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

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

Chair

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

Commissioner

Band: I think you asked it.

Commissioner

Joyce: That was mine.

Chair

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

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

Chair

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

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

Chair

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

Ron Ivie: Okay.

Chair

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

Pat

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

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

Pat

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

Ron Ivie: Uh-huh.

Pat

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

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

Pat

Sweeney: That's all. Thanks, Ron.

Chair

Strachan: Great, Ron.

Ron Ivie: Okay, thank you.

Chair

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

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

Commissioner

Joyce: All right. Top that one.

Pat

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

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

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

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

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

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

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

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

Chair

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

Pat

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

Commissioner

Thimm: From the ground?

Pat

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

Chair

Strachan: All right.

Commissioner

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

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

Chair

Strachan: All right. Any other questions?

Commissioner

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

Pat

Sweeney: Yes.

Commissioner

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

Pat

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

Commissioner

Phillips: Yes. With the x under him.

Pat

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

Commissioner

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

Pat

Sweeney: Oh, here we go.

Commissioner

Phillips: Go to the camera, camera tab.

Pat
Sweeney: Got it.

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

Pat
Sweeney: Got it.

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

Pat
Sweeney: Right here?

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

Pat
Sweeney: Right here?

Commissioner
Phillips: Yeah. Now, now---

Pat
Sweeney: I need to do this again.

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

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

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

Pat
Sweeney: Let's start over again.

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

Pat
Sweeney: And [inaudible].

Commissioner
Phillips: Camera.

Pat
Sweeney: Camera.

Commissioner
Phillips: Position. Yeah.

Pat
Sweeney: Camera.

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

Pat
Sweeney: Right there?

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

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

Commissioner
Phillips: Yeah, there you go.

Chair
Strachan: There you go.

Commissioner

Phillips: There you go.

Chair

Strachan: Now move it up.

Commissioner

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

Pat

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

Commissioner

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

Pat

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

Commissioner

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

Pat

Sweeney: Let's do that.

Commissioner

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

Pat

Sweeney: Right here, maybe?

Commissioner

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

Pat

Sweeney: Lowell?

Commissioner

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

Pat
Sweeney: Right there.

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

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

Planner
Astorga: No.

Chair
Strachan: Okay.

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

Chair
Strachan: All right.

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

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

Commissioner
Phillips: Yep.

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

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

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

Pat

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

Chair

Strachan: Great. All right.

Commissioner

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

Pat

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

Commissioner

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

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

Pat

Sweeney: Okay. Thank you.

Chair

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

Planner

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

Pat

Sweeney: Absolutely.

Planner

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

Director

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

Assistant

City Attorney

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

Chair

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

Pat

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

Planner

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

Chair

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

Pat

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

Chair

Strachan: Okay.

Pat

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

David

Eldredge

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

Pat

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

David

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

Commissioner

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

David

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

Commissioner

Joyce: Okay. Thank you.

Pat

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

Steve

Perkins: I can comment on that briefly.

Pat

Sweeney: Your experience with Interwest.

Steve

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

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

Commissioner

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

Chair

Strachan: I think it's already there.

Commissioner

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

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

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

David

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

Commissioner

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

David

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

Commissioner

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

David

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

Commissioner

Joyce: Yeah, I just---

David

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

Commissioner

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

David

Eldredge: Most of which is parking.

Pat

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

David

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

Pat

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

David

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

Pat

Sweeney: So this is a service corridor?

David

Eldredge: That's a service corridor.

Pat

Sweeney: A service elevator.

David

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

Pat

Sweeney: Explain what this is, David, here.

David

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

Pat

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

David

Eldredge: That's true.

Pat

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

David

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

Pat

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

Commissioner

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

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

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

David

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

Commissioner

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

David

Eldredge: No.

Commissioner

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

Pat

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

Chair

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

Pat

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

Chair

Strachan: It seems like it, yeah.

Pat

Sweeney: And, and so that---

Chair

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

Pat

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

Chair

Strachan: Okay.

Pat

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

Chair

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

Public Comments

Charles

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

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

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

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

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

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

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

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

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

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

And I would just ask the Planning Commission to refer back to the applicant's August 5 letter; August 5th, 2016. This is Section 3.2 of that letter. It's page 180 of the August 10th, 2016 Planning Commission packet. You'll recall that we had a discussion about what the Woodruff drawings show. This is what the applicant said those drawings showed. THINC disputes this for a variety of reasons that we've already explained. But let's, for a minute, take the applicant at its word. They say, "as set forth above and explained during the July 13, 2016 hearing, the SPMP included a set of conceptual drawings. The Woodruff drawings. That reflected the size, scale and volume of the development that the parties anticipated on the hillside properties. MPE has carefully and thoroughly analyzed the Woodruff drawings to determine the square footage of the development depicted on those drawings, which MPE has shared with the

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

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

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

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

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

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

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

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

Chair

Strachan: Appreciate it. Thank you.

John

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

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

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

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

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

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

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

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

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

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

Thank you very much.

Chair

Strachan: Thanks, John. Did you sign in.

Planner

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

John

Stafsholt: Oh, good. Thank you.

Chair

Strachan: Thanks, Francisco.

Arnie

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

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

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

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

Chair

Strachan: Thank you.

Neals

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

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

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

Chair

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

Neals

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

Commissioner

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

Neals

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

Chair

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

Jim

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

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

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

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

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

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

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

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

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

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

Chair

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

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

Chair

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

End of Public Comments

Chair

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

Commissioner

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

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

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

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

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

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

Planner

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

Commissioner

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

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

David

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

Commissioner

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

David

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

Commissioner

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

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

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

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

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

David

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

Commissioner

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

David

Eldredge: Yes.

Commissioner

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

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

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

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

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

Commissioner

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

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

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

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

So that's, those are my comments.

Chair

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

Commissioner

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

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

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

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

Director

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

Commissioner

Joyce: Okay.

Director

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

Commissioner

Joyce: Okay. Thank you. Appreciate it.

Commissioner

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

Steve

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

Commissioner

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

Steve

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

Commissioner

Band: Okay.

Chair

Strachan: All right. Commissioner Suesser?

Commissioner

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

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

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

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

That's all I have.

Chair

Strachan: Great. Commissioner Campbell?

Commissioner

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

Chair

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

Commissioner

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

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

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

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

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

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

Chair

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

Planner

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

Director

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

Chair

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

Planner

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

Chair

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

Director

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

Chair

Strachan: I agree.

Director

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

Chair

Strachan: Yeah.

Director

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

Chair

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

Commissioner

Joyce: We need to move to Continue.

Chair

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

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

VOTE: The motion passed unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Strachan opened the public hearing.

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

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

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

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

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

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

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

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

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

Chair Strachan closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planner Grahn read the revised Conditions as follows:

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

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

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

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

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

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

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

VOTE: The motion passed unanimously.

Findings of Fact – 638 Park Avenue

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusions of Law – 638 Park Avenue

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

Conditions of Approval – 638 Park Avenue

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Findings of Fact – 1376 Mellow Mountain

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman Bruce Erickson clarified that the changes were:

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

Revision of the setback on Lot 2 to 35 feet.

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

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

3,500 sq. ft. Lots 4, 5

4,000 sq. ft. Lots 3, 6

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

6,000 sq. ft. Lots 7, 12

6,500 sq. ft. Lots 8, 10

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

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

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

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

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

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

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

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

Conclusions of Law – 1376 Mellow Mountain

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

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

Order

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

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

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

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

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

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

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

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

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

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

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

VOTE: The motion passed unanimously.

Findings of Fact – 250 Main Street

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

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

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

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

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

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

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

This will include the following:

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

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

Conclusions of Law – 250 Main Street

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

Conditions of Approval – 250 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that crosses property lines, or that would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. One (1) five foot (5') wide public utilities easement is required along the street frontage of Lot 1. Public snow storage easements?
6. The applicant shall dedicate the portion of property that includes built Grant (Swede) Avenue and 2nd Street as Right of Way.
7. Prior to plat recordation, the applicants will be required to resolve any encroachments or easements that will be required on the site.
This will include the following:
 - The current outdoor deck Lease between RDA Park City and Schirf Brewing CO. This lease will be maintained for the entirety of the 99 year lease so long as the lease conditions are met (Expires in the year 2087).
 - An access easement on the east and west side to connect Lot 2 to Main St. and Swede Alley.
 - A five foot Public Utilities easement along street frontage of Lot 1.
 - A Sewer easement with Snyderville basin to be located on Lot 1 behind Lot 2 on the northeast end of the proposed plat.
 - An encroachment agreement between The Redevelopment Agency of Park City and Schirf Brewing Co to be located behind Lot 2 on the northeast end of the proposed plat, in order to memorialize Schirf Brewing Companies utility crossings and occupied uses on Lot 1.
8. The portion of the parcels that includes the street will be dedicated as ROW.

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

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

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

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

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

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

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

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

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

VOTE: The motion passed unanimously.

Findings of Fact – 152 Sandridge Road Subdivision

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

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

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

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

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

Conclusions of Law - 152 Sandridge Road Subdivision

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

Conditions of Approval – 152 Sandridge Road Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR), applications are required prior to building permit issuance for any construction on the proposed lot.
4. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the subdivision is recorded with the Summit County Recorder's office.
5. The applicant shall dedicate to the City the portion of the built Sandridge Road located within the property lines of 152 Sandridge Road.
6. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment agreements shall be provided.
7. Encroachments into Chambers Street shall either be removed or the applicant shall enter into an agreement with the City to remove these at a specified future date.
8. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
9. Prior to recordation of the subdivision plat, there shall be a plat note addressing the required setbacks. A plat note shall also be added limiting the maximum footprint for Lot 1 and Parcel A to 1,710.84 square feet; any new development shall be limited to Lot 1 of the 152 Sandridge Road Subdivision.
10. The historic shed on Parcel A is exempt from footprint requirements and shall not be included in the total allowed footprint.
11. Parcel A is appurtenant to Lot 1 and cannot be separately developed.
6. **Request for a one year extension of ratification of the Development Agreement for IHC Master Planned Development (MPD), memorializing approved amendments to the IHC MPD, located at 900 Round Valley Drive. (Application PL-15-02999)**

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

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

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

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

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

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

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

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

VOTE: The motion passed unanimously.

Findings of Fact – IHC MPD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a) Condition #16 shall be deleted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

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

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

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

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

VOTE: The motion passed unanimously.

Findings of Fact – 8680 Empire Club Drive

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

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

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

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

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

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

Montage Spa- 35,000 sf

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

exceptions approved with the MPD.

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

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

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

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

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

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

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

Conclusions of Law – 8680 Empire Club Drive

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

Conditions of Approval – 8680 Empire Club Drive

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

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

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

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

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

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

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

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

Chair Strachan re-opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

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

VOTE: The motion passed unanimously.

WORK SESSION

Planning Commission Meeting
December 14, 2016
Page 110

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

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

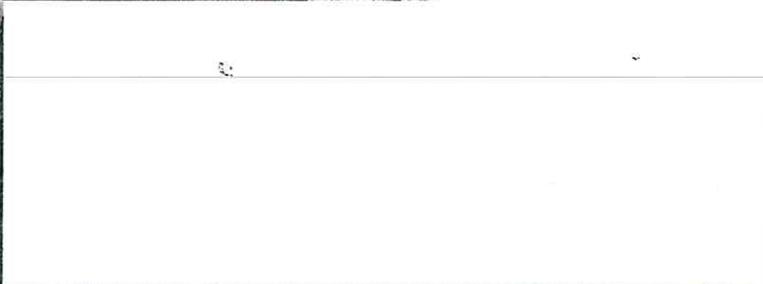
Approved by Planning Commission: _____

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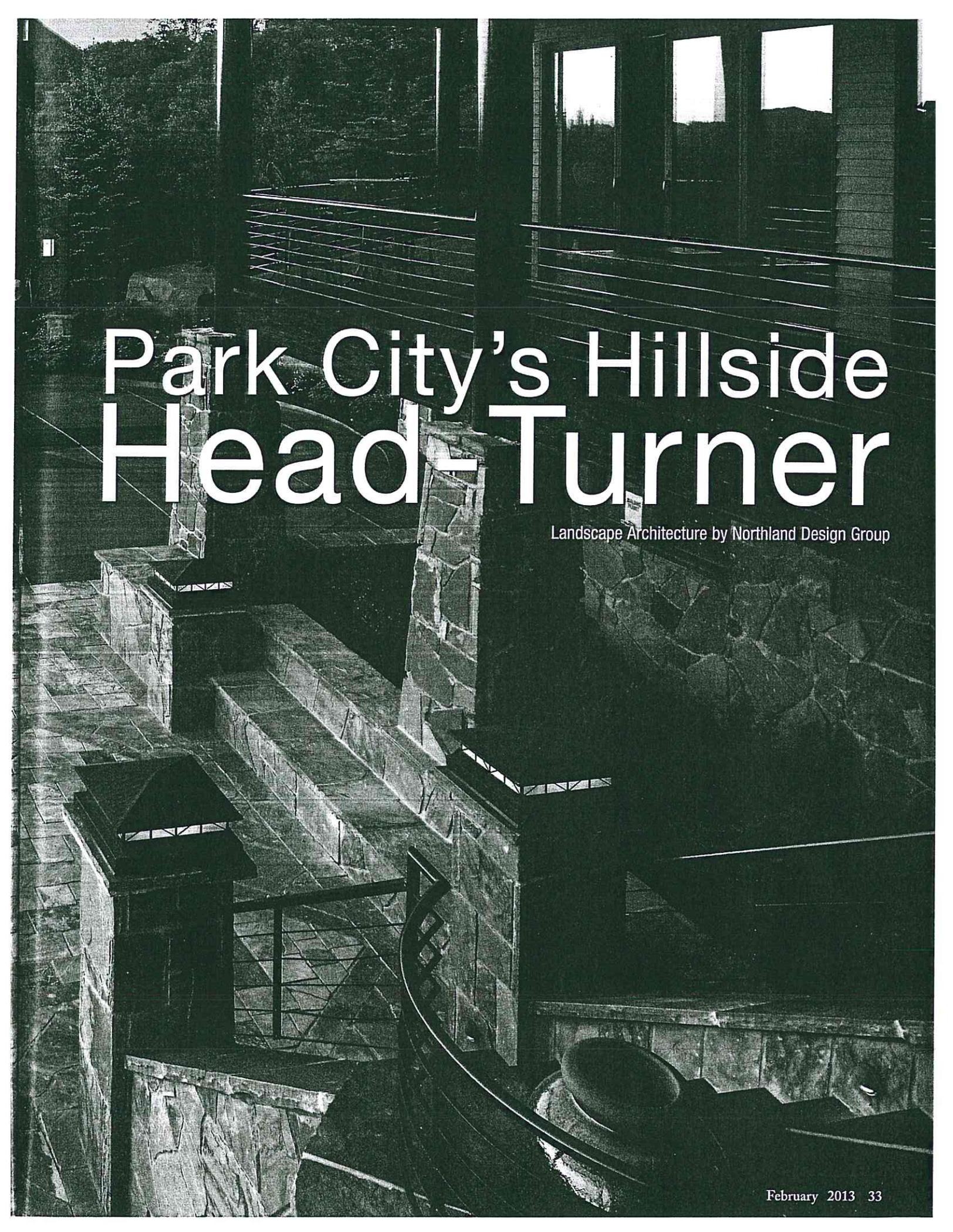
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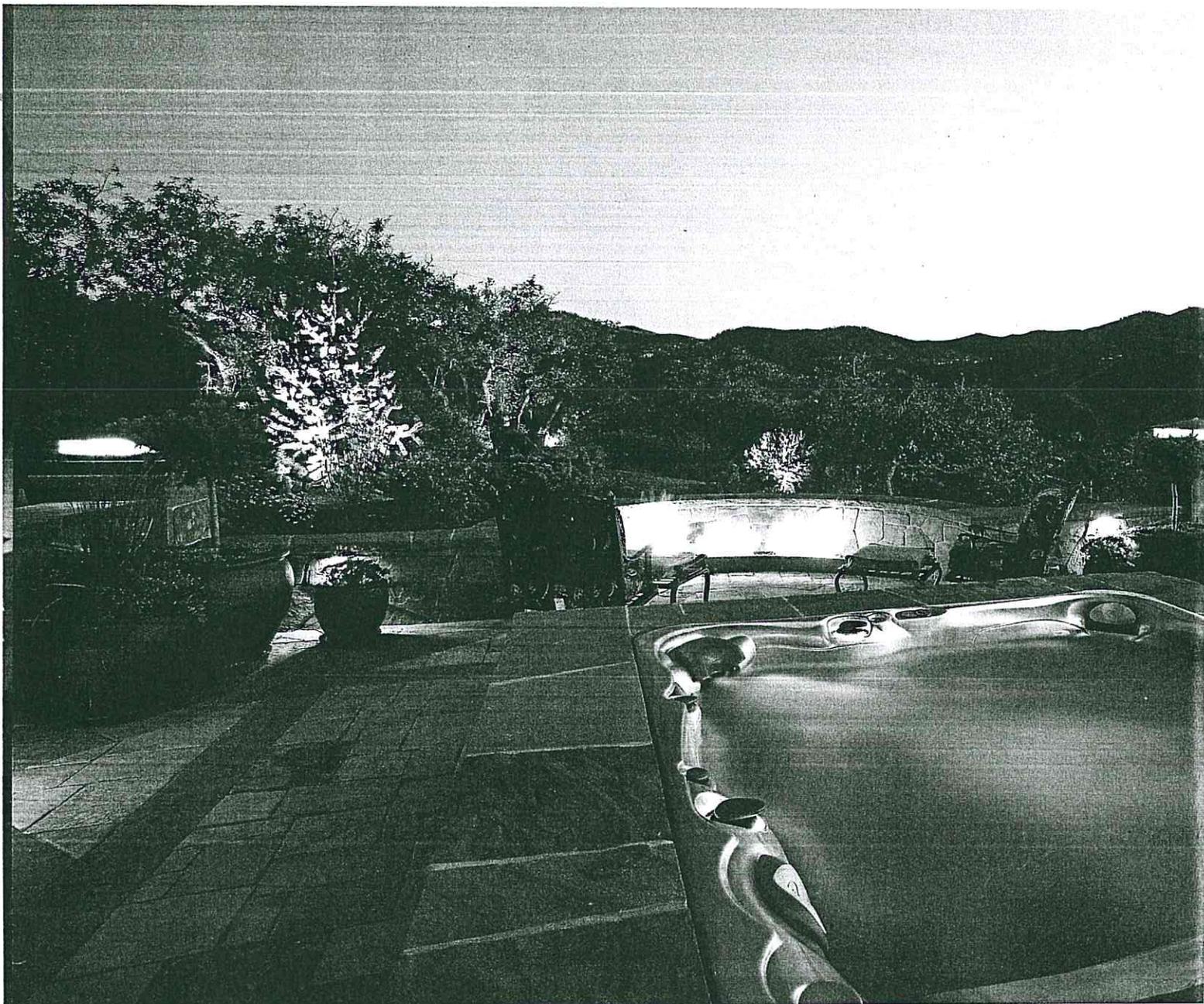


Nearly two years of work from concept to completion expanded this Utah mountainside residence with a variety of hardscaped outdoor rooms, fire features, a spa and improved views of the surrounding scenery. Equally spaced stone columns with custom designed hood lights were placed down the drive to tie the architecture into the landscape, and large boulders were placed with a crane to provide a natural feel.

A black and white photograph of a hillside home. The image shows a stone retaining wall in the foreground, a curved staircase with a metal railing, and a house with large windows and a balcony in the background. The overall scene is a hillside residential development.

Park City's Hillside Head-Turner

Landscape Architecture by Northland Design Group



Above

The design team enlisted local stone supplier Delta Stone to match the new outdoor living areas to the flagstone facing on the columns supporting the residence's second floor deck. Delta Stone also provided cut blonde sandstone and the boulders for the main driveway.

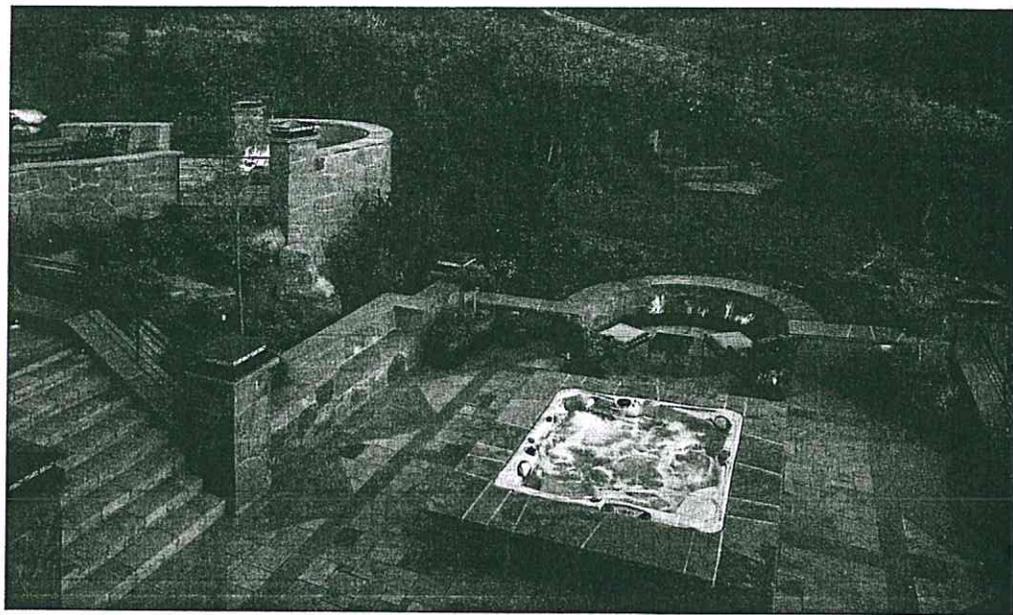
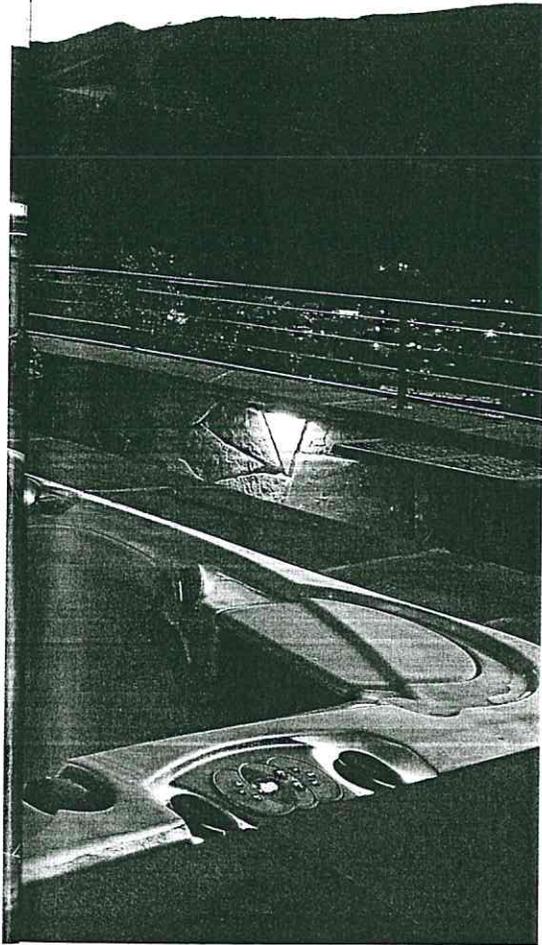
The homeowner of this Park City, Utah residence said his project goal was to watch drivers veer off the road at the bottom of the hill after seeing the "awesomeness" of his remodeled property. When they heard that, the architects from Northland Design Group knew they were in for some serious fun. Built in 1990 on a steep hillside above 'Old Town' Park City, the site was full of masses of scrub oak that limited views and severely underused the available land. The clients wanted to be able to enjoy new outdoor living areas during all four seasons, and have spaces for personal use and entertaining guests. Since the homeowners were avid skiers, this would include making the site useable in the middle of winter, a serious challenge for the design team.

Planning

The team drafted plans to maintain the look and feel of the existing construction and architecture, while

improving on the exterior design. The homeowners wanted a variety of defined spaces with a large amount of detail, without overwhelming the views or the outdoor area. The viewing experience started with the initial views of the site as drivers rounded the corner, and carried on around the residence until the sight reached the rear view mirror. Challenging the creation of these spaces was more than 35 feet of grade change, and not disturbing a large portion of the site designated to remain native.

Northland's team of landscape architects spent hours learning the site and becoming familiar with each opportunity and constraint. The large scope of the project would require a fair amount of demolition, exposing the views of downtown Park City and the ski slopes of Deer Valley while preserving the vegetation and natural beauty of the mountainside. Large 20-foot-plus evergreens would remain, and more would be



added to scale down the open areas around the home and mitigate the mountain winds. Sixteen-foot evergreens were installed on the downhill side of the property to direct the prevailing winds up and over the site without sacrificing the views.

When selecting the materials for the project, Northland had to look no further than the client's front yard. The existing deck wrapping around the second floor of the residence was supported by large stone columns, about 15-feet tall, faced with a red flagstone locally quarried in Heber City by Delta Stone.

The client loved the look of these columns, and the team used them as the basis for the hardscape theme throughout the new outdoor spaces. The homeowners had also requested natural and locally sourced project materials, so Northland returned to

Delta Stone for more 'Heber Red' flagstone, and also selected cut blonde 'Park City Gold' sandstone for contrast.

Setting the Scene

One of the client's primary design goals for the remodel was that the front entry's long driveway should make a stunning first impression. The challenge was allowing the native landscape to dominate the scene, while connecting the architecture and design of the residence down the graded driveway to the street.

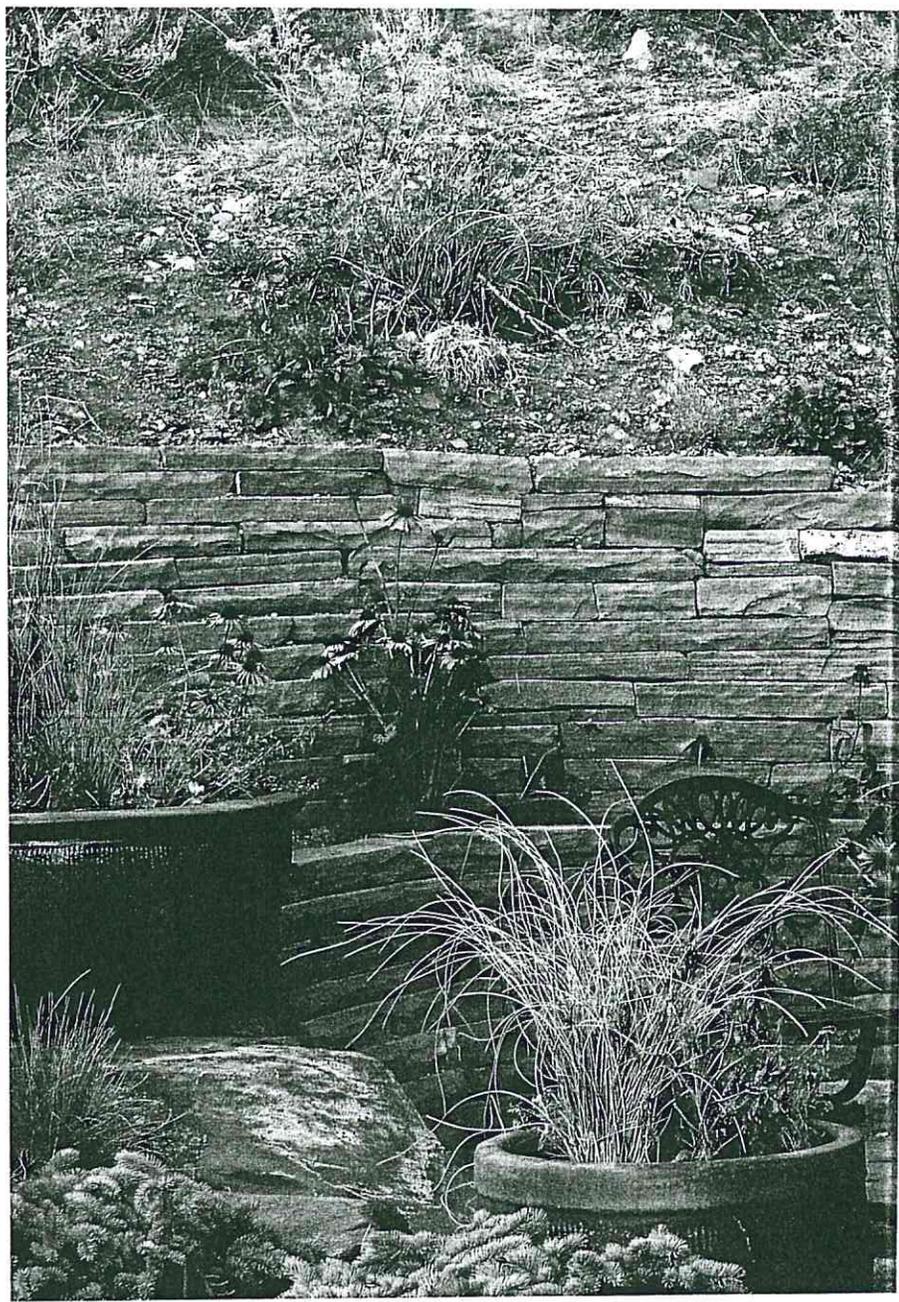
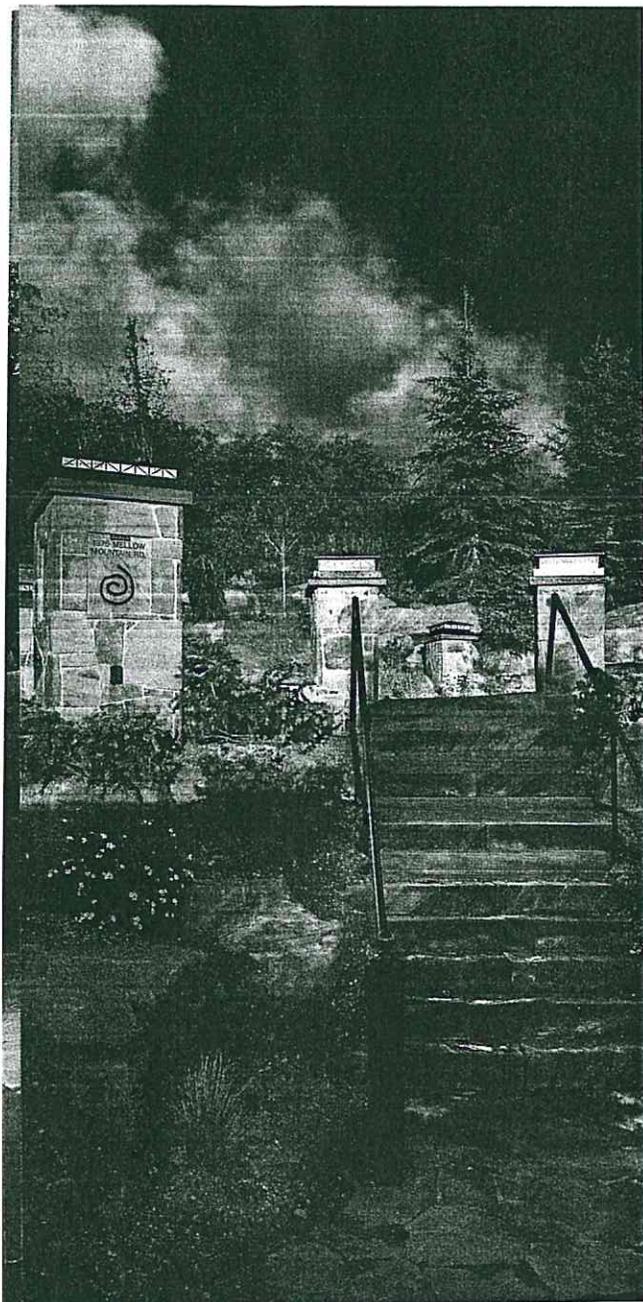
The client was opposed to stacked boulder walls that looked man-made, so with the help of Aaron Hicken at Delta Stone, the designers visited a quarry east of Heber City. After hours of measurements and crawling over hundreds of boulders, the team found the right rocks for the job.

Top

One of the four fire features was installed in a recessed half circle trough adjacent to the spa (Spa Source), which is elevated to provide a better vision of the hillside.

Bottom

Scrub oak on the site was cleared and replaced with strains of dogwood, spruce, sumac, yarrow, and various ground covers and grasses. The placement and lower profile of the plants expanded the property's panoramic views from the residence and outdoor rooms, and blended the property into the surrounding landscape.



Above

Evergreens 20 feet tall and larger remained throughout the remodel, and more were added to scale down open areas around the home and break up the prevailing winds. Sixteen-foot evergreens were placed on the downhill side of the property to push the wind up and over the site without blocking the view.

Middle

The patio, walls, columns and seat walls were faced with 'Heber Red' flagstone and 'Park City Gold' sandstone about 3-4 inches thick, cut to specified sizes to match the existing stonework.

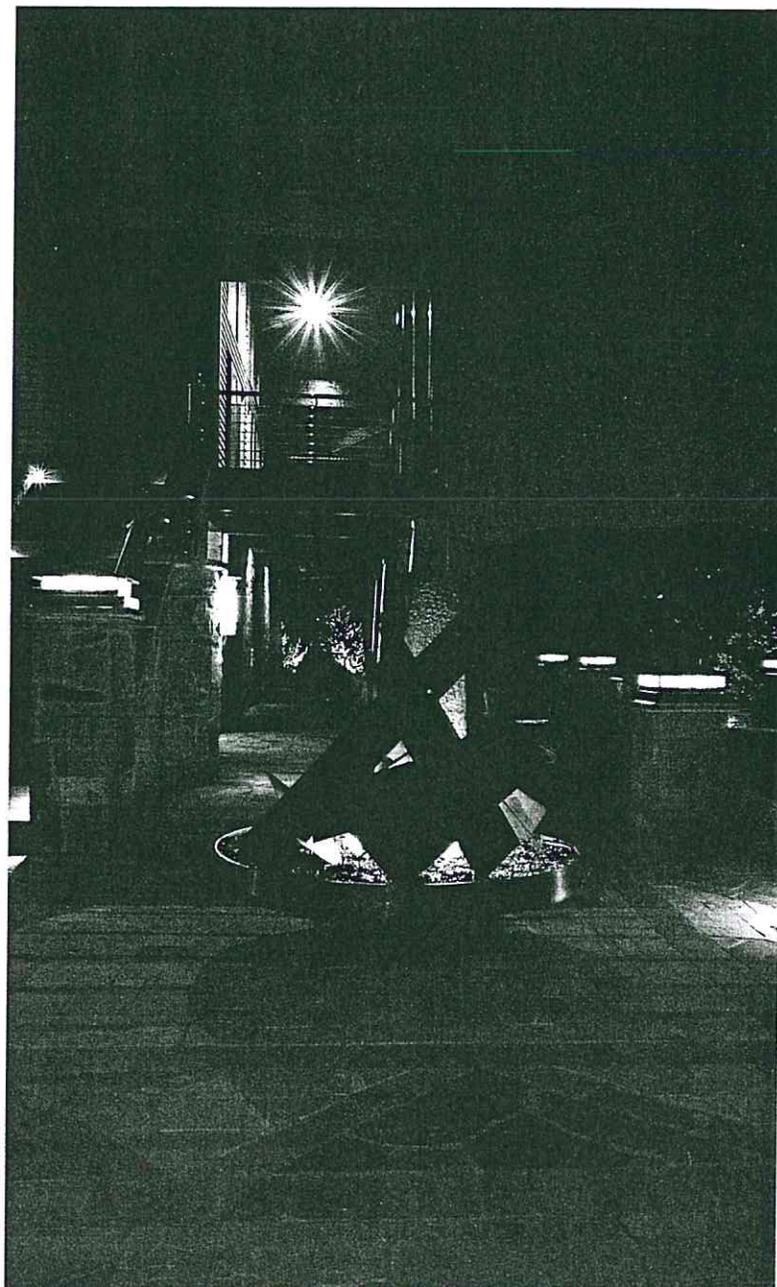
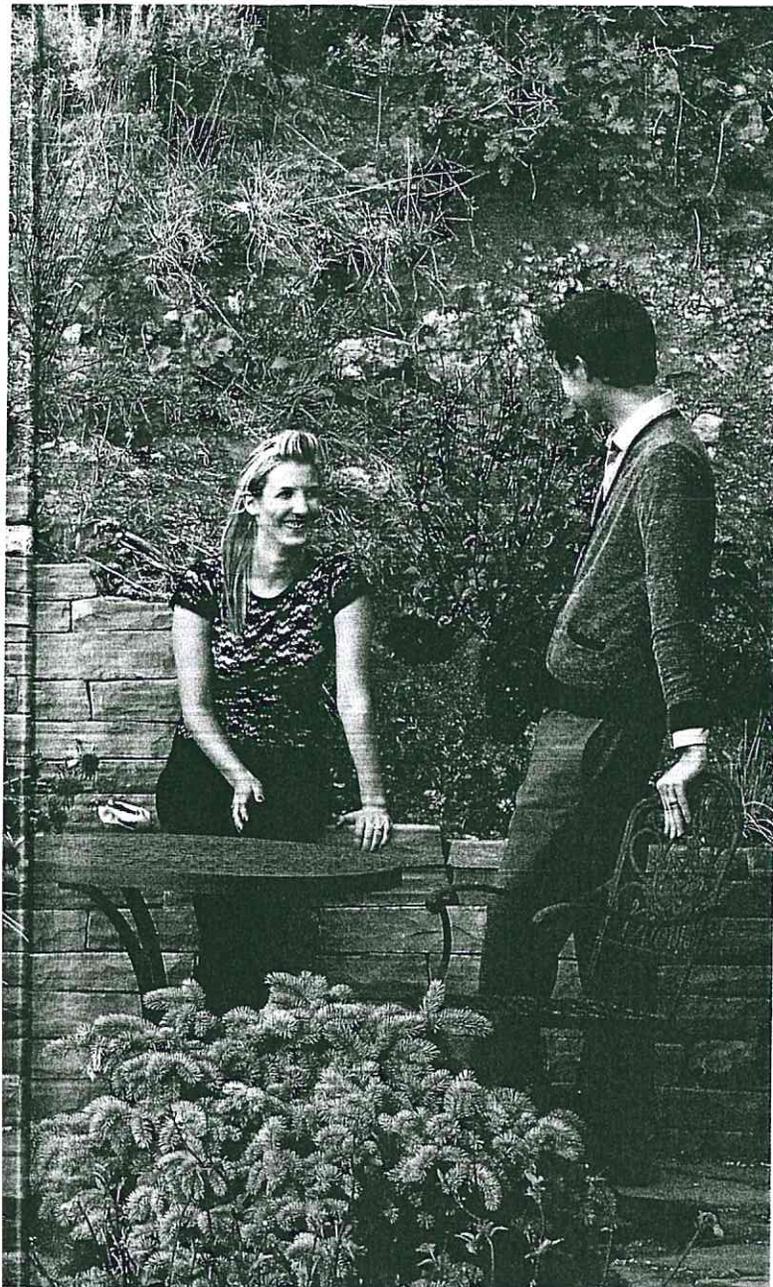
Two weeks later, a large construction crane set the boulders in place, and following some minor adjustments and plantings to fill in the landscape, the entry drive met the client's desire for an impressive yet natural effect. Stone columns with custom designed hood lights were installed along the drive for visibility, and to tie the architecture further into the landscape. This theme continued down to the street, where native landscaping was retained and replanted.

Large flagstone pieces were used to create wide banding, and what became known as a 'Tiger Tooth' pattern around the focal point areas. The smaller 6, 9 and 12-inch cut blond sandstone was used to create a lighter feel for the large patio spaces. In all, over 4,000 square feet of stone patio was laid over a concrete rat slab, and radiant heat was installed to make the patios accessible year-round.

The client's interest in the local culture led Northland to study and discover Native American pottery and basket patterns native to Utah, which the team weaved into the stone patios. The 'Tiger Tooth' pattern came from a basket weave, and the spirals were found on samples of clay pottery. The client immediately approved this idea and it became the thread that tied the overall project together. Due to the complexity of the installation and the need for true craftsmanship, Northland retained C&R Stone, owned by Cory and Rhett Robison of Mapleton, Utah, as the project masons, who coordinated ordering, purchase and installation of all the stonework on the project.

Art, Park City Style

The homeowners were also avid art collectors, and wanted to see art and sculpture added to the landscape. Artistic elements were added to the



Vendors

General Contractor:

Dennis Loomis Construction, Park City, Utah

Landscape Architect:

Northland Design Group, American Fork, Utah

Masonry:

C&R Stone, Mapleton, Utah

Landscape Contractor:

Bratt Landscaping, Pleasant Grove, Utah

Iron Work:

Duvall Ornamental Iron, American Fork, Utah

Maintenance:

Elite Grounds, Pleasant Grove, Utah

Sculpture:

Lightning Forge, Salt Lake City, Utah

Lighting:

Orion Landscape Lighting, Provo, Utah

Fire Features:

Hearth and Home, Salt Lake City, Utah

Pots:

Home and Yard Pottery, Sandy, Utah

Spa:

Spa Source, Park City, Utah

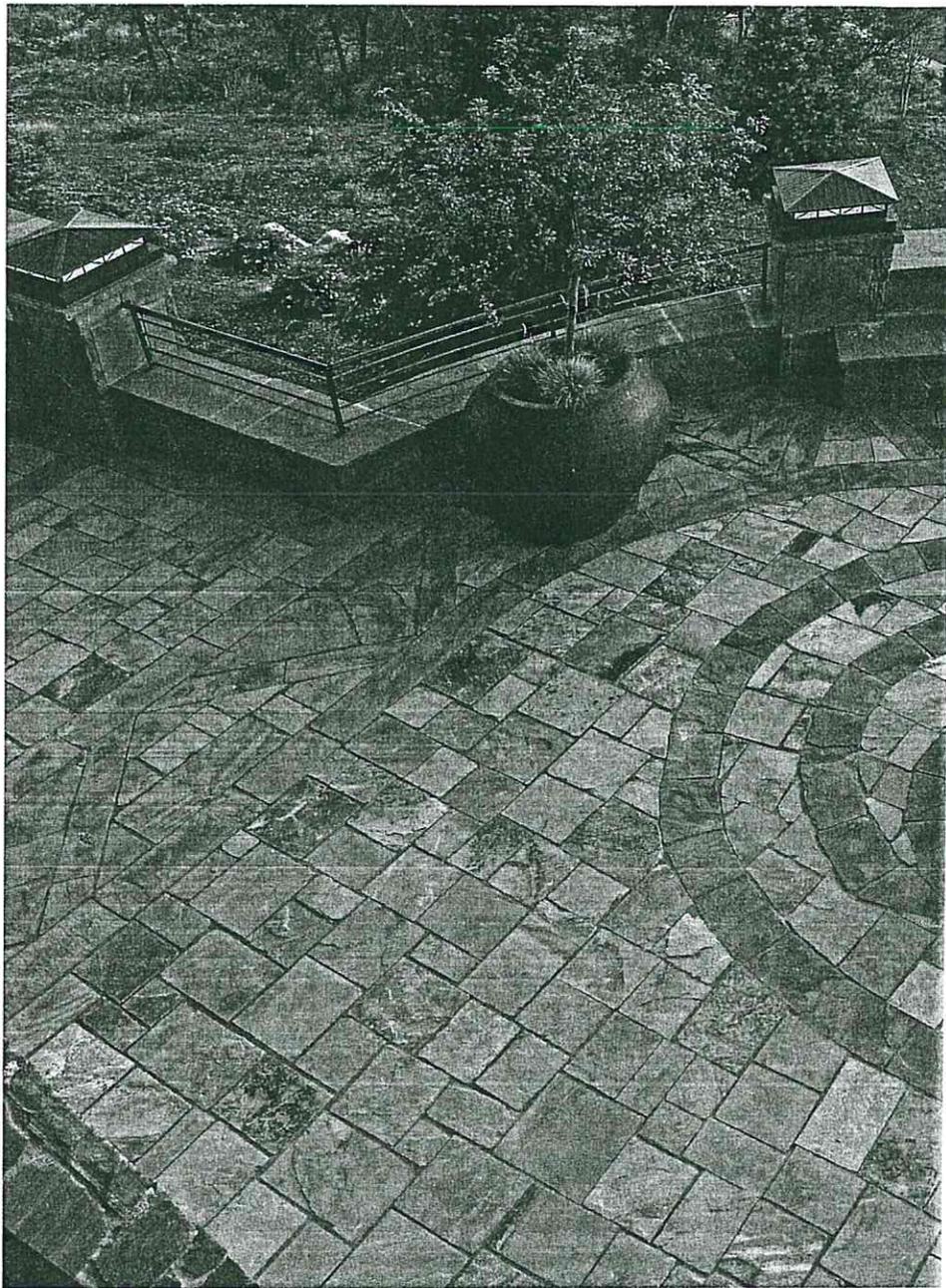
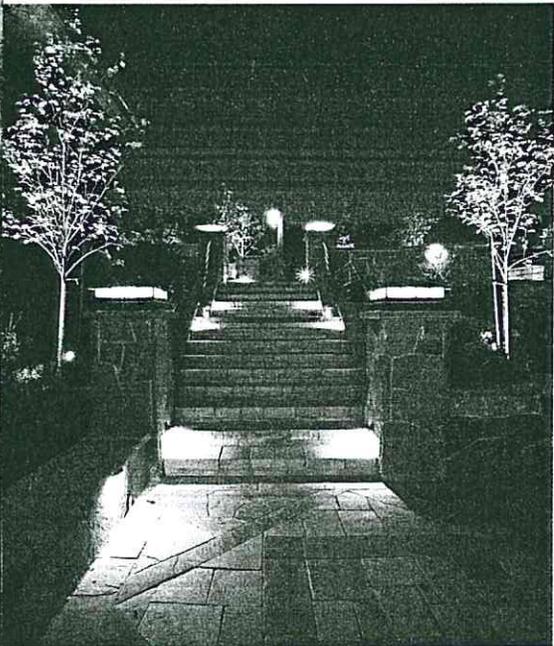
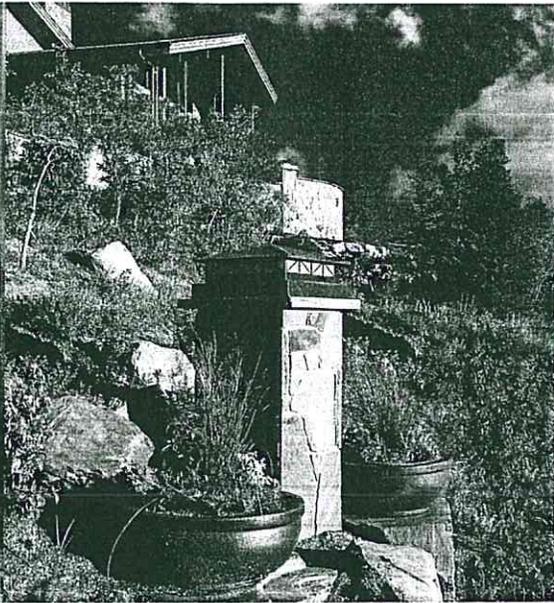
planting pots, creating a softening effect to balance the abundance of hardscape surfaces. The shapes and sizes of the pots were hand selected by Northland to fit the spaces and provide an overall balance.

The client provided an image of an abstract art piece, from which the Northland design team devised a steel and copper fire sculpture reminiscent of the cauldron that contains the Olympic flame. The designers made a small-scale card stock model of the sculpture, and with the client's approval, they commissioned Christian De Francesca, partner at the Salt Lake City-based custom blacksmithing shop Lightning Forge, to complete the feature.

Lightning Forge produced a full-scale model of the sculpture from plywood and brought it to the site to check size and scale. With a few minor adjustments, the final product was built and installed, adding to the dramatic entryway that greets arriving guests.

Above

Northland designed an Olympic-cauldron style fire feature for the main entry of the house based on a piece of abstract art provided by the homeowners. Salt Lake City blacksmithing firm Lightning Forge was commissioned to craft the steel and copper sculpture, which greets guests at the top of the driveway.



Above

Northland Design researched Utah-area Native American pottery and basket patterns to incorporate into the stone patios. The 'Tiger Tooth' pattern was inspired by a basket weave, and the spirals were developed from samples of indigenous clay pottery.

Middle

The red flagstone was used as large, wide banding, and created what became known as the 'Tiger Tooth' pattern around the focal point areas. The 6, 9 and 12-inch cut blond sandstone was used to create a lighter feel for the large patio spaces.

Bottom

More than 4,000 square feet of stone patio was laid over the concrete slab during construction. Heaters were installed for all the patios to keep them accessible all year.

Fired Up

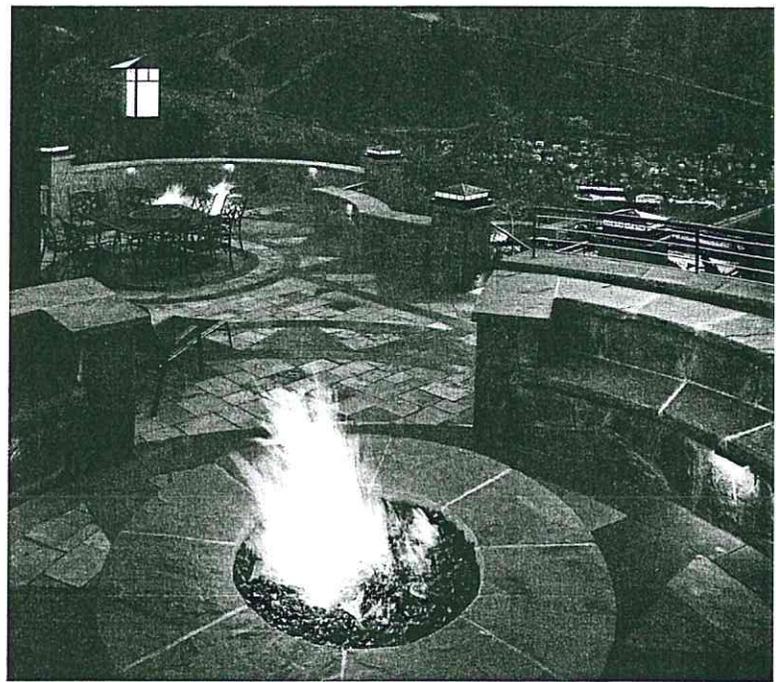
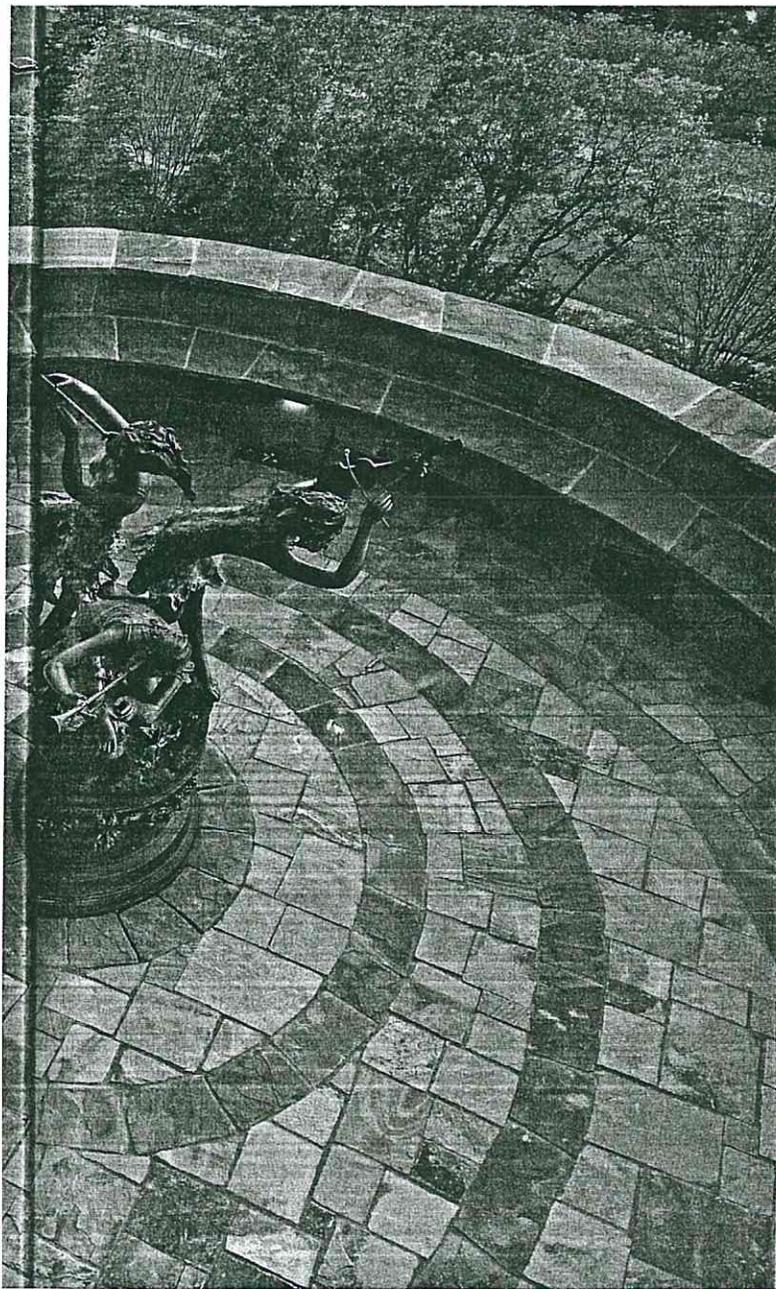
Three additional fire features were included in the design, to create an inviting atmosphere for venturing outside on a cold Park City evening.

A traditional fire pit was installed closest to the home, with ample stone seat walls and recessed lighting for safety and visibility. A 'fire garden' was added to the periphery to draw users out into the space and to enjoy the inspiring views. Finally, a half circle fire feature trough was located just outside the spa to provide some additional warmth. The client runs these most nights, sometimes just to look out the windows and see them ablaze. Northland worked with Bratt Landscaping out of Pleasant Grove,

Utah, to take the project from blueprints and renderings to the real world.

Bratt's experience on large-scale projects, attention to detail and project management skills were familiar to Northland, and the firms worked together on site to place each plant and make necessary adjustments along the way. A landscape plan is only as good as the contractor installing it, and Bratt proved this was true.

Dennis Loomis Construction oversaw the heavy construction of the project, and solved many of the site's web of logistical challenges, including city approvals, utilities for the fire features and electrical requirements.



The homeowners were the ultimate inspiration for the project. Their imagination and understanding of the creative process allowed the design and construction team the opportunity to be creative themselves. After a year and a half of construction, the project was completed in the summer of 2012, and drivers now pile up regularly at the bottom of the hill. —

Top, Right

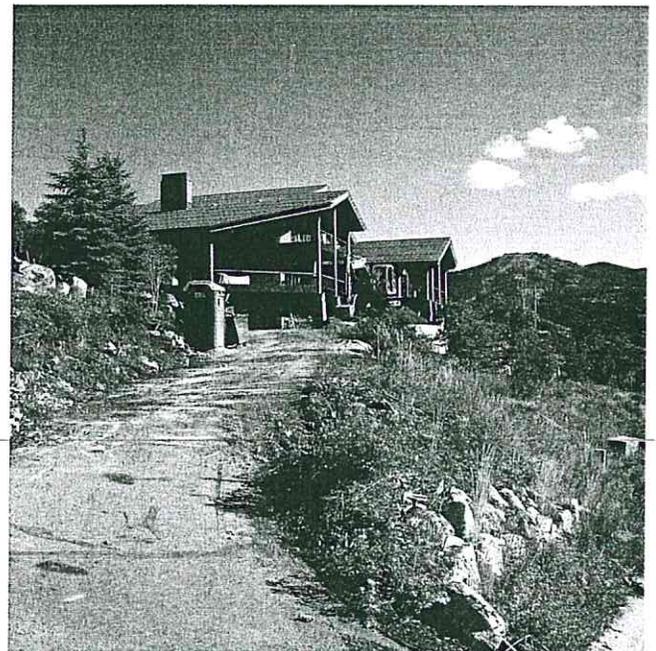
A partial view of all three fire pits from above reveals the panoramic views of downtown Park City and the Deer Valley ski slopes. The 'fire garden' and seating wall (left) was installed on the periphery to draw users out into the space to enjoy the spectacle.

Middle, Right

The property included more than 35 feet of grade change, and project goals included a number of defined, detailed areas balanced and blended with the surrounding mountainside. Northland and project masons C&R Stone created numerous retaining walls, seat walls and transition areas to make the most of the available space.

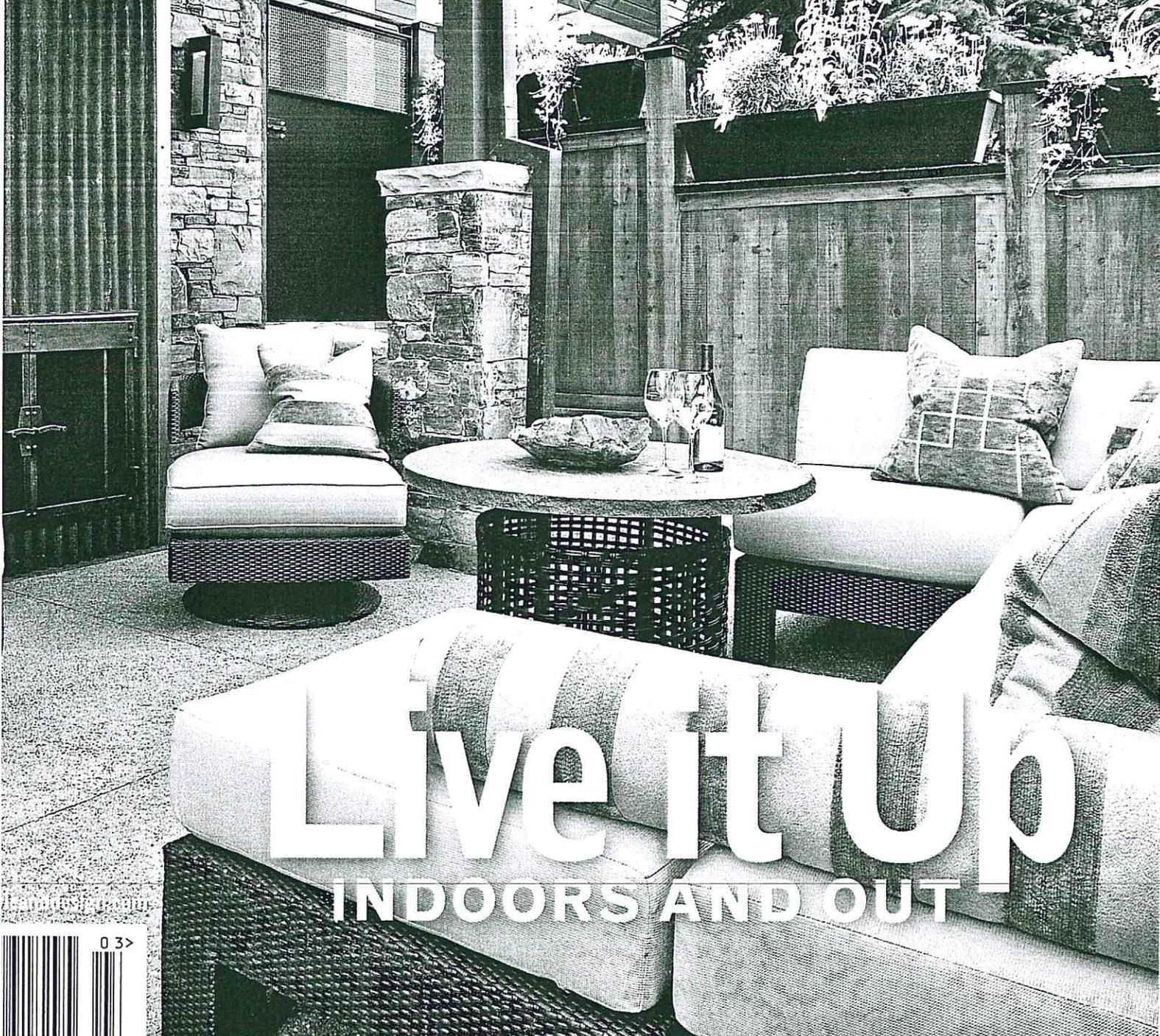
Bottom, Right

The homeowner's main drive at the outset of construction. The design team and contractors had to be careful not to damage the surrounding native plantings and open scenic areas that the clients retained during the build.



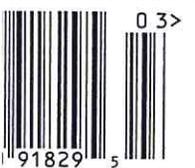
LANDSCAPES • INVITING HOMES • FARMERS MARKETS • EVENTS

Utah Style

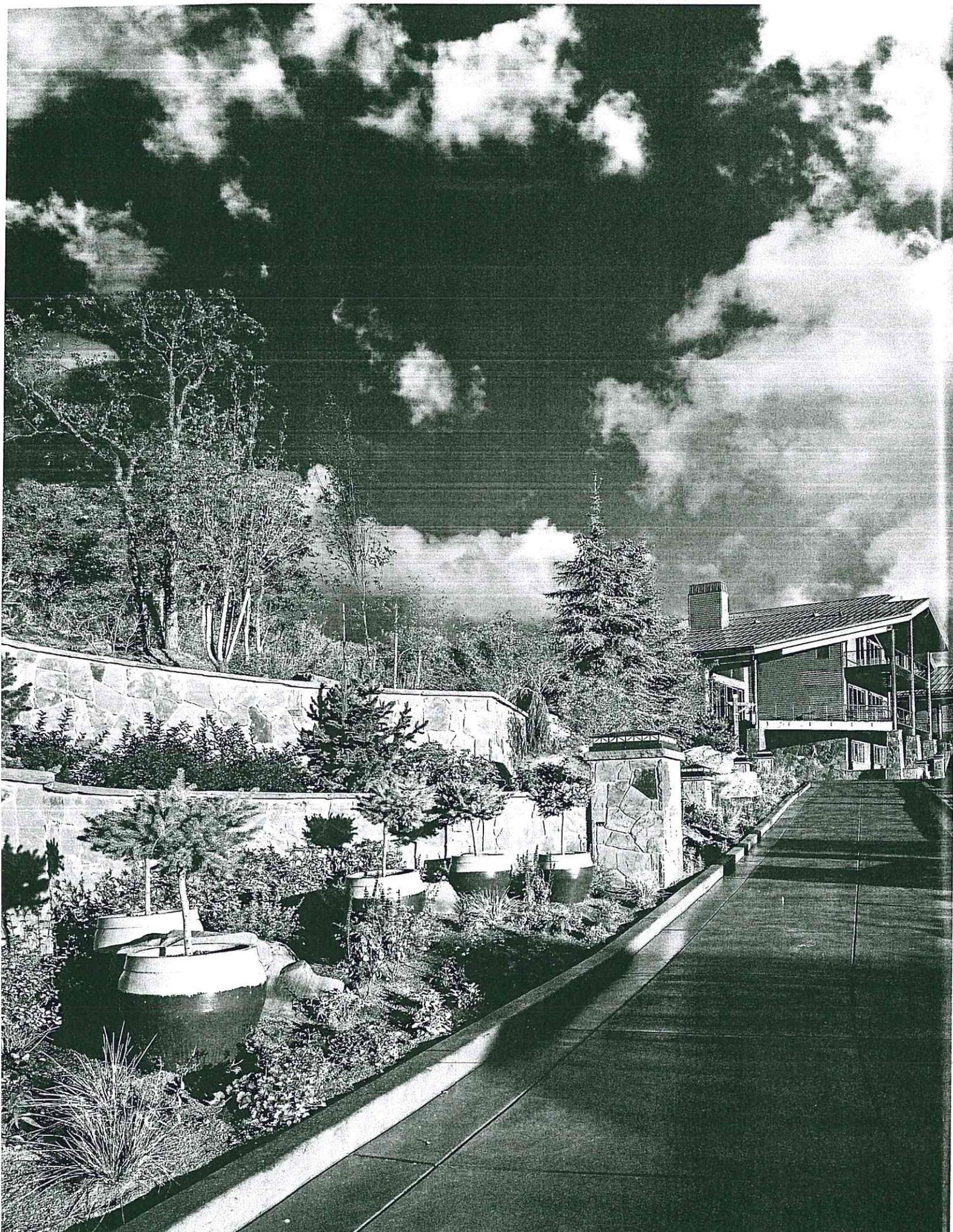


Live it up

INDOORS AND OUT



LOCAL SOURCES, DECORATING TIPS, HOT TRENDS AND MORE



Ground Breaking

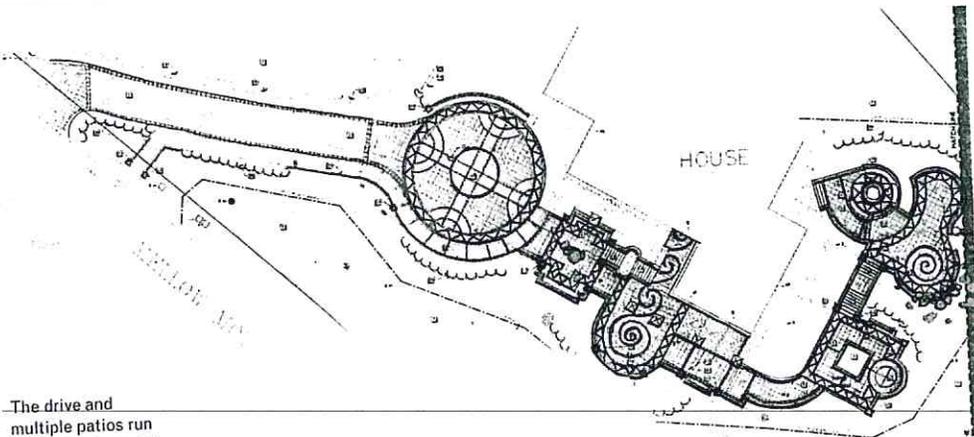
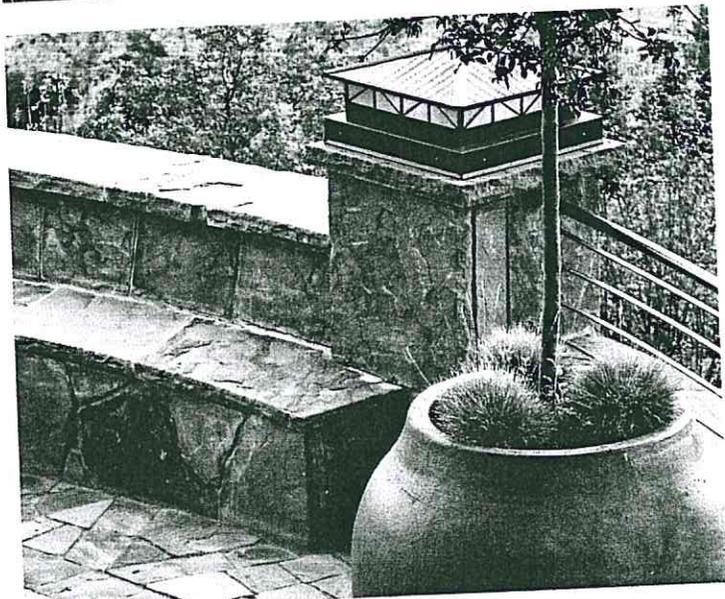
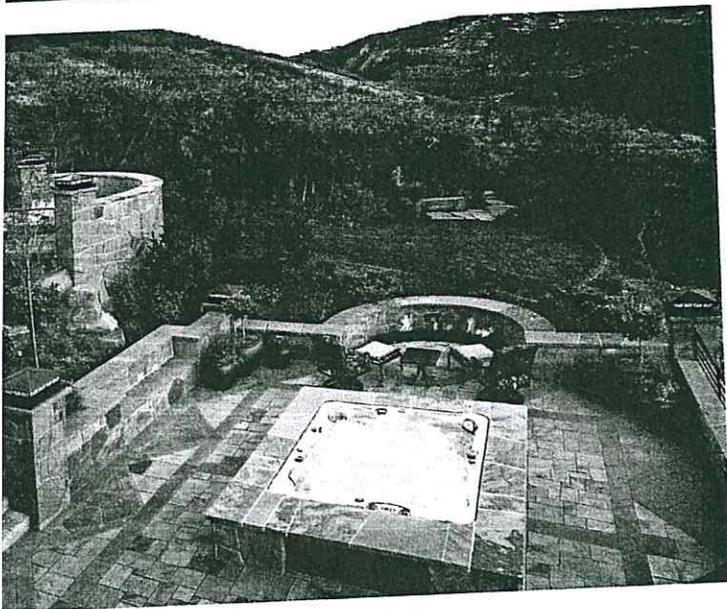
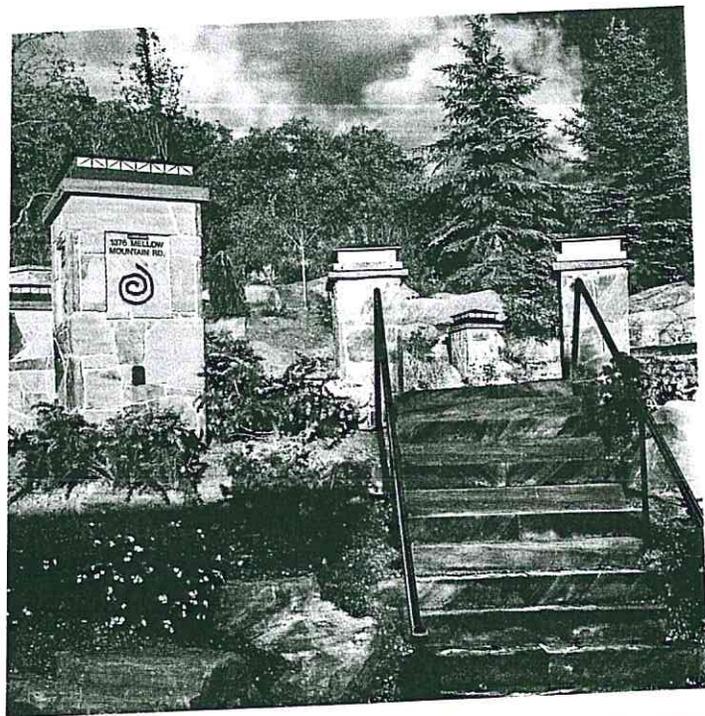
In Park City, Northland Design Group transforms a home's steep, overgrown site into a spectacular landscape luxed out for mountain living.

BY BRAD MEE PHOTOS BY SCOT ZIMMERMAN

andscape architects have a knack for seeing possibility where others see pandemonium. Jeremy Fillmore is no exception. He and his team recently transformed a steep, overgrown Park City property into a landscape as magnificent as the mountains that surround it.

"When I first saw the home, it was completely engulfed by wild scrub oak," says Fillmore, principal of Northland Design Group in Pleasant Grove. A single deck served as the only outdoor living space. Given the dwelling's impressive three-acre site overlooking Old Town, its owners desired more from the property and hired Fillmore's team to create it. "The owners are here mostly during the ski season but wanted outdoor areas they could enjoy any time of the year," says Fillmore, who was asked to design entertaining spaces that could accommodate large groups of guests but that were also comfortable for more intimate gatherings. But before these could be developed, his team had to address the

Red Stone columns crowned with custom-designed hood lights perform as welcoming sentries along the home's long, heated driveway. Handsome stone-veneered walls retain the sloped hillside while spruce topiaries in orange pots perform as art pieces among beds of natural plantings.



The drive and multiple patios run across the front side of the home.

Clockwise from upper left: Stone steps serve as a welcoming entrance to the property. Fillmore's strategically placed unstacked, large boulders in the nearby landscape create a natural appearance; Views of Park City Mountain Resort as seen from a small swath of lawn overlooking the upper patio; Large, shapely pots help soften the stone hardscape. Built-in benches are set at a standard seat height for comfort; Fillmore integrated the clients' hot tub into the patio by framing it with stone. Just steps away, relaxed seating overlooks mountain views and flames rise from a curved fire feature. Curved patio walls soften the home's straight lines and hard angles.

homesite's steep slope.

From the bottom of the property to the house perched on the hill above, the slope climbs 50 feet. Responding to the precipitous incline, Fillmore and his group designed and integrated stairways and retaining walls of stone, terraces planted with new vegetation and trees and a series of radiant-heated patios that extend out from the home onto the hillside. It was a bold undertaking. "The clients were so encouraging and really open to creative ideas," says Fillmore.

The project's dynamic design elements are many and memorable. Wide steps and inviting walkways provide more than ways to get from here to there—they also captivate with uniquely patterned floors, as do the walled patios they connect. "We used Park City Gold and Heber Red stones to form designs inspired by Native American art," Fillmore says. Light-topped stone columns and large, shapely pots repeat across



Strategic Stonework

The home's existing stone pillars inspired the use of similarly toned Heber Red stone for the vertical surfaces of new walls and columns. Providing interest and contrast, Park City Gold stone pairs with Heber Red on horizontal surfaces, including the patios' boldly patterned floors.

Focal Point

An 8-foot-tall steel and copper sculpture greets guests in an entry patio and lures them into the home's procession of outdoor living areas. Fillmore designed the sculpture's illuminated cauldron with legs to make it appear to be floating in the dark.

Mixed Lighting

From hood lamps topping stone columns to puck lights shining on stair treads and wall-washing cast lighting emanating from below wall caps, a well-considered mix of lights illuminates steps, plantings and patio spaces. They create visual intrigue and foster safe passage at night.

Built-in Benches

Benches built into the patio walls provide abundant seating for large and small groups and offer front-row views of the surrounding mountains. The fixed seating prevents the need for excessive patio furniture that can be blown around by strong winds.

LESSONS LEARNED

The same elements and treatments that Northland Design Group used to transform this mountain setting can enhance landscapes of most any style and size, perhaps even yours.

DESIGN FROM THE INSIDE OUT and study views from interior spaces, Fillmore advises. "Our clients spend a lot of time looking through the south- and west-facing windows, so we were careful to not block the view with new trees or other design elements," he says.

THE OVERALL SCALE OF THE SITE NEEDS TO BE APPROPRIATE TO THE SCALE OF THE HOME. "We tend not to go further out from the house in a distance more than its height when incorporating adjacent hardscape spaces," Fillmore says.

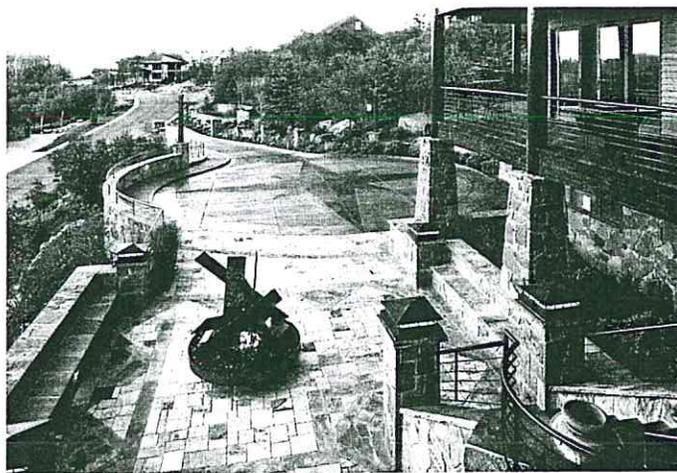
TAKE INVENTORY AND ANALYZE THE SITE. Wind patterns, shadows, sun exposure and other climate elements should all be considered when designing a landscape. Fillmore's team strategically positioned groups of trees to block winds without obstructing views.

USE LIGHTING TO INFLUENCE MOVEMENT. Northland Design Group positioned lanterns and lamp posts as visual "termini" that draw people up stairs and into patio areas. Referred to as "way finding," using focal points and a series of evenly spaced wall lights create repetition that paces passage across the patios and walkways.

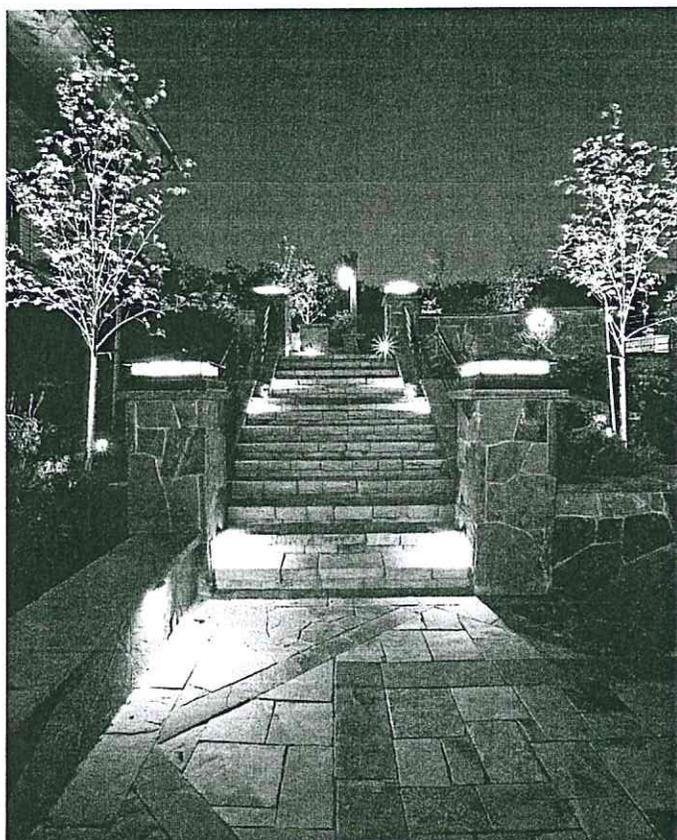
POSITION AND PRIORITIZE FOCAL POINTS to add rhythm to landscapes. Determine your most important focal points, like this project's illuminated cauldron sculpture and stone enclosed hot tub, and design others like potted trees and small fire features to play supporting roles. "When your eye bounces around too much and can't rest on anything, you have too many primary focal points," Fillmore says.

LIMIT YOUR MATERIAL PALETTE to create a cohesive design. Here, the home was the existing element, so Fillmore's team selected a stone that matched that of existing posts and used it throughout the project. Similarly, new iron railing replicates the house's existing handrails.

CREATE OUTDOOR SPACES THAT INSPIRE YOU, not just accommodate you or your uses. We too often take the path of least resistance when designing outdoor spaces. With a little thought and pre-planning, outdoor spaces can be inspiring for the homeowners.

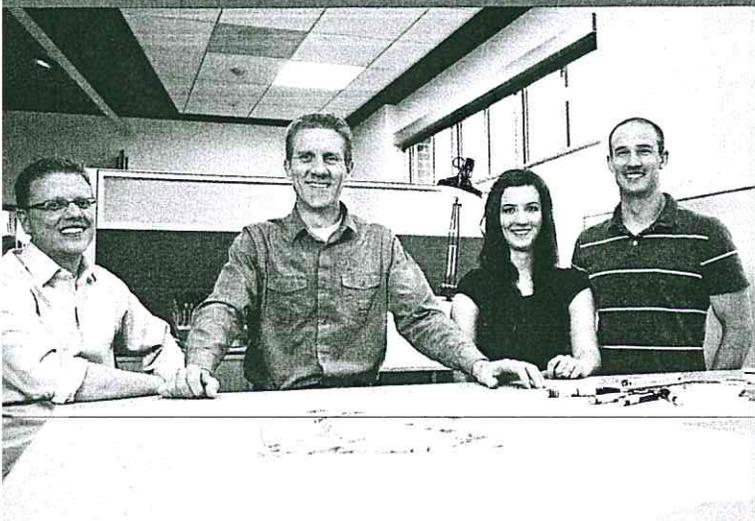


Above: A turn-around at the top of the driveway leads into the first patio. Massive boulders were set in by crane along the long drive. **Below:** Positioned lighting illuminates the stone stairway and fosters movement up the steps. A lighted lantern at the top draws the eye into the space above.



EXPERT TIP: Playing with Fire

Before you invest in a built-in fireplace, fire pit or mod flickering trough, Jeremy Fillmore suggests taking a test run with a less permanent, less costly option. "Buy a fire bowl from a home store and position it where you want it to be," he says. "If the bowl gets frequent use in that spot, then you'll know that is how you want the space to be used. Otherwise, move the bowl around until you find the perfect location." Distance from the home, winds, views, street noise and the quality and quantity of space surrounding a fire feature can affect the desirability of its location.



Northland Design Group (left to right): Senior designer and project's lead designer Ryan Talbot, principal landscape architect and project designer Jeremy Fillmore, team coordinator Kalli Moon and project architect Gus Bateman.

PHOTO: ADAM FINKLE



the landscape, fostering a sense of continuity and cohesive design. Meanwhile, bold focal points—including an illuminated cauldron-based sculpture and the owners' bronze fairy statue—attract the eye, enticing onlookers to pause, admire and reflect. "Creating an experience for people as they move from space to space is very important," Fillmore says. Multiple fire features, patio views and outdoor lighting contribute to this effect.

Outside the patio walls, the team took the design's drama down a notch or two. Instead, they overhauled the overgrown hillside with an under-

stated, random-looking placement of indigenous plantings and local stone. "You want your eyes to have a place to rest, and natural-looking elements don't distract," Fillmore says.

While the plantings may be low-key, the project as a whole turns heads, as intended. "The owner jokingly told us she wanted the landscape to be so eye-catching that it caused people to drive off the road," says Fillmore with a chuckle. To date, there have been no accidents to report, but the re-landscaped property has fascinated many who have seen and experienced its dynamic design. **USD**

Above: Located just steps from the interior's kitchen and dining areas, an intimate round patio boasts built-in benches surrounding a raised fire feature and star-shaped paving pattern. An outdoor dining area, fire garden and views of Old Town draw the eye further into the patio area.



DEER CREST

December 9th, 2016

Park City Planning Commission
445 Marsac Avenue
Park City, Utah 84060

RE: Application #PL-16-03209 affecting Slalom Village parcel within Deer Crest Master Planned Development

To Whom It May Concern:

The Deer Crest Master Association supports Application #PL-16-03209 by Deer Crest Associates (DCA), the original Deer Crest developer, seeking to eliminate the requirement for a physical disconnect within Deer Hollow Drive (formerly Keetley Road) as it passes through the Slalom Village Development Parcel. The disconnect requirement was included in the original settlement agreement between Park City and DCA in order to restrict traffic from the freeway on the east, through Deer Crest and into Park City. The language in that settlement agreement requires a "disconnect" of Deer Hollow Drive by having it dead end at a cul-de-sac halfway down as you travel east from the western gate (commonly referred to as the Queen Esther Gate). There would be another dead end at a second cul-de-sac traveling up Deer Hollow Drive from the eastern gate (commonly referred to as the Jordanelle Gate). Both cul-de-sacs on Deer Hollow Road were expected to be within the Slalom Village Development Parcel, which is owned by DCA.

The disconnect requirement was included in the original settlement agreement before the Queen Esther and Jordanelle gates were contemplated. Those gates were constructed as part of the original development and now serve the same purpose of restricting access that was the basis for the disconnect provision. If the disconnect requirement is not eliminated and is ultimately enforced, it would require all traffic entering Deer Crest from the Jordanelle Gate to drive through the Deer Crest residential neighborhoods instead of up Deer Hollow Drive. This would include a number of heavy delivery vehicles that travel from the Jordanelle Gate to the hotel. It would also make access in and out of Deer Crest more difficult and more time consuming for many Deer Crest homeowners.

Construction of the cul-de-sacs would also impede and significantly extend the time required for fire and life safety vehicles to reach the hotel and more than half of the Deer Crest residences. All the foregoing issues would be exacerbated in winter weather when driving conditions are more treacherous.



DEER CREST MASTER ASSOCIATION

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Not only would construction of the cul-de-sacs result in an increase of traffic within Deer Crest residential neighborhoods, but cul-de-sacs would actually increase traffic through the Queen Esther Gate. For example, even though some private vehicles and chauffeured vehicles coming from the airport or Salt Lake City are entitled to access Deer Crest through Park City and the Queen Esther Gate, they more typically access Deer Crest from Highway 40 through the Jordanelle Gate since it is faster, more direct and avoids getting caught up in Deer Valley ski traffic. If the cul-de-sacs were in place, such vehicles would instead use the Queen Esther Gate because the more cumbersome access through the Jordanelle side would be a less desirable alternative.

For all of these reasons, the Deer Crest Master Association supports this application. We urge you to make a recommendation to the City Council to eliminate the disconnect requirement. Thank you for your consideration.

Very truly yours,

W. James Tozer, Jr.
President, Deer Crest Master Association

Cc: Thomas Bennett
Diane H. Banks

4824-5956-0765, v. 2

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