



**PARK CITY PLANNING COMMISSION MEETING  
SUMMIT COUNTY, UTAH  
April 14, 2021**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, April 14, 2021.

**NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:**

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4) is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record, but not read aloud. For more information on participating virtually and to listen live, please go to [www.parkcity.org/public-meetings](http://www.parkcity.org/public-meetings).

**Exhibit A: Determination of Substantial Health and Safety Risk**

The Board Chair has determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

- Statewide COVID cases and hospitalizations remain high;
- Based on metrics established by the statewide COVID-9 Transmission Index, Summit County moved to the High Risk designation on October 22, 2020; and
- Park City is a resort community continually hosting visitors from areas which may be experiencing rapid COVID-19 spread.

This determination is valid for 30 days, and is set to expire on May 14, 2021

Dated: April 14, 2021

**MEETING CALLED TO ORDER AT 5:30 PM.**

**1.ROLL CALL**

**2.MINUTES APPROVAL**

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from March 24, 2021.

[PC Minutes 03.24.2021](#)

### **3.PUBLIC COMMUNICATIONS**

### **4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

### **5.REGULAR AGENDA**

- 5.A. 1660 & 1700 Three Kings Drive - Payday Condominiums – Plat Amendment – The Applicant is Requesting to Amend the Existing Plat to Rectify Inconsistencies and Clarify Developable Private Residential Space for Condominium Owners.  
(A) Continuation  
[1660 & 1700 Three Kings - Plat Amendment - Continuation Request](#)
- 5.B. 1049 Lowell Avenue - A Plat Amendment in the Historic Residential (HR-1) Zone to Adjust the Lot Line Between Lots 2 and 3 of the Northstar Subdivision under Common Ownership by the Applicant.  
(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on April 29, 2021  
[1049 Lowell Ave Plat Amendment Staff Report](#)  
[Exhibit A: Draft Ordinance and Proposed Plat](#)  
[Exhibit B: Record of Survey](#)  
[Exhibit C: Existing Northstar Subdivision Plat](#)  
[Exhibit D: Applicant Submittal](#)  
[Exhibit E: Site Pictures](#)  
[Exhibit F: Proposed Plat \(Large\)](#)  
[Exhibit G: Revised Plans 04/2021](#)  
[Exhibit K: Streetscape](#)
- 5.C. 2750 Meadow Creek Drive – Plat Amendment – The Applicant is Requesting to Remove Plat Notes #3 and #4 from the Lot 2 Willow Ranch Replat Subdivision Plat, and to Replace Them With a Plat Note that Allows for the Combined Square Footage to Remain the Same (9,800 square feet) but Not Be Fixed Between the Barn and the House. PL-21-04770.  
(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on April 29, 2021  
[2750 Meadow Creek Drive Plat Amendment Staff Report](#)  
[Draft Ordinance](#)  
[Exhibit A: 1993 Recorded Subdivision](#)  
[Exhibit B: 1999 Lot 2 Replat](#)  
[Exhibit C: Survey](#)  
[Exhibit D: Proposed Second Replat](#)  
[Exhibit E: Applicant's Letter of Intent and HOA Approval Letter](#)
- 5.D. Land Management Code Amendment -- The City Council Recommended Evaluating Affordable Master Planned Developments (AMPDs) in Non-Residential Historic Districts.



The Proposed Amendments Establish AMPDs in the Historic Recreation Commercial and Historic Commercial Business Zoning Districts. Please Visit [www.parkcity.org/housing-lmc](http://www.parkcity.org/housing-lmc) for More Information. PL-21-04777  
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on April 29, 2021

[Staff Report](#)

[Exhibit A: Draft Ordinance and Land Management Code Redlines](#)

[Exhibit B: Affordable Master Planned Development Background](#)

## **6.ADJOURN**

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION Chair Person. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or [planning@parkcity.org](mailto:planning@parkcity.org) at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: [www.parkcity.org](http://www.parkcity.org)

**\*Parking validations will be provided for meeting attendees that park in the China Bridge parking structure.**

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
MARCH 24, 2021

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, John Kenworthy, Sarah Hall, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: Gretchen Milliken, Planning Director; Brendan Conboy, Planner; Mark Harrington, City Attorney; Jessica Nelson, Planning Analyst

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The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

**NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:**

Chair Phillips read the Public Notice for Electronic Meetings and Exhibit A: Determination of Substantial Health and Safety Risk.

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- Statewide COVID cases and hospitalizations remain high.
- Based on metrics established by the statewide COVID-19 Transmission Index, Summit County moved to the High-Risk designation on October 22, 2020; and

- Park City is a resort community continually hosting visitors from areas which may be experiencing rapid COVID-19 spread.

This determination is valid for 30 days and is set to expire on March 26, 2021.

Dated: February 24, 2021.

## **ROLL CALL**

Chair Phillips called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

## **APPROVAL OF MINUTES**

March 10, 2021

MOTION: Commissioner Suesser moved to APPROVE the Minutes of March 10, 2021 as written. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

## **PUBLIC COMMUNICATIONS**

No hands were raised on Zoom and no eComments were submitted.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Chair Phillips disclosed that Gary Knudsen called him wanting to talk about the PEG application, and he directed Mr. Knudsen to other citizens in the community. Chair Phillips stated that he and Mr. Knudsen did not discuss any details related to the PEG project. However, based on the conversation Chair Phillips understood that the Zoom platform is difficult for the elderly because of technology and specifically because Mr. Knudsen has hearing problems. Chair Phillips recognized that this format may exclude the elderly.

Commissioner Thimm assumed that Ryan Hales from Hales Engineering could be a participant in the PEG Development presentation. He disclosed that he and Ryan Hales have worked collaboratively on many projects over the years. They have never discussed the PEG project and they do not intend to discuss it. Commissioner Thimm clarified that he and Ryan Hales are not tied financially or contractually in any way. He did not believe that any of his deliberations would be impacted by their association.

Director Milliken had no Staff updates to report.

## WORK SESSION

**5.A. 9300 Marsac Ave (Sommet Blanc/B2East Parcel) – Applicant is Requesting a Work Session Before the Planning Commission Prior to Public Hearings for a Conditional Use Permit and Amendments to the Approved Master Planned Development and Flagstaff Development Agreement for Proposed Development of 43 Residential Units Above Underground Parking, and 5 Condominium Villas on the North-eastern Portion of the Site on the B2East Parcel. (Application PL-20-04702).**

Planner Brendan Conboy stated that this work session item is for Sommet Blanc, also known as B2 East. The application is a conditional use permit and associated amendments. The purpose of this work session is to work out some of the issues before bringing the actual applications forward.

Planner Conboy stated that Doug Ogilvy and Hannah Tyler were also on the line representing the application.

Planner Conboy provided an overview of the proposal as outlined in the Staff report. The general location is up Marsac Avenue by the Montage and the Empire Day Lodge. He presented a slide showing the B2 East parcel in relation to the Montage and the Empire Day Lodge. Planner Conboy indicated the existing conditions, which included the mid-mountain biking and hiking trail; an existing asphalt parking lot; and a sales gallery. He noted that this area has been thoroughly remediated for environmental cleanup and mine waste. It is the former site of the Mazzepah Mine. The site was regraded and brought up to development potential in anticipation of underground parking on the site.

Planner Conboy presented aerial photos that the applicant submitted showing the existing site. The area was cleaned out and remediated with clean fill brought in from elsewhere in the Flagstaff area.

Planner Conboy reported that in 1999 the City Council adopted Ordinance 99-30 and Resolution 20-99, which approved the Annexation and Development Agreement for the Flagstaff Mountain Area. That resolution granted Flagstaff a large-scale MPD and set forth the different types and locations of land use within Flagstaff. Planner Conboy named a few different areas within the Flagstaff Annexation. One is the Mountain Village, which is where the B2 East parcel is located. The others are the Northside neighborhood and various ski related improvements in the Silver Mine Adventure. Planner Conboy stated that Mountain Village was limited to a small-scale MPD that was

divided into three development pods: Pod A, B1, and B2. This application is the final culmination of the development of the B2 Pod. This is B2 East, and the Montage was B2 West.

Planner Conboy stated that in 2004 a Master Planned Development for the Village Master Plan Development, which started the first step in the development of Pod A. Pod B1 was approved in 2002 and amended in 2008. The MPD established unit mix, density, infrastructure, volumetrics, development location, etc., throughout the different pods. Planner Conboy noted that in 2006 the developer wanted additional development, including mixed-use and residential at Montage; however, insufficient density was allocated at that time for a project that size. In 2006 the City, the developer and the landowner, the Royal Street Land Company, annexed approximately 3,000 acres and restricted it as recreation open space and sensitive lands. The area was within the Park City Mountain Corporation lands and all the development potential was transferred to Flagstaff which made the Montage possible. Planner Conboy reported that in 2007 there was an amended Development Agreement that specified 87 acres within Pods A, B1 and B2 of the 1,750 acres could be developed.

Planner Conboy remarked that Mountain Village is further constrained to a maximum density of 785-unit equivalents. It is specified in the Development Agreement as no more than 550 dwelling units either as multi-family, hotel, or PUD units, provided that the number of PUD units shall not exceed 60. Planner Conboy stated that the request for discussion this evening is a change to the number of PUD units.

Planner Conboy reported that in 2007 Pod B2 received a Master Planned Development, which ran concurrently with a conditional use permit and the process under which the Montage was approved. At the same time, the site design was contemplated for the east parcel, which is now B2 East. Planner Conboy stated that little attention was paid to this site at that time because the majority of the focus was on Montage. He expected the applicant would provide background and what is reflected in the approvals for that location.

Planner Conboy stated that in 2007 the B2 Empire Village subdivision was approved creating three lots of records: Lot A, Lot B, and Lot C. On March 9, 2017, the City Council approved the B2 East subdivision, which created a lot of record for the 81 remaining multi-family UEs for Pod B2.

Planner Conboy presented the existing plat. He noted that parcel lines that were drawn in on the working copy have not been approved by the City; however, it reflects what the developer anticipates in terms of phasing and different ownership for different parcels.

Planner Conboy presented a slide noting that the location shown in red was the location being discussed this evening. It was approved as part of the 2007 MPD approval and the height limits at that time were 33' in this area. The villas extended further into what is now Parcel A, which was divided up for ski easement access and no development can occur on this parcel. Mr. Conboy clarified that originally Parcel A was identified as a location for some of the villas. He pointed to the current location where the applicant was proposing to locate the villas along the hillside.

Planner Conboy stated that the current proposal is for three multi-family condominium buildings adjacent to the Ruby Lift area. On the hillside are five townhome units separated into two different buildings, and an amenity ski locker building for the villas. Additionally, a pool plaza, a lobby, and a 3,600 square foot restaurant will be located in Building A at the base level near the Ruby Lift.

Planner Conboy presented several images that the applicant had provided to give the Planning Commission a better idea of what was being proposed in terms of volumetrics. He showed views from Marsac Avenue northbound, Marsac Avenue southbound, a view from the Twisted Branch turnoff, from the Lucky Jack ski run, from the Ruby ski Lift, and from the Empire Express ski lift.

Planner Conboy stated that the main issue for discussion this evening is to determine whether the amendments individually or collectively are substantive or minor. The Staff report contained a table that identified the different topics and how they are reviewed and the relevant Code sections by which they will be reviewed. He pointed out that this was not a comprehensive list and other sections of the LMC, the Development Agreement, or the MPD might apply; as well as other topics that come up during the discussion.

Planner Conboy stated that it is up to the Planning Commission to determine whether the proposed modification to the approved Master Plan is minor or substantive. He outlined the key distinguishing factors between minor and substantive. A minor modification complies with the Land Management Code and Master Planned Development approval and does not trigger additional off-street parking requirements, reduce open space, and does not increase traffic by 5% or more as demonstrated by a traffic generation study. A key issue for a substantive modification is whether it creates additional impacts, and that would require a review of the entire MPD and the Development Agreement. The triggers include a change to a condition of approval or a finding of fact, a change in use, or a change in floor area that triggers additional off-street parking, additional floor area, or an increase in traffic.

Chair Phillips understood the outlines for what constitutes a minor or substantive modification; however, he asked if it would be safe to assume it is not limited to those factors. Planner Conboy believed they could make that assumption. When he was doing research into the minor modification, he found a change in definitions around 2010. He recalled that the prior language reflected that a change in concept, density, and configuration would be triggers for a minor change. That language was removed from the minor definition and the only items retained were the triggering of off-street parking requirements, reduction of open space, or increased traffic. However, he did not believe the review was limited to those issues. Mr. Conboy had spoken with the City Attorney regarding this issue and the Staff has the opinion that it could be a substantive modification overall. He noted that the applicant had also provided a detailed reasoning as to why they believe it is minor and they were prepared to speak to that this evening.

Commissioner Suesser asked Planner Conboy to explain in more detail why the configuration was changed due to easements. Planner Conboy understood that in the original Hill-Glazier plans, the area with the villas and condominiums does not currently comply with fire access and there is no way to service those with a fire truck. A second reason for relocation is that Parcel A was carved out in anticipation of a ski easement and a potential ski bridge for Deer Valley as a connection to the Lucky Jack Trailhead. Planner Conboy preferred to let Doug Ogilvy address that further since he was more familiar with the details.

Mr. Ogilvy, representing the applicant, stated that there has always been talk about a second ski trail from the top to the bottom of Ruby Chair. Twisted Branch Road was engineered anticipating a possible ski overpass. In the interest of preserving the option of building a ski bridge in the future if it was ever warranted, the former property owner carved Parcel A off the site and it was sold to the current applicant, which impacted the area that was occupied by the villas in the former plan. Mr. Ogilvy stated that in the interest of improving the Deer Valley ski experience, rather than living with a 15' setback along the southwest property line, the former property owner agreed to the 20' ski easement to widen the Lucky Jack Ski Trail from 40' to 60', and an additional 20' buffer easement to provide for skier safety. Mr. Ogilvy noted that it impacted a lot of the edge condition of the ski trail. Overall, in looking at creating an experience where all of the mass was not right next to the ski experience, they believed it was superior site planning to move the villa density up to the norther portion of the site to keep the mass away from being right next to the ski experience.

Planner Conboy stated that the key issues outlined in the Staff report included the volumetric discussion, the change in height of 82' above a benchmark grade location established previously with Montage that was set from the entry location lobby for

Montage. The applicant was proposing a similar benchmark determination for height based on the different multi-family buildings. For building A it would be the entry level and for Buildings B and C it would be the entry and amenity level. Planner Conboy stated that it would result in varying heights from different portions of the building relative to the benchmark.

The Staff requested that the Planning Commission provide feedback on whether a change in volumetrics is consistent with the City's long-range vision for this property.

Planner Conboy stated that the next issue was the Design Guidelines. The applicant was proposing to amend the current Empire Pass Design Guidelines by creating a new section of Design Guidelines specific to the property. The applicant holds the opinion that B2 East is a distinct neighborhood within Empire Pass that can support contemporary architecture. The stated that this proposal contrasts with the current design guidelines that were drafted in 2002, which drew inspiration from the craftsman architectural tradition of the rustic wood timber ski lodges in keeping with the Montage design.

Planner Conboy requested that the Planning Commission provide feedback as to whether a change in design is consistent with the long-range vision for this property and the history of approvals.

Planner Conboy stated that the third issue was unit definition. This changes the definition that directly affects the overall development agreement in total for the entirety of Flagstaff. He reiterated that the PUD units were limited to 60 maximum units. Planner Conboy stated that he and City Attorney Mark Harrington tried to figure out the history because it appears that it was increased to 60 units at some point. Planner Conboy asked if the Planning Commission was interested in extending that number to 62 units and reducing the overall number of units from 550 to 547. The applicant was requesting this change in order to break up the massing of the villas on the hillside. If they are required to abide by the development agreement definitions for a PUD versus multi-family, those five villas will need to be connected. The applicant believes that breaking those apart would add architectural interest and have less of a monolithic impact on the hillside. If the Planning Commission was willing to consider this change, it would require amendments to the Flagstaff Development Agreement.

Planner Conboy stated that additional items for discussion include parking. He was still trying to track down the history of this issue; however, his reading of the Development Agreement and what has been established is that Pod B2 East was required to provide up to 75 spaces for the use of the Empire Day Lodge. The applicant was proposing to have 60 spaces on their own dedicated deck and parked by a valet in tandem for the



use of the Empire Day Lodge. Planner Conboy noted that since the applicant was proposing 43 units as opposed to the 70 units allowed, the parking requirement was reduced. Within the Flagstaff Development Agreement is a 25% reduction in parking across the board which would be applied, resulting in total parking on site proposed for the restaurants and the condominium units of 97 spaces, with an additional 60 spaces for the Empire Day Lodge.

Planner Conboy noted that the Development Agreement talks about reductions in parking are possible provided that there is a traffic mitigation study. If the Planning Commission would like to discuss a parking reduction, the Staff opinion is that even though the number of units have gone down, changes in technology over the last 20 years have resulted in different user groups that might increase traffic to this location. The applicant has stated that these units will be available for short-term rental. In speaking with the Trails Coordinator, this site has become increasingly more and more popular for mountain bike users and different kinds of recreation. Planner Conboy stated that the mid-mountain trail was also a component of this proposal. The applicant has stated that upon completion of the project, the steep sections that resulted from the regrading and relocation of the trail as part of the Hot Creek Sewer Line will be addressed. That proposal is supported by Heinrich Deters, the Trails Coordinator.

In terms of steep slopes, Planner Conboy reiterated that the villas are located on a Hillside. Anything in town over 30% typically requires a Steep Slope CUP. If the Planning Commission is willing to consider relocating the villas to the hillside, the Staff could ask the applicant to provide additional information.

Planner Conboy noted that the Development Agreement talks about transportation and traffic management obligations for employees and guests. The applicant has discussed the Empire Pass MOA shuttle service for the benefit of owners and guests. However, throughout the Flagstaff annexation area of all the different developments, it is not clear that the transportation obligations have been met across the board as they were intended.

Planner Conboy stated that resort accessory space versus resort support commercial was another item for discussion. The Staff report lays out what the applicant has proposed as meeting the definition of Resort Accessory Space. The Staff was generally comfortable with that proposal; however, the Planning Commission could further discuss the potential for future programming on site to transform these uses into something more Resort Commercial.

Planner Conboy remarked that the applicant was meeting the requirement for affordable housing units as specified in the Development Agreement. He noted that the affordable housing units are quite larger exceeding 1,000 square feet each. He suggested the possibility of increasing the number of affordable units if they decrease the unit size.

Planner Conboy noted that ADA units were discussed in the Staff report. The Staff had reached out to the Building Department and confirmed that because of the IBC Code and because there are more than 20 units, this condominium is required to provide 2 ADA units as shown. He clarified that as the LMC is written, ADA units are exempt from the UE requirements.

The Staff recommended that the Planning Commission determine whether the proposed amendments are minor or substantive, to provide feedback on the volumetrics, design, and unit definitions, and determine whether this proposal is in keeping with the City's vision for this property and the General Plan.

Chair Phillips asked if there was an actual existing volumetrics diagram attached to this property. Planner Conboy replied that all he had to work with was what was originally approved with the Hill Glazier plan that the applicant had submitted.

Chair Phillips referred to what was being called existing grade and asked if there was an interpolated grade. He asked if the actual grade had been established. He understood the tailings were excavated out. Chair Phillips stated that his inclination would be to determine an interpolated grade going from where the cut begins and following the other contours in the area. He thought it was important to understand what they were calling "grade" in the big picture of volumetrics. Chair Phillips clarified that he did not need that information this evening, but it would be important to have at some point. Planner Conboy stated that his interpretation is that it was based off the adjacent Lucky Jack Ski Run but setting a benchmark at the lobbies for each individual building.

Commissioner Suesser asked if the steep slope only pertains to relocation of the villas, or if there were steep slope issues for the non-relocated units. Planner Conboy replied that there were no steep slope issues with the multi-family units.

Commissioner Thimm noted that Planner Conboy mentioned they could be in excess of 30% slope for the area where the villas are being relocated and that it could invoke a CUP in other areas. He asked if there was not a need for a CUP in this zone under that circumstance. Planner Conboy replied that his reading of the MPD section of the Code is that the Planning Commission could request additional studies. He did not believe the Code specifically states that steep slopes require a CUP. Commissioner Thimm

understood that the Planning Commission could give that direction as part of this work session. Planner Conboy replied that he was correct.

Commissioner Kenworthy asked Planner Conboy to show how the fire issues are solved with the new proposed design. Planner Conboy explained that the villas are accessed off of the upper portion of Marsac. He indicated a curb cut and a T-turnaround for fire in the upper driveway. He pointed to a similar T-turnaround for the multi-family buildings in front of Building C. Commissioner Kenworthy asked if there was an easement into Twisted Branch. Planner Conboy was not aware of an easement into Twisted Branch.

Doug Ogilvy stated that he has been involved with this property for approximately nine years. He was representing the applicant for the property. Mr. Ogilvy noted that Hannah Tyler has joined the applicant to assist with the City approval process. Lynn Baden, the applicant, has a 20-year history of development in Deer Valley going back to Chateau Deer Valley and other projects at Lower Deer Valley. More recent projects include the Empire Residences at the bottom of Silver Strike Chair. Mr. Ogilvy introduced Tom Kundig from Olson Kundig Architects and his design team Kirsten, Todd and Jeff. Dave Harris, the landscape architect was also on the line.

Mr. Ogilvy stated that the primary goal this evening was to map out a process to review the application. He clarified that they were not looking for final approval of the application. Their intent was to understand the appropriate process for this proposal.

Mr. Ogilvy remarked that the concept behind the Flagstaff Development Agreement in 1998 was to concentrate development in high density villages where there was opportunity for synergy between buildings and to maximize open space for the recreational uses on the mountain, as opposed to development such as the Colony or Deer Crest where the homes are scattered all over the mountain. He thought Planner Conboy was very accurate in his presentation.

Mr. Ogilvy stated that there were four fundamental approvals before them. One was to amend the Flagstaff DA to permit breaking those five villas into two units if that is acceptable to the Planning Commission. If not, they would find a way to join them together with amenity space. Mr. Ogilvy remarked that breaking up the villas was a preferred design. He noted that they need to amend the volumetrics to build the project as proposed and he was prepared to explain the multitude of reasons why the applicant did not think the Hill Glazier plan is suitable for the site.

Mr. Ogilvy pointed out that design aesthetics have changed a lot since 1998. There is a strong desire in the marketplace for a much more contemporary architecture. With the most recent buildings at Empire Village, the Design Review Board and the Planning

Commission approved buildings that were more contemporary than the buildings of the first generation. Mr. Ogilvy noted that the physical separation from everything except the Montage and the Empire Day Lodge makes this an excellent site for a distinct set of architectural vernacular. He pointed out that design guidelines need to be approved by the Empire Pass Design Review Board. The former design guidelines were also viewed and approved by the Planning Commission and they would understand if the Planning Commission wanted to weigh in on those design guidelines.

Mr. Ogilvy reported that Wells Fargo and Redus Park City foreclosed this property in 2015. Over the course of the next several years they worked with Deer Valley to look at ways to improve the edge condition with Deer Valley. They ended up agreeing to widening the ski run and adding a skier buffer, which effectively increased the west setback from 15' to 40'. Mr. Ogilvy remarked that Deer Valley never liked having the sewer line run up along the edge of the ski run because the heat loss coming off manholes can create hazards to skiers. The current applicant worked with Deer Valley to move the sewer line off the ski run and underneath the driveway as proposed.

Mr. Ogilvy noted that the applicant proposes to move 25,000 square feet of density from the lower site directly adjacent to the ski run to the upper site where they can spread out the density and be less imposing on the ski experience, which is the public interface of the project.

Mr. Ogilvy noted that the original 1998 Development Agreement said there shall be no parking at all for the Empire Day Lodge. At the time of the 2007 amendment, and at the request of Deer Valley, the amendment included language stating that this site could accommodate up to 75 parking spots for Deer Valley. Mr. Ogilvy stated that prior to taking title to the property, the current applicant reached an agreement with Deer Valley to accommodate 60 tandem parking spaces on the property to enable the Fireside Dining to have parking available. The Empire Express also brings traffic to the Day Lodge along with Uber and Lyft. Mr. Ogilvy noted that there has been valet parking on this site for 15 years and the current application accommodates the continued use by adding an extra parking deck.

Regarding the volumetrics, Mr. Ogilvy stated that in 2007 Hill Glazier did a fairly cursory review of this site while doing a granular study of what became the Montage Hotel. The Planning Commission Minutes from 2006-2007 have a negligible reference to this site. There was a desire by the applicants at that time to assign density to the site and prove it could fit. Hill-Glazier developed a concept plan showing the three-legged building plus villas climbing up the mountain. Mr. Ogilvy stated that he did some cross sections through those building and the amount of cut to accommodate the villas shows them

well below grade. There was no feasible fire access to the upper portion of the site. There was also no feasible fire access to two-thirds of the building. The building had one side fronting the Marsac roundabout and the two insides of that triangle would not accommodate a fire truck. Mr. Ogilvy stated that the building could not be built under the 2021 Building Code, and he questioned whether it could have been built under the 2007 Building Code.

Mr. Ogilvy stated that considering all the issues, the applicant engaged in looking at how to better place the density on the site. They looked at the upper bench where the slopes are probably 25-30% and determined that it was a suitable place to put some density rather than having the building height and mass next to the ski trail. Mr. Ogilvy presented diagrams showing how they pulled the buildings back approximately 60' from the left corner of the property line for the face of the restaurant. He presented the ground floor footprint in hard lines. Mr. Ogilvy pointed out that the restaurant pulls back to address the lawn at the bottom of the Ruby Chair to make sure there is appropriate gathering space for people coming into the two restaurants.

Mr. Ogilvy stated that this property is not in the Sensitive Lands Ordinance area. At the time the Flagstaff Development Agreement was enacted, the Planning Commission at that time said these were appropriate sites to disturb while preserving 1500 acres as open space. With respect to the height calculation, Mr. Ogilvy stated that they went back and forth about whether to interpolate the grade. It seemed arbitrary and what mattered more is the relationship of the buildings to the adjacent land. Mr. Ogilvy remarked that the Montage was a heavily disturbed site, and they did not try to interpolate natural grade. With the Montage they said the building would be a maximum of 114' above the lobby floor. On the slope side the Montage is 102' above the patio by the pool. On the conference center side, the Montage is 165' above the event line. Together it is interpreted as 114' feet above the established benchmark. Mr. Ogilvy stated that this current proposal is a similar concept with a much lower height. They have established a benchmark at the lobby, which is the entrance to Building A. The skier access lobby in Building B and the skier access lobby amenity level in Building C have been kept to 82' below the benchmark point. Mr. Ogilvy stated that the former Hill-Glazier plan was 82' above some other benchmarks. The buildings in Empire Pass Village are generally 92' above natural grade. He gave the heights of several buildings in the area to give an idea of what 92' above grade means next to adjacent uses.

Mr. Ogilvy stated that the proposed project as drawn is 86' above Marsac Avenue as the roundabout; 84' above the driveway behind Building B, and 90' for Building C above the turnaround at the end of that driveway. Relative to any of the other buildings constructed to date at Empire Pass, the building heights proposed are closer to finished

grade and the adjacent grade than any other building. Mr. Ogilvy remarked that on a site that is being heavily disturbed, tying into adjacent grade made more sense than tying into an interpolated grade. Mr. Ogilvy stated that through the visual impact studies submitted, he believed they came up with building massing that is suitable for the site.

Mr. Ogilvy asked Commissioner Kenworthy to repeat his question about the easement on Twisted Branch Road. Commissioner Kenworthy stated that he wanted to know if an easement was able to solve the fire issues. He also wanted to know if Mr. Ogilvy had update on the potential public use of Twisted Branch Road. Mr. Ogilvy replied that they are required by the Flagstaff Development Agreement to keep Twisted Branch Road as a private road. However, there is an existing easement that allows all of the emergency responders in Park City to use that road and they all have access codes for the gate. Mr. Ogilvy stated that the fire department requires the ability to be able to park their truck in front of the building and get a ladder up to it. He noted that you cannot get a ladder from Twisted Branch Road to any of the buildings as currently or previously proposed.

Mr. Ogilvy asked the architectural team to walk through the project before the Planning Commission discusses the granular issues.

Kirsten Murray from Olson Kundig Architects presented slides and a design overview to give a sense of what the design team was thinking and where their design direction was rooted and how it was being evolved. Ms. Murray stated that they do a lot of work in western landscapes and it is really about how the buildings tie in the best they can given their program and scale, but primarily how they tie in with the natural setting. They look for design inspiration in the materials of the landscape and in the forms and shapes of the landscape, as well as the view of the natural surroundings. Ms. Murray reviewed an early design concept sketch. She explained that they were trying to make a reference to an architecture that is driven by the materiality of the land and a more straightforward and contemporary expression. Ms. Murray presented an example of a residence they did in the region which she thought illustrated some of the things they would like to see on a larger scale building and what they would like to see in this project, including a lot of modulation, carving of the shapes and the silhouettes, sheltering roof overhangs, building elements that engage with the landscape or frame the landscape, and views for both the building users and view through the site to the landscape beyond. Ms. Murray stated that they were using a simple material palette consisting of masonry, concrete, and grounding type of materials, the use of wood or things with the scale and texture of wood in both warm and medium tones, and both painted and natural steel to create a natural but a rich, warm, welcoming material language.

Ms. Murray showed the buildings with larger multi-family units to show how some of the references shown have begun to work themselves into this plan. It showed a variation of heights that respond to the different grades. The buildings follow the natural topographic and there are gaps between the buildings. She believed this addressed the conversation regarding the villas as well, allowing for visual breaks and visual corridors through and between the buildings to the distant landscape.

Mr. Ogilvy stated that in 2007 this project was originally approved for 81 residential units. He pointed out that the current application drops it down to 48 residential units. In terms of impact, they may have the same number of people sleeping in the building, but they travel in larger parties which means more people per vehicle and less vehicle trips. With the amenity package and the restaurant on-site, the number of trips off campus will be much less than a standalone condo building.

Commissioner Kenworthy asked about the number of exclusive parking spaces for the restaurant. Mr. Ogilvy stated that the restaurant is 3600 square feet, and the Code requirement is 36 parking spaces. However, they are required to reduce that by 25%, which lowers it to 27 spaces. Mr. Ogilvy believed the restaurant would be run influx with the residences. The typical precedent on other buildings in Empire Pass is to reserve one parking stall per residence, and the balance of parking stalls are floating stalls. With their design they have a 10' x 10' locker behind the designated stall for each unit where the residents of the building can store bikes and other gear. Mr. Ogilvy thought there would be sufficient parking for the restaurant with the Empire Express, Uber, Lyft, and the 27 parking stalls.

Planner Conboy understood from the submitted application that the restaurant parking spaces would be valet and tandem. Mr. Ogilvy stated that they were drawn up as tandem parking. Unless it is a slow period, they expect the parking to be valet parking. Commissioner Kenworthy clarified that the restaurant will be public. Mr. Ogilvy replied that it is a public restaurant open to anyone in Park City.

Commissioner Suesser asked if all the parking was underground. Mr. Ogilvy replied that it is basically a drop-off zone. All the required parking is accommodated in the parking garage. There are spots where Uber and Lyft drivers can pull in and wait.

Mr. Ogilvy presented a slide showing the Deer Valley parking deck which has 60 tandem park stalls on a designated parking deck that is separate and distinct from the residential parking. He remarked that most of the time there is ample parking available in the buildings going up Empire Pass.

Commissioner Suesser asked Mr. Ogilvy to identify the location of the parking deck with 60 spaces. Mr. Ogilvy stated that it is the upper parking level which is the same level as the swimming pool. Currently, there is a pull-off by the Empire Day Lodge for guests arriving at Deer Valley. A dining guest will pull in by the Empire Day Lodge, hand keys to the valet, and the valet will park their car on the upper level. Commissioner Suesser asked if there was public parking to access the mid-mountain trail or whether it was part of the 60 parking spaces. Mr. Ogilvy stated that it was not part of the 60 parking spaces. He explained that there is an existing trailhead on land that is not owned by the applicant on the east side of Guardsman Pass Road by the entrance. It is a mid-mountain trailhead that was previously commandeered as the Brighton Estates private parking lot. Redus granted a license agreement to the City and gave control to Heinrich Deters to manage the parking. It is now much more available to people who want to use mid-mountain trail rather than the exclusive purview of Brighton Estates. Mr. Ogilvy stated that Mr. Deters asked if there was a way to improve that parking lot as part of rerouting the mid-mountain trail. Mr. Ogilvy explained how the trail was rerouted to provide better sight lines and pedestrian crossings. He believed they could reconfigure the parking lot to accommodate a handful of additional parking stalls. Rather than having the trail parallel to the ski run and instead put it parallel to the contours, they can get separation from Guardsman Pass Road with a more defined entrance and still accommodate the cars and have room for snow storage. Mr. Ogilvy did not have a drawing available this evening and offered to provide a drawing for the next meeting to show how the applicant was willing to improve that parking lot. He stated that the property owner, Redus/Wells Fargo, agreed that they could do those improvements. Commissioner Suesser understood that there would be no parking for the trailhead access on the parcel that was being developed. They were only talking about improvements to the existing mid-mountain trailhead. Mr. Ogilvy replied that she was correct.

Chair Phillips summarized that the items for discussion were the PUDs, volumetrics, design aesthetics, and the CUP.

Chair Phillips asked about the process. He understood the Planning Commission was being asked to adjust the volumetrics; however, he did not want to just agree that the volumetrics could change with having it clearly defined. Chair Phillips did not want the applicant to spend time and money on this project only to come back and find that the Planning Commission did not agree with the volumetrics. He would have a difficult time agreeing to change the volumetrics based on what was presented this evening. Chair Phillips wanted to see a clear comparison of the volumetrics from what they started with and what was being asked for, and the difference between the two. He was open to discussing the volumetrics, but he needed an analysis from either the applicant or the Staff on the variance of what was being asked.



In terms of the PUD, Chair Phillips was comfortable adding additional units to separate the buildings. However, from his reading, on one hand the intent was to cluster and on the other hand, they want to decluster. Chair Phillips believed that in this instance it was still overall clustering of the project and he was generally in favor of the request.

Chair Phillips stated that he was open to the Staff recommendations on the CUP portion for the villas. Regarding the design aesthetics, Chair Phillips understood the intent of the design team, but he disagreed with much of what was presented. Chair Phillips disagreed with the idea that this project is separated from the rest and does not need to be in line with the previous development. He noted that the aerial images from the study that was done in 2007 showed this site as part of one cluster of development that encompasses the Montage. All of the buildings in that same corridor all have pitched roofs. The design requirements are that the roofs should be pitched with a craftsman type of architecture. Chair Phillips referenced the comments about using the shapes of the land and the materials of the land. He agreed they could use the materials of the land, but he could not see how these buildings as proposed reflect the shape of the land because nothing in that area is flat. Everything he saw in the images presented were all flat roofs. Chair Phillips could see using the form described with pitches and using more contemporary finishes and a more contemporary interpretation using the modern materials.

Chair Phillips stated that on the issue of substantive or minor, in his opinion, being asked to change heights and density seemed quite substantive. He definitely did not want this project to only go through an administrative process for approval.

Commissioner Conboy stated that with regards to minor or substantive, if it is determined minor, it would be the Planning Director's decision; however, that section allows the Planning Commission to call it up for review even if it is determined minor. A substantive determination would entail a complete re-evaluation of the Development Agreement and MPD.

Mr. Ogilvy pointed out that whether it is minor or substantive, the applicant cannot build anything without the Planning Commission approving a conditional use permit. The applicant expects that the Planning Commission will be required to approve any change to the volumetrics. Chair Phillips was open to that discussion, but he still needed the analysis he requested in his earlier comment to get a better idea of what was being changed.

Planner Conboy offered to do additional research; however, in general, he believed the height was capped in this area at 33' for the RD District. In the early 2000s it was

studied and determined that the density could fit within that height limitation in this east area. Chair Philips understood that it was laid out in arguments and verbal descriptions, but he still needed clear illustrations to have those discussions.

Commissioner Thimm stated that on the question of minor versus substantive, he believed the change in the massing and building height would change the conditions of approval. Based on his reading and consistency with decisions the Planning Commission has made in the past, Commissioner Thimm thought this would be substantive.

Commissioner Thimm stated that in terms of the height change and the benchmark, in looking at what was presented and knowing what is already up there in terms of building mass, etc., he did not think the mass seemed out of line with the existing developments. Commissioner Thimm was unsure how everything fit at 33' versus the proposed 82'. He presumed that somehow there was a smaller building footprint and less disturbance. Commissioner Thimm thought it was important to understand some of the gives and takes. He pointed out that the applicant outlined additional setback that was being provided and he believed that was a betterment for the community. Commissioner Thimm remarked that understanding how much less disturbance there might be as part of their application would be helpful in understanding why there would be some gives and gets. Commissioner Thimm stated that reducing from 81 to 48 units lessens the intensity of use, which results in less intensive use of the roadways and less intensity of services. He believed these things should be pointed out as part of their application.

Commissioner Thimm commented on parking. He was in favor of a condition of approval requiring the improvements of the trailhead parking that the applicant had mentioned. He believed it was a get and the community would benefit from it. Commissioner Thimm applauded the idea of the valet tandem parked stalls. He liked the idea of reducing a parking footprint. He agreed there is a need for parking, but having tandem stalls set up to serve in a valet format allows for that to occur.

Commissioner Thimm commented on the architecture and the design guidelines. He felt this site was somewhat set apart. When he looked at the architecture presented, he could see some roofs in craftsman. He asked whether some refinement could occur that would work more with some of the proportions of the forms. Commissioner Thimm liked the way they are broken down into shapes and forms as opposed to great big masses on each face of the building.

Commissioner Thimm stated that they talk about history and historic buildings in relation to Old Town. He thought it was important to understand the history of how buildings and architecture evolve with time as well. He questioned whether they want Park City

to feel like it is rubber stamped back in some other time, or whether there should be some recognition of the evolution of architecture and buildings that go forth.

Commissioner Thimm commented on the pallet that was presented this evening. He understood there was expression by the design team about there being warmth but to him it felt very cold. Commissioner Thimm stated that in terms of what happens with the architecture and what makes it part of the composition of the District up there would be greatly enhanced by thinking about the warmth of that pallet and possibly introducing the woods and more color.

Commissioner Thimm noted that Planner Conboy pointed out that the affordable units were rather large. Commissioner Thimm was in favor of having more smaller affordable units in the footprint taken up by the larger affordable units shown in the presentation. He asked if the applicant would be open to that idea.

Mr. Ogilvy thought there was some misunderstanding of the historical approval on the property. He stated that the 2007 MPD approved an increase of height from 33' above natural grade to 82' above benchmarks set on this site. Mr. Ogilvy stated that the building as drawn by Hill Glazier was seven stories at its highest fronting the Marsac roundabout. He clarified that they were not talking about a change from 33' to 82'. They were talking about a change of 82' from benchmarks that were set below the ski the ski run to benchmarks that are set in a more appropriate relationship to the ski run. In response to Chair Phillips comments, Mr. Ogilvy thought the applicant could do a better job of showing what was previously contemplated for the site. They will work that up and bring it back to the Planning Commission.

Mr. Ogilvy stated that in 1998 the Planning Commission felt the clustered village development was more appropriate for creating a resort experience and creating a better ski experience. Mr. Ogilvy showed a site that was identified for density 82' above three benchmarks on the Hill Glazier plan, which is eight levels above the Marsac roundabout. He noted that in the current plan, the lobby is even with the Marsac roundabout and goes up eight levels. They are also eight levels above the roundabout.

Mr. Ogilvy stated that in order to create all the renderings from multiple angles, they run on computer software that has certain capabilities to get granular and show the texture and contrast and the color properly. They also zoomed in on certain aspects of the site. Mr. Ogilvy explained that the renderings presented were generated first and foremost to explain the building mass and the volumetrics rather than to explain the use of materials and the color pallet. Mr. Ogilvy stated that the goal of the presentation materials was to help everyone understand the building massing as proposed on the site.

Mr. Ogilvy commented on the affordable units and unit size. He stated that what historically happens with properties at Empire Pass is that part of the management team run the buildings. An innkeeper is always on campus and there is a desire by the applicant to have accommodations suitable to attract the caliber of clientele they want managing the building. Mr. Ogilvy offered to take their comments back to the applicant for further consideration. He noted that 1,000 square feet per unit provides comfortable accommodations for a couple living there. One will be an employee of the building and the other will be working somewhere else in town.

Commissioner Suesser concurred with all of Commissioner Thimm's comments. She believed it was a substantive change. In terms of design, Commissioner Suesser was comfortable with a more contemporary look and feel for this new development, but she agreed that it could be warmer. Commissioner Suesser was not opposed to breaking up the units, but she was concerned about the steep slopes and putting the villas where they are now being proposed. The skier experience might be improved by not having those units on the ski slope, but the people going up Marsac will see these units. She was concerned about changing the ridgeline and the hillside so substantially on such a steep slope. Commissioner Suesser requested additional information from the Staff on the steep slope villa location.

Commissioner Suesser did not see fencing depicted in the renderings. She assumed there would be fencing along the front of that development next to the ski slopes and she would like to see a rendering that shows it. Commissioner Suesser was fairly certain they could not have the pool without some fencing around it.

Commissioner Suesser wanted more details on where the affordable housing would be located within the development. She agreed with Commissioner Thimm that reducing the size of the affordable units might be more beneficial. Commissioner Suesser was very much in favor of the improvements to the trailhead parking lot because it is an absolute necessity. She noted that at one time the lot for this development was an access point for people recreating up there. That activity has been curbed in the last couple of years once the plans were started. Commissioner Suesser thought there was a growing need for more recreational safe access. If there is a way to connect that trail from the proposed villa driveway up, she would also be in favor of that improvement as well as the parking lot configuration.

Commissioner Suesser referred to a comment by Planner Conboy about the transportation obligations and how they were not all fulfilled in this section. She would like more background on that issue. She also referred to Planner Conboy's remarks about resort accessory space versus resort support space, as well as a list of other

issues that need to be discussed. Some of those issues caught her attention and she was most interested in the transportation obligations, the resort accessory space versus the resort support, and the steep slope. She had concerns with those issues and would like more information as they move forward.

Commissioner Kenworthy believed the change was substantive. He liked the efforts the applicant made for the ski experience. His massing concern is next to the Ruby Lift. He thought there appeared to be the setback and then additional space, but he wanted to see what that would look like standing in the lift line entering the Ruby Lift. Commissioner Kenworthy liked the public restaurant and the tandem parking. It is a good spot, and he was glad it was open to the public.

Commissioner Kenworthy favored smaller affordable housing units. He was less pleased with the design. The flat roof is out of place. Commissioner Kenworthy liked the indoor/outdoor feel a lot. He thought the design needed more work and more balance. Regarding the steep slopes, Commissioner Kenworthy agreed that they were creating a problem that does not currently exist by moving up onto the steep slopes.

Commissioner Kenworthy stated that connectivity is a big concern. He asked Planner Conboy to show the entrance to the property on SR224 right below Twisted Branch. Commissioner Kenworthy noted that the zoning, the LMC, and the General Plan talk about the connectivity and he wanted to talk about that in both transportation and the trails system. Commissioner Kenworthy stated that they all know what the pandemic did to the parking lots, and they all know that SR224 is problematic. When he sees the driveway for the change in the design, he sees a major change. He sees where the entrance comes in below Twisted Branch where cars will be turning left and coming in. Directly across the street he sees the parking lot which was packed this year. Commissioner Kenworthy commented on the number of people who have discovered that property while hiking. He noted that there is a parking lot, a street, and then the entrance is in one location. His focus will be on how that trail system per the General Plan and the LMC really connect. Commissioner Kenworthy thanked the applicant for their efforts.

Commissioner Van Dine agreed with the comments of her fellow Commissioners. She agreed that an updated design is warranted, but she did not believe the design shown in the renderings fit the area. Commissioner Van Dine remarked that this site stands a little bit alone, but at the same time the Montage and the Empire Lodge are not that far away. She suggested a design that is more updated but still fits in with the existing development. Commissioner Van Dine agreed with finding a way to keep the mid-mountain trail aligned up there because it is such an iconic trail.

Chair Phillips referred to one of the visuals which was a perspective looking at the villas from the west. He understood the drawings were preliminary; however, he sees the retaining wall behind that looks like it was retaining for the access road to the villas. Chair Phillips noted that three roads run parallel with multiple layers of retaining walls. He encouraged the applicant to do whatever they could to minimize that impact.

Chair Phillips liked the architecture and the materials. He clarified that his issue was more with the flat roofs versus the pitches. He noted that driving up Empire Pass there are a lot of buildings and some are much more modern. Many of those modern buildings have pitched roofs. Chair Phillips stated that he was not saying all the roofs should be pitched but he would like the design to have more pitched roofs.

Chair Phillips asked if the Staff and the applicant felt that the Planning Commission had answered their questions and provided sufficient direction on moving forward.

Mr. Ogilvy responded to some of the questions that were raised while they were still fresh. He presented a blue line drawing of the current mid-mountain trailhead. He noted that one of the challenges with the current parking lot is that approximately 20 stalls are 90 degrees into a road that gets busier and busier. Mr. Deters asked him if there was a way to make it safer for someone to back out of a parking spot and turnaround before they go down the hill. Mr. Ogilvy noted that the 90-degree parking spots are also on a road that is close to 8-10% grade. Mr. Deters originally suggested going deeper into the hillside, but after looking at it, Mr. Ogilvy determined that if they rotate it and tie it onto the contours, they could actually reduce the curb cut on the Guardsman Pass Road. It physically separates the parking from the road and creates a much safer condition. Chair Phillips thought that made sense. Mr. Ogilvy offered to come back with a more in-depth drawing.

Mr. Ogilvy responded to the question of what this will look like from the Ruby Chair. He presented a rendering of what this would look like from the Ruby Chair. Mr. Ogilvy stated that looking at it from a birds-eye view you see a roof that is flat and very low pitched. He stated that after 25+ years developing in the mountains he and many architects have learned that nothing handles snow better than a flat roof that retains snow. A flat roof eliminates the issue of a snow dump and the issue of icicles. Roof always leak in the valleys and ridges. A flat roof also provides the opportunity to reduce the mass of the building. Mr. Ogilvy pointed out that looking at it from the pedestrian angle there is a lot more going on with the roof. Looking up at the pitched roof from the Silver Strike chair all you see is the eave because the eave line is six stories up. People never see the peak of the roof unless they are up on the skier bridge before crossing to Village Way. Mr. Ogilvy believed there was some merit in providing the horizontal articulation in the roof with the building facade stepping.

Chair Phillips apologized for not asking Commissioner Hall for her comments. Commissioner Hall echoed the comments from the other Commissioners. She referenced condition of approval #1 in the Staff report that talks about the 2007 MPD. She stated that what is being proposed today is a change with the building plans and the volumetrics. In her opinion, that is the biggest issue regarding substantive versus minor.

Commissioner Hall recalled hearing the applicant request approval for an 82' building height; however, in looking through the Staff report, she could only find the 33' pitched roof within the 2007 MPD. Chair Phillips thought it was in the volumetrics that was done by Hill Glazier. Mr. Ogilvy clarified that the Hill Glazier plan is the approved volumetrics for the site. He noted that the MPD text states that the building on the site on B2 East shall be 82' above the benchmarks identified on this plan. Mr. Ogilvy stated that this building at its highest point is seven floors above the Marsac roundabout, but the benchmarks are below the ski run. Mr. Ogilvy offered to come back with a better plan showing why they believe the Hill Glazier plan is unbuildable by current fire code and unsuitable by its relationship to the adjacent ski run.

Commissioner Thimm asked if it was possible to have a condition of approval for the villas that would require a Steep Slope CUP type approval for the villas. Planner Conboy reiterated that his reading of the LMC section gives the Planning Commission the authority to request additional information. The criteria established for a steep slope CUP could be based on that section of the LMC. Commissioner Thimm clarified that he was asking for that to be a condition of approval when this actually comes before the Planning Commission.

City Attorney Harrington believed the Planning Commission could address that when they see exactly what they are trying to mitigate. The Staff could recommend the most appropriate condition of approval which may include something similar to what Commissioner Thimm was suggesting. Mr. Harrington pointed out that there is language in the Sensitive Lands Ordinance. Even though the area may be excluded from the SLO, there is another reference in the ordinance regarding amendments to existing master plans. He thought there were a couple of avenues the Planning Commission could use to make sure the disturbed area and slopes are appropriately mitigated.

Commissioner Thimm was comfortable leaving it to the discretion of the Staff to develop a proper condition of approval.

Mr. Ogilvy thanked the Planning Commission for giving them much to think about. He assumed they would come back in another work session format. Mr. Ogilvy looked forward to working with Planner Conboy and coming back for another work session at the earlier opportunity to address some of their comments and concerns.

Commissioner Hall understood that Hannah Tyler was on the call this evening even though she did not speak. Commissioner Hall disclosed that she has retained Hannah Tyler for a minor personal matter, however, she did not believe it required her to recuse herself from discussing this item. Commissioner Hall stated that in the future she would remember to make this disclosure earlier in the meeting.

#### **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

- 6.A. 97 King Road: Nightly Rental Conditional Use Permit – The applicant is requesting approval of a Conditional Use Permit for a Nightly Rental use in the Historic Residential – Low Density (HRL) zone at 97 King Drive for a 4-bedroom, 3-bathroom detached single family home with 2 garage parking spaces. (Application PL-20-04714)**

Planner Conboy reviewed the application for a nightly rental conditional use permit located in the Historic Residential Low-Density zone. He noted that the Planning Commission recently approved 89 King Road and 162 Ridge in January. He recalled from those presentations that the Western HRL zone in that area is capped at 12 nightly rentals. Planner Conboy noted that this application would bring the number of nightly rentals up to nine. Three remaining conditional use permits could still be granted.

Planner Conboy stated that in terms of the zoning requirements, the Staff was able to make all the findings with the proposal. The application complies with the HRL zoning district requirements.

Planner Conboy reported that the same conditions of approval were applied to this application that were applied to 89 King Road with regards to parking. The applicant is required to provide two parking spaces within the garage. Planner Conboy remarked that there is ample space for cars to park in front of the driveway, however, the Staff believes that parking should be limited to the garage, as reflected in the current condition of approval.

The Staff did not have additional concerns.



Commissioner Suesser understood that the Planning Commission was recommending a condition of approval that parking be exclusively in the garage even though there is room on the driveway for additional parking. Planner Conboy explained that previous applications were required to contain parking for the short-term rental within the garage. He noted that 89 King Road had a 10' foot snow easement which was the reason for not allowing parking in the driveway. Planner Conboy stated that there is no storage easement on this property; however, he believed the same issue applies. This property could accommodate a total of four cars with two in the garage and two on the driveway, but it was conditioned to limit the parking to two cars in the garage in an effort to limit the impacts to the neighborhood. He pointed out that the Planning Commission had the discretion to change the condition and allow additional parking on the driveway.

Chair Phillips thought the parking as conditioned was appropriate for that street.

Chair Phillips opened the public hearing.

Planner Conboy read an email he received earlier in the evening from Joy Berry, a resident at 141 Ridge Avenue.

Ms. Berry wrote, STRs violate zoning laws. The requirements of building and operating in a residential zone versus a commercial zone are very different and STRs create a commercial zone in a housing neighborhood for more traffic, more utilities, more parking, and the increased need for emergency support. It is unfair to a homeowner if they buy in a residential zoned neighborhood to soon learn that their neighbor converted their home to a hotel with strangers and visitors appearing on an ongoing basis. STRs destroy the economic sustainability of a commercial village. Allowing STRs with kitchens hurts the restaurant business will start the closure of restaurants and commercially zoned businesses due to unfair practices. The restaurants have to adhere to health department regulation. An STR kitchen does not. Restaurants have to pay sales taxes. An STR with kitchen does not. Restaurants employ local residents allowing for job opportunity but STRs do not. STRs do not encourage the walkability of a commercial district of shopping, eating, and viewing art. STRs destroy a sense of community. New people showing up every weekend or week does not allow building a community. Visitors have a different approach than long-term residents to an area. Short-term visitors do not participate in school or church events. They do not participate in clean-up drives, food drives, parades, or government affairs. STRs increase the cost of housing and rental units for long-term residents, pushing out the needed housing for school teachers, nurses, and other middle-class workers. STRs create bad traffic patterns. Residential streets will incur increased traffic plus confusion with visitors looking for homes without signage and require more parking. STRs burden residential services such as excess water, sewage, trash pickup, electric and gas load

requirements. The attitude to conserve is simply not adherent to a visitor as it is to a long-term resident occupying the space. Peak demand will occur during weekends and the summer. STRs burden the emergency support team for security, fire, and medical requiring access to more people through the narrow neighborhood streets and finding more remote locations for emergencies. STRs create unfair competition to the current hotels and inns in the areas. The inns must adhere to County public health laws, but homes do not. They must adhere to Federal and State ADA law and homes do not. They must adhere to County fire and life safety laws; homes do not. Inns must adhere to adequate parking and access regulation and the homes do not. Inns pay a transient occupancy tax that the homes do not pay. Inns are required to participate in Park City visitor boards and pay fees, which the homes do not. Ms. Berry asked the Planning Commission not to allow STRs in residentially zoned neighborhoods.

Chair Phillips closed the public hearing.

Chair Phillips was comfortable with the application as presented.

Commissioner Kenworthy stated that he was looking forward to being done with all the CUPs in this area because enforcement becomes onerous on neighbors and law enforcement when nightly rentals are speckled through the neighborhoods.

MOTION: Commissioner Thimm moved to APPROVE the 97 King Road conditional use permit for a nightly rental in the HRL District, based upon the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Staff report. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 97 King Road

1. The property is located at 97 King Road, Summit County in the Historic Residential-Low Density (HRL) District.
2. 97 King Road is a 4-bedroom/3-bathroom Single-Family Dwelling that is located on a 0.09-acre parcel.
3. 97 King Road is within walking distance to Park City Mountain Resort skiing and to Park City's free public transit.
4. The Single-Family Dwelling at 97 King Road is located within the area designated for Nightly Rentals in the HRL District, subject to a Conditional Use Permit.
5. On December 20, 2020, the owner of 97 King Road submitted an application to request Commission review and approval of a Nightly Rental Conditional Use

Permit.

6. There are currently eleven (11) Nightly Rental Conditional Use Permits in the western HRL District. The Commission may approve up to twelve (12) Nightly Rental Conditional Use Permits for Nightly Rentals in the western HRL Zoning District.

7. In addition to a Nightly Rental Conditional Use Permit, the owner must secure a Nightly Rental Business License to use the property as a Nightly Rental. The business license application process requires that the Building Department inspect the property to ensure that the property meets all applicable building and fire codes.

8. King Road is a narrow and steep street and should only be accessed by two vehicles associated with a Nightly Rental on this lot. All parking shall be contained in the two-car garage and there shall be no parking allowed on surrounding neighborhood streets. This portion of King Road is steep and all-wheel drive vehicles are required during winter months.

9. 97 King Road is approved as a private residence and use of the property as a Nightly Rental will minimally change utility capacity and storm water run-off.

10. A Nightly Rental Conditional Use Permit will not alter the required emergency vehicle access.

11. During weather-related road conditions, access to 97 King Road may be limited and renters may need to find parking off-site to walk to the property. Leases shall contain information on available municipal parking and all-wheel drive vehicles shall be required during winter months.

12. No fencing or landscaping changes are proposed at this time.

13. The building mass, bulk, orientation, and location will remain unchanged.

14. No signs or additional lighting are proposed to be installed.

15. No changes to the physical design of the house or site are proposed.

16. No noise, vibration, odors, steam, or mechanical factors that might affect people and property are anticipated.

17. No deliveries beyond what are reasonably expected for a Single-Family Dwelling are anticipated. Residential trash pickup for the property will be from King Road and subject to the Municipal Code of Park City § 6-1-11.

18. The property will be maintained by a professional property management company.

19. Use of 97 King Road as a Nightly Rental is in keeping with Objective 7C of Goal 7 to focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley. 97 King Road is within a walkable distance to Park City Mountain Resort with access through Upper Norfolk Avenue.

Conclusions of Law – 97 King Road

1. The proposed application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Nightly Rental is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed nightly rental use is consistent with the Park City General Plan.
4. The effects in difference in use or scale of the Nightly Rental have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval – 97 King Road

1. The applicant must obtain and maintain a valid Nightly Rental Business License.
2. Compliance with all building and fire code standards is required as a condition precedent to issuance of a Nightly Rental Business License.
3. All existing and any new exterior lighting shall conform to the City's lighting requirements prior to the issuance of a Nightly Rental Business License.
4. No exterior commercial signs are approved as part of this Nightly Rental Conditional Use Permit. Any future signs on the property shall be subject to the Park City Sign Code.
5. This Nightly Rental Conditional Use Permit is approved for the fourbedroom/three-bathroom Single-Family Dwelling. Any additions to the Structure that enlarge the Structure terminate this Conditional Use Permit and require a new Conditional Use Permit that reflects the altered size of the Single-Family Dwelling.
6. All lease agreements for Nightly Rental shall include language that limits the vehicles allowed at 97 King Road to two (2) vehicles that must utilize on-site garage parking.
7. The property owner or a Property Management Company shall place trash receptacles for trash pickup according to the Municipal Code of Park City § 6-1-11, which requires that trash receptacles cannot be set out for collection prior to 6:00 PM of the day before collection. All trash receptacles in the HRL District must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:50 PM the day they are emptied.
8. Property management contact information shall be displayed in a prominent location inside the Nightly Rental.
9. All lease agreements for Nightly Rental shall include language indicating that during heavy snowfall or bad road conditions, access to the property may be limited and a list of municipal garages shall be provided. There may be times when renters need to park off-site in a public parking lot and walk to the property,

and all-wheel drive vehicles are required during winter months.

10. The applicant must provide renters with detailed information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, to Park City's free transit service and to Park City Municipal Garages.

11. Nightly Rental of 97 King Road prohibits Commercial Uses such as hospitality houses, screening rooms, reception centers, etc.

12. The property owner or a professional property management company shall oversee the property and shall maintain the property and landscaping in a manner that shall comply with all City Code and Land Management Code standards.

**6.B. 7165 Little Belle Court: Plat Amendment - The applicant is seeking approval of a Plat Amendment in the Residential Development (RD) zone in order to add 150 square feet to the main level as well as a new deck adjacent to the new addition. (Application PL-21-04746)**

Chair Phillips disclosed that he was just notified that he would likely be working on this project and he recused himself from this item.

Vice-Chair Suesser assumed the Chair.

Planner Conboy reviewed the application for an amendment to the Little Belle Condominiums plat, which is the 7<sup>th</sup> amended plat. The amendment is for Unit 2. Little Belle Condos is within the Deer Valley MPD.

Planner Conboy showed the existing conditions and noted that this is the second time this plat has been amended to increase the floor area. He pointed to the wall that would be removed and extended out 5'7" to accommodate approximately 150 square feet of additional floor area. Planner Conboy noted that increasing the floor area has been done throughout the subdivision by other property owners, which is why this was the 7<sup>th</sup> amended plat. Planner Conboy stated that the actual footprint of the condo would not increase. He pointed out that 142 square feet of deck space would also be added. Planner Conboy stated that the area proposed is above the shed roof and it would fill in the deck similar to the neighboring deck.

Planner Conboy remarked that the Staff was able to make all the required findings for the requested plat amendment.

Vice-Chair Suesser opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Vice-Chair Suesser closed the public hearing.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation to the City Council for their consideration on April 14, 2021 for the 7165 Little Belle Court Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 7165 Little Belle Court

1. The property is located at 7165 Little Belle Court.
2. The Little Belle Condominiums plat was approved by the City Council on December 17, 1981 and recorded at Summit County on December 21, 1981.
3. The Little Belle Condominiums plat recorded 20 residential condominium units 8 parking spaces.
4. In August of 2000, an amended plat was approved to expand the private areas for Units 5, 6, 7, and 8 of the Little Belle Condominiums.
5. The first amended plat for the Little Belle Condominiums recorded in August of 2000 only shows expanded private space for Unit 7.
6. In August of 2001, a second plat amendment was recorded. This second amendment converted the limited common deck areas to private areas and expanded the private living areas to the furthest extensions of the exterior walls of the end units for Units 2, 9, and 10.
7. In April of 2004, a third plat amendment was recorded. This third amendment converted limited common deck area to private area for Unit 20.
8. In June of 2006, a fourth plat amendment was recorded. This fourth amendment converted all limited common deck and solarium areas to private areas for Units 1, 3, 4, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.
9. In June of 2011, a fifth plat amendment was recorded. This fifth amendment added 425 square feet of private space to Unit 3.
10. In June of 2017, a sixth amendment to the Little Belle Condominiums plat was recorded for the conversion of 46 square feet of private area to limited common area in Unit 5 for the purpose of expanding an existing deck into an area of the unit that is private.
11. Currently there are 20 condominium units and 31 underground parking spaces.
12. The property is subject to requirements and restrictions of the Deer Valley Resort 12th Amended and Restated Large Scale MPD.
13. The MPD originally allowed 20 condominium units for the Little Belle development.

14. On January 20, 2021, the City received a complete application for the conversion of 150 square feet of limited common area to private residential space for Unit 2 of the Little Belle Condominiums Subdivision.
15. On January 8, 2021, the Little Belle Homeowner's Association voted unanimously (with more than 2/3rds of members voting) to approve the conversion of limited common area to private area for Unit 2.
16. There are no exterior changes proposed.
17. The proposed amendment is consistent with the purpose statements of the district.
18. Unit 2 would increase by 150 square feet from 2,850 square feet to 3,000 square feet.
19. All construction is proposed within the existing building envelope.
20. Each unit has a two-car garage, meeting parking requirements of the parking code.
21. 8 additional guest parking spaces have been provided in this development since the units were originally constructed.

#### Conclusions of Law – 7165 Little Belle Court

1. There is good cause for this amendment to the plat.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended plat is consistent with the 12th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval – 7165 Little Belle Court

1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat 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. All conditions of approval of the Deer Valley Resort 12th Amended and Restated Large Scale MPD and the amended Little Belle Condominiums plat shall continue to apply.
4. No building permit may be granted until after this plat amendment has been

recorded. Once the deck area is recorded as limited common area, both the unit owner and the HOA must be the applicant for any building permit pulled for the deck area.

**6.C. Nightly Rentals in the Fairway Meadows Subdivision - Amendment to the Land Management Code Sec. 15-2.13-2 To Prohibit Nightly Rentals in the Fairway Meadows Subdivision.**

Chair Phillips returned and resumed the Chair.

Planner Conboy reviewed the request by the Fairway Meadows Subdivision HOA to codify a restriction on nightly rentals in the Fairway Meadows Subdivision. Planner Conboy stated that the Fairway Meadows Subdivision is located adjacent to the golf course. The subdivision directly to the south recently came in with a request to restrict nightly rentals.

Planner Conboy reported that as the LMC is written, this would involve a quick change of adding Fairway Meadows to the prohibited uses section of the Zoning Code. He noted that the April Mountain and Mellow Mountain Estates subdivisions, and Meadow Estates Subdivision phases 1 and 1B have already prohibited nightly rentals.

Planner Conboy stated that the previous planner, Hannah Tyler, worked on the Meadows Estate subdivision, and during that discussion Ms. Tyler had asked whether the Commissioners wanted to continue on the path of allowing private subdivisions to restrict nightly rentals via the LMC.

Planner Conboy stated that the proposal complied with all the requirements for the LMC text amendment, and the Staff had no concerns.

Chair Phillips thought it was positive anytime this could be done. He thought the request was very straightforward. He could not recall the discussions Planner Conboy had referenced with Hannah Tyler on the Meadows Estate subdivision

Commissioner Suesser could not recall those discussions either. She questioned why these requests need to be an LMC amendment. Planner Conboy explained that the zoning allows for short-term rental in the RD District; however, the HOA CC&Rs restrict short-term rentals. The HOA wants to make sure that what is reflected in the CC&Rs is enforceable with the Land Management Code. Commissioner Suesser thought the HOA CC&Rs would override the LMC because the CC&Rs are more restrictive. Planner Conboy replied that the City does not enforce CC&Rs. He believed the reason for the amendment was to provide clarification and to eliminate ambiguity.



Commissioner Kenworthy recalled the conversation during the Meadows Estate subdivision discussion. He stated that an amendment to the LMC would prevent the subdivision from ever being issued a permit for nightly rentals.

The applicant stated that Fairway Meadows is a neighborhood and 47 of the residents got together and requested to align the CC&Rs with the LMC. The residents felt that if someone decided to push it and apply for a nightly rental permit with the City, the CC&Rs would kick in; however, there was no reason to have any confusion among the owners, especially when ownership changes. That was the reason for making this request with overwhelming support within their community. An adjacent neighborhood had done the same thing and they felt it was the right thing to do.

Chair Phillips agreed with the reasoning as explained by the applicant.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for their consideration on April 15, 2021 to prohibit nightly rentals in the Fairway Meadows Subdivision. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

**6.D. Park City Mountain Resort Base Parking Lots - MPD Modification - Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. This Hearing Will Focus On the Applicant's Proposed Circulation and Transportation Plans, Scenario 2b, in Accordance with the MPD, and Applicable LMC, General Plan and Transportation Master Plan Criteria. (Application PL-20-04475)**

Planner Ananth stated that this item was the PEG Development project application to amend the 1998 Development Agreement and replace the expired Site Plan with a new Master Plan. Planner Ananth stated that she would briefly focus on the City's framework for review and then turn the time to the applicant to present their proposed Scenario 2B. AECOM, the City's consultant, was prepared to present their analysis. If

time permits, the discussion will move to parking. Planner Ananth stated that the next meeting on this application was scheduled for April 21<sup>st</sup>.

Planner Ananth remarked that the City has two critical priorities for the site regarding transportation. The applicant's transportation consultants noted that a 20% reduction in vehicles accessing the site is necessary and would allow traffic in the intersections to function at acceptable levels of service. In order to achieve this reduction, the applicant needs to drive a modal shift away from general purpose vehicles towards transit, and connect to a variety of concrete, measurable transportation demand strategies and monitoring programs for the new base area. Planner Ananth stated that in order to achieve this 20% vehicle reduction goal, the applicant needs to make sure the site is designed to prioritize transit and other sustainable multi-modal transit options that align with the City's multi-modal hierarchy, so people are able to change their behavior over time and have good options.

Planner Ananth stressed that when the City Staff and AECOM reviewed the applicant's preferred Transportation Scenario 2B, they looked at a number of regulatory documents which include the Land Management Code and the MPD Section of the Code and the City's adopted transportation plans. They also always go back to the City's General Plan objectives for the Resort Center neighborhood. Planner Ananth stated that although the General Plan is from 2014, the objectives in the Plan for this neighborhood really hold up and remain true today with an emphasis on public transit, circulation improvements, TDM strategies, multi-modal connections, and discouraging through-traffic in the neighborhood.

Planner Ananth requested that the Planning Commission focus their discussion this evening on three concepts. First were concerns or feedback on the applicant's preferred Scenario 2B and whether it meets the City's priorities for the site and whether the applicant's plan has sufficient substance and detail to mitigate the 20% vehicle trips, and whether the applicant should seek to improve Scenario 2B or redesign the site plan to accommodate a more flexible and forward-thinking transit station. Second is whether Scenario 2B accommodates pedestrians, sufficient drop-off area, is it mitigating traffic in residential neighborhoods, and is the circulation plan adequate for back of house operations while minimizing conflicts with pedestrians and cyclists. Third is what degree of specificity in their plans is required now and what can be addressed at subsequent CUP applications in terms of their parking management plan, their TDM plan, employee parking plan, and any additional information the Planning Commission might need.

Robert Schmidt, representing PEG Development, introduced their team members on the call this evening; Ryan Hales and Josh from Hales Engineering, the traffic engineering consultants; Greg Bedrero, the landscape architect; Robert McConnell,

legal counsel; Kristen Williams and Stan Kozlowski, consultants. Mr. Schmidt stated that the team has spent a lot of time the last eight weeks working through plans, updates, clarification, and revisions related to traffic, transportation, and parking plans.

Mr. Schmidt pointed out that their application originally included a one-way loop. After hearing feedback from the Planning Commission in September, they met with the Staff and AECOM and revised that plan dramatically. They went through a process with the Staff and AECOM to reevaluate the entire transit system in an effort to make sure they were transit first by providing access, circulation, and the functionality of transit to make it a first-class, 21<sup>st</sup> century system. Mr. Schmidt was prepared to walk through what they changed and why they did it.

Mr. Schmidt commented on several recommendations within the Staff report that PEG agreed with. They agreed with crosswalks as wide as the approaching trails or sidewalks. They agreed with widening the sidewalks to 8' where possible. They agreed with 12' sidewalks with two-foot separation between the roadway and sidewalk, or 15' total. They agreed with the recommendation for adding a bus stop on the north side of Parcel D along Silver King Drive. Mr. Schmidt noted that PEG had indicated this in their plans as a possibility to replace the bus stop currently on Empire Avenue. They agreed with widening the sidewalk to 8' on at least one side of both 14<sup>th</sup> and 15<sup>th</sup> Street from Empire to Park Avenue with rolled or no curbing to facility pedestrian and bike access to the Resort trails. Mr. Schmidt clarified that their agreement with this recommendation was subject to proper right-of-way clearance. They are willing to accommodate where there is sufficient right-of-way. Mr. Schmidt stated that PEG will also enhance the pedestrian experience at the transit center using different materials, lighting, landscaping, etc. Those details will be provided at the conditional use permit phase in Phase 1. Another recommendation was to provide additional capacity for the day skier drop-off. Mr. Schmidt noted that PEG has a solution that he would talk about later in his presentation.

Mr. Schmidt stated that PEG Development will work with AECOM and the City Staff to incorporate the recommended details for the 2B transit center as outlined in the Staff report. They would also consider uses for unused, non-peak parking stalls. Mr. Schmidt stated that PEG will implement measures to discourage traffic on residential streets using signage and wayfinding.

Mr. Schmidt commented on Scenario 2B, which is the transit center in its existing location but greatly enhanced and upgraded. He noted that this was discussed in January, and since then, the team has made a number of upgrades, clarifications, and additions. Mr. Schmidt explained why this location is important not only for the project, but also for the existing owners, residents, and users of the base area. He presented a

diagram which represented a ring pattern at 500, 1000, and 1500 feet around the existing transit center to show the number of users encompassed within that ring. He stated that it is a central location to the base area both existing and new. Mr. Schmidt thought it was important and critical to balance what they were doing in supporting and integrating the existing users of the base.

Mr. Schmidt stated that people ride the bus to access residences, condos, and lodging at the base, both existing and proposed, and they use it to access commercial entities and amenities at the base as well. However, primarily people ride the bus to access skiing. Mr. Schmidt stated that in looking at the existing location of the transit center and its proximity to the facilities on the mountain and to Payday and Crescent, which are two lifts that get skiers up the mountain, it is key to keep the bus stop in its current location. Mr. Schmidt pointed out that the appropriate location for skiers and to encourage people to use transit is to get them where they want to be, and they believe that is in the existing location.

Mr. Schmidt commented on questions raised in the Staff report regarding suitability and technical ability of the buses to access the site. The applicant had provided the turn radius models; however, they were not included in the Staff report. Mr. Schmidt clarified that PEG had conducted a series of technical studies to make sure what they were proposing is feasible. He presented a slide noting that the turning route was identified in yellow. He remarked that the turning route of a 43' bus to get in and out of the facility. They also analyzed each bus bay and the movement of a bus getting into each bay and out of each bay. Mr. Schmidt believed they had shown it was feasible. In addition to turning radiuses, they looked at grades and cross sections. He pointed to the street cross sections and grades that were analyzed. He also provided a cross section of the bus turnaround. Mr. Schmidt believed these also demonstrated the feasibility of the location.

Mr. Schmidt stated that once they answered their technical questions they wanted to look at what could be done to make this a first class, 21<sup>st</sup> century transit center that everyone wanted. He noted that Greg Bedrero, the landscape architect, spent a lot of time looking at the best way to configure the bus shelters and pedestrian access around those shelters. He reiterated the amenities previously discussed, which include driver facilities, enhanced walkways and crossings around the facility, and bus charging stations. He indicated where they developed two charging stations for electric buses on the east side. Mr. Schmidt stated that they also looked at the shuttle drop-off and amenities along the sidewalk such as outdoor dining or seating areas. Mr. Schmidt noted that snow storage was identified on the plans. They developed the ADA ramp from the bus station up to the ice rink, which would require a rebuild of the stairs. Mr. Schmidt stated that they have been in contact with the HOA at the base to make sure

they understand what is being proposed and were in agreement. Mr. Schmidt remarked that a location for a warming/waiting area was also provided with restrooms. Mr. Schmidt commented on PEG's commitment to provide transit display systems. They identified locations for bike parking and bike charging areas. Mr. Schmidt noted that the applicant has committed to provide an area for ski lockers within their buildings.

Mr. Schmidt emphasized that the team spent a lot of time thinking through the design of this location. He pointed out two crossing locations noting that the crossings are wide and designated for pedestrians. Both of the crossings would be protected pedestrian crossings.

Mr. Schmidt stated that in addition to the site plan elements, they took time to do 3D rendering and elevations to give a sense of scale. One was looking from the ice rink towards the transit center and across towards the proposed buildings on the east side. Mr. Schmidt presented eye-level view of how the bus shelters will feel relative to scale. He presented an idea of the sense of arrival they intend to create as people arrive on the bus to in an Alpine environment in a world-class resort. They want the experience to be unique and representative of the Alpine environment. Mr. Schmidt also showed the shuttle drop-off area.

Mr. Schmidt remarked that some of the concerns and questions raised in the Staff report regarded the drop-off areas, which is where he believed they could reach some agreement. He stated that currently eight drop-off areas were being proposed. Mr. Schmidt pointed to a pedestrian crossing and noted that there was some discussion about whether this crossing should be located further north. Mr. Schmidt outlined the reasons why it was located in the proposed location. One reason is that there is room for eight cars and moving it north would reduce the number of vehicles. In addition, when they look at how pedestrians will be using the plaza on D in between C and E, those pedestrians are coming up along the fronts of the shops. Mr. Schmidt stated that they evaluated the grades and making sure that what was being designed works in 3D. In order to make this pedestrian crossing ADA accessible from D to cross Lowell and up onto the Plaza between C and E, the crossing needs to occur in this location.

Mr. Schmidt stated that from a loading perspective they have eight available stalls. They heard the concerns about not enough loading, and after discussing this with the Staff, they believe there is room on Shadow Ridge to provide additional loading for at least five vehicles to help alleviate the loading/unloading concerns.

Mr. Schmidt remarked that another comment was to find innovative ways to use parking stalls within a parking garage. He believed they could provide a number of stalls within the parking lots on Parcels B and E that could be short-term free parking of 15-30

minutes to allow people to pull into the structure, unload, take kids to the ski school or do whatever they need to do quickly, and then leave from that location. In addition, they could provide Uber and Lyft stalls within the parking structures to help alleviate concerns with loading. Mr. Schmidt noted that PEG Development has been doing this for a long time and sometimes plans are not perfect. By allowing flexibility within the parking structure for loading and unloading they can flex with the need as it arises.

Mr. Schmidt responded to concerns about loading specifically off of Lowell Avenue for truck access for the dock. He reminded everyone that at one time there was a dock proposed on E; however, that dock was moved from E off of Silver King Drive and combined with the dock on Parcel C. Mr. Schmidt stated that they provided access for trucks to get in off the road, maneuver backing up to the dock, and exit the site without doing any maneuvering on the street. Mr. Schmidt pointed out that the dock is on the low side of the site and the low end of the building so service can occur in the basement of the site. If the access is moved anywhere else, it elevates the dock and becomes a problem for the functionality of the hotel. The same dock will serve all the commercial uses for the plaza restaurants, as well as mountain access for mid-mountain restaurants.

Mr. Schmidt commented on bike and pedestrian circulation, noting that they tried to clarify and refine their plans to provide access for both pedestrians and cyclists to make sure they have primary emphasis within the project. Mr. Schmidt provided a graphic contained in the Staff report that showed areas of pedestrian access. The 12' wide access points were shown in green. The 8' newly built sidewalks were shown in yellow. He pointed to additional locations with pedestrian access through the plazas. Mr. Schmidt stated that as they designed and analyzed the sidewalks, they looked at how many people are coming from which directions and where they are going. A lot of people cross Lowell Avenue, but they do not all cross in the same place. The peak pedestrian demand at any one location is approximately 1200 pedestrians per hour. He noted that the Highway Capacity Manual outlines sidewalks and walkways as a Level of Service B for a 12' path at 1200 pedestrians per hour. Mr. Schmidt emphasized that this was a drastic improvement over the existing pedestrian facilities.

Mr. Schmidt stated that mountain bike access for summertime access was another question that was raised. He noted that the project anticipates bike loading zones in two locations identified by red blocks. The bikes can use the 12' pathways to access the NAC access, which would then access the hill with no stairs or steps. Mr. Schmidt pointed out that the entire access can be ridden on a bike with no impediments.

Mr. Schmidt stated that Hales Engineering had prepared a response to several of the concerns from AECOM. He noted that a fair amount of traffic response could be fairly

technical, therefore, in the interest of time, he preferred to reserve this section to answer specific questions regarding the traffic in terms of weaving, queuing, etc. if those questions arise this evening.

Kordel Braley, the Senior Traffic Engineering with AECOM, introduced Laynee Jones, the Senior Project Manager Transit Planner with AECOM were prepared with a presentation and to answer questions.

Laynee Jones stated that AECOM has been working closely with the City and with the developer. She briefly reviewed the recommendations that AECOM made prior to this meeting in terms of overall site circulation. Ms. Jones appreciated all the work the applicant has done and how responsive they were to the people-based analysis, as well as the prioritizations of transit and pedestrians.

Ms. Jones clarified that given all of the site conditions and all of the Staff who had evaluated this site, including architects that specialize in ski resort planning, transit experts, bus rapid transit professionals and traffic professionals, they still believe that a better location for the bus stop is by the great pedestrian plaza that the applicant was proposing. Ms. Jones stated that it comes down to the fact that it will be a great pedestrian area with shops lining the pedestrian plaza. The transit stop should always be in the hub of activity, which is why AECOM made that recommendation. Ms. Jones believed there are ways to address pedestrian safety and all of the other issues. However, if the Planning Commission was inclined to approve Scenario 2B as described by the applicant this evening, AECOM had specific recommendations for that scenario.

Ms. Jones pointed out that the recommendations for Scenario 2B were listed in the Staff report, and she intended to highlight a few of the recommendations. Ms. Jones presented a graphic showing Scenario 2B. She noted that AECOM previously described the advantages and concerns with this site layout. Ms. Jones stated that a continual issue is having too many cars coming onto the site regardless of the scenario. Therefore, the load-out times on Empire Avenue fails and it is congested. Ms. Jones remarked that the only way to solve that problem is to reduce the number of cars accessing the site by approximately 20% over current conditions. She stated that the reduction would require a modified mode split, which means more people would be arriving at the site by transit, shuttles, and non-vehicular modes, and increasing the average vehicle occupancy for those parking to above three. Ms. Jones reiterated that AECOM made recommendations on how to improve the TDM plan to achieve the 20%. She stated that in order to achieve something that great, the TDM plan needs to be a cooperative effort between the City, the applicant, Vail, and UDOT.

Ms. Jones stated that in terms of the pedestrian experience, she pointed out a few concerns AECOM has with the current Scenario 2B. She noted that pedestrians are at the top of the modal priority for the City. Ms. Jones remarked that they were still seeing a lot of pedestrian conflict areas. She provided examples of pedestrian conflict areas, which included the loading zones. AECOM proposed a larger crossing and that it be more aligned with the pedestrian flow. In terms of the drop-off area on the north end of the site just north of the bus drop-off, Ms. Jones stated that the turning radius is small, and AECOM recommends that it be enlarged by pulling the ground floor of Building B back and cantilevering over the upper floors to provide adequate space for someone to make a drop-off and exit the drop-off zone. As currently designed, vehicles need to wait for the cars in front to move out. Ms. Jones remarked that the sidewalks in the bus area, as well as the loading zone, are too narrow. She thought it was possible to design the plan to address those issues. Ms. Jones presented another example of pedestrian access that needs to cross a driveway.

Kordel Braley commented on the transit drop-off area. He noted that the applicant submitted templates and AECOM had their BRT Transit designer look them over. They still have concerns and are not entirely convinced that as currently designed to accommodate all the pedestrian activity and all other amenities, that seven buses as shown. Mr. Braley noted that AECOM still believes that additional work and iteration is needed. There is also a need for snow storage, electrical infrastructure, and many other things. Mr. Braley agreed that this plan has come a long way, but additional issues still need to be addressed in the design.

Mr. Braley referred to the traffic and layout on the north at the connection to Empire. He wanted it on the record that AECOM is not entirely in agreement on how it is shown in some of the applicant's drawings in terms of movements and layout. Mr. Braley stated that if the Planning Commission decides to move forward with Scenario 2B, AECOM would like to have additional discussion and iteration on those as well.

Mr. Braley stated that at the request of the City, AECOM did a detailed analysis of the applicant's parking analysis. He pointed out that the parking analysis makes use of good state of practice shared parking principles; however, he pointed out that it would rely on sharing parking between the 1200 resort day skier parking stalls and the other parking stalls on site. Mr. Braley had not seen that specifically addressed and he proposed that there be some flexibility in how parking is shared throughout the course of the day.

Commissioner Suesser asked about the new sidewalks proposed by the applicant and reviewed by AECOM. She was surprised that a sidewalk on the south side of Manor was not proposed. Commissioner Suesser noted that a lot of pedestrians access the



Resort from Empire and Lowell Avenue. It is currently a dangerous condition and she was surprised that it was not considered. Commissioner Suesser pointed out that in the round radius that the applicant showed initially captured all of Manor and Empire all the way to the 13<sup>th</sup> Street stairs. A lot of people come up those stairs and down to the Resort, and she thought it made sense to have a sidewalk on the south side of Manor. Commissioner Suesser commented on the pictures on the corner of Lowell and Manor with tables and chairs for restaurants, as well as a bus shelter. A lot of people come around that corner and she thought it was ill-conceived and impractical to have all those things on that little corner.

Commissioner Suesser questioned why the sidewalk on Lowell Avenue between Shadow Ridge and Silver King does not go all away around that parcel. The sidewalk stops and does not connect Shadow Ridge, down Lowell, all the way to Silver King. Commissioner Suesser stated that pedestrians are the number one group they are trying to service, and she did not think there was enough infrastructure and improvements to make that pedestrian experience practical. Commissioner Suesser asked AECOM to talk about why a sidewalk on the south side of Manor was not a good idea.

Mr. Braley agreed with Commissioner Suesser regarding the lack of space around the transit facilities. He noted that ADA requires certain loading zones in front of a bus boarding. Mr. Braley stated that AECOM and the City have asked for a lot of amenities at this transit stop to make it a world-class destination. It is AECOM's opinion that there is not enough room in there right now to adequately get people around. For that reason, they believe more iteration is needed for that station to get the necessary components and to see if the number of bus stops requested can be provided. Mr. Braley stated that AECOM would not have recommended not having a sidewalk on Manor Way. He agreed that there should be sidewalks throughout the entire site. Mr. Braley needed to look into the sidewalk Commissioner Suesser mentioned on Shadow Ridge that does not go around the parcel.

Mr. Schmidt addressed the sidewalk on Shadow Ridge. He noted that the applicant was proposing the 12' sidewalk trail on the north side of Manor Way with a crossing across Empire Avenue into the City's future project. He stated that there could potentially be a crossing to the south as well. Mr. Schmidt remarked that 12' on the north side of Manor Way should be sufficient to transport everybody walking up Manor Way. Mr. Schmidt pointed out that on the south side of Manor there are pedestrian and vehicle conflicts as cars enter a parking lot. It is a strange right-of-way and there is no clean space to put a sidewalk or pedestrian access. Mr. Schmidt stated that with 12-feet of sidewalk on the north side of Manor Way and crossings at the intersection of Empire Avenue, there should be good access for people coming from that quadrant.

Commissioner Suesser noted that there is partial sidewalk and then it stops when the driveway opens up on the south side of Manor. She requested that they look at it again because there is room for a sidewalk around the Empire/Manor corner, and there should be a sidewalk on both sides of the street. Mr. Schmidt explained that the sidewalk on the north side of Lowell between Shadow Ridge and Three Kings is not continuous because there is no right-of-way available for a sidewalk to fit behind the curb. The right-of-way goes right up to the building and there is a fire hydrant and fire connection valves for the Shadow Ridge condominium units, as well as other things in the right-of-way that prevents a sidewalk in that location.

Planner Ananth understood that Commissioner Suesser was noticing a lot of gaps and the lack of pedestrian infrastructure on some of the existing buildings. She suggested that if this project is approved and the applicant is pouring sidewalks, the City would be willing to work with the applicant to help survey where there could be room to complete the pedestrian infrastructure where possible along Shadow Ridge, Lowell Avenue, and 14<sup>th</sup> and 15<sup>th</sup> Streets, and to Park Avenue.

Commissioner Suesser stated that the Staff report mentions exclusive bus lanes, particularly south of Silver King on Lowell. However, the general public goes on Lowell at the intersection of Lowell and Silver King to the general drop-off, and then going down Shadow Ridge to exit. She pointed out that general traffic will be mixed in with the buses and she could only find one exclusive bus lane.

Mr. Schmidt stated that there are actually three lanes on Lowell. There will be two dedicated bus lanes, one in the northbound and one in southbound direction. One lane southbound is for general traffic. The buses are in a dedicated lane and the private vehicles will not impinge or use that lane at all. Commissioner Suesser asked for the number of lanes on Shadow Ridge. Mr. Schmidt replied that there are two lanes, one in each direction. Planner Ananth pointed out that those lanes are for personal vehicles only and not for buses. The buses make a U-turn at the transit station, exit the site up Lowell Avenue, and take a right onto Silver King. Planner Ananth remarked that it shortens the transit time and takes the transit off of Empire Avenue, which is a pinch point for congestion in peak hours.

Commissioner Thimm asked if passenger vehicles headed south on Lowell to make a left turn on Shadow Ridge will cross two lanes of bus traffic. Mr. Braley replied that this is why AECOM recommends that there be transit signal priority at these signals to prioritize the transit movement. The vehicles would wait until the buses are gone before making the turn. Commissioner Thimm asked if the buses would be unsignalized and just pass through, and the passenger vehicles would obey traffic signals. Mr. Braley answered no. He explained that if there is a signalized intersection, every user needs to

have signals; however, signals can be timed to essentially detect the buses far enough in advance to give them a green light. He definitely recommended that it be part of the operations. Otherwise, it would be mixed flow if the buses had to compete with all the cars. Commissioner Thimm understood that it would be signalization per lane. Mr. Braley clarified that every lane would be signalized.

Commissioner Thimm stated that if the plan proceeds down this path, he would like some precedence of where this has successfully occurred.

Mr. Schmidt noted that there are several precedents in Utah where this currently occurs. He pointed to the intersection of Shadow Ridge and Lowell indicating the south side of the intersection and the bus transit center. He pointed to the northbound dedicated bus lane, the southbound dedicated bus lane, and the general-purpose lane that would only permit for a left turn onto Shadow Ridge or a right turn onto the NAC access. Mr. Schmidt pointed out that the left turn would be crossing two lanes of bus traffic. He stated that this currently occurs in Utah County on University Avenue on the BRT line where the buses have a prioritized signal, and the vehicles are given their own signal. It can all be worked out in the signal timing and prioritization, so buses and transit get the priority.

Commissioner Thimm believed it was an enforcement issue and the City will need to be vigilant. He rides the bus every weekend and on a typical ski day and vehicles come into the lanes currently set aside for buses for the drop-off and pick-up zone. Mr. Schmidt agreed that it will be a change to the system. Currently, it is a challenge, and they are trying to make it better. He believed the best way to deal with the traffic is through dedicated bus lanes and signals.

Commissioner Kenworthy complimented Mr. Schmidt and PEG for working with AECO and City Hall in moving this forward. He believed it has come a long way. However, Commissioner Kenworthy was quite surprised that PEG and AECOM were still at odds with where the transit center should be located. He thought Mr. Schmidt made great points this evening, and along with the vast majority of public comments heard so far, it is made clear why the transit should remain in its current location. Commissioner Kenworthy asked Planner Ananth and the representatives from AECOM to make their case for moving the transit center. He did not see any future benefits, or why they would expect people to park at the bottom and walk up the hill to the main lifts.

Ms. Jones understood Commissioner Kenworthy's point. As she previously explained, this pedestrian plaza will have amenities right as people get off the bus. It will be a busy area and immediately visible in summer and winter. Ms. Jones stated that it is the place where everyone will want to be, and you always want the bus service to service those

areas. She noted that with the current location, people need to walk around a little bit before reaching the coffee shop or the ice rink. People also need to walk through the development to get to the ski lift, which can be disorienting and confusing. Ms. Jones pointed out that the pedestrian plaza area will not be built until Phase 2 and having a bus stop there would require moving building footprints as they are currently proposed. She also understood that the current business owners want the bus stop to remain near the current businesses. Ms. Jones recognized the downside, but long term when the entire site is built out, they believe the pedestrian plaza area will be the place where most people will want to go. She understood that getting to the First Time Lift is not the preferred lift and that it would be a longer walk to get up to the Pay Day lift. However, in the future, it might be possible for an additional lift to be put in the pedestrian plaza area that would make it better for Vail and guests.

Mr. Braley stated that one advantage for having the transit center on the north end is shorter overall transit time because it is closer to where the transit buses are coming to and from. Mr. Braley noted that the applicant's traffic engineer provided walking distances. Building D was longer, but the Building C location was not substantially longer to the lift than the current transit location. He thought it was important to remember that they were not talking about a substantially longer. Mr. Braley reiterated concerns with the current location where PEG was proposing to keep the transit station. The concerns are with being able to fit all the bus stations, the amenities, the pedestrian walkabout, and all the ADA clear zones. It is a smaller space for putting a significant end of line station. Mr. Braley thought it might require adjustments to Building B or reducing the number of buses, infrastructure, or amenities that could go there. He remarked that putting it at Building C or Building D allows a clean slate to put in everything that needs to be there. Mr. Braley stated that these were some of the reasons why AECOM was still suggesting that another option might be better.

Planner Ananth stated that an incredible free transit system is one of the amazing things about Park City. She believed transit will be the future way to get to the Resort and having a 21<sup>st</sup> Century bus station/transit center mobility hub that celebrates Park City's transit experience is what they have been looking for in this site plan. Planner Ananth stated that the reason to move the transit center was primarily because the existing area is constrained by the applicant's site plan. She stated that when they were proposing to move it, her initial thought and the example shown in the February Staff report, was on the Shadow Ridge extension. She did not believe anyone intends to take transit away from the upper base area. They were only trying to locate it where it could be more celebrated, more accessible, and more future oriented if bus lengths increase or if bus service is added. Planner Ananth believed that as this project is developed over the next five to ten years, the operators of the Resort can look at their out of base lifts and reconfigure the entire experience. She did not think that being

concerned about the existing lifts should be a reason to limit where transit makes sense. Planner Ananth thought moving sidewalks could be added in the future. They could be put in on the snow side as well to get people to the upper base. She stated that if there was a stop near Building D with a bigger mobility hub, it would not necessarily mean the bus stop would be taken away from the existing base area. The option was to have two stops. She believes that may still be an important option, particularly if service is removed from Empire Avenue. Planner Ananth remarked that the upper base area where the existing bus stop is located is quite disorienting for people coming to the site for the first time. When they looked at redesigning the site it seemed like a good opportunity to rethink the entire way the public accesses the lifts. Planner Ananth stated that another reason for looking at Building C is that the building walls off a large chunk of Lowell Avenue. The thought was if there was a connection through C for buses, it would open up that building to the existing upper base area and connect the new base the applicant is proposing with the existing base area.

Mr. Schmidt stated that he explained the reasons for locating the transit center where they did in Scenario 2B. They spent a lot of time planning it and he could have the team explain access and circulation around those amenities. They are all technical issues that can be addressed at a design phase. Mr. Schmidt remarked that PEG was told to plan on increasing the bus service from 24 buses an hour to 34-36 buses per hour as a future condition, and providing seven stops, which they did. They were told to plan for electric buses which they did. Mr. Schmidt pointed out that they have already designed for future growth. He talked about their reasons for not wanting to move transit to the north and why they think it is the wrong idea. He noted that there are a couple of ways to configure on the north side. The buses can line up along the street and they could provide bus bays parallel to the right-of-way. Seven buses stretched out would take the entire frontage of Lowell Avenue along Parcel D on the east side and wrap around the corner onto Silver King. Mr. Schmidt stated that if it requires reconfiguring buildings, that means they would need to push buildings somewhere and eliminate open space to accommodate a transit center and take right-of-way that is currently within the project boundaries and make it a public use. PEG felt it was disproportionate to what they were proposing and does not accomplish the goals for anyone. Mr. Schmidt remarked that while it is good to reduce transit times, if people cannot get off the bus in a convenient location, they will not ride the bus. The result would be reduced transit time for half-empty buses. Mr. Schmidt felt strongly that they did everything that was asked of them and they have balanced the needs of the existing users, the existing owners, and their own project. He was excited about their proposal and believed it was an excellent solution.

Commissioner Suesser thought it was important to talk about the shuttle drop-off area and whether the proposed configuration will actually work. Mr. Schmidt replied that the

shuttles are private shuttles coming from other hotels in the area. They provided space for eight shuttles and believe they could provide space for a few more shuttles. Mr. Schmidt remarked that there is sufficient room for a shuttle to turn around and exit if it is stuck in a line of shuttles. Mr. Schmidt stated that the applicant is completely open to working out refinements and providing details. Commissioner Suesser understood they could accommodate the people waiting for shuttles, but could they accommodate the shuttles that are waiting for skiers to come out. Mr. Schmidt reiterated that there is room for stacking the shuttles. He pointed out that the 140-160' proposed for shuttles is equivalent to what exists today on the south end of Parcel B. Commissioner Suesser asked for the width of the pedestrian crosswalk from Building B to the Resort Base. Mr. Schmidt believed it was 15' with a buffer to provide for safety and wayfinding elements that would help promote that as a pedestrian focused connection, and not something that would promote vehicular crossing.

Commissioner Suesser stated that she was still troubled by the alignment of the crosswalks to the Resort from Building B because the sidewalk does not provide direct access to the Resort. Laynee Jones identified a few pinch points where people are coming from Building B to the Resort. She identified another spot where people would be crossing a driveway. She recognized the challenges and suggested that it could be addressed through pedestrian treatments to give pedestrians the right-of-way. Ms. Jones stated that the pinch points are too small, and it is a common problem for bus shelters to be located in the pedestrian walkway. Ms. Jones stated that there needs to be enough room for people to queue up for the bus and for people to get behind or in front of the bus shelter. They need electric charging infrastructure, snow storage, room for more pedestrians, and more room for buses to dock properly. Ms. Jones remarked that there is a lot of competing interest for the space. This was the first layout and she felt certain there could be design modifications. Commissioner Suesser asked if AECOM also saw issues with the shuttle turnaround. Ms. Jones answered yes. AECOM suggested that it was too small and that the shuttles would be clogged. They suggested making it wider by peeling back the building footprint in Building B.

Chair Phillips asked if it is necessary to have a shelter at every bus stop because everyone will be in ski clothes. Ms. Jones replied that AECOM had a lengthy discussion with their landscape architects on that issue, and they believe there are different approaches. Chair Phillips noted that earlier in her presentation Ms. Jones said there are concerns that need to be addressed. However, she also indicated that there are solutions and that AECOM thought they could help make this work. Ms. Jones replied that he was correct.

Planner Ananth stated that all the AECOM recommendations were geared towards making the proposed site plan work.

Chair Phillips opened the public hearing.

The following people raised their hand on Zoom to make comment.

Nicole Deforge stated that she is an attorney with Fabian VanCott representing RRAD Coalition Inc., which is a non-profit organization comprised of hundreds of Park City residents, business owners, and homeowners. Ms. Deforge noted that earlier today RRAD submitted an eight-page comment letter that responds in detail to the latest plans, as well as the March 22<sup>nd</sup> Staff report. She noted that the Staff report did not come out until late Monday and they were not able to submit their comments as earlier as usual. Ms. Deforge asked if the Commissioners were able to review those concerns. RRAD also submitted a detailed letter in response to the February Staff report; however, because the applicant withdrew the item from the February meeting, they were not able to present the comments that were reflected in that letter. Ms. Deforge remarked that many of the concerns expressed in the February comment letter were echoed in the March Staff report and in the AECOM report; but not everything. She stated that RRAD had put out a lot of concerns and because of the late hour she did not want to go through 15 pages of comments in this public hearing. Ms. Deforge requested that the Planning Commission review both letters and consider the issues that were raised because they are pertinent, especially after the presentations and discussions this evening. She believed the concerns the Commissioners raised dovetail with the concerns raised by RRAD. She again urged the Planning Commission to read all the comments in the two letters.

Chair Phillips assured Ms. Deforge that the Commissioners would look at the letters again. He noted that this item will be continued for further discussion and Ms. Deforge would eventually be given time to comment on RRAD's concerns. He appreciated her willingness to keep her comments brief this evening.

Ms. Deforge commented on an initial observation that pertains to all the issues before the Planning Commission. In reading through the February and March Staff reports, as well as the AECOM report, she assumed the Planning Commission noticed how many times AECOM and the Staff noted that the assumptions, the numbers, estimates, and projections by the developer regarding so many fundamental issues with circulation, transit, and parking are not supported by the underlying evidence. She pointed out that the developer has not provided the needed backup for many of the premises that they rely on as fact and as the basis for their proposals. Ms. Deforge noted that the Staff and AECOM have done their best to call out those issues while still attempting to make progress in reviewing these plans. However, there is a serious flaw in that approach because the underlying data that is missing can easily get lost in translation. Ms.

Deforge thought it was easy to look at the recommendations being made and forget that those recommendations are based on assumptions that the backup data exists when it actually does not exist. Ms. Deforge cautioned everyone involved not to lose sight of that fact and not to lose sight of the fact that these recommendations only make sense if the underlying assumptions and numbers are actually correct. She pointed out that the developer is pushing to not provide a lot of the necessary plans until later in the project, and in some cases not until the certificate of occupancy stage. She cautioned against that because they need the information now to make sure that what is constructed has a high likelihood of working. Once construction is started or even delaying to the CUP stage, a lot of things are already fixed, and the footprints are set. Ms. Deforge stated that if the Planning Commission does not address all the concerns that are raised now and have concrete conditions of approval, the options will be narrowed significantly to the point where problems that arise later cannot be fixed. She thought that was especially true if the conditions of approval are based on recommendations for which they still do not have the underlying data. Ms. Deforge strongly encouraged the Staff and the Planning Commission to require all the data and to get it verified and confirmed now before they get too far down the path on recommendations that may or may not apply based on the real data and the underlying assumptions. If they wait until the project is built, their hands will be tied.

Ms. Deforge focused on eight specific concerns that were raised relative to transit and circulation. The first one noted by AECOM and Staff is that "The applicant's transit center is limited by their own design and remains an add-on to the site rather than integrated into the design from the beginning as a transit first site plan would be". Ms. Deforge thought that was played out in the plans, the comments, and the concerns. The traffic, circulation, and traffic issues are an afterthought, and because of that there are inevitably going to be flaws and inadequacies in these plans. It is important to remember that these issues are of the developer's own making because they did not plan for transit and transportation properly at the outset, despite knowing this would be the single greatest issues with this site. Ms. Deforge assumed the developer will want the Planning Commission to sympathize with them over these issues because there are limitations to this site and they are doing the best they can, but those limitations are not as a result of the site itself. The limitations are because the building footprints are placed where the developer wants them to be, and they are not willing to move or change them. Ms. Deforge stated that if this was reversed and they focused on pedestrian, parking, traffic circulation, and transit issues at the outset, they would not be having these issues. She remarked that the developer cannot be given a free pass by thinking they did the best they could based on where the buildings were already placed.

Ms. Deforge stated that the second issue is how the transit center is "limited in terms of providing adequate space for bus turning area and pedestrian circulation. Pragmatic



turning problems and circulation conflicts are likely with little to no room for future expansion". Ms. Deforge noted that this was self-created, and she thought it was evident that the site is extremely constrained to the point where shelters, bike racks, and foundation walls impede, almost entirely in some places, on the very narrow sidewalks. There needs to be at least 8' sidewalks free of obstructions. In addition, the turning radiuses are not sufficient. Ms. Deforge remarked that suddenly the footprint for a transit center is already too small and there is no way to get it all in there. If there is ever a need for future expansion, there will be no space to expand the transit center because it does not fit within the current allotted footprint. Ms. Deforge pointed out that this site is adjacent to Parcel B where the majority of the day skier parking is located. Traffic will be going into Building B and pedestrian traffic will be coming out at peak hours, at the same time all the buses are coming through several lanes, plus the vehicle drop-offs and the shuttle traffic will put everyone onto those two or three crosswalks. She could not imagine how that will function. She recalled talking about 1200 pedestrians per hour, but she did not believe that included the peak. Looking at an average over the entire day will actually depress the actual numbers because there is not much traffic between the two peak hours. Ms. Deforge thought they should be looking at the pedestrian and traffic numbers in the peak hours and not an average over the entire day.

Ms. Deforge stated that RRAD agreed with the comment about the general-purpose vehicle drop-off area and shuttle drop-off areas not being sufficient for all the reasons pointed out, especially by Commissioner Suesser. To get the shuttle drop-off sufficiently large enough and the right capacity will require a redesign. The only way to fit the transit center and shuttle drop-off within this space is to move Building B back; otherwise, there is not enough room. Ms. Deforge cautioned the Planning Commission that if they require the developer to move back the building they should expect the developer to come back and say if they need to push back the footprint they need to go higher as a trade-off. She emphasized that it is not allowed by the LMC because it is not a trade-off. Ms. Deforge agreed with the comments that the shuttle capacity and the drop-off capacity shown on the plans is half of what is currently available, and it is already at capacity.

Ms. Deforge agreed with the concern in the Report is that pedestrian and bike infrastructure is inadequate for current and future volumes. The Report also notes that "the proposed TDM lacks detail with respect to achieving the necessary 20% vehicles reductions and modified modal split goals needed to reduce congestion at the base area". She thought this was a perfect example of where the underlying data and underlying assumptions do not lead to the conclusions that the developer has based their plans on, including an assumed AVO of 2.7, much less 3.1. It is based on an assumption that there will be a Town Lift upgrade that is nowhere on the horizon.

Without that the AVO shifts dramatically, and the parking shortfalls increase even more.

Ms. Deforge stated that another concern RRAD has with many of these issues is that they are trying to push them to the future rather than address them now in hopes that when the problems arise there will be some basis to fix it. One of the recommendations is to reserve the ability to restrict ticket sales at the Resort if there is inadequate parking. Ms. Deforge remarked that this was a parking issue and not a traffic issue, and there is no basis to do that at this point. Unless Vail is a party to the Development Agreement, which she believed the Planning Commission should require as a condition, the City cannot enforce that restriction. She pointed out that the developer agreeing to it does not bind Vail. Ms. Deforge noted that the same restriction was included in the Development Agreement with Powdr Corp. and the City has never enforced it despite parking capacity issues and related problems during the winter. Ms. Deforge stated that regardless of whether that condition is included and whether or not Vail agrees to it, she did not think it was reasonable to think the City would actually pull that trigger. She thought it was an illusory future potential mitigating feature. Ms. Deforge believed that recommendations to discourage traffic on residential streets through signage was also an illusory fix. Current signs prohibiting traffic through 14<sup>th</sup> and 15<sup>th</sup> Streets are consistently ignored by hotel shuttles from the Marriott, the Sheraton, and others using those streets on a daily basis to access the Resort and avoid traffic jams on Empire. Threats of a \$250 fine on the signs do not stop the practice because the City does not have the manpower to enforce it. The City has also not been able to meaningfully enforce the frequent violations of residential parking restrictions. Ms. Deforge stated that merely posting more signs will not fix anything.

Ms. Deforge stated that the plans show street capacity and a number of lanes that does not match reality. These streets are already at capacity in the winter and are barely passable by two cars. The plans show three and four lanes where there are two or three currently. In addition, there will be at least 8' sidewalks, if not the 15' required by the Development Agreement, snow storage, and barriers. It looks great on the plans, but it does not match the reality on the ground. Ms. Deforge urged the Planning Commission to look carefully at the issues and identify the inconsistencies because it will not look like what the developer has proposed.

Ms. Deforge stated that some of the comparisons the proposal is based on are not realistic. For example, a lot is based on what is happening at the Canyons. She pointed out that the Canyons Resort is not comparable to what goes on at Park City. It is not located in a community. It is a destination resort with little non-skier visitation. No one walks to the Canyons Resort. Everyone arrives by car, parks in one lower lot with gondola access, and stays on the site at the Canyons Resort base area. The Canyons

does not have the same type of vehicular and pedestrian traffic or the same parking issues as Park City. Ms. Deforge remarked that the data they were relying on is outdated and minimal. She believed this goes to the issue of not just assuming that the assumptions made by the developer to support the plans are correct. They need to confirm and verify, and it needs to be done now. They cannot just push this issue down the road in hopes of having some leverage and a means to fix the problems that will come up because those fixes are illusory.

Steve Dougherty stated that he represents two companies owned by the Davis Family. The Davis Family were the original developers of the Resort base where the current bus stop transit center is located. Mr. Dougherty stated that these two entities own most all of the commercial in the Lodge at Mountain Village and Village Lofts Condominium projects and rent them out to retailers. The Davis Family asked him to speak to the Planning Commission this evening. Mr. Dougherty stated that it was his fault that the letter from him dated March 4<sup>th</sup> and sent today did not go to the Commissioners sooner. He requested that the letter be put into the record.

Mr. Dougherty stated that the letter is three pages long and he only intended to capture three main points this evening. The first is that Village Ventures and Resort Center Ltd., his clients, are supportive of the plans presented by PEG Development for the transit center and the traffic flows around there. Their businesses are dependent on the pedestrian traffic and the transit center traffic that come to this part of the Resort. Mr. Dougherty thought it was important to note that it was not just people coming from the Resort Center, but also people staying at the Resort base who go into town need the transit. He commented on the discussions regarding relocation of the transit to another location and noted that it would be injurious. Mr. Dougherty stated that the original Development Agreement contained an easement for the current transit center, which is sitting on the Lodge at Mountain Village property that was leased from the Greater Park City Company many, many years ago. He pointed out that it was a negotiated easement that is captured in the Development Agreement. He clarified that it is not just a grant of an easement to the City for the bus stop, but rather it was a bargained for easement where the development, including his clients' retail units, got a major bus stop at their front door. To move it to another location and abandon the current bus stop altogether is inconsistent with that agreement. Mr. Dougherty clarified that his clients were not opposed to another bus stop someplace else, but they would like to maintain a bus stop in the current location so people can get access.

Mr. Dougherty encouraged the Planning Commission to read the letter he submitted and to contact him if they have questions.

Sean Railton stated that he and his wife own commercial property within the Shadow Ridge. Mr. Railton thought the Development Agreement should be voided because Vail is not going to own their own parking, which he believes is ridiculous. It is plausible deniability of any issues that come up in the future and hinders the constraints on their ticket sales should they not be able to contain the parking.

Mr. Railton commented on the design. He referred Laynee Jones' comment that it was hard to move the footprint. He noted that it is a lot easier to move the footprint when it is on paper. Mr. Railton stated that if they want a 21<sup>st</sup> Century solution, the bulk of the car parking should be on C, D and E allowing the shuttles and buses to the transit center as unabated as possible. They should keep the cars down below.

Mr. Railton asked Mr. Schmidt if he has spoken with anyone to get a right-of-way to do a sidewalk around Shadow Ridge. If Mr. Schmidt did speak with someone and it is an issue, he wanted to know who he spoke with so he could speak with them because the bulk of the owners want a sidewalk. Mr. Railton understood there were water utilities, but water can be moved. He pointed out that the entire street will need to be redone anyway.

Mr. Railton stated that their legal address is actually 1445 Lowell Avenue and they have skier access coming out of the west side of their building. It is very important to have access in getting people across because as proposed it will go from a two-lane street to a three-lane street making it harder for people to get across. Mr. Railton remarked that in November, December, and January the sun comes right down Lowell Avenue at 9:00 a.m. Approximately 55 rooms get rented resulting in up to 400 people coming out of Shadow Ridge each day. If they need to come out the front, people will be walking up the new three-lane road on Shadow Ridge. Mr. Railton urged everyone involved to figure out how to provide sidewalks. He appreciated all their efforts working on this project.

Sherie Harding stated that resort traffic through neighborhoods is a problem, and under the current proposal it will become significantly worse. She noted that currently the developer is proposing that Silver King Drive accommodate all traffic to and from Parcel C and E underground parking. Ms. Harding stated that this is an enormous and unprecedented increased traffic load, and the problem has not yet been adequately addressed.

Ms. Harding asked the Planning Commission to consider the following solution for the north side of the development to unequivocally deter resort traffic from the neighborhoods of Snowflower, Three Kings, Silver Star, Pay Day, Thaynes, et all.

Install a walled off frontage road or a tunnel along the north side of Building E, and with a tunnel there can be a sidewalk above it. Thus, day skiers cannot enter or exit C and E parking lots to and from Silver King Drive, with further available access to Three Kings Drive and all those neighborhoods. The western extension of Silver King Drive then clearly remains a local neighborhood street as it is today. Local traffic then is carried on the frontage road or in the tunnel and is directed to the designated resort exit. Ms. Harding believed this is a more powerful solution than a raised median on Silver King Drive, a right-turn only sign, or a residents' only sign. This option does not just rely on the courtesy of the driver. Please save our neighborhoods.

Ms. Harding implored the Planning Commission to reconsider the Lowell Avenue realignment as it is in the 1998 Development Agreement. The more she sees, the more she realizes it solves many problems. It also shortens transit time. Ms. Harding appreciated their consideration and attention.

Ted Barnes, an attorney with Clyde, Snow, and Sessions, stated that he was representing the HOA at the Lodge at Mountain Village, which is a large mixed-use condominium development at the Resort Center. Mr. Barnes echoed a number of the issues raised by Ms. Deforge and Mr. Dougherty. However, his clients are supportive of the concept of development and updating these areas if these number of problems can be solved. Mr. Barnes stated that he would address a number of issues in a written letter, but tonight he would focus on transportation and circulation issues.

Mr. Barnes stated that the impact and planning for a large development like this must recognize and address the impacts on the surrounding and existing developments. Here they have hundreds of millions of dollars in existing development effort. It is disturbing to hear those developments dismissed as old or being bypassed. He thought it was not only inconsiderate but also a violation of the planning objectives of the City to dismiss these important developments. Mr. Barnes applauded the City's objectives of reducing traffic and encouraging use of mass transit. However, in order to achieve those goals, the transit and circulation must be the primary focus of the development and not just an afterthought. He appreciated the modifications that were suggested, particularly the focus of maintaining the transit stop in its current location, but it was still a band-aid approach. He felt the developer tried to do everything except adjust the footprint of Building B, which would facilitate addressing these issues. Mr. Barnes stated that his clients are concerned that the traffic plans will tend to discourage rather than encourage the use of transit. Mr. Barnes believed the primary transit hub should remain in its current location. It is central and it supports the existing development as well as the proposed development. He stated that ease of access is important. He noted that the traffic is not just 1200 skiers. It is 1200 skiers with skis and equipment, which takes up more space. In the case of his clients, a lot of the traffic they are trying

to encourage to use mass transit are the residents who will use the numerous units in their building. It is not realistic to expect those people to show up and go to a transit facility on the north end of the project and drag their skis and baggage a quarter mile uphill. In his opinion, it makes no sense to shift the primary hub a quarter mile to the north and focus both ski and lodging traffic at the base of the First Time Lift and hope that sometime in the future Vail might make a better access that would still bypass his client's development. Mr. Barnes stated that convenience is the key to encouraging the use of mass transit. If they plan to achieve a 20% reduction in cars, they need to encourage transit use by the residents who come from the airport with baggage, as well as the skiers who come with their skis. The guests should be within walking distance of their lodging in order to improve mass transit use. Mr. Barnes clarified that the convenience is not just the number of transit stops, but also the location of those stops. Expecting people to walk long distances with skis and luggage will discourage the use of mass transit rather than encourage it. Renters in the condo area are the logical target for mass transit.

Mr. Barnes commented on the need to talk about the easement issues that Mr. Dougherty mentioned. He thought the title of the main bus drop-off should remain the main bus drop-off. If it needs to be enhanced, that should be the burden of the developer. Mr. Barnes stated that the easement on the north side that was referred to as the NAC access is not just NAC access. It is the Lodge property for arrivals and departures and that appears to be ignored. Mr. Barnes noted that there is significant travel off of Lowell Avenue to access the Lodge drop-off, which sees a lot of traffic during the high seasons, and that needs to be addressed.

Mr. Barnes agreed that additional issues such as road alignment, dumpster and waste access, parking lot access, and other issues still need to be addressed.

Mr. Barnes respectfully disagreed with the consultants when they suggest that the hub of activity needs to be at the north end of the development. He stated that the hub of activity should complement and not compete with the current development. They should not undermine the people who have supported this community and these developments for decades. To bypass the existing development by moving the transit location or not allowing traffic through the existing development is to harm it. If they want a shorter transit time it should not come at the expense of a longer walking time for those with baggage and skis. Mr. Barnes stated that they can shorten the transit time by eliminating the north stop, although they were not suggesting that, but the main transit facility needs to be adequately sized and left in its current location.

Stephen McComb stated that he owns the Baha Cantina. Regarding the shared parking, Mr. McComb pointed out that there is a parking problem now and he did not

see any shared parking currently being implemented. He was unsure how they would have shared parking in the future. In terms of transit, Mr. McComb wanted to know where people will park to get on the bus. Where are the parking lots for the people coming in from out of town. He wanted to know where people will access the buses. Mr. McComb is amazed that they are planning to put a quarter of a billion square feet in the canyon between the 800 sf at Deer Valley, the 1 million square feet from PEG, and the other developments that are happening, yet they have no dedicated bus lane now to get into town. Mr. McComb stated that if the buses will be sharing those lanes of traffic coming into town, it will not work. He wanted to see the big plan with the roundabouts that are supposed to be built at Kearns and Bonanza and the Deer Valley Bypass and Park. Mr. McComb stated that he was struggling to have employees. He has no employee parking, and the Resort will not allow his employees to park on the lot for most of the ski season. He was unsure how he will survive if the transit center gets moved down and if the parking is not enhanced. Mr. McComb thought it was ludicrous to just replace the existing parking. They need more parking for employees, for the hotel, and for other businesses and amenities, and they need to find a way to get people in and out.

Lisa Paul stated that she has been an owner for 37 years in Park City. She is not against development, but she wants development that enhances. Ms. Paul agreed with the Mr. McComb about adding more hotels and housing without first solving the current difficulties getting in and out of town. Ms. Paul asked if AECOM looked at what would be best for Park City for the future of using the buses and the bus depots without any buildings on the site. She assumed they would enhance the current bus drop-off site, which would cut into the B lot. She definitely thought they should look at having a future bus stop at the bottom near D or C because it may be needed in the future. Ms. Paul stated that once they figure out what works best for Park City in terms of transportation without anything proposed on those lots, a developer could then build around what works best for Park City. She was interested in knowing when AECOM had looked at it without any development.

Ms. Paul commented on what the developer has proposed. Even with signals allowing the buses to come through the bus lane on a green light, the cars will still jam up the intersection just like they do everywhere else in Park City. She wanted to know how that issue would be resolved. Ms. Paul asked if the four stoplights will be timed to avoid traffic backing up on Empire. She stated that if they eliminate the Empire bus stops which are heavily used, they need to have something by the D or C lots for people to get on the bus. They also need a sidewalk and a pedestrian way between the D Building and Silver King because people will not walk down to walk back uphill. Ms. Paul thought the driveways exiting onto Empire will create a traffic backup, especially the one from the D Building right by the 15<sup>th</sup> light. She recalled previous discussions

where a lot of traffic would go down 14<sup>th</sup> and 15<sup>th</sup> street and noted that it is very difficult right now for two cars to pass each other. Regarding signage to keep people from parking in residential areas, Ms. Paul stated that the signs do very little. Even with the pandemic and limited skiers, people still drop into their neighborhoods and still park in their lots and on the street. The only time she saw a reduction in that was Sundance 2020 when the City put policemen on the corners of the different neighborhoods.

Ms. Paul appreciated what everyone was doing and especially what has worked. These were her opinions and she would like something that works well, and that Park City can be proud of in the future. She reiterated her suggestion to make a plan without any buildings that works best for the City for an enhanced bus depot to support the existing business there, because if PEG does not go through with this development, the City needs a transportation plan that works for any development and does not hurt the existing businesses.

Jennifer Adler spoke on the topic of traffic going through residential neighborhoods, primarily from the perspective of Thaynes Canyon. She has lived in Thaynes for 10 years and many of her neighbors have lived there for 20 years or longer. Every year the cut-through traffic to get to the Resort gets worse. Ms. Adler stated that it is getting sketchy on Three Kings Drive. As everyone know, there are no sidewalks, people drive too fast, and there is a lot of pedestrian traffic. People treat it as a residential street, and it should be treated as a residential street. She believed that fundamentally the problem is that more and more cars are coming into Park City. The resort as proposed is too dense. Ms. Adler applauded the efforts of trying to get people out of their cars, but she thought they should also look at making the development less dense with fewer parking spots so less cars will be trying to get into a very difficult to navigate area. Ms. Adler did not know of anyone in her neighborhood who supports the placement of a parking garage on Parcel E with the entrance and exit where it stands today. It is an invitation for people to go into one of the main entry points into their neighborhood. It is the only entry point on that side of Thaynes Canyon. Ms. Adler did not believe a raised median strip and signs telling people not to go into a residential neighborhood will be enough. It does not stop people from heading up Thaynes Canyon Drive off SR224, which is what they do in the morning to get to the Resort because they do not want to deal with Empire Avenue to get to the Resort. Ms. Adler stated that many mornings on a busy weekend, on a powder day, and now during Covid when more people are home, it is hard to turn left out of their street to get where they need to go because there is a constant line of cars driving to the Resort in the morning.

Ms. Adler wanted to see a less dense development and a parking garage not placed on Parcel E. If a garage is placed on Parcel E, she would like everyone to get serious about how to mitigate the traffic going through a residential neighborhood. She believed



Three Kings Drive needs to be designed as a residential street. They can put in speed bumps and sidewalks and narrow the street. They need to make sure the street is not built to encourage people to zoom through at the risk of people walking their dogs, walking to Silver Star or walking to the Resort. Ms. Adler remarked that the proposal as it stands does not address the concerns of many people in the neighborhood.

Rob Slettom, President of Identity Properties in Park City, stated that he has been actively managing properties in the Resort Center area for over 40 years. He was very involved in the Resort Center, the Lodge, and the ice rink area in the mid to late 1980s. Mr. Slettom agreed with a number of issues that were raised by the representatives of the Davis Family and the Lodge units. Mr. Slettom stated that one of the agreements with the City was to have a transit center there. The City also wanted to add other amenities, which is why the ice rink came about. Mr. Slettom stated that he was not involved recently with the renovation of the ice rink, but he knows that the owners have spent millions of dollars in the last couple years to put in a new rink, fire pits, and heating and improving that area. There is also the Legacy Lodge that Powdr Corp. put in around the time of the Olympics, as well as many shops. There is a lot of activity and while there is traffic it still flows. Mr. Slettom thought PEG's proposal in Scenario 2B greatly enhances the current transit center. He believed PEG has worked hard with the City and with AECOM. Mr. Slettom was taken aback by Laynee Jones' comment about the activities being down at the lower part and not up where they have seen millions of dollars invested.

Mr. Slettom commented on the buses and looking into the future with the possibility of articulated buses. He stated that basically those buses have been proven to fail in winter driving conditions. They are driven by the rear axels of the back bus rear section. In slippery conditions and on hills they tend to push the front of the bus sideways. Mr. Slettom stated that from what he has seen in the past year, PEG Development is working hard at trying to solve some of the issues.

Nancy Lazenby remarked that the time and effort everyone put in this evening was quite impressive. She commended PEG Development for the changes made to the project so far. The project has come a long way from where they started a year ago to where they are today. It is commendable and due to the hard work of the Commissioners, the Planning Department, and the residents of Park City. The more voices they bring to the table and the more opinions they hear the more successful this project will be. She was very appreciative of the efforts. It has been a long year and based on all the comments this evening, they still have a long way to go on many issues. Ms. Lazenby felt they were moving in a positive direction.

Ms. Lazenby stated that in looking at the presentation this evening, there is now a pedestrian access through Parcel B from 14<sup>th</sup> Street, which she thought was fantastic. It drops the pedestrians at the corner of Shadow Ridge and Lowell. Ms. Lazenby stated that if there is a way to realign that drop-off so it lines up with the pedestrian crossing on Lowell between where the shuttles are dropping off and where the buses are dropping off so it could line up and the pedestrians could just cross Lowell and come into the Resort, rather than kitty-cornering them to the corner of Lowell and Shadow Ridge, and then having to walk up through the bus staging area, and then cross over. She thought it would be better if pedestrians could come out of the condominiums on Parcel B and line up better with the pedestrian crossing on Lowell. Another idea is to have two crossings where pedestrians can go to the corner of Lowell and Shadow Ridge, or they can go to the pedestrian crossing between the shuttle and the buses.

Ms. Lazenby thought the public comments from the community this evening were very impressive, and she was impressed with the efforts by everyone.

Doug Lee appreciated the efforts from PEG Development and the Staff in trying to work through these issues. Mr. Lee stated that most of his comments were about parking, which he understood would be continued to the next meeting.

Mr. Lee stated that this is a massive and overwhelmingly complicated project. He referred to page 401 of the Staff report, which is page 4 of the Hales Engineering Report, the Levels of Service on the Roads Around the Resort. He recalled from a previous meeting that 13 of the 19 intersections are projected to be graded D, E, or F, unless there is a mode shift. As Ms. Deforge said, there is no empirical evidence, no analysis, no assumptions that show how each of the mode shift suggestions is calculated to produce the desired effect of reduction in traffic. Without that, the project does not work. Mr. Lee stated that everyone has been focused on a lot of the important specific issues, but without the calculations for mode shift the project does not work. He hoped the developer and the consultants will be more specific about their numbers and how they generated those numbers as this process goes forward.

Mr. Lee commented on circulation. He noted that Mr. Schmidt showed a slide entitled "Traffic Docked in Summer". It showed the width of the intersection at the four maintain intersections around the project. He stated that Empire Avenue and Shadow Ridge are very narrow roads at approximately 22' feet wide. He noted that the PEG documents show three lanes of traffic on significant segments on each of those roads. Additionally, Silver King is approximately 40' wide, yet the PEG plans show four lanes of traffic on Silver King. Mr. Lee hoped that as this project progresses, they can get more specific detail and PEG can explain how they will be able to fit in the number of lanes they are showing on their plan.

Tana Toly stated that she is a fifth generation Parkite and also the 5<sup>th</sup> generation of her family to live on Empire. Ms. Toly noted that four generations of her family still live on the street and they own six properties on Empire. Ms. Toly stated that they also own Red Banjo, Park City's oldest business on Main Street. She is also Vice-President of the HPCA. Ms. Toly echoed all the concerns expressed by Rob Slettom, as well as Steve McComb's comments about the roundabouts and intersection changes that have not been addressed.

Ms. Toly commented on the stoplights. She stated that they already have a very congested neighborhood. People take their kids to school every morning because there are no bus stops on Empire or on Lowell. At this point in the proposal, taking their kids to school would mean going through seven stoplights just to reach McPolin. Ms. Toly did not understand how these stoplights will work on Empire.

Ms. Toly emphasized that the City needs to address 8<sup>th</sup> Street in these plans. She lives at the very top of 8<sup>th</sup> Street and it has been a nightmare all year. She wanted to know how they can keep people from using that street.

Ms. Toly stated that they need to figure out how to connect Main Street to this area. Main Street is the main economic driver, and they need to figure out how the flow between this development and Main Street can happen, and how they can get people between these areas.

Belinda Simile, President of the Marsac Mill Manor and Silver Millhouse Condominiums Association, agreed with PEG that the transit center is in the right spot. It is conveniently located, and it is central to the existing development and also the new development. It is uphill and closest to the exiting lifts. They have not heard anything from Vail about doing any additional lift work in the near future; therefore, they need to base the convenience factor on what the existing amenities are right now. Ms. Simile was disappointed to hear Laynee Jones "dis" the existing base by saying the bus stop should be where the activity is, because there is a lot of activity at the existing base. There is the ice rink, outdoor concerts in the summer, local music, a lot of shops, and a small market. Owners in their Association own a lot of those businesses. Some of the owners own residences that they use personally and use the transit center, and they also rent their units. Ms. Simile agreed that the new pedestrian plaza will be nice and fantastic, but they should not move the transit center just to take advantage of the new shiny pedestrian plaza. She thought it made sense to have the buses stop near the plaza. Ms. Simile believed PEG had done a good job with their Scenario 2B plan to enhance the existing transit center, and some of those enhancements are well-thought out; however, the transportation consultant has some ideas and the plan made need to

be tweaked. She thought PEG appeared to be willing to work with the City and with the residents and she was encouraged that if some things need to be tweaked that the applicant will work to get those things done to achieve a workable plan. Ms. Simile emphasized their belief that the guest experience would be impaired if the transit center is moved. The transit center is currently in a great location and it just needs to be enhanced. Ms. Simile thanked the Planning Commission for their time and effort.

Ed Parigian thought the project had come a long way and he thanked Mr. Schmidt and PEG for taking their input and trying to incorporate it into the plan. Mr. Parigian agreed with Ms. Deforge that the plan was designed to fit within a failed transportation model. Now that some things have been changed, it appeared they were trying to shoehorn everything. Mr. Parigian applauded the idea of making Lowell Avenue between Manor and Shadow Ridge non-through traffic. He also agreed that the transit center should be on the high end because he sees visitors struggle at 7,000 feet to walk up the small grade and it is not fair to ask them to make that climb in this high altitude.

Mr. Parigian though Building B needed to be tweaked. He agreed with Chair Phillips that the shelters might not be necessary. If it was designed from the start, it could be something like the Old Town Transit Center with one big shelter rather than scattered individual pod shelters.

Mr. Parigian stated that his biggest concern is what to do with 14<sup>th</sup> and 15<sup>th</sup> Street. He lives at 13<sup>th</sup> and Norfolk and there is barely enough room for two vehicles. He pointed out that 14<sup>th</sup> is a very steep hill and while 15<sup>th</sup> is a little less steep it is still a hill. Mr. Parigian stated that rerouting the traffic by making Lowell Avenue a one-way north and putting the parking further to the south forces everyone to come down Empire Avenue to exit. It is evident that traffic will back up and everyone agrees that it will not flow smoothly. Mr. Parigian noticed that the report showed 200 vehicles per hour going up and down 14<sup>th</sup>. He assumed that was a projected number because currently there are not that many cars going up and down 14<sup>th</sup>. He believed people will be backing up on Empire, cut down 14<sup>th</sup> or 15<sup>th</sup> and either end up on Park Avenue or go through Woodside if Park Avenue is backed up. Mr. Parigian noted that he has raised this issue at every public hearing, but so far no one from the Planning Commission has discussed it. He requested that the Commissioners seriously discuss how to keep visitor traffic out of that area of lower Old Town. He reiterated his previous suggestion of making 14<sup>th</sup> and 15<sup>th</sup> one-way streets going west. Mr. Parigian urged the Planning Commission to give it some thought and talk about the ramifications of not only Empire but also down lower on Woodside, 14<sup>th</sup>, 15<sup>th</sup>, and Park Avenue.

Deb Rentfrow loved Lisa Paul's idea of AECOM looking at how transit could be designed if there was nothing proposed on these parcels, and then encourage the developer to develop a project on the remaining space that would work for everyone.

Ms. Rentfrow was concerned that the sidewalks were not wide enough. She referred to a slide that PEG presented showing that the 5' sidewalks would be increased to 8' sidewalks. The 12' sidewalks would remain as they are. She recalled something about a 2' barrier between the multi-use pathway and the roadway. Ms. Rentfrow echoed Commissioner Suesser's concerns with the sidewalks not being everywhere. She noted that Manor Way has a sidewalk on the north side of Manor Way. However, comparing the traffic diagram on page 332 with the pedestrian diagram on page 336 shows that the stop sign from Manor Way onto Empire will be removed and the only stop sign is on Empire going northbound. Ms. Rentfrow stated that there is no sidewalk on Empire either north or south, and the crosswalk from Empire is north of the Manor Way intersection. Therefore, the cars coming out of the parking garage on Manor Way will exit the garage without having to stop to get onto Empire. She pointed out that the crosswalk is right there right after that intersection, which is a very dangerous situation. Ms. Rentfrow echoed Mr. Railton's comments about sidewalks around Shadow Ridge. Ms. Rentfrow stated that PEG's diagram on page 336 shows that a sidewalk fully connects between Empire and Woodside on 14<sup>th</sup>, and that is incorrect. The sidewalk does not go to the top of Empire. It stops at least 15 yards from the intersection of Empire and 14<sup>th</sup>, and there is no sidewalk at all between Woodside and Park. She noted that the Staff and AECOM's recommendation is for sidewalks on at least one side of the street all the way to Park Avenue.

Ms. Rentfrow remarked that the connectivity between new and old is very inadequate. There will be 249 hotel rooms and 89 condos located on Parcels C, D and E, which means a lot of people are expected to access the mountain via the First Time, Three Kings, and Eagle antiquated and limited mountain access lifts. However, the developer has provided no pedestrian pathway on the slopes side to make it easy or convenient to get uphill to either Pay Day or Crescent. She thought it was impractical for people to pay \$10,000 for a vacation in Park City to stay mountainside and have to schlepp all their gear up in opposing skier traffic to get to a high-speed lift to actually access the mountain. Ms. Rentfrow commented on the importance of adding a pathway that connects the new area to the existing area.

Ms. Rentfrow echoed the sentiments that AECOM "dissed" the existing base area. She does not want the existing base area businesses to suffer as a result of new commercial and retail spaces. She used Main Street as an example where Patagonia and other chain stores came in and took over the storefronts that were previously local owners and small-town businesses.

Ms. Rentfrow stated that the location of the loading dock and private car drop-off is a safety issue. The only taller parking will be provided in the garage on Parcel E. At that point the drop-off is beyond that garage entrance and cyclists will need to unload, lock up their bike, drive and circle around to park at Parcel E, and then walk back to their bike and carry their bike up the stairs to get to the Mountain. She believed that would drive cyclists away.

Ms. Rentfrow stated that Transit First is the City's goal. If they are looking at this from the standpoint of long-term, AECOM and the Staff were already questioning whether it is possible to have seven buses in this transit center and whether there can actually be eight shuttles in the shuttle drop-off. If they are moving towards Transit First, which means less cars, they need to have expansion capabilities and at this point there are no expansion capabilities for buses, shuttles, or the private car drop-off on north Lowell. Ms. Rentfrow noted that this evening PEG presented that they will be able to accommodate six more for additional overflow on either side of the Shadow Ridge garage entrance. Ms. Rentfrow stated the way the resort is designed, coming up either Lowell or Empire the entrance to Shadow Ridge and all their check-in services is on the north side of Shadow Ridge. Based on PEG's exhibits, it is directly opposite the garage entrance for Parcel B on Shadow Ridge. She pointed out that once people check-in and get back in their car they cannot turn right or left on Lowell, and the parking garage is back on Empire. She provided examples of how people can get to Empire to reach the parking garage, all of which are very unsafe maneuvers. Regarding the suggestion by AECOM and Staff on the transit center, Ms. Rentfrow stated that as they push the developer to enhance the transit center and improve the maneuverability and increase the snow storage, the best option is to cut into Parcel B. She agreed with Ms. Deforge that the developer will ask for additional height as a trade-off and that is not acceptable reason for a height exception in the Land Management Code. The developer needs to reconfigure their designs in order to accommodate the appropriate transit center.

Ms. Rentfrow pointed out that the model shows the dwell time for the private car drop-off as 2 to 3-1/2 minutes to load or unload. She did not believe that was a realistic time. Ms. Rentfrow agreed with others that it was not a good idea to remove the two critical bus stops on Empire because they are highly used. Ms. Rentfrow noted that on various items PEG stated that their proposal was the only option or the best they could do. She reminded the Planning Commission about the roundabouts that were initially proposed in the plan, and at that time the developer said it was the only way to do it, and now the roundabouts are gone. Ms. Rentfrow stated that even though the current design might seem like the only way, she suggested that if PEG continues to listen to AECOM and work with the City that something better could be developed.

Deborah Hickey thought transportation and traffic was being squeezed in and not set forth as suggested this evening. She agreed that they should develop the right patterns first and make the development surround it. She represents and lives at the Silver King. She has a vantage point through her windows, and she has seen the worst types of traffic violations all winter. She has seen people making three-point turns in front of Silver King trying to turn around and get out of the traffic, as well as many illegal maneuvers. She pointed out that illegal things will happen when people get so frustrated with traffic problems. Ms. Hickey was unsure how the developer can put three lanes of traffic on the existing road without widening the road. She wanted to know why the existing 5' sidewalk coming up Lowell on the Silver King side also crosses over the property that their 66 owners currently own. Ms. Hickey stated that the diagram was not a correct representation of where the sidewalk could be. She noted that a small triangular piece of parking lot that has been rented for years by both resort owners and that belongs to the Silver King. They also have no crossing access. Ms. Hickey stressed the importance of having sidewalks and pedestrian access. She thought the bus stop belongs at the top but the developed needs to concede something to make the buildings smaller to achieve the right size access for safety and make this community something special. If they get it wrong, they will deter people from ever returning to ski in Park City. If the skier experience is negatively impacted, it will be a disservice to the entire community. Ms. Hickey remarked that currently there are surface parking lots, and the developer is asking to put everyone inside of a parking facility. She believed that is way more time consuming and will create more backups. At this point that plan did not seem feasible. Ms. Hickey stated all the neighboring neighborhoods and everyone who spoke is concerned about their little piece in front of their property, and she is too. They all need access to the mountain they invested in. Having a great development should not override all of what has existed for 30 or 40 years and for everyone who has invested their life and livelihood in Park City. Ms. Hickey remarked that it is important to get it right so this will continue to be a world destination.

Chair Phillips closed the public hearing.

Chair Phillips thought the comment by Laynee Jones may have been misunderstood. It is important to realize that AECOM was looking at this through a different lens and more than one lens, which is what the City hired them to do. Chair Phillips assumed Ms. Jones would add that caveat to her comments. He believed everything AECOM has provided is invaluable and he urged the applicant to continue working with AECOM and the Staff on making progress. Chair Phillips had faith that they would continue to make progress as they have thus far.

Commissioner Thimm thought a lot of refinement still needed to be done with the plan with regard to circulation, lane widths, sidewalks, etc. He appreciated the level of detail that has gone into this by both the applicant, AECOM, and the Planning Staff. That detail provides a basis for the Commissioners to make their comments.

Commissioner Thimm stated that he has been master planning transit-oriented development for over 20 years and something he keeps telling property owners, planning commission, and city councils for all of those years is to put density where the transit center is located. Commissioner Thimm stated that they already have the density, and the transit center belongs where the density is currently and not at the north end where the north side is low density. Commissioner Thimm emphasized that the transit center belongs where it is. He believed the Resort Center was located where it is due to the topography of the Mountain and that will not change. Commissioner Thimm stated that the best way up the Mountain as outlined by public comment is right where it is and that is the target. He would like the applicant to have the opportunity to address each point of the AECOM recommendations other than their comments on moving the transit station. Commissioner Thimm thought it was important to look at the amenities that are wanted and necessary for that station. Regarding the question of whether bus shelters are needed should be studied further. Another question is whether the Resort Center is the best place for bus charging or whether it should occur somewhere else. Commissioner Thimm believed they have taken large strides and he looked forward to the next steps.

Commissioner Kenworthy agreed with Commissioner Thimm. They need to confirm that the current location is the best place for the transit center and move forward. He understood the public comments about starting from scratch, and he had actually asked that of AECOM and Snow Engineering a few months ago. However, he did not get all the answers he wanted for providing a blank canvas and coming in with a transit plan first. Commissioner Kenworthy stated that now they are months beyond that, and he can see that they need to make this the foundation for the transit center and move on from even considering moving the transit center. He encouraged Mr. Schmidt to come back with the necessary tweaks to move forward. Commissioner Kenworthy liked the idea of a cantilever over the street level so the turning radius can be bigger on both the drop-off and the bus lanes. Commissioner Kenworthy heard a lot of good ideas this evening and he would like to move forward on some of those ideas.

Commissioner Hall concurred with Commissioners Thimm and Kenworthy regarding the appropriate location for the transit center. She thought there were a lot of good suggestions and she looks forward to another meeting in the near future regarding transportation while this is all fresh on their minds. Transportation is an important issue



and she asked if the Planning Commission could see it alone as an agenda item to dedicate more time earlier in the evening.

Commissioner Suesser agreed with the other Commissioners that the current location is the appropriate place for the transit center. However, whether or not it is configured properly in the current plan is another issue. Commissioner Suesser referred to a comment about the alignment of the pedestrian accessway through Building B to align it with the entrance to the Resort rather than the corner of Shadow Ridge. She agreed completely but was unsure if it was possible. Commissioner Suesser was still concerned about the configuration of the shuttle area and the general public drop-off zone in front of the new plaza. She agreed with all of AECOM's comments listed in the Staff report about widening the trail and the sidewalks, as well as the need for more sidewalks. She was also concerned about the traffic flow coming off of Silver King onto Lowell. Commissioner Suesser asked if there was a way to send at least one bus down Shadow Ridge and on Empire to avoid eliminating the bus stops on Empire. Those are heavily used bus stops, and they want to keep those passengers as they encourage others to use the bus.

Commissioner Van Dine agreed with all the previous comments, including the location of the transit center. She looked forward to having this come back again fairly soon to keep it fresh.

Commissioner Thimm suggested finding a constructive way to bring Vail to the table. He noted that a big part of the solution is TDM, and he did not believe they could have a proper TDM plan without bringing Vail to the table and having a collaborative analysis of how they can do Transportation Demand Management and actually reduce the number of cars.

Chair Phillips agreed. He noted that earlier in these discussions he had asked that Vail come to the table. He also heard Mayor Beerman mention it in a recent interview. Chair Phillips thought it would be nice to have Vail join in the efforts. He believed they were making good progress. As AECOM mentioned, this is the first rendition, and the applicant has proven to be receptive and open to comments. This is a step in the right direction, but a lot of work still needs to be done on configuring it properly. Chair Phillips noted that there was consensus among the Commissioners that the current location is the right location for the transit center.

Mr. Schmidt appreciated all the comments this evening. However, he noted that a lot of the details are design details that are typically not part of the MPD level. He asked if they could address some of the issues via conditions of approval and move from the Master Plan into a conditional use phase on these aspects.

Chair Phillips thought it would be good at the next meeting to have a discussion on how they will proceed so the public, the applicant, and everyone else has an idea moving forward. He suggested having that discussion at the next meeting and to answer some of Mr. Schmidt's questions as the applicant. Chair Phillips was unprepared to provide an answer this evening. He assumed that once they agree on a high level that some of the issues can be addressed. Mr. Schmidt thought it would be wise to address it at a future meeting. He preferred to have that conversation sooner rather than later to clarify some of the process. Spending time on details now might be fruitless without designing the whole project cohesively. He believed a lot of the questions will be answered once they get into the design process. Chair Phillips reiterated his request to have that discussion at the next meeting.

Chair Phillips thought it would be good for everyone to have a big picture of future meetings and how they can plan together to reach an end. He understood that the "roadmap" would come from Planner Ananth and that it could change, but it would be nice to have an estimated end date.

The Planning Commission Meeting adjourned at 11:05 p.m.

Approved by Planning Commission: \_\_\_\_\_

## City Council Staff Report

**Subject:** Payday Condominiums Amended Plat  
**Application:** PL-20-04725  
**Author:** Brendan Conboy, Senior Planner  
**Date:** April 14, 2021  
**Type of Item:** Administrative –Plat Amendment



### Summary Recommendations

Staff recommends the Planning Commission continue the item to April 28, 2021.

### Description

Applicant: Susan Philipp (HOA)  
Location: 1660 & 1700 Three Kings  
Zoning District: Residential Development (RD)  
Reason for Review: Plat Amendments require Planning Commission review and recommendation and City Council review and action



PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** 1049 Lowell Avenue, Northstar  
Subdivision Lots 2 & 3 Lot Line Adjustment  
**Author:** Brendan Conboy, Senior Planner  
**Project Number:** PL-20-04722  
**Date:** April 14, 2021  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendation

Staff recommends the Planning Commission hold a Public Hearing for the Northstar Subdivision Lot 2 & 3 Lot Line Adjustment and consider forwarding a **positive** recommendation to the City Council on April 29, 2021, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft Ordinance for the Northstar Subdivision Lot 2 & 3 Lot Line Adjustment.

**Update: Staff has provided the additional information requested by the Planning Commission during the March 10, 2021, Planning Commission meeting in this report in bold typeface. Please see the analysis section and the amended Conditions of Approval.**

### Description

**Applicant:** Sea & Sky Properties, LP c/o Michael Stoker, Stoker Architecture  
**Location:** 1049 & 1025 Lowell Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential (Single Family and Multi-Unit Dwelling)  
**Reason for Review:** Plat Amendments require Planning Commission review and City Council approval.

### Executive Summary

The proposed 1049 and 1025 Lowell Avenue Plat Amendment seeks to adjust the property line between the two adjoining lots under common ownership by the applicant in order to accommodate a remodel and addition to the existing home located at 1049 Lowell Avenue. The applicant has submitted an application for Historic District Design Review which will be processed if Council approves the Plat Amendment. No development plans have been submitted or are proposed at this time for the adjusted Lot 3 (1025 Lowell Ave)

### Background

The subject property is legally described as Lots 2 and 3 of the Northstar Subdivision, a ten-Lot Subdivision, recorded with Summit County in 1977. The applicant holds both properties under common ownership. 1049 Lowell Avenue contains a 4,802 square foot house with a 482 square foot basement built in 1982. The homeowner has pulled a number of building permits over the years for interior, garage, and exterior remodels to the property.

In 2007 the City approved Building Permit B07-12770 for a retaining wall and driveway with snowmelt system. The property has an approved encroachment agreement for the snowmelt system encroaching into the public Right-of-Way. In 2019 the City held a Pre-Application meeting, Item PL-19-04236, for Historic District Design Review for new landscaping and a deck on Lot 3 (1025 Lowell Avenue). Staff granted the applicant a waiver from a full HDDR review and public hearing. Building Permit BD-19-26779 was issued in June, 2019, with final inspection approved in August of 2019.

In August of 2019 a complaint was received from a neighbor for a teepee structure erected on the newly built deck at 1025 Lowell Avenue. Planning staff, in consultation with the Building Department, determined that the teepee did not require a permit or separate approval as it was non-habitable, less than 200 square feet, and is limited to a period of 180 days per year.

In approving the retaining walls in 2007, and the deck and landscaping plans in 2019, staff should have required the applicant to obtain an encroachment agreement for the improvements crossing into Lot 3 for the benefit of Lot 2 or otherwise required the homeowner to vacate the lot line and create one Lot of record. Because that did not happen in 2019, staff is including Condition of Approval #5 which requires the applicant to create (an) encroachment agreement(s) for all encroachments benefiting Lot 2 prior to recording the plat with Summit County.



Figure 1 Google Maps image showing teepee

Typically, the applicant's proposal would be processed administratively by staff per LMC [Sec § 15-7.1-6.\(F\) Lot Line Adjustment](#). However, the applicant was unable to demonstrate to the satisfaction of the Planning Director that,

*b. all Owners of Property contiguous to the adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public Right-of-Way, consent to the Lot Line Adjustment.*

Therefore, per Sec. 15-7.1-6(F)(2), the applicant has exercised their right to file a formal Plat Amendment application. Per the LMC [Sec § 15-7.1-3\(B\) Plat Amendment](#),

*Plat Amendments shall be reviewed according to the requirements of Section 15-7.1-6 Final Subdivision Plat and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.*

*1. FINAL PLAT. A Final Plat shall be approved in accordance with these regulations.*

### **Analysis**

Per [Sec § 15-2.2-1](#) *The purpose of the Historic Residential (HR-1) District is to:*

- A. preserve present land Uses and character of the Historic residential Areas of Park City;*
- B. encourage the preservation of Historic Buildings and/or Structures;*
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;*
- D. encourage single family Development on combinations of 25' x 75' Historic Lots;*
- E. define Development parameters that are consistent with the General Plan policies for the Historic core; and*
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.*

Staff finds that the proposed Plat Amendment complies with the purpose of the HR-1 zoning district in regards to: *preserving present land uses and character of the Historic residential Areas of Park City, encouraging construction of Historically Compatible Structures, and encouraging single family Development on combinations of 25' x 75' Historic Lots.* Any development resulting from the Plat Amendment will be required to obtain Historic District Design Review approval and must otherwise meet all other requirements of the LMC.

The purpose of this Plat Amendment is a Lot Line Adjustment between Lots 2 and 3 of the Northstar Subdivision in order to accommodate an addition to the existing residence at 1049 Lowell Avenue and to do XYZ on 1025 Lowell. Therefore, staff has analyzed the request according to the standards of [Sec § 15-7.1-6.\(F\) Lot Line Adjustment](#), with the



exception of clause (b) requiring Owners of Property contiguous to the adjusted Lots to consent to the Lot Line Adjustment:

- a. *no new developable Lot or unit results from the Lot Line Adjustment;*

**Complies.** No new lot or unit is created.

- b. *all Owners of Property contiguous to the adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public Right-of-Way, consent to the Lot Line Adjustment;*

**Complies, as conditioned.** This application is being processed as a Final Plat in a public meeting with a public hearing, all legally noticed.

- c. *the Lot Line Adjustment does not result in remnant land;*

**Complies.** No remnant land results from the adjustment.

- d. *the Lot Line Adjustment, and resulting Lots comply with LMC Section 15-7.3 and are compatible with existing lot sizes in the immediate neighborhood;*

**Complies.** Please see the lot analysis below.

- e. *the Lot Line Adjustment does not result in violation of applicable zoning requirements;*

**Complies.** The Adjustment does not result in any known violation of applicable zoning requirements. Detached Single Family is an allowed use in this zone.

- f. *neither of the original Lots were previously adjusted under this section;*

**Complies.**

- g. *written notice was mailed to all Owners of Property within three hundred feet (300') and neither any Person nor the public will be materially harmed by the adjustment; and*

**Complies.** Staff mailed notice on February 22, 2021.

- h. *the City Engineer and Planning Director authorizes the execution and recording of an appropriate deed and Plat, to reflect that the City has approved the Lot Line Adjustment.*

**Complies.** The City Engineer and Planning Director will review the Final Plat prior to recordation. Condition of Approval X.

- i. *Extension of Approval. Applicants may request time extensions of the Lot Line Adjustment approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Lot Line Adjustments and may grant a one year extension.*

**Not applicable.**

The following table compares the Lot and Site Requirements to the proposed Adjusted Lots:

<b>Zone Allowance:</b>	<b>HR-1 Requirement</b>	<b>Lot 2 (1049 Lowell Ave)</b>	<b>Lot 3 (1025 Lowell Ave)</b>
Minimum Lot Size	1,875 SF	18,750 SF <b>Complies</b>	6,559 SF <b>Complies</b>
Lot Width	25 Feet	115.5 Feet <b>Complies</b>	35.3 Feet <b>Complies</b>
Setbacks			
Min. Front /Rear Setback	Min. 15 ft./Total 30 ft.	Must Comply	Must Comply
Min. Side Setback	Lot 2: 10 ft./Total 20 ft. Lot 3: 5 ft./Total 10 ft.	Must Comply	Must Comply
Building Height	27 ft. from existing grade	Must Comply	Must Comply

As shown in the table above, the proposed Lot Line Adjustment will meet the Lot and Site Requirements. No new nonconformities are created because of the Lot Line Adjustment. Any future development will be subject to the Land Management Code and the Design Guidelines for Park City's Historic Districts.

### **Density**

**At the March 10, 2021, Planning Commission meeting, the Commission requested that staff provide additional information regarding how the proposed adjusted Lots would affect development potential on the Lots in question and how they compare with other Lots in the Northstar Subdivision and neighborhood in general. The applicant has also included a revised draft plat which includes requested easements shown as well as a clear demarcation of the new Lot line from the existing Lot line to be adjusted (Please see Exhibit G).**



<b>Lot 2 (1049 Lowell)</b>	<b>Existing</b>	<b>Proposed</b>
<b>Lot Size</b>	<b>14,483 SF</b>	<b>18,750 SF</b> <i>(~29% increase in Lot Size)</i>
<b>Allowable Footprint</b>	<b>3,209 SF</b>	<b>3,268 SF Max</b> <b>3,209 Proposed</b>  <b>(400 SF Garage Exempt for Lots &gt; 18,750)</b> <b>Total: 3,668 Max <i>actual</i></b> <b>3,609 Proposed <i>actual</i></b>
<b>Existing Footprint</b>	<b>3,515 SF House and Detached Garage</b>	<b>- 638 SF (Demo existing garage)</b>  <b>+ 738 SF New attached garage</b>  <b>= <b>Net 100 SF addition overall</b></b>
<b>Existing/Potential Square Footage</b>	<b>4,802 Existing per Assessor</b>  <b>Potentially ~6,000+ SF</b>	<b>N/A</b>  <b>Potentially ~6,500+ SF</b>

As the above table demonstrates, the proposed Lot Line adjustment will remedy a nonconformity on Lot 2. Lot 2 is limited to a 3,209 SF footprint yet currently has a 3,515 SF footprint, an excess of roughly 300 SF. The adjusted Lot line will bring the building footprint into conformance with the Land Management Code. In addition, the existing detached garage is located within the Northstar Easement turnaround area. By removing the detached garage from the easement area the applicant will be resolving a nonconformity that should not have been approved with the original Building Permit.

<b>Lot 3 (1025 Lowell)</b>	<b>Existing</b>	<b>Proposed</b>
<b>Lot Size</b>	<b>10,867 SF</b>	<b>6,559 SF</b> <i>(~40% decrease in Lot Size)</i>
<b>Allowable Footprint</b>	<b>2,950 SF Max</b>	<b>2,269 SF Max</b>
<b>Existing Footprint</b>	<b>N/A</b>	<b>N/A</b>
<b>Potential Square Footage</b>	<b>Potentially ~5,500 to 6,000 SF</b>	<b>Potentially ~4,500 to 5,000 SF</b>

## Comparison to Surrounding Neighborhood Lots and Streetscape

The following images are included in the report as Exhibit H for larger viewing

*Streetscape, facing West towards 1025 and 1049 Lowell Ave.*



*Streetscape, Lowell Avenue facing East (staff photograph dated July 7, 2020)*



	1025 Lowell	1049 Lowell	Northstar Subdivision	Neighborhood in General
Average Lot Size	Existing: 0.25 Acres  Proposed: 0.15 Acres	Existing: 0.33 Acres  Proposed: 0.43 Acres	0.30 Acres for lots fronting Lowell Ave  0.56 Acres total including larger hillside lots	.05 Acres on Eastern side of Lowell Ave  0.08 Acres for Lots fronting Lowell Ave

Staff finds that the proposed adjusted Lots are in keeping with the existing neighborhood character in general and exceed average historic Lot sizes, however the adjusted Lots are smaller than average for the Northstar Subdivision. Nevertheless, staff is comfortable with the adjusted Lot sizes as Lot 3 is still 3.5 times the size of the minimum Lot size of 1,875 SF in the HR1 zone. Any resulting building on either Lot 2 or 3 will be required to obtain Historic

District Design Review which accounts for the proposed structures bulk and scale with surrounding development.

#### Access Easement and Encroachments

The applicant has included the Northstar Road (Private Access Easement) on the plat as well as the private driveway easement. Staff suggests the Planning Commission consider an additional Condition of Approval requiring that the private driveway easement include language that requires it be shared between Lots 2 and 3 should future development on Lot 3 (1025 Lowell Avenue) wish to take access from Lowell Avenue. As an additional point of clarification, staff notes that 1025 Lowell Avenue could also potentially take access from the hillside above from Northstar Drive as 1001 Lowell Avenue does:



Regarding the temporary teepee structure and deck, staff has reached out to the Building and Engineering Department. Because the deck is less than 30" from grade it is not considered a structure per the LMC. The Building Department has confirmed that a tent structure is exempt from the requirement of having to obtain a Building Permit as it does not exceed 400 square feet. In addition, so long as the teepee is not erected for a period exceeding 180 days within a 12 month period it is fine to remain on site. Staff has added a Condition of Approval requiring the applicant to adhere to the 180 day limit or otherwise apply for and

obtain a Building Permit for the teepee if the structure is to remain erected for a period exceeding 180 days. Failure to comply will result in code enforcement.

Staff has added an additional Condition of Approval pertaining to the deck encroachment crossing Lot lines requiring the applicant to either provide a plat note requiring the removal of the deck and any temporary structures on the deck upon sale of the property or to otherwise preemptively record an encroachment agreement. The proposed adjusted lot will run directly through the middle of the deck structure. Staff has advised the applicant that the deck does not need to be included on the plat per the Building Department's determination.

The Building Department has confirmed that when Lots are held under common ownership they do not require features which are considered 'temporary' to be shown on the plat. Decks are considered 'temporary' in that they do not have a typical foundation like a house would and can be removed relatively easily. Therefore, per Building, it is the responsibility of the landowner to either remove the encroachment or otherwise record an encroachment agreement or easement upon dispossession/sale of the property to a second party. The applicant has indicated to staff that they intend to record an encroachment agreement for the deck as opposed to adding the requirement to the plat which staff supports as this will show up in any title report.

### **Good Cause**

The LMC defines Good Cause as,

*Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community. ([LMC Sec 15-15-1](#))*

Staff finds good cause for this Plat Amendment in that it will allow the applicant to construct a remodel and addition to their home and resolve existing issues and non-conformities. Single Family Dwelling is an allowed use in the HR-1 District. Any addition to the home will be subject to the requirements of the LMC and Historic District Design Review approval. The Plat Amendment will not result in the amendment or vacation of any Public Street, Right-of-Way, or easement. The proposed adjusted Lot

### **Process**

Plat Amendments require Planning Commission review and City Council approval. The approval of this Plat Amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in [LMC Section 15-1-18](#). A Historic District Design Review application will need to be approved by Planning Staff prior to issuance of building permits.



## Department Review

This project has gone through an interdepartmental review. Corey Legge with the Engineering Department provided the following comments:

*The record of survey the applicant included for the Northstar lot line adjustment shows Northstar Road continues through Lot 3 and connects to Lowell Avenue. This connection is not shown on the existing plat and makes me think the continuation of the private road through Lot 3 was never approved.*

*I don't have an issue with the connection to Lowell Avenue and it is likely preferred from a public safety perspective. However, this will need to be corrected on the plat amendment and the private road right-of-way needs to be shown.*

Staff has relayed these comments to the applicant who has advised staff that this connection will be included on the recorded plat. Staff has included Condition of Approval #6 requiring the applicant to include this connection on the Final Plat, to be approved by the Engineering Department. All encroachments onto Lot 3 must be remedied via Encroachment Agreement per Condition of Approval #5.

## Notice

On February 19, 2021, the property was posted. On February 22, 2021, notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on February 24, 2021, according to requirements of the Land Management Code.

## Public Input

No public input has been received prior to the issuance of this report.

## Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 1049 and 1025 Lowell Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1049 and 1025 Lowell Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 1049 and 1025 Lowell Avenue Plat Amendment to a date certain.

## Exhibits

Exhibit A: Draft Ordinance and Proposed Plat

Exhibit B: Record of Survey

Exhibit C: Existing Northstar Subdivision Plat

Exhibit D: Applicant Submittal/Statement

Exhibit E: Site Pictures

Exhibit F: Proposed Plat (Large)

Exhibit G: Revised Plat 04/2021  
Exhibit H: Streetscape Views

Exhibit A – Draft Ordinance

**Ordinance No. 2021-XX**

AN ORDINANCE APPROVING THE NORTHSTAR SUBDIVISION LOT 2 & 3 LOT LINE ADJUSTMENT LOCATED AT 1049 AND 1025 LOWELL AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1049 AND 1025 Lowell Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on February 19, 2021, the property was properly noticed and posted according to the requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, on February 24, 2021, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on March 10, 2021, to receive input on the Plat Amendment; and

WHEREAS, the Planning Commission, on March 10, 2021, forwarded a \_\_\_\_\_ recommendation to the City Council; and,

WHEREAS, on April 1, 2021, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Northstar Subdivision Lot 2 & 3 Lot Line Adjustment located at 1049 and 1025 Lowell Avenue.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

**SECTION 1. APPROVAL.** The Northstar Subdivision Lot 2 & 3 Lot Line Adjustment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The subject properties are located at 1049 and 1025 Lowell Avenue.
2. The subject properties consist of Lot 2 and Lot 3 of the Northstar Subdivision.
3. The property is in the Historic Residential (HR-1) District.
4. 1049 Lowell Avenue contains an existing Detached Single Family Dwelling. 1025 Lowell Avenue is vacant land.
5. The applicant proposes to adjust the Interior Lot Line of the subject Lots.
6. The proposed Lot Adjustment meets the Lot and Site Requirement of the Land Management Code.

7. The applicant has submitted an application for Historic District Design Review, which will be processed should the Plat be approved..
8. The applicant will be subject to the Design Guidelines for Park City's Historic Districts.
9. No public Streets, Right-of-Way, or easements will be vacated or amended as a result of the proposed Plat Amendment.

#### **Conclusions of Law:**

1. There is good cause for this Plat Amendment as it allows the applicant to construct a remodel and addition to their home. Any addition to the home will be subject to the requirements of the LMC and Historic District Design Review approval.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

#### **Conditions of Approval:**

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The applicant will record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. New construction shall meet Site and Lot requirements of the HR-1 District per the Land Management Code in effect at the time of application submittal.
4. A Historic District Design Review application is required for any new construction proposed at the Site.
5. **The recorded driveway easement shall be for the benefit of both Lot 2 and Lot 3**
6. **The applicant shall limit any tent or tarpaulin structure less than 400 square feet erected on site to a maximum of 180 days within a 12-month period. Should the applicant desire to exceed the 180 day limit a Building Permit will be required. Failure to adhere to these terms will result in code enforcement.**
7. **The applicant shall include a plat note stating that any encroachments onto Lot 3 for the benefit of Lot 2 shall be removed from the site prior to dispossession or sale of the property to a second party or the applicant shall otherwise record encroachment agreements prior to the recordation of the plat with Summit County.**

~~5. The applicant shall obtain encroachment agreement(s) for all encroachments prior to recording the plat with Summit County.~~

~~6. The applicant shall record the extension of Northstar Road on the Final Plat, subject to City Engineer approval.~~



**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
MAYOR, Andy Beerman

ATTEST:

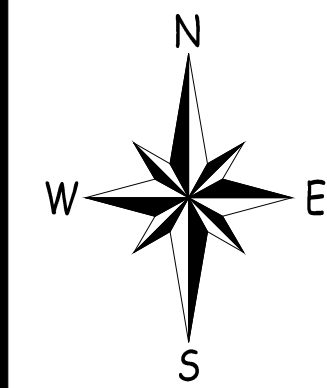
\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, Mark Harrington

[illegible]



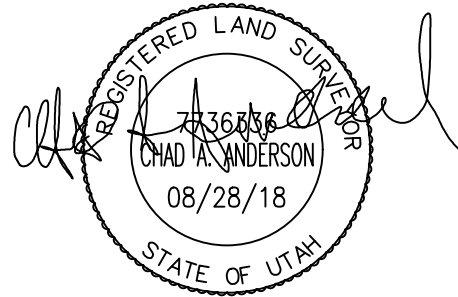


SYMBOL LEGEND	
	DEED LINE
	SURVEY BOUNDARY
	FIELD FENCE
	FOUND REBAR WITH CAP (AS NOTED)
	SET REBAR WITH CAP (7736336)

### SURVEYOR'S CERTIFICATE

I, CHAD A. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 7736336, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE HEREON DESCRIBED PARCEL AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

CHAD A. ANDERSON - PLS. DATE



### SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PROVIDE TOPOGRAPHIC INFORMATION TO AID IN THE DESIGN OF A REMODEL. SURVEY WAS PERFORMED IN AUGUST 2018.

### DESCRIPTION

LOTS 2 & 3:

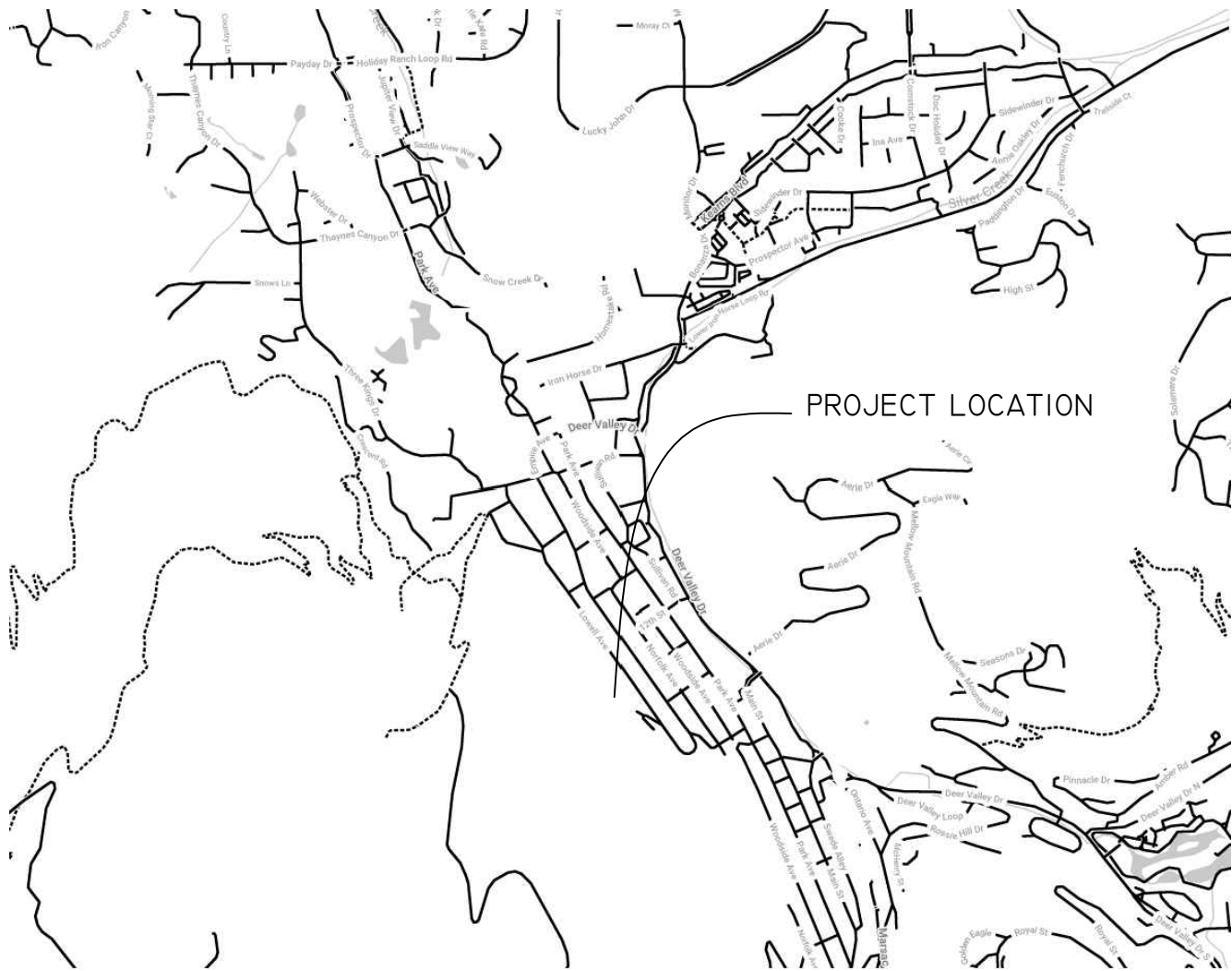
ALL OF LOTS 2 AND 3 OF THE NORTHSTAR SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY

AREA = 0.58 ACRE

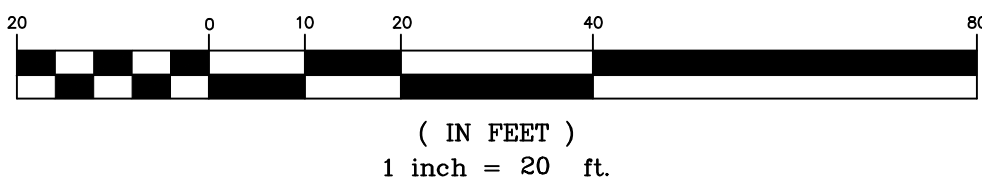
### BASIS OF BEARINGS

BASIS OF BEARINGS: S47°51'57"E MEASURED BETWEEN FOUND MONUMENTS AS SHOWN HEREON.

### VICINITY MAP



### GRAPHIC SCALE





LOTS

1 LIEBERT S. & MARIA FILAR TURNER 369-734 1-A JOHN J. & DAWN A. MCNULTY (JT) 948-106	2 RICHARD A TRIPPEER JR TR 1125-549 M183-298	3 RICHARD A TRIPPEER JR TR 1125-549 M183-299	4 SCOTT & REBECCA RICHARDS (JT) 564-363	5 W BRENT DICKENS & PATRICIA B DICKENS TRUSTEES 657-797-799
6 CAROL C. LARSON 517-755 867-317	7 ROBERT A & ANNIE LEWIS J GARDA 531-13	8 WILLIAM W. III & SUSAN W. TRUXES-(JT) 652-176 818-92	9 SULGRAVE INVEST AND TRADE & RIDGELAND BUSINESS LTD. 600-635 1150-178-9	10 ERIC R. HERMANN & SUSAN FREDSTON-HERMAN (JT) 949-546

SERIAL # NR - LOT #

Effective 6-1-1999 parcel ownership will not be updated on this plat  
For current ownership see computer indexes.

**NORTHSTAR SUBDIVISION**  
LOCATED IN N.W. 1/4 SEC. 16 T2S R4E SLB 4 M

OWNERS DEDICATION  
KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREINAFTER KNOWN AS NORTHSTAR SUBDIVISION DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HANDS THIS 16th DAY OF February A.D. 1977  
*Joseph E. Bernolfo III*  
JOSEPH E. BERNOFFO III

ACKNOWLEDGMENT  
STATE OF UTAH  
COUNTY OF SUMMIT  
ON THIS 16th DAY OF February A.D. 1977 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, JOSEPH E. BERNOFFO III WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THAT HE OWNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY.  
*John J. Johnson*  
JOHN J. JOHNSON  
MY COMMISSION EXPIRES 12-30-80  
RESIDING IN SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE  
I, JOHN J. JOHNSON DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4416 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNER I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, HEREINAFTER TO BE KNOWN AS NORTHSTAR SUBDIVISION AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.  
BLOCKS 9, 10, 11 AND 12 OF SNYDER'S ADDITION TO PARK CITY, PARK CITY, UTAH TOGETHER WITH THE FOLLOWING VACATED STREETS AND AVENUES: CRESCENT STREET FROM LOWELL AVENUE SOUTH WEST-ERLY TO THE CENTER LINE OF QUAKING ASP AVENUE; HALLADAY STREET FROM LOWELL AVENUE SOUTH WESTERLY TO THE CENTER LINE OF QUAKING ASP AVENUE; SHEPHERD STREET FROM LOWELL AVENUE SOUTH WESTERLY TO THE CENTER SECTION LINE OF SECTION 16, THE EASTERLY ONE-HALF OF QUAKING ASP AVENUE FROM THE CENTER SECTION LINE NORTHWESTERLY TO THE NORTHERLY LINE OF CRESCENT STREET; PACIFIC AVENUE FROM THE CENTER SECTION LINE NORTHWESTERLY TO THE NORTHERLY LINE OF CRESCENT STREET. ALL THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT SOUTH 89°55'05" WEST ALONG THE CENTER SECTION LINE 2671.54 FEET FROM THE EAST QUARTER CORNER OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND NORTH 89°59'1" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE 1446.28 FEET; AND RUNNING THENCE SOUTH 54°04' WEST 808.8 FEET; THENCE NORTH 82°18' WEST 250.00 FEET; THENCE NORTH 82°01' EAST 150.00 FEET; THENCE SOUTH 85°59' EAST 24.84 FEET TO THE POINT OF BEGINNING.  
TOGETHER WITH AN EASEMENT FOR ACCESS BEGINNING AT A POINT WHICH IS SOUTH 81°53'05" WEST ALONG THE CENTER OF SECTION LINE 26.87, 36 FEET FROM THE EAST QUARTER CORNER OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND NORTH 89°59'1" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE 1446.28 FEET; AND RUNNING THENCE SOUTH 54°04' WEST 808.8 FEET; THENCE NORTH 82°18' WEST 250.00 FEET; THENCE NORTH 82°01' EAST 150.00 FEET; THENCE SOUTH 85°59' EAST 24.84 FEET TO THE POINT OF BEGINNING.

RECORDED CONCURRENTLY  
THAT CERTAIN AGREEMENT TITLED "RELEASE, WAIVER AND AGREEMENT OF PROPOSED NORTHSTAR SUBDIVISION" MADE ON THE 29th DAY OF APRIL, 1977 BY AND BETWEEN PARK CITY MUNICIPAL CORPORATION AND JOSEPH E. BERNOFFO III, RECORDED AND FILED  
DATE 1-17-78 TIME 3:34 BOOK 114 PAGE 275  
AT THE REQUEST OF *Summit County Recorder*  
FEE 4.00  
SUMMIT COUNTY RECORDER

PREPARED BY:  
J. J. JOHNSON & ASSOCIATES  
CIVIL ENGINEERS, LAND PLANNING SURVEYING  
1915 PARK AVE., P.O. BOX 1061  
PARK CITY, UTAH 84060

CITY PLANNING COMMISSION  
APPROVED & ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 16 DAY OF Feb A.D. 1977  
*Bernie Hotta*  
CHAIRMAN

ENGINEERS CERTIFICATE  
APPROVED & ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 2nd DAY OF May A.D. 1977  
*John Doe*  
PARK CITY ENGINEER

APPROVAL AS TO FORM  
APPROVED AS TO FORM THIS 16 DAY OF May A.D. 1977  
*Rich J. Colanin*  
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST  
ATTEST THIS 16th DAY OF May A.D. 1977  
*Bruce E. Davis*  
PARK CITY RECORDER

COUNCIL APPROVAL & ACCEPTANCE  
APPROVED & ACCEPTED BY THE PARK CITY COUNCIL THIS 18 DAY OF May A.D. 1977  
*Leon Thier*  
MAYOR

NO. 1382-5  
STATE OF UTAH, COUNTY OF SUMMIT RECORDED & FILED AT THE REQUEST OF:  
*Summit County Title*  
DATE 1-17-78 TIME 3:34  
FEE \$  
SUMMIT COUNTY RECORDER

NOTE: 107' FROM 9TH ST. & F.H.  
EAST 1/4 CORNER SECTION 16 T2S, R4E, SLB 4 M

Platted



November 30, 2020

Park City Municipal Corporation  
Planning Department

RE: Written Statement, Subdivision Plat/Condominium Plat  
Larcher Residence  
1049 Lowell Avenue  
Park City, UT 84060

Dear Planning Department:

The owner has requested that the property line separating his two adjoining lots be adjusted to reconfigure the area on each lot.

The South lot located at 1025 Lowell Ave is vacant and the North lot at 1049 Lowell Ave contains the owner's single family home and detached 2-story garage/storage structure.

The additional area allocated from the South lot to the North lot will enable a remodel and addition to the existing home, which includes the removal of the existing detached garage structure and the addition of a new two car garage underneath the home.

The lot line adjustment shall comply with the criteria as described in the Land Management Code, section 15-7, 1-6.

This application will be submitted concurrently with the Request for Extension or Modification of Approval application.

Please let our office know if any clarifications are required at this time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael J. Stoker', with a stylized flourish at the end.

Michael J. Stoker, AIA, NCARB – Architect  
President, Stoker Architecture, Inc.



































SYMBOL LEGEND

ADJACENT PROPERTY

BOUNDARY

EASEMENT LINE

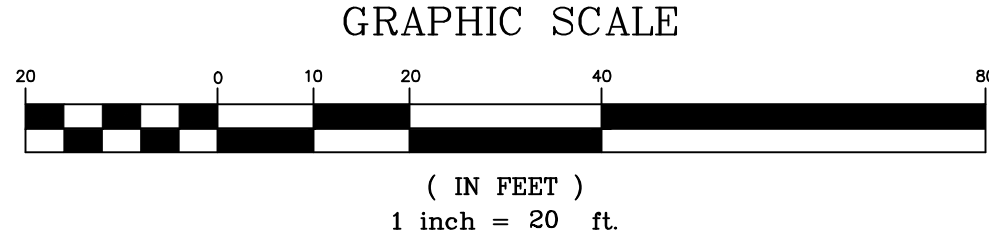
CL STREET

ACCESS EASEMENT

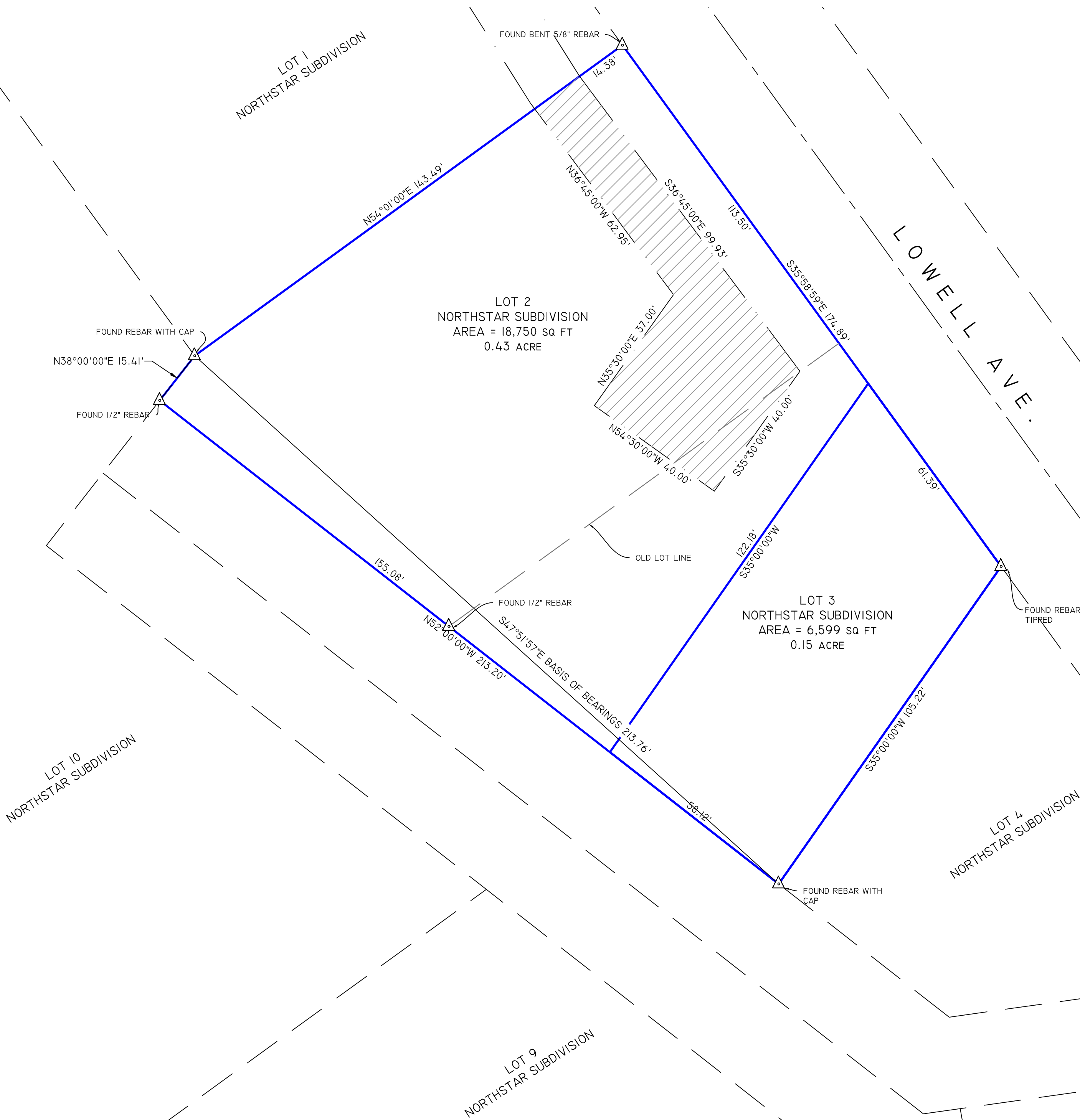
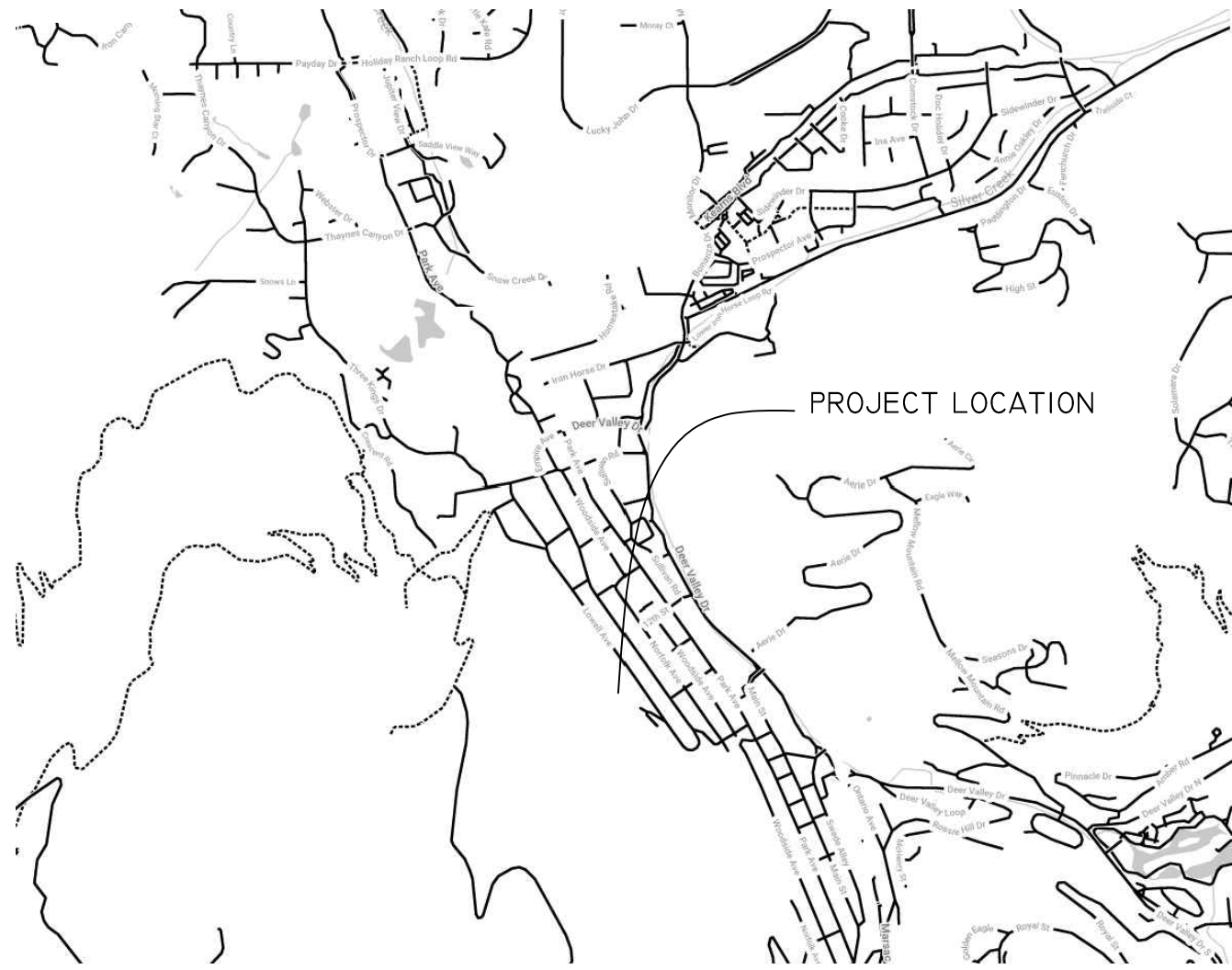


# NORTHSTAR SUBDIVISION LOT 2 & 3 LOT LINE ADJUSTMENT

AN ADJUSTMENT OF THE LOT LINE BETWEEN LOTS 2 & 3  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.



## VICINITY MAP



PREPARED BY

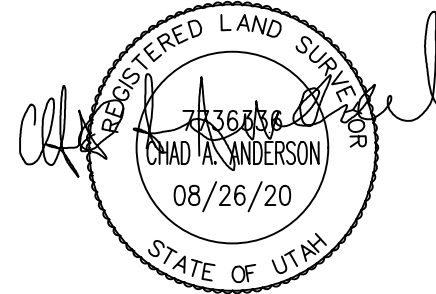
ELEMENT  
LAND SURVEYING

2296 SOUTH 270 EAST, HEBER CITY, UT 84032  
801 - 592 - 5975 & 801 - 657 - 8748

## SURVEYOR'S CERTIFICATE

I, CHAD A ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 7736336 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I HEREBY CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO BATTLE CREEK BUSINESS PARK - PLAT "A", AN EXPANDABLE COMMERCIAL CONDOMINIUM PROJECT, THAT COMPLIES WITH THE PROVISIONS OF SECTION 57-8-13 (1) OF THE UTAH CONDOMINIUM OWNERSHIP ACT.

CHAD A ANDERSON DATE



## BOUNDARY DESCRIPTION

ALL OF LOTS 2 AND 3 OF THE NORTHSTAR SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, CONTAINING 0.58 ACRES

## OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF TRACT OF LAND DESCRIBED HEREON AS NORTHSTAR SUBDIVISION LOTS 2 & 3 LOT LINE ADJUSTMENT, HAS CAUSED A SURVEY TO BE MADE AND THIS PLAT TO BE PREPARED; SAID OWNER HEREBY DEDICATES FOR THE PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS AS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNER ALSO HEREBY CONVEYS ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON. I DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED AND I, \_\_\_\_\_, HEREBY CONSENT TO THE RECORDATION OF THIS PLAT

IN WITNESS WHEREOF THE OWNER HAS SIGNED THIS \_\_\_\_DAY OF \_\_\_\_\_20\_\_\_\_.

NAME TITLE SEA AND SKI PROPERTIES LP, AN ARIZONA LIMITED PARTNERSHIP

## ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ BY \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ S.S. \_\_\_\_\_  
BY \_\_\_\_\_

ON THE DATE FIRST ABOVE WRITTEN PERSONALLY APPEARED BEFORE ME, \_\_\_\_\_, WHO, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS A PARTNER OF THE FIRM OF \_\_\_\_\_ A LIMITED-PARTNERSHIP, AND THAT THE WITHIN AND FOREGOING INSTRUMENT WAS SIGNED IN BEHALF OF SAID LIMITED-PARTNERSHIP BY AUTHORITY OF ALL PARTNERS, AND SAID GRANTOR ACKNOWLEDGED TO ME THAT SAID LIMITED-PARTNERSHIP EXECUTED THE SAME.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC (SEE SEAL BELOW)

# NORTHSTAR SUBDIVISION LOT 2 & 3 LOT LINE ADJUSTMENT

AN ADJUSTMENT OF THE LOT LINE BETWEEN LOTS 2 & 3  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.

## RECORDED

ENTRY NO. \_\_\_\_\_  
STATE OF UTAH COUNTY OF SUMMIT  
DATE \_\_\_\_\_ TIME \_\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF: \_\_\_\_\_  
COUNTY RECORDER

## SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN  
WATER RECLAMATION DISTRICT STANDARDS ON  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_

SNYDERVILLE WATER RECLAMATION DISTRICT

## CITY ENGINEER

I FIND THIS PLAT TO BE IN CONFORMANCE WITH INFORMATION ON  
FILE IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
20 \_\_\_\_\_

PARK CITY ENGINEER

## APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
20 \_\_\_\_\_

PARK CITY ATTORNEY

## CERTIFICATE OF ATTEST

I CERTIFY THIS PLAT MAP WAS APPROVED BY THE LAND USE AUTHORITY THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_

PARK CITY RECORDER

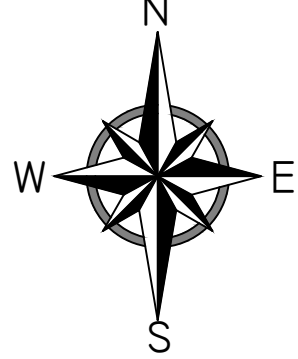
## PLANNING APPROVAL AND ACCEPTANCE

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_  
ON BEHALF OF THE PARK CITY COUNCIL PER THE PARK CITY LAND MANAGEMENT  
CODE.

PARK CITY PLANNING DIRECTOR  
LAND USE AUTHORITY

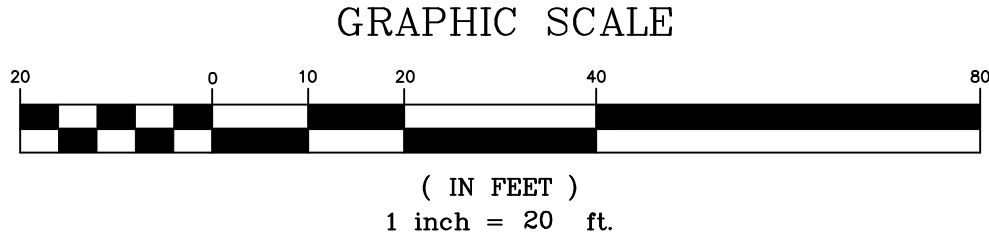


SYMBOL LEGEND	
	ADJACENT PROPERTY
	BOUNDARY
	EASEMENT LINE
	CL. STREET
	EXISTING ACCESS EASEMENT
	NEW ACCESS EASEMENT
	ENCROACHMENT EASEMENT

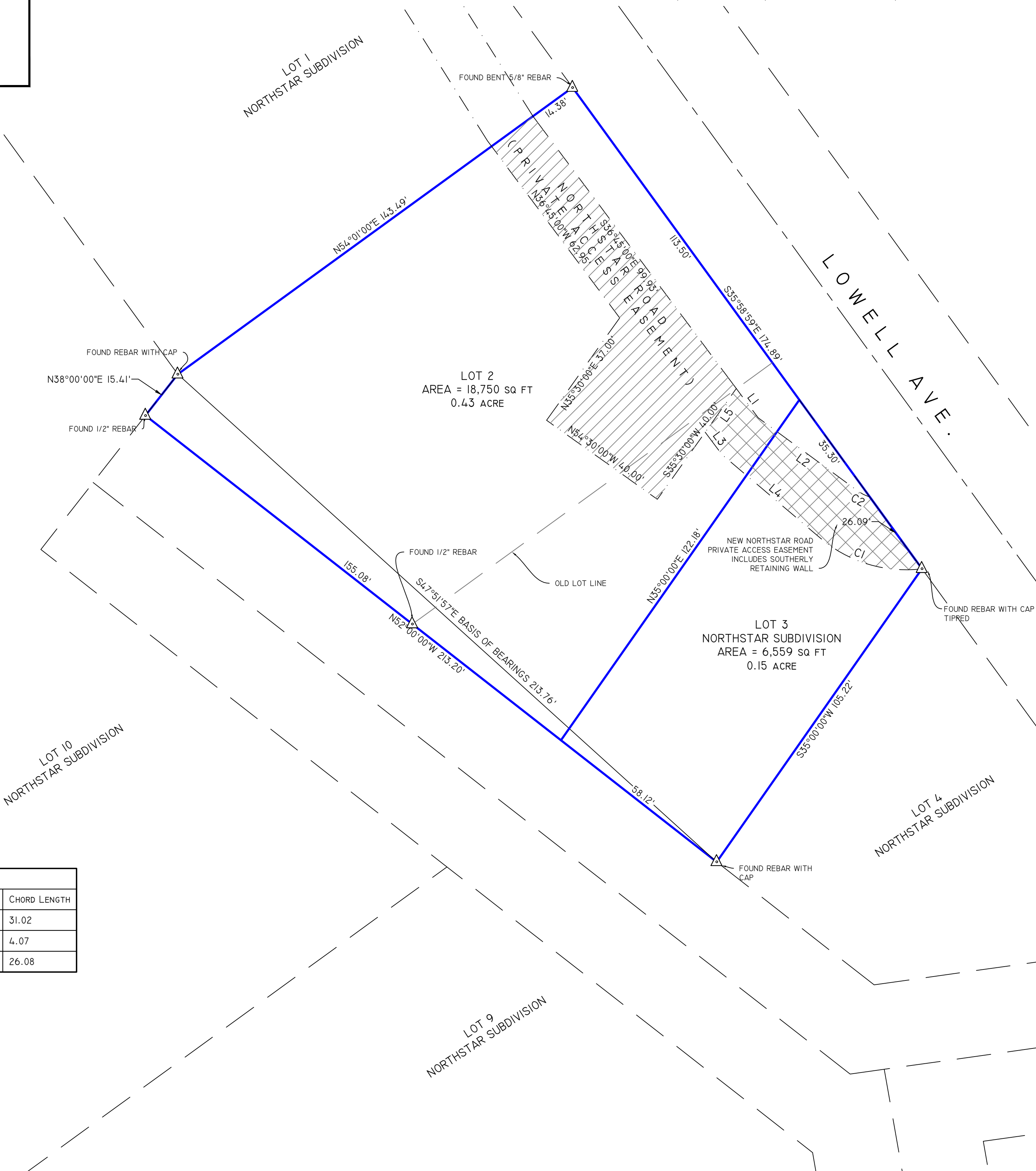
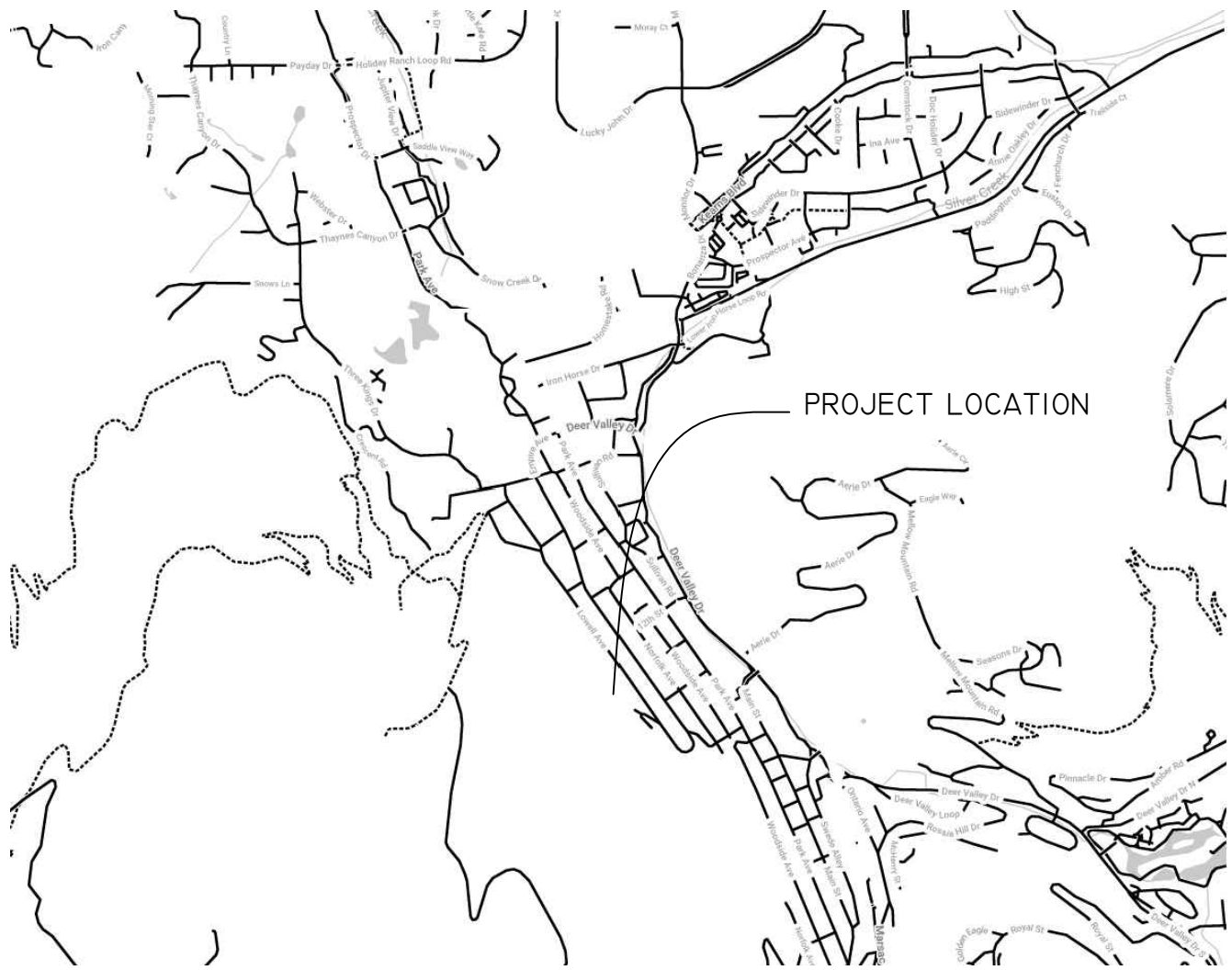


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SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.



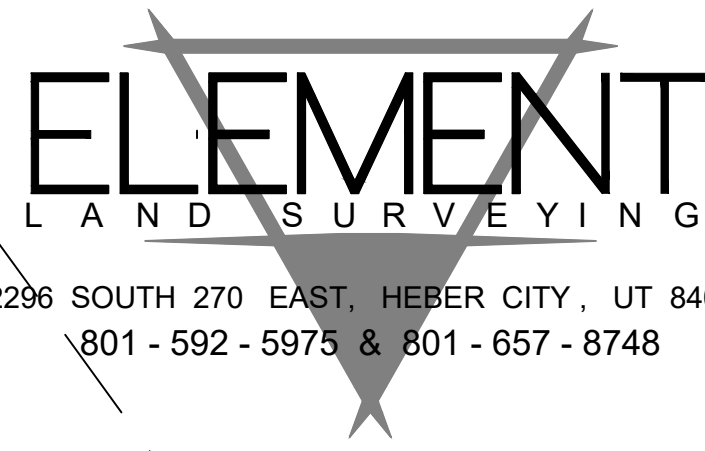
VICINITY MAP



Line Table		
Line #	Length	Direction
L1	10.74	S36°45'00"E
L2	36.23	S53°44'18"E
L3	8.18	S36°45'00"E
L4	38.22	S49°40'46"E
L5	15.75	N35°30'00"E

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIR.	CHORD LENGTH
C1	31.92	38.65	047°18'57"	S73°20'15"E	31.02
C2	4.09	12.64	018°32'32"	S63°00'33"E	4.07
C3	50.98	13.64	214°07'02"	N35°00'00"E	26.08

PREPARED BY

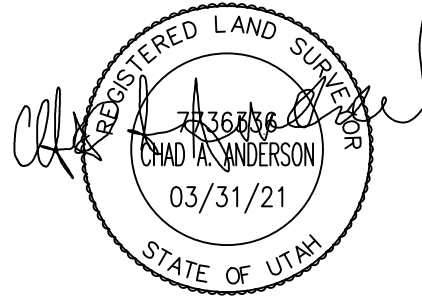


2296 SOUTH 270 EAST, HEBER CITY, UT 84032  
801 - 592 - 5975 & 801 - 657 - 8748

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CHAD A ANDERSON \_\_\_\_\_ DATE \_\_\_\_\_



## BOUNDARY DESCRIPTION

ALL OF LOTS 2 AND 3 OF THE NORTHSTAR SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, CONTAINING 0.58 ACRES

## OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF TRACT OF LAND DESCRIBED HEREON AS NORTHSTAR SUBDIVISION LOT 2 AMENDED, HAS CAUSED A SURVEY TO BE MADE AND THIS PLAT TO BE PREPARED, SAID OWNER HEREBY DEDICATES FOR THE PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS AS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNER ALSO HEREBY CONVEYS ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON. I DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED AND I, \_\_\_\_\_, HEREBY CONSENT TO THE RECORDATION OF THIS PLAT

IN WITNESS WHEREOF THE OWNER HAS SIGNED THIS \_\_\_\_DAY OF \_\_\_\_\_20\_\_\_\_.

NAME \_\_\_\_\_ TITLE \_\_\_\_\_ SEA AND SKI PROPERTIES LP, AN ARIZONA LIMITED PARTNERSHIP

## ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ } BY \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ } S.S. \_\_\_\_\_  
BY \_\_\_\_\_

ON THE DATE FIRST ABOVE WRITTEN PERSONALLY APPEARED BEFORE ME, \_\_\_\_\_, WHO, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS A PARTNER OF THE FIRM OF \_\_\_\_\_, A LIMITED-PARTNERSHIP, AND THAT THE WITHIN AND FOREGOING INSTRUMENT WAS SIGNED IN BEHALF OF SAID LIMITED-PARTNERSHIP BY AUTHORITY OF ALL PARTNERS, AND SAID GRANTOR ACKNOWLEDGED TO ME THAT SAID LIMITED-PARTNERSHIP EXECUTED THE SAME.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC (SEE SEAL BELOW)

# NORTHSTAR SUBDIVISION LOTS 2 & 3 LOT LINE ADJUSTMENT

AN ADJUSTMENT OF THE LOT LINE BETWEEN LOTS 2 & 3  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 25 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.

## SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

SNYDERVILLE WATER RECLAMATION DISTRICT

## CITY ENGINEER

I FIND THIS PLAT TO BE IN CONFORMANCE WITH INFORMATION ON FILE IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PARK CITY ENGINEER

## APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PARK CITY ATTORNEY

## CERTIFICATE OF ATTEST

I CERTIFY THIS PLAT MAP WAS APPROVED BY THE LAND USE AUTHORITY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PARK CITY RECORDER

## PLANNING APPROVAL AND ACCEPTANCE

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
ON BEHALF OF THE PARK CITY COUNCIL PER THE PARK CITY LAND MANAGEMENT CODE.

PARK CITY PLANNING DIRECTOR  
LAND USE AUTHORITY

## RECORDED

ENTRY NO. \_\_\_\_\_

STATE OF UTAH \_\_\_\_\_ COUNTY OF SUMMIT

DATE \_\_\_\_\_ TIME \_\_\_\_\_

RECORDED AND FILED AT THE REQUEST OF:

COUNTY RECORDER





1001 LOUELL AVENUE



1025 LOUELL AVENUE  
VACANT LOT



1049 LOUELL AVENUE  
PROPOSED REMODEL



1061/1063 LOUELL AVENUE



1103 LOUELL AVENUE (BEHIND)  
1025 LOUELL AVENUE (FORWARD)

STREETSCAPE  
ELEVATION



MICHAEL J. STOKER, AIA - ARCHITECT  
KAREN BACKSTROM, AIA, LEED AP - ARCHITECT  
1133 SIDEWINDER DRIVE  
PARK CITY, UTAH 84060  
435-641-5916  
www.stokerarch.com

STOKER ARCHITECTURE, INC.

LARCHER RESIDENCE

A REMODEL AND ADDITION  
1049 LOUELL AVENUE, PARK CITY, UTAH 84098 - LOT 2 NORTH STAR SUBDIVISION

Date	3/2/20
Revisions	
1	
2	
3	
4	
Drawn	
Project	18-580-1
Sheet	

STREET





RESIDENTIAL  
PARKING ZONE  
NO PARKING  
WITHOUT  
PERMIT  
ANYTIME

DATE OF POST  
12-15-2013

















## Planning Commission Staff Report

### PLANNING DEPARTMENT

**Subject:** Lot 2 Willow Ranch Replat First Amended  
**Project #:** PL-21-04770  
**Author:** Alexandra Ananth, Sr. Planner  
**Date:** April 14, 2021  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendation

Staff recommends the Planning Commission 1) review the requested Plat Amendment, 2) conduct a public hearing, and 3) consider forwarding a positive recommendation for City Council's consideration on April 29, 2021.

### Description

**Applicant:** Crescent Vertical, LLC [Christopher and Sarah Hall<sup>a</sup>]  
**Location:** 2750 Meadow Creek Drive  
**Zoning:** Estate (E)  
**Adjacent Land Uses:** Residential  
**Reasons for Review:** Plat Amendments require Planning Commission review and recommendation and City Council review and action

### Executive Summary

2750 Meadow Creek Drive is also known as Lot 2 of the Willow Ranch Subdivision in the Park Meadows neighborhood. The lot is just over 7-acres and is improved with a single-family residence.

The lot is considered an equestrian lot and has a maximum house and barn size as noted in the CC&R's and Plat Notes #3 and #4 of the current recorded Plat (Exhibit B). The applicant is proposing to change the current restrictions to allow for a total maximum of 9,800 square feet which may be used between the house and barn combined, but will stay within the original maximum allowed 1,800 square foot limit on the barn and the 9,300 square foot maximum allowed for the house. The proposed change allows the applicant to build a larger barn if the full 9,300 square feet is not used for the house. No changes are proposed to the original building envelopes shown on the plat for the barn or the house. The first 600 square feet of garage space is not included in the combined total square footage, which is consistent with the City's Land Management Code and the Willow Ranch Subdivision CC&Rs.

### Background

The Willow Ranch Subdivision was originally recorded in 1993 (Exhibit A). Plat Notes #9 and #10, of the 1993 Subdivision Plat, indicate that Home square footage is limited to a maximum of 8,000 square feet and Barns are limited to a maximum of 1,800 square feet with no human occupancy. Building Heights are limited and building envelopes and are

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<sup>a</sup> Current Planning Commissioner Sarah Hall is an owner/member of Crescent Vertical LLC

also noted on the original Plat.

In 1999, the prior owners of Lot 2 obtained approval for a Replat to reallocate 1,300 square feet of barn area to the home. As a result, Plat Note #3 on the 1999 Replat limits the home square footage to a maximum of 9,300 square feet, and Plat Note #4 limits the barn to 500 square feet with no human occupancy. Plat Note #8 notes that all notes and easements on the Willow Ranch Subdivision Plat remain in effect and apply to the Replat.

The purpose of the Estate (E) District is to:

- A. allow very low density, environmentally sensitive residential Development which:
  - 1. preserves ridge tops, meadows, and visible hillsides,
  - 2. preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
  - 3. preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
  - 4. mitigates geologic and flood hazards,
  - 5. protects views along the City's entry corridors, and
  - 6. decreases fire risk by keeping Development out of sensitive wild land interface Areas.
- B. incorporate pedestrian trail linkages between and through neighborhoods; and
- C. encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

### **Analysis**

The applicant submitted a recent survey (Exhibit C) indicating that the existing house has been constructed within the allowed building envelope. The current application is to remove some portion(s) of the house so that they may shift some square footage from the house back to the barn, as allowed under the original 1993 Subdivision Plat. They further state that because they are still determining which portions of the house they will remove to allow for a larger barn, they would like to amend footnotes #3 and #4 of the 1999 recorded Plat, and replace them with a footnote that allows for the combined total square footage of the house and barn to remain the same (9,800 square feet) but not be fixed between the house and the barn.

The applicant has stated that they are willing to agree to Conditions of Approval that floor plans for both the house and barn shall be submitted at the time of building permit for any modification to the house and any new construction for the barn, showing that the combined maximum square footage will not exceed 9,800 square feet. Plans must be stamped and signed by a registered architect to ensure the maximum total square footage is not exceeded. No certificate of occupancy will be issued for the barn until all construction on the house has been completed.

Staff notes that the applicant submitted a Letter of Intent as well as a Letter from the Willow Ranch HOA stating that the HOA voted to approve the applicant's application (Exhibit D).

Due to the number of recorded Plats, Staff recommends the following Plat Notes be carried forward from the original 1999 Subdivision Plat or the 1999 recorded Plat:

1. The home and barn shall be constructed within the designated building envelopes. (1993 PN #1)
2. The total impacted area, including building footprint and additional fill, shall not exceed 17,000 square feet. (1999 PN #2)
3. A minimum 5 foot non-exclusive utility and drainage easement is hereby dedicated along both sides of all lot lines. (1993 PN #3)
4. A 10 foot non-exclusive utility easement is hereby dedicated along front lot lines. (1993 PN #4)
5. All footing and foundation designs shall be approved by Geotechnical engineers. (1993 PN #5)
6. Irrigation by sprinkler only. (1993 PN #6)
7. A maximum of three horses will be allowed and no grazing of horses in the wildlife corridors. (1993 PN #7)
8. Lot line fencing is required and must be maintained in accordance with the CC&Rs and design guidelines of Willow Ranch. (1993 PN #8)
9. ~~Home square footage will be limited to a maximum of 8,000 square feet.~~ (1993 PN #9) See #20 below.
10. ~~Barn square footage will be limited to a maximum of 1,800 square feet with no human occupancy.~~ (1993 PN #10) See #27 below
11. ~~Building heights of homes and barns will be limited to 23 feet to midpoint of roof and 28 feet to peak of roof.~~ (1993 PN #11) See #22 below
12. A modified 13-D fire sprinkler system is required for the home as directed by the Park City Fire Marshal. (1993 PN #12)
13. This lot is subject to an animal management plan and equestrian lot open space covenant executed with the Park City Municipal Corporation. (1993 PN #13)
14. No basements are allowed. (1993 PN #14)
15. Prior to occupancy of the house its driveway must be paved. (1993 PN #15)
16. ~~Park City Municipal Corporation does not plow snow within a subdivision until 50% of the lots have been build upon.~~ (1993 PN #16) No longer necessary
17. ~~No building permits will be issued until meadow creek drive has been paved. Excavation and footing/foundation permits will be issued prior to paving of Meadow Creek Drive.~~ (1993 PN #17) No longer necessary
18. The Lot is allowed an accessory dwelling unit subject to the approval of Park City Municipal Corporation and restrictions as outlined in the Willow Ranch CC&Rs. (1993 PN #18)
19. The Street address of Lot 2 is 2750 Meadow Creek Drive. (1999 PN #1)
20. The home square footage is limited to a maximum of 9,300 square feet, excluding the first 600 square feet of home attached garage space per CC&Rs and the City's Land Management Code. (1999 PN #3)
21. ~~The barn square footage is limited to 500 square feet with no human occupancy.~~ (1999 PN #4) See below
22. The Building Height of the home is limited to 23 feet to midpoint of roof and 28 feet to peak of the roof and the building height of the barn is limited to 18 feet to the peak of the roof. The barn shall not have a flat roof. (1999 PN #5)
23. Property corners were set under a separate survey: Recorded #S-3466, Summit County, Utah. (1999 PN #6)

24. None of the Exception Parcels are rendered separately buildable by virtue of this amendment (1999 PN #7)
25. ~~All notes and easements on the Willow Ranch Subdivision plat remain in effect and apply to this replat.~~ (1999 PN #8) No longer necessary as all Plat Notes and easements are being carried forward with this Amendment.
- 26. The combined total square footage of the home and the barn shall not exceed 9,800 square feet, excluding the first 600 square feet of home attached garage space per CC&Rs and the City's Land Management Code.** (New PN)
27. The barn square footage will be limited to a maximum of 1,800 square feet as originally allowed in the Willow Ranch Subdivision Plat and CC&R's, with no human occupancy. (New PN)
28. Floor plans for both the house and barn shall be submitted at the time of building permit for any modification to the house and any new construction for the barn, showing that the combined maximum square footage will not exceed 9,800 square feet. Plans must be stamped and signed by a registered architect to ensure the maximum total square footage is not exceeded. (New PN)
29. No certificate of occupancy will be issued for the barn until all construction on the house has been completed. (New PN)
30. The Lot 2 Willow Ranch Replat exceeds one (1) acre and shall meet the requirements of the municipal separate storm sewer system (MS4) storm water program. A plat note shall indicate that development shall be required to obtain a MS4 storm water permit prior to any construction activity. (New PN)

### **Good Cause**

The proposed Plat Amendment has been reviewed in accordance with LMC § 15-7. Staff finds Good Cause for this Plat Amendment as it is consistent with the total square footage allowed on the lot between the home and barn. The Plat Amendment will allow the applicant to allocate square footage from the house to the barn consistent with the original Willow Ranch Subdivision Plat Notes and CC&R's. The barn will not exceed 1,800 square feet and will be constructed within the allowed LODs shown on the Plat.

### **Department Review**

The Development Review Committee reviewed this application on March 30, 2021. No issues were raised.

### **Notice**

On March 31, 2021, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on March 31, 2021.

### **Public Input**

Staff did not receive any written public input prior to the publication of this Staff Report.

### **Alternatives**

- Planning Commission may forward a positive recommendation to City Council for the Plat Amendment, as conditioned or amended, or
- Planning Commission may forward a negative recommendation to City Council for the Plat Amendment, and direct staff to make Findings for this decision, or



- Planning Commission may continue the item to a date certain.

### **Exhibits**

Draft Ordinance

Exhibit A – Willow Ranch Subdivision Plat, 1993

Exhibit B – Lot 2 Willow Ranch Replat, 1999

Exhibit C – Lot 2 Willow Ranch Survey

Exhibit D – Applicant's 2021 Proposed Plat

Exhibit E – Applicant's Letter of Intent and HOA Approval

**Draft Ordinance No. 2021-XX**

**AN ORDINANCE APPROVING THE LOT 2 WILLOW RANCH REPLAT, FIRST AMENDED, LOCATED AT 2750 MEADOW CREEK DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as Lot 2 Willow Ranch, located at 2750 Meadow Creek Drive, petitioned the City Council for approval of the Lot 2 Willow Ranch Replat, First Amended; and

WHEREAS, on March 31, 2021, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on March 31, 2021, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission, on April 14, 2021, held a public hearing and forwarded a \_\_\_\_\_ recommendation to the City Council; and,

WHEREAS, the City Council on April 29, 2021, held a public hearing and took final action on the Condominium Plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 2 Willow Ranch Replat, First Amended Plat.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Lot 2 Willow Ranch Replat First Amended Plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is part of the Willow Ranch Subdivision.
2. The lot is just over 7-acres and is improved with a single-family residence.
3. The lot is considered an equestrian lot and has a maximum house and barn size as noted in the CC&R's and Plat Notes.
4. The applicant is proposing to move square footage allocated from the house to the barn, but stay within the total square feet allocated to the lot (9,800 square feet), as well as within the building envelopes for the barn and the house.
5. The Willow Ranch Subdivision was originally recorded in 1993 (Exhibit A).
6. Plat Notes indicate that Home square footage is limited to 8,000 square feet and Barns are limited to a maximum of 1,800 square feet with no human occupancy. Limits of Disturbance areas and maximum square footage are noted on the Plat.
7. In 1999, the prior owners of the Lot 2 were approved for a Plat Amendment (Exhibit B) to reallocate 1,300 square feet of barn area to the home. Plat Note #3 limits the

home square footage to a maximum of 9,300 square feet, Plat Note #4 limits the barn to 500 square feet.

8. The applicant proposes to amend footnotes #3 and #4 and replace them with a footnote that allows for the combined total square footage to remain the same (9,800 square feet) but not be fixed between the house and the barn.
9. The applicant submitted a letter from the Willow Ranch HOA stating that the HOA voted to approve the applicant's application.

#### Conclusions of Law:

1. There is good cause for this Plat Amendment as it is consistent with the total square footage allowed on the lot between the home and barn.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
2. The applicant will 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 request for an extension is submitted in writing and approved by the City Council.
3. The Street address of Lot 2 is 2750 Meadow Creek Drive.
4. The home and barn shall be constructed within the designated building envelopes.
5. The total impacted area, including building footprint and additional fill, shall not exceed 17,000 square feet.
6. A minimum 5-foot non-exclusive utility and drainage easement is hereby dedicated along both sides of all lot lines.
7. A 10-foot non-exclusive utility easement is hereby dedicated along front lot lines.
8. All footing and foundation designs shall be approved by Geotechnical engineers.
9. Irrigation is by sprinkler only.
10. A maximum of three horses will be allowed and no grazing of horses in the wildlife corridors.
11. Lot line fencing is required and must be maintained in accordance with the CC&Rs and design guidelines of Willow Ranch.
12. A modified 13-D fire sprinkler system is required for the home as directed by the Park City Fire Marshal.
13. This lot is subject to an animal management plan and equestrian lot open space covenant executed with the Park City Municipal Corporation.
14. No basements are allowed.
15. Prior to occupancy of the house its driveway must be paved.
16. The Lot is allowed an accessory dwelling unit subject to the approval of Park City Municipal Corporation and restrictions as outlined in the Willow Ranch CC&Rs.
17. The home square footage is limited to a maximum of 9,300 square feet, excluding

the first 600 square feet of home attached garage space per CC&Rs and the City's Land Management Code.

18. The Building Height of the home is limited to 23 feet to midpoint of roof and 28 feet to peak of the roof and the building height of the barn is limited to 18 feet to the peak of the roof. The barn shall not have a flat roof.
19. Property corners were set under a separate survey: Recorded #S-3466, Summit County, Utah.
20. None of the Exception Parcels are rendered separately buildable by virtue of this amendment
21. The combined total square footage of the home and the barn shall not exceed 9,800 square feet, excluding the first 600 square feet of home attached garage space per CC&Rs and the City's Land Management Code.
22. The barn square footage will be limited to a maximum of 1,800 square feet as originally allowed in the Willow Ranch Subdivision Plat and CC&R's, with no human occupancy.
23. Floor plans for both the house and barn shall be submitted at the time of building permit for any modification to the house and any new construction for the barn, showing that the combined maximum square footage will not exceed 9,800 square feet. Plans must be stamped and signed by a registered architect to ensure the maximum total square footage is not exceeded.
24. No certificate of occupancy will be issued for the barn until all construction on the house has been completed.
25. The Lot 2 Willow Ranch Replat exceeds one (1) acre and shall meet the requirements of the municipal separate storm sewer system (MS4) storm water program. A plat note shall indicate that development shall be required to obtain a MS4 storm water permit prior to any construction activity.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this \_\_\_\_ day of April, 2021.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Andy Beerman, MAYOR

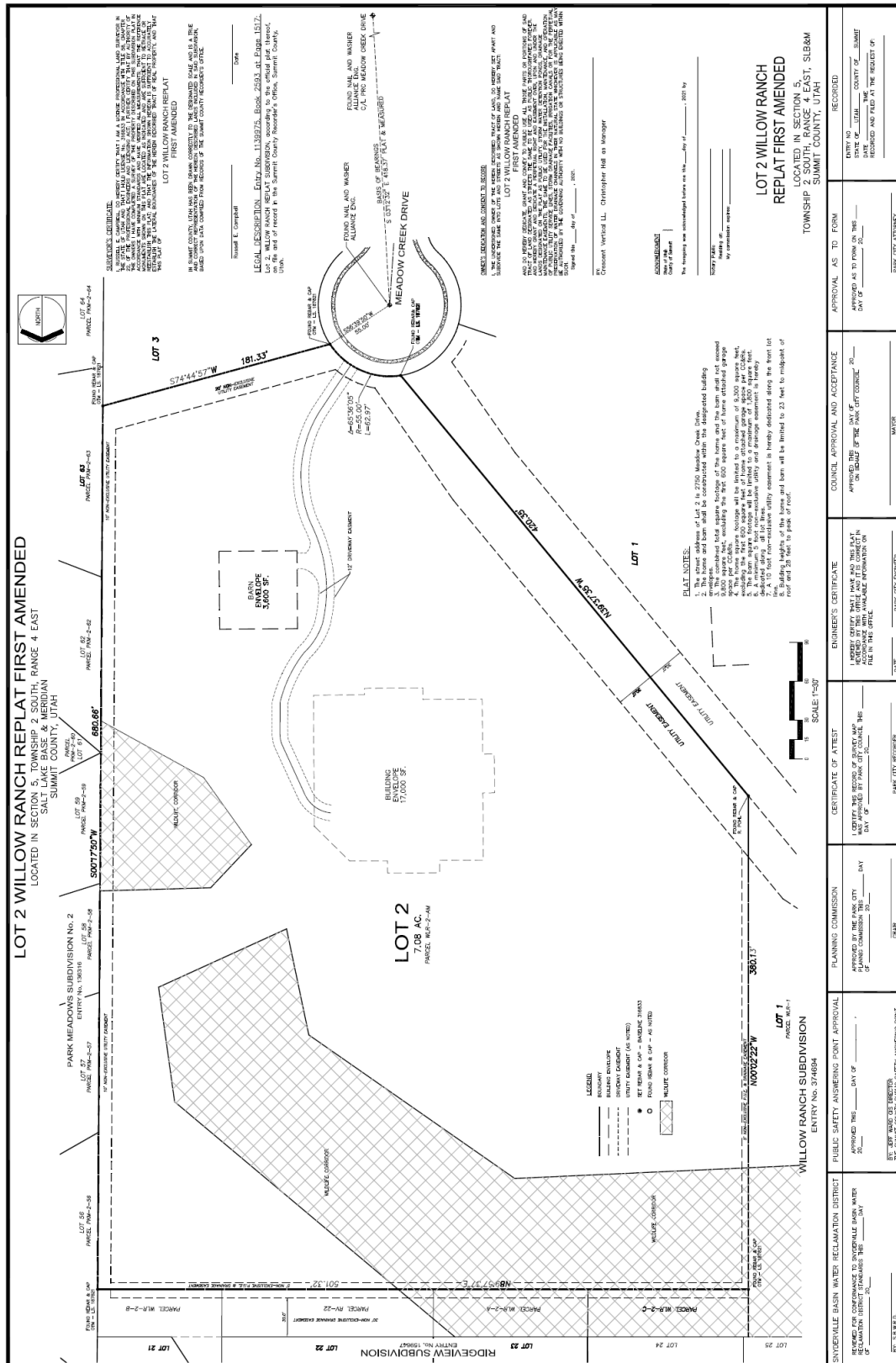
ATTEST:

\_\_\_\_\_  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

## Exhibit A – Lot 2 Willow Ranch Replat, First Amended





LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
6	C1	305.00'	106.40'	105.86'	N 09°59'38" W	19°59'16"
6	C2	625.00'	192.71'	191.95'	S 11°09'16" E	17°39'59"
7	C3	625.00'	66.49'	66.46'	S 00°43'35" W	06°09'43"
7	C4	25.00'	22.39'	21.65'	N 21°53'06" W	51°19'04"
7	C5	55.00'	60.50'	57.49'	S 16°02'01" E	63°01'14"
1	C6	55.00'	62.96'	59.58'	S 48°16'19" W	65°35'25"
2	C7	55.00'	62.96'	59.58'	N 66°08'16" W	65°35'25"
3	C8	55.00'	84.89'	76.71'	N 10°52'29" E	88°26'04"
3	C9	25.00'	22.39'	21.65'	S 29°25'59" W	51°19'04"
4	C10	575.00'	182.74'	181.97'	S 05°19'50" E	18°12'33"
5	C11	575.00'	55.72'	55.70'	S 17°12'41" E	05°33'09"
5	C12	355.00'	123.84'	123.21'	N 09°59'38" W	19°59'16"
6	C13	305.00'	90.31'	89.98'	N 08°28'56" W	16°57'53"
1	C14	55.00'	24.32'	24.12'	S 28°08'33" W	25°19'54"
2	C15	55.00'	31.48'	31.05'	N 49°44'25" W	32°47'43"
1	C16	55.00'	24.81'	24.60'	S 68°08'36" W	25°50'51"

LINE	DIRECTION	DISTANCE
L1	S 00°00'00" E	6.09'
L2	N 19°59'16" W	7.29'
L3	S 19°59'16" E	7.29'
L4	N 00°00'00" E	6.10'

#### OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned is the owner of the herein described tract of land, and hereby causes the same to be divided into a public street and lots, together with easements as set forth on the attached plat, hereafter to be known as Willow Ranch Subdivision.

Also the owner hereby dedicates to Summit County, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Park City Municipal Corporation a non-exclusive easement over the utility and drainage easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

Executed this 12<sup>th</sup> day of FEBRUARY, 1993.

Richard Dudley - President

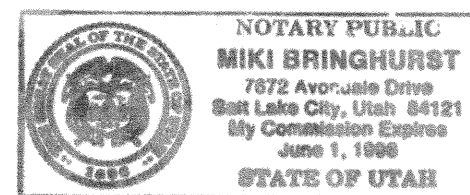
Willow Ranch Development Inc., a Utah corporation

#### ACKNOWLEDGEMENT

State of Utah )  
County of Summit )  
On the 12<sup>th</sup> day of February, 1993, personally appeared before me, Richard Dudley, who, being by me duly sworn, did say that he is the President of Willow Ranch Development Inc., a Utah Corporation and that within and foregoing Owner's Dedication and Consent to Record, was signed on behalf of said Corporation and said Richard Dudley acknowledged to me that said Corporation executed the same.

Notary Public

My commission expires: 1/6/96



#### LEGAL DESCRIPTION

Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South 00°17'50" West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North 89°58'59" West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way, thence along said railroad right-of-way the following two (2) calls: 1) North 28°16'38" West 694.96 feet to a point of a 855.00 foot radius curve to the left; thence 2) along the arc of said curve 75.88 feet thru a central angle of 05°05'05"; thence North, 387.86 feet; thence South 79°53'25" East 262.94 feet; thence North 82°51'53" East 140.99 feet; thence South 88°02'27" East 185.69 feet; thence North 60°24'25" East 345.20 feet; thence North 26°38'08" East 153.78 feet to a point on the center section line of said Section 5, said point also being on the south line of Ridgeview Subdivision as recorded; thence North 89°57'38" East along said center section line and said subdivision line 679.64 feet to the POINT OF BEGINNING.

Contains: 41.48 acres of land, more or less.

#### SURVEYOR'S CERTIFICATE

I, JACK J. JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4496 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

JACK J. JOHNSON

FEBRUARY 12, 1993

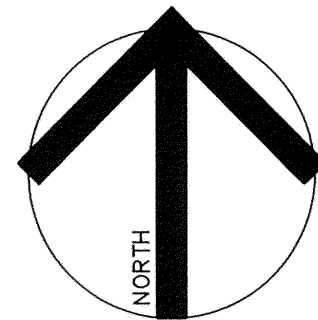
DATE:

#### LIMITS OF DISTURBANCE

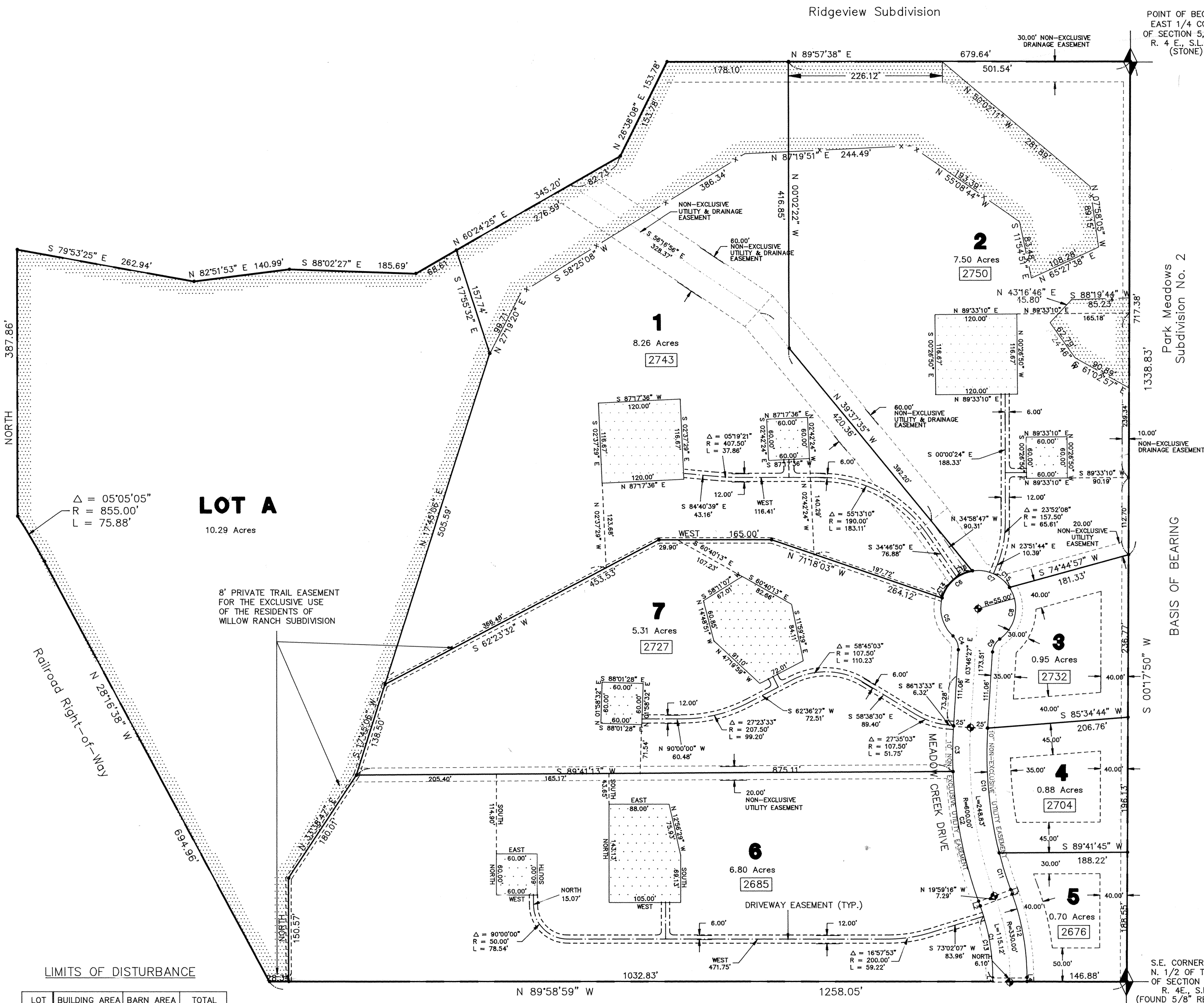
LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
TOTAL			71,200

# WILLOW RANCH SUBDIVISION

A PART OF THE NORTH HALF OF SOUTHEAST QUARTER  
OF SECTION 5, T. 2S, R. 4E,  
SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH



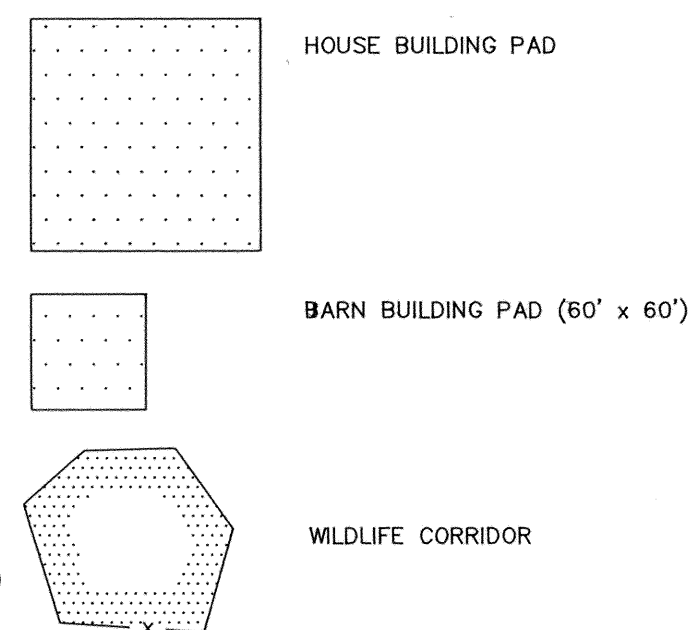
SCALE: 1" = 100'



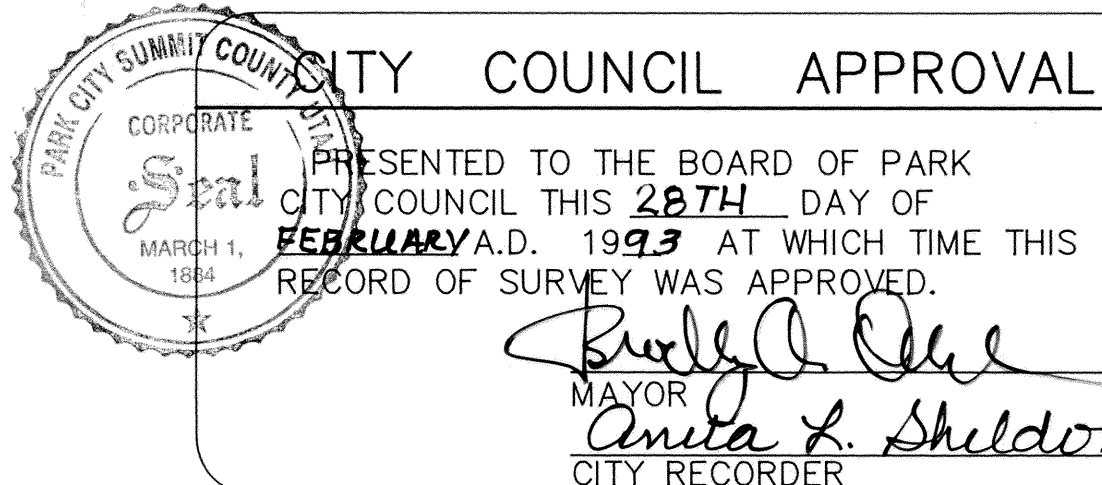
#### NOTES:

- BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
- ON LOTS 1 AND 2, THE TOTAL IMPACTED AREA, INCLUDING BUILDING FOOTPRINT AND ADDITIONAL FILL, SHALL NOT EXCEED 14,000 SQUARE FEET.
- A 5 FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF ALL LOT LINES.
- A 10 FOOT NON-EXCLUSIVE UTILITY EASEMENT IS HEREBY DEDICATED ALONG FRONT LOT LINES.
- ALL FOOTING AND FOUNDATION DESIGNS SHALL BE APPROVED BY GEOTECHNICAL ENGINEERS.
- IRRIGATION IN ALL LOTS BY SPRINKLER ONLY.
- ON LOTS 1, 2, 6, AND 7 A MAXIMUM OF THREE HORSES WILL BE ALLOWED AND NO GRAZING OF HORSES IN THE WILDLIFE CORRIDORS.
- OWNERS OF LOTS 1, 2, 6, AND 7 ARE REQUIRED TO INSTALL AND MAINTAIN LOT LINE FENCING IN ACCORDANCE WITH THE C.C.&R.s AND DESIGN GUIDELINES OF WILLOW RANCH.
- HOME SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 8,000 SQUARE FEET ON LOTS 1, 2, 6, AND 7 AND 4400 SQUARE FEET ON LOTS 3, 4, AND 5.
- BARN SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 1,800 SQUARE FEET WITH NO HUMAN OCCUPANCY.
- BUILDING HEIGHTS OF HOMES AND BARNES WILL BE LIMITED TO 23 FEET TO MIDPOINT OF ROOF AND 28 FEET TO PEAK OF ROOF.
- HOMES ON LOTS 1, 2, 6, AND 7 WILL BE REQUIRED TO INSTALL MODIFIED 13-D FIRE SPRINKLER SYSTEMS AS DIRECTED BY THE PARK CITY FIRE MARSHALL.
- LOTS 1, 2, 6, AND 7 ARE SUBJECT TO AN ANIMAL MANAGEMENT PLAN AND EQUESTRIAN LOT OPEN SPACE COVENANT EXECUTED WITH THE PARK CITY MUNICIPAL CORPORATION.
- NO BASEMENTS ARE ALLOWED.
- PRIOR TO OCCUPANCY OF ANY HOUSE, ITS DRIVEWAY MUST BE PAVED.
- PARK CITY MUNICIPAL CORPORATION DOES NOT NORMALLY PLOW SNOW WITHIN A SUBDIVISION UNIT 50% OF THE LOTS HAVE BEEN BUILT UPON.
- NO BUILDING PERMITS WILL BE ISSUED UNTIL MEADOW CREEK DRIVE HAS BEEN PAVED. EXCAVATION AND FOOTING/FOUNDATION PERMITS WILL BE ISSUED PRIOR TO PAVING OF MEADOW CREEK DRIVE.
- LOTS 1, 2, 6, AND 7 ARE ALLOWED AN ACCESSORY DWELLING UNIT SUBJECT TO THE APPROVAL OF PARK CITY MUNICIPAL CORPORATION AND RESTRICTIONS AS OUTLINED IN THE WILLOW RANCH C.C.&R.s.

#### LEGEND



PLOTTED: JANUARY 22, 1993



#### CITY ENGINEER

APPROVED AND ACCEPTED BY THE  
PARK CITY ENGINEERING DEPARTMENT  
ON THIS 26<sup>th</sup> DAY OF FEBRUARY  
A.D. 1993.

Oris W. DeHaan P.E.  
CITY ENGINEER

#### CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK  
CITY PLANNING COMMISSION ON THIS 22<sup>nd</sup>  
DAY OF February A.D. 1993.

B. Welch  
CHAIRMAN

#### APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 22<sup>nd</sup>  
DAY OF February A.D. 1993.

Jack J. Johnson  
CITY ATTORNEY


#### RECORDED

No. 374694  
STATE OF UTAH,  
COUNTY OF SUMMIT.  
RECORDED AND FILED AT THE REQUEST OF:  
Coalition Title  
Date: 02-26-93  
Time: 11:15 A.M.  
Fee: 722.00  
Alan Spriggs  
COUNTY RECORDER





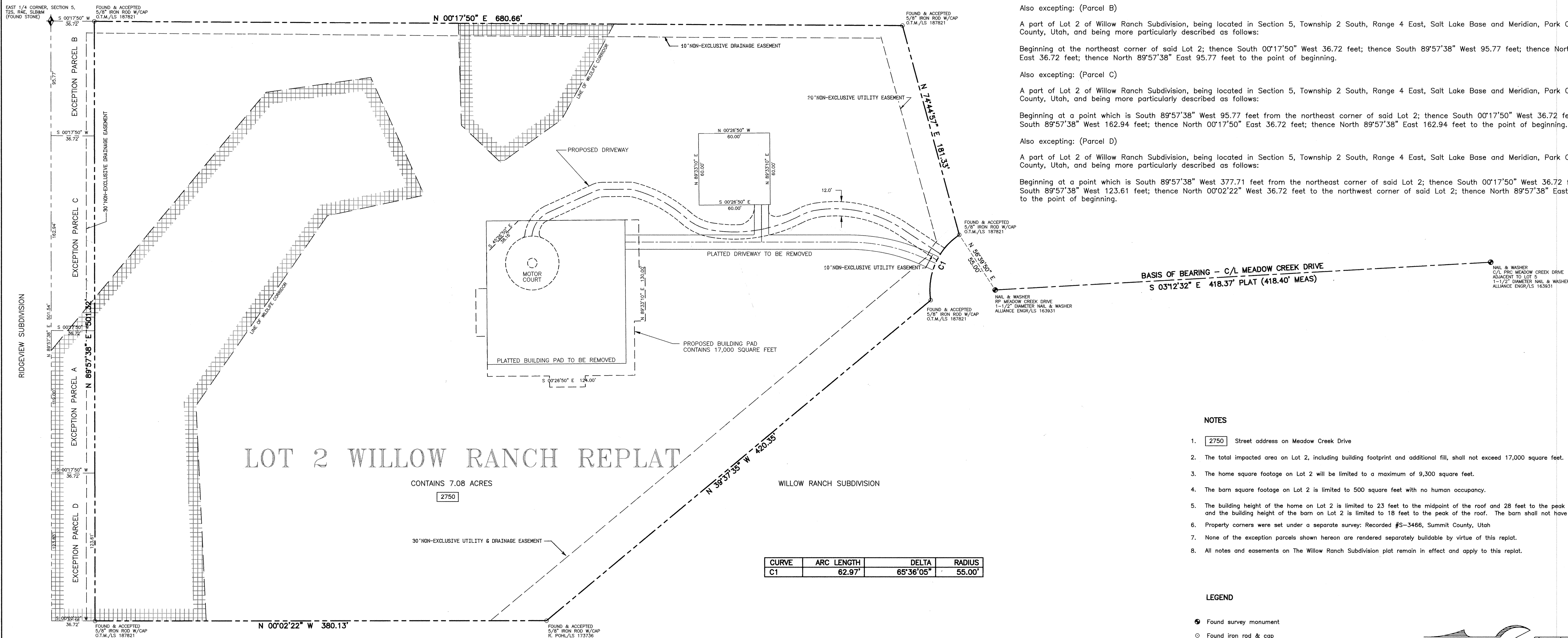
**SURVEYOR'S CERTIFICATE**

 **NOTARY PUBLIC**  
**MARY L. PEACOCK**  
323 Main St. P.O. Box 2554  
Park City, UT 84068  
My Commission Expires: 8-23-2002  
State of Utah

  
Diana J. Thompson  
Owner

EAST 1/4 CORNER, SECTION 5,  
T2S, R4E, SLB&M  
(FOUND STONE)    S 00°17'50" W

FOUND & ACCEPTED  
5/8" IRON ROD W/CAP  
O.T.M./LS 187821



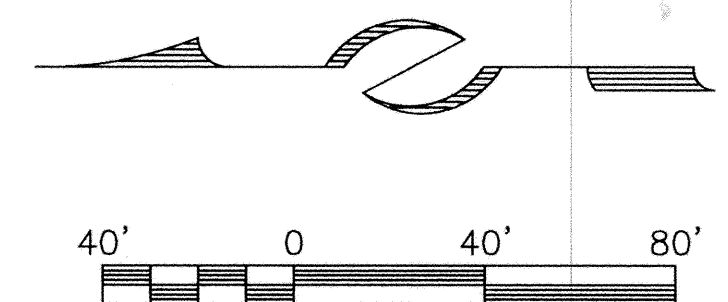
L O T 2 W I L L O W R A N C H R E P L A T

## NOTES

1. [2750] Street address on Meadow Creek Drive
2. The total impacted area on Lot 2, including building footprint and additional fill, shall not exceed 17,000 square feet.
3. The home square footage on Lot 2 will be limited to a maximum of 9,300 square feet.
4. The barn square footage on Lot 2 is limited to 500 square feet with no human occupancy.
5. The building height of the home on Lot 2 is limited to 23 feet to the midpoint of the roof and 28 feet to the peak of the roof and the building height of the barn on Lot 2 is limited to 18 feet to the peak of the roof. The barn shall not have a flat roof.
6. Property corners were set under a separate survey: Recorded #S-3466, Summit County, Utah
7. None of the exception parcels shown hereon are rendered separately buildable by virtue of this replat.
8. All notes and easements on The Willow Ranch Subdivision plat remain in effect and apply to this replat.

### LEGEND

- Found survey monument
- Found iron rod & cap



# 551979	RECORDED
----------	----------

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF Equity Title  
DATE 11-3-99 TIME 8:50 AM BOOK — PAGE —  
\$31.00 Alan Swartz  
FEE RECORDER

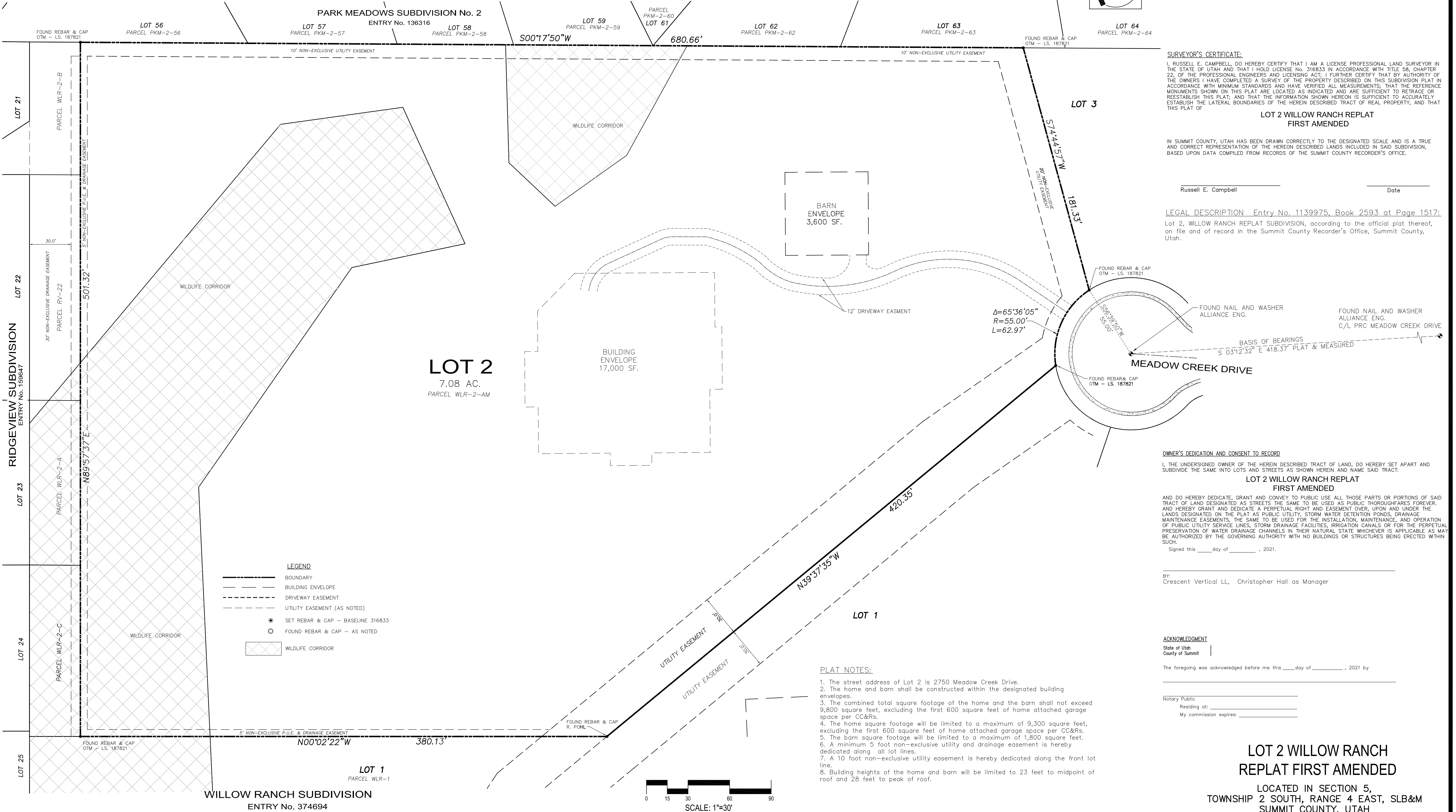
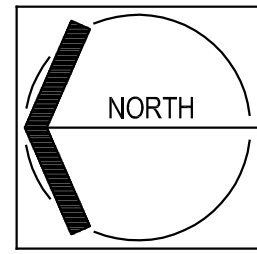






LOT 2 WILLOW RANCH REPLAT FIRST AMENDED

LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
SALT LAKE BASE & MERIDIAN  
SUMMIT COUNTY, UTAH



**SURVEYOR'S CERTIFICATE:**  
I, RUSSELL E. CAMPBELL, DO HEREBY CERTIFY THAT I AM A LICENSE PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE No. 316833 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LICENSING ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH MINIMUM STANDARDS AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREON IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY, AND THAT THIS PLAT OF

**LOT 2 WILLOW RANCH REPLAT FIRST AMENDED**  
  
IN SUMMIT COUNTY, UTAH HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREON DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS OF THE SUMMIT COUNTY RECORDER'S OFFICE.

\_\_\_\_\_  
Russell E. Campbell  
\_\_\_\_\_  
Date

**LEGAL DESCRIPTION** Entry No. 1139975, Book 2593 at Page 1517:  
Lot 2, WILLOW RANCH REPLAT SUBDIVISION, according to the official plat thereof, on file and of record in the Summit County Recorder's Office, Summit County, Utah.

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
I, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN HEREIN AND NAME SAID TRACT:

**LOT 2 WILLOW RANCH REPLAT FIRST AMENDED**  
  
AND DO HEREBY DEDICATE, GRANT AND CONVEY TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER. AND HEREBY GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, STORM WATER DETENTION PONDS, DRAINAGE MAINTENANCE EASEMENTS, THE SAME, TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH.  
Signed this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
BY:  
Crescent Vertical LL, Christopher Hall as Manager

**ACKNOWLEDGMENT**  
State of Utah  
County of Summit  
  
The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by

\_\_\_\_\_  
Notary Public  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**LOT 2 WILLOW RANCH REPLAT FIRST AMENDED**

LOCATED IN SECTION 5,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SLB&M  
SUMMIT COUNTY, UTAH

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PUBLIC SAFETY ANSWERING POINT APPROVAL	PLANNING COMMISSION	CERTIFICATE OF ATTEST	ENGINEER'S CERTIFICATE	COUNCIL APPROVAL AND ACCEPTANCE	APPROVAL AS TO FORM	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS ____ DAY OF ____ 20__	APPROVED THIS ____ DAY OF _____, 20__	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ____ 20__	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ____ 20__	I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT REVIEWED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH AVAILABLE INFORMATION ON FILE IN THIS OFFICE.	APPROVED THIS ____ DAY OF _____, 20__ ON BEHALF OF THE PARK CITY COUNCIL.	APPROVED AS TO FORM ON THIS ____ DAY OF _____, 20__	ENTRY NO. _____, STATE OF ____ UTAH ____ COUNTY OF ____ SUMMIT DATE ____ TIME ____ RECORDED AND FILED AT THE REQUEST OF: _____
BY: S.B.W.R.D.	BY: JEFF WARD GIS DIRECTOR THE SUMMIT COUNTY PUBLIC SAFETY ANSWERING POINT	CHAIR _____	PARK CITY RECORDER _____	DATE _____ PARK CITY ENGINEER _____	MAYOR _____	PARK CITY ATTORNEY _____	COUNTY RECORDER _____

Crescent Vertical LLC  
PO BOX 681248  
Park City UT 84068

February 22, 2021

Park City Municipal Corporation  
ATTN: Planning Department  
445 Marsac Ave,  
Park City, Utah 84060

RE: Willow Ranch Lot 2 Plat Amendment Application

Dear Planning Department,

This application for the Willow Ranch Lot 2 Plat Amendment (this “**Second Replat**”) seeks to primarily change three plat notes for Willow Ranch Lot 2 (“**Lot 2**”) related to the allocated square footage between the barn and house that were changed in the Willow Ranch Lot 2 Replat dated November 3, 1999 (“**First Replat**”) from the original Willow Ranch Subdivision Plat Map dated February 22, 1993 (“**Original Plat**”). There are no proposed changes to the actual map. Fundamentally, all other notes on the Replat and Original Plat are to remain the same. The intent is to reduce the allowable square footage of the house by shifting some of it back to the allowable square footage of the barn, as originally approved in the Original Plat. The net allowable square footage would remain the same as already approved by this Planning Commission and City Council twice; first, during the Original Plat approval and, subsequently, during the First Replat approval. Per plat note #3 on the Second Replat, the total square footage would remain unchanged.

For context, in 1999, former owners of Lot 2 reallocated 1300 allowable square footage from the barn to the home. We plan to remodel the home in the near future and would like to have a functional barn for our small tractor, gardening supplies, lawnmower, snowblower, welder, and other miscellaneous tools while also reducing the size of the home. Also, by adding some square footage to the barn, we can enhance the architectural design of the barn. Essentially the current allowed 500 square foot barn would have to be a square shed in the middle of the entrance to the property.

Because this is a remodel and this is the first step in determining how we will remodel the home, we do not know the exact amount of square footage that we would like to shift from the house to the barn. We have identified about 500 square feet of the home that we would like to remove from the house to shift to the barn, but until we actually open up the walls during construction, we will not really know exactly what we have. We are asking that the same total allowed square footage to remain unchanged but allow the square footage between the house and barn to simply float so we don’t have to deal with a future request to change this. Please see plat notes #4 & 5 on the Second Replat.

This request to change the notes is consistent with the purposes and intents of the Land Management Code, particularly Chapter 15, Subdivision Regulations. As was determined by the Park City Planning Commission and City Council, first with the Original Plat and then again with the Replat, this request for an amendment to make a Second Replat to amend notes is consistent with the Park City General Plan. As was previously determined, this Second Replat is consistent with the surrounding use, scale, mass, and circulation given the large lot size acreage, existing height restrictions, existing setback requirements, and large amount of separation between structures. There are no detrimental impacts to the City with this Second Replat. Given the size of the lot, the setbacks, the limits of disturbance, building pads, CC&Rs, etc. we feel that this allocation would be a benefit to the neighborhood.

Best,  
Sarah & Gerry Hall  
Owners of Crescent Vertical LLC

February 22, 2021

Park City Municipal Corporation  
445 Marsac Avenue,  
Park City, Utah 84060

RE: Willow Ranch Lot 2 Replat Application

Dear Planning Department,

The Willow Ranch Homeowners Association voted and approved this second replat for the Willow Ranch Lot 2. Our Willow Ranch Homeowners Association governing documents allow for our members to vote by proxy; due to covid, we did vote and approve this application by proxy on February 20, 2020.

Sincerely,

Will Lange  
President  
Willow Ranch Homeowners Association

## Planning Commission Staff Report



**Subject:** Affordable Master Planned Developments  
**Application:** PL-21-04777  
**Author:** Rebecca Ward, Land Use Policy Analyst  
**Date:** April 14, 2021  
**Type of Item:** Legislative – Land Management Code Amendments

PLANNING DEPARTMENT

### Recommendation

(1) Review the proposed Land Management Code amendments to establish Affordable Master Planned Developments in the Historic Commercial Business and Historic Recreation Commercial Zoning Districts; (2) conduct a public hearing; and (3) consider forwarding a positive recommendation for the City Council's consideration on April 29, 2021.

### Acronyms

AMPD	Affordable Master Planned Development
FAR	Floor Area Ratio
HCB	Historic Commercial Business
HR-1	Historic Residential – 1
HRC	Historic Recreation Commercial
LMC	Land Management Code

*Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).*

### Description

**Applicant:** Planning Department

**Zoning Districts:** Historic Commercial Business and Historic Recreation Commercial

**Land Management Code Amendments:** § 15-6.1-3, *Zoning Districts And Uses*  
§ 15-6.1-6, *Density*  
§ 15-6.1-7, *Setbacks*  
§ 15-6.1-8, *Building Height And Facades*  
§ 15-6.1-9, *Parking*

**Reason for Review:** The Historic Preservation Board preserves the City's unique Historic character, encourages compatible design and construction, and identifies and resolves conflicts between the preservation of cultural resources and alternative land uses.

The Planning Commission has the primary responsibility of reviewing Land Management Code amendments and forwarding a recommendation for City Council's consideration.

The City Council holds a public hearing and takes Final Action.

## **Background**

On February 25, 2021, the City Council unanimously adopted [Ordinance No. 2021-10](#), which enacted Affordable Master Planned Developments (AMPDs) to incentivize private development and public-private partnerships in the development of affordable units, codified in LMC [Chapter 15-6.1](#) ([Staff Report](#); [Minutes](#), p. 18).

The AMPD code adds cost effective design standards to facilitate financially feasible affordable housing projects, whether public or private or both, to increase incentives for the development of affordable units. These incentives include a reduction in Open Space from 60% to 20%, a reduction in Setbacks from a 25-foot perimeter Setback to Zoning District Setbacks, an increase in Height up to 45 feet with a required 10-foot stepback, and potential reductions in parking. Up to 10,000 square feet of the project can include retail, office, commercial, or public or quasi-public uses.

At least half of the Residential Unit Equivalents in an AMPD must be affordable units, which means deed restrictions are required to be recorded to establish a maximum sales or rental price so that the units are affordable to residents who earn 80% of the Area Median Income or less.

AMPDs are currently allowed in non-Historic Zoning Districts where Multi-Unit Dwellings are allowed, including the Residential Development, Residential Development Medium, Residential Medium, Recreation Commercial, General Commercial, Light Industrial, and Community Transition Zoning Districts.

On February 25, 2021, the City Council directed staff to evaluate AMPDs in non-residential Historic Zoning Districts. The proposed Land Management Code (LMC) amendments establish AMPDs in the Historic Commercial Business and Historic Recreation Commercial Zoning Districts.

The Historic Commercial Business (HCB) and Historic Recreation Commercial (HRC) Zoning Districts are outlined in black in the Zoning Map excerpt below. These Zoning Districts extend from 11<sup>th</sup> Street to the southern end of Main Street, encompassing properties primarily along Main Street, Heber Avenue, and Swede Alley:







property owner of a Building with a Restaurant Use could apply to convert a portion of the Restaurant into an Accessory Affordable Employee Unit to provide housing for staff. The Historic Preservation Board was supportive and also recommended the following:

- Explore incentives for Property Owners to preserve the Historic footprint of Single-Family Dwellings without new additions to increase affordable Historic Single-Family Dwellings
- Consider affordable workforce housing units in Old Town that allow for shared living and kitchen spaces
- Look into possible incentives to attract car-free tenants in Old Town
- Evaluate traffic and parking impacts if more residential uses in the HCB and HRC are proposed

Staff will continue to explore future LMC amendments. The proposed amendments in the draft Ordinance are limited to AMPDs in the HCB and HRC Zoning Districts.

### **Analysis**

The Land Management Code (LMC) implements the goals and policies of the Park City General Plan and to “allow Development in a manner that encourages the preservation of . . . Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City.”<sup>1</sup> One of the core values of the Park City General Plan is to preserve the City’s Historic Character.

Goal 15 is to “[p]reserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.” Objective 15B is to “[m]aintain character, context, and scale of local Historic Districts with compatible infill development and additions,” and Objective 15E is to “[e]ncourage adaptive reuse of historic resources.”

Goal 16 is to “[m]aintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.” Objective 16A is to “[s]upport adaptive re-use of buildings along Main Street through incentives to property owners and businesses.”<sup>2</sup>

The purposes of the Historic Commercial Business District include:

- Preserving the cultural heritage of the City’s original Business, governmental, and residential center,
- Allowing the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- Minimizing the visual impacts of cars and parking on Historic Buildings, Structures, and Streetscapes,
- Maintaining and enhancing the long-term viability of the downtown core as a

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<sup>1</sup> LMC § 15-1-2.

<sup>2</sup> <https://www.parkcity.org/departments/planning/general-plan>



destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.<sup>3</sup>

The purposes of the Historic Recreation Commercial District include:

- Encouraging pedestrian-oriented, pedestrian-scale development,
- Minimizing visual impacts of cars and parking,
- Transitioning in scale and land uses between the Historic Commercial Business District and Historic Residential – 1 District,
- Providing density at the Town Lift base,
- Allowing for limited retail and commercial uses consistent with resort base and needs of the local community,
- Maintaining and enhancing the long-term viability of the downtown core as a destination for residents and tourists by ensuring a business mix that encourages vitality, public access, vibrancy, activity, and public/resort-related attractions.

Allowing AMPDs that include market-rate units, affordable units, and commercial uses is aligned with these purposes. The creation of residential units in these Zoning Districts may provide housing for the Old Town workforce and supports a vibrant year-round community, allowing people to live in proximity to where they work, reducing the need for people to commute to the area.

However, additional amendments to the AMPD code are recommended for the Historic Commercial Business (HCB) and Historic Recreation Commercial (HRC) Zoning Districts to calculate density, to regulate height, to mitigate impacts of cars and parking in the area, and to protect surrounding Historic Districts that are primarily Single-Family Dwellings.

### **AMPDs will Require Preservation of Historic Buildings**

AMPD applicants must submit a map and inventory of all Historic Structures within the project with a Historic Structures report prepared by a qualified Historic Preservation Professional.<sup>4</sup> A Development Agreement is required for approved AMPDs, outlining Historic preservation obligations.<sup>5</sup> These provisions ensure AMPD renovations to Historic Buildings will be required to comply with the Historic District Design Guidelines and other Land Management Code requirements as part of the AMPD review.

### **AMPDs in the HCB and HRC Zoning Districts Must Comply with the Storefront Property Regulations**

The General Plan recommends restricting ground-level buildings along Main Street to retail and restaurant uses. In 2016, the City Council adopted [Ordinance No. 16-02](#) to protect vibrant commercial storefronts in the HCB and HRC Zoning Districts, prohibiting

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<sup>3</sup> LMC [§ 15-2.6-1](#).

<sup>4</sup> LMC [§ 15-6.1-11\(O\)](#).

<sup>5</sup> LMC [§ 15-6.1-5\(A\)\(12\)](#).



office and residential uses at the street level.

The AMPD code allows up to 10,000 square feet of commercial, retail, office, public, and quasi-public uses in addition to the market-rate and affordable units. However, LMC [§ 15-6.1-3\(B\)](#) states that AMPDs can only contain Uses that are Allowed or Conditional in the Zoning District in which it is located. As a result, AMPDs in the HCB and HRC Zoning Districts must comply with the commercial Storefront Property requirements outlined in LMC [§ 15-2.5-2](#) and [§ 15-2.6-2](#).

**AMPD Density, Building Height, and Setbacks in the HCB Zoning District Shall Comply with HCB Building Volume and Height, Floor Area Ratio, Restrictions for Properties that Extend from Main to Swede Alley, and Parking**

AMPD density is volume-based for non-Historic Zoning Districts, meaning the AMPD can be built to the density allowed on site within the constraints of Setbacks, Open Space, and Building Height.

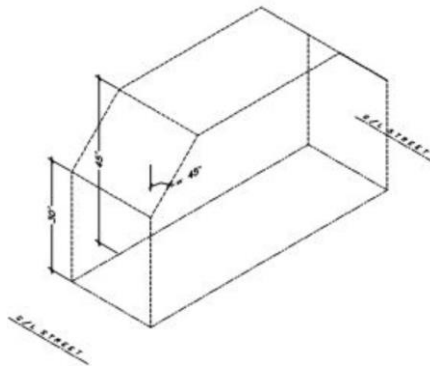
However, this may not lead to AMPDs that are compatible with existing development in the HCB Zoning District. Density in the HCB Zoning District is based on maximum Building Volume and Height, Floor Area Ratio (FAR), which is the total floor area divided by lot area, and special requirements for properties that extend from Main Street to Swede Alley and Residential Zoning Districts. As a result, staff recommends amending LMC [§ 15-6.1-6](#), *Density*, so that AMPDs are subject to the same Density as all other projects within the HCB Zoning District:

- A. Density for Affordable Master Planned Developments is not determined by the underlying Zoning District, except for the Historic Commercial Business Zoning District (see Subsection B). Rather, Density for Affordable Master Planned Developments is volume based and is determined by the requirements outlined in this Affordable Master Planned Development Chapter. Setbacks shall comply with Section 15-6.1-7, Building Height and Facades shall comply with Section 15-6.1-8, parking shall comply with Section 15-6.1-9, Open Space shall comply with Section 15-6.1-10, and Site planning shall comply with Section 15-6.1-11.

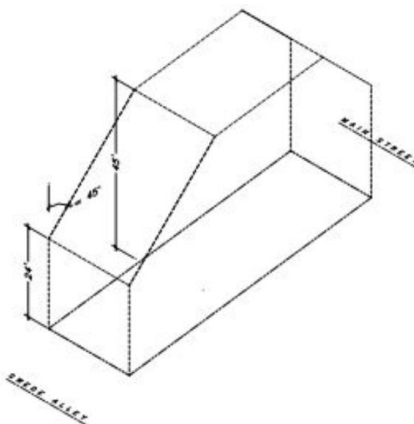


B. Affordable Master Planned Developments in the Historic Commercial Business Zoning District shall comply with Sections 15-2.3-8, 15-2.6-5, 15-2.6-6, and 15-2.6-7.

These requirements include specifications on Building Height that is tapered to diminish height when viewed from the street, but still allows Buildings to achieve a 45-foot Height. The image below is taken from LMC [§ 15-2.6-5\(A\)](#) and shows the maximum HCB Building volume:

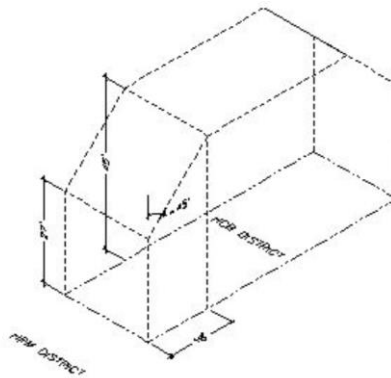


LMC [§ 15-2.6-5\(B\)](#) shows reduced Building volume for HCB Lots abutting Swede Alley:





LMC [§ 15-2.6-5\(D\)](#) shows Building volume for Lots that abut a residential Zoning District:



Additionally, there are no Setback requirements in the HCB Zoning Districts. Staff recommends that AMPDs within this Zoning District also be exempt from Setback requirements to retain the scale of Historic Main Street. LMC [§ 15-6.1-7](#), *Setbacks*, is proposed to be amended as follows:

F. There are no minimum required Setbacks for Affordable Master Planned Developments in the Historic Commercial Business Zoning District. Building and Fire Code separation regulations apply.

Lastly, LMC [§ 15-2.3-8](#) outlines regulations for developments that extend from Main Street in the HCB Zoning District to Park Avenue in the Historic Residential – 2 Zoning District Sub-Zone A, a transition zone between a primarily commercial area to a residential area. The proposed AMPD amendments include these requirements.

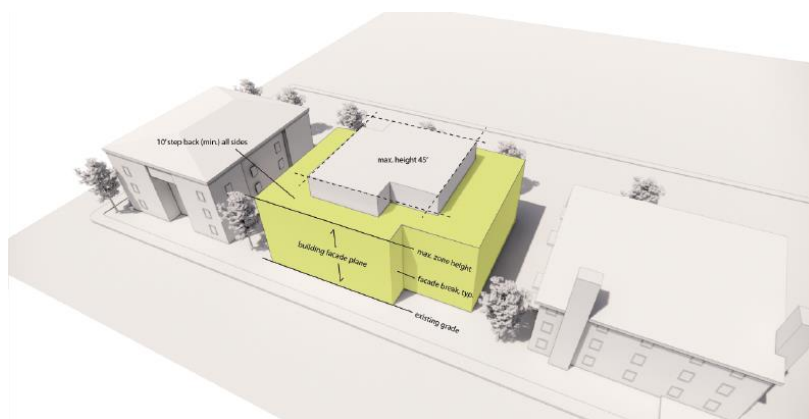


## Density in the HRC Zoning District Shall Comply with AMPD Density

Staff recommends applying the volume-based Density for AMPDs in the HRC Zoning District. The table below compares the HRC Setbacks and Building Height requirements with those in the AMPD code:

	Historic Recreation Commercial	AMPD Code
Setbacks	Front & Rear – 10 feet Side – 5 feet	A 25-foot perimeter Setback on lots greater than two acres  Zone-required Setbacks for properties less than two acres  The Planning Commission may further reduce Setbacks within the AMPD to match abutting zone-required Setbacks, provided the AMPD maintains the general character of the surrounding neighborhood
Building Height	32 feet, with an additional 5 feet of pitched roofs, antennas, chimneys, and similar structures	The perimeter Building Façade planes shall comply with the 32-foot Building Height, but may reach 45-feet with a 10-foot stepback

Like the tapered Height in the HCB Zoning District, the AMPD code allows Buildings to achieve a 45-foot Height, but only with a ten-foot stepback to reduce visibility from the street and the impact to neighboring properties.





## Open Space

AMPDs are required to reserve 20% of the site as Open Space. However, “[t]he Planning Commission may decrease the required Open Space for projects located within 300 feet of a Public Use, including but not limited to a public park, Recreation Open Space, public trail, public school, or Public Recreation Facility.”<sup>6</sup>

Public parks in the HCB Zoning District include 9th Street & Park Avenue Park/North Trolley Turnaround, Crescent Tram Trail, Rodney Schreurs Walkway, Bear Bench Walkway, Washington School Inn Walkway, Raddon Walkway, Miners Park, 3rd Street Right-of-Way Walkway, 2nd Street Right-of-Way Walkway, and Old Town Park. A public trail in the HRC includes the Poison Creek Trail. As a result, the Planning Commission will have discretion to reduce the Open Space requirements for AMPDs in HCB and HRC Zoning Districts and no additional amendments are proposed.

## Parking

The AMPD code allows applicants to request that the Planning Commission reduce parking obligations when the applicant demonstrates parking reductions materially increases the feasibility of the AMPD, the applicant funds and submits a parking and traffic study completed by a third party selected by the City, and the applicant demonstrates that the AMPD sufficiently addresses the parking demand for the project.

Factors the Planning Commission may consider in a parking reduction include a clear and irrevocable agreement that authorizes AMPD tenants to park in an off-Site Parking Area or Parking Structure located within 1,000 feet of the AMPD perimeter boundary,<sup>7</sup> the AMPD is located within ¼-mile from a bus stop, or the AMPD provides dedicated parking spaces for resident carshare vehicles.<sup>8</sup> The proposed code allows for potential parking reductions in the HRC Zoning District.

However, LMC [§ 15-2.6-12\(D\)](#) establishes parking exceptions in the HCB Zoning District for lots that were current in the Main Street Parking Special Improvement District assessment as of January 1, 1984. Most properties within the HCB Zoning District paid into this assessment. Staff recommends amending LMC [§ 15-6.1-9](#) to address this:

H. See Section 15-2.6-12 for Affordable Master Planned Development Parking in the Historic Commercial Business Zoning District.

## AMPDs Are Prohibited in the HRC Zoning District Adjacent to the Historic Residential – 1 Zoning District

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<sup>6</sup> LMC [§ 15-6.1-10](#).

<sup>7</sup> The China Bridge Parking Garage is within 1,000 feet of nearly all of the HCB Zoning District.

<sup>8</sup> LMC [§ 15-6.1-9](#).



There are a few outlier properties located within the HRC Zoning District west of Park Avenue that are adjacent to Historic Residential – 1 (HR-1) Zoning District properties. The HR-1 Zoning District prohibits Multi-Unit Dwellings and has a Building Height of 27 feet (with a total of 35 feet possible when measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters).<sup>9</sup>

To protect the transition between the HRC and HR-1 Zoning Districts, staff recommends amending LMC [§ 15-6.1-3](#) as follows:

A. **ZONING DISTRICTS**. Affordable Master Planned Developments are Allowed in

the following Zoning Districts:

1. Residential Development
2. Residential Development Medium
3. Residential Medium
4. Recreation Commercial
5. General Commercial
6. Light Industrial
7. Community Transition
8. Historic Commercial Business
9. Historic Recreation Commercial, east of Park Avenue

AMPDs will not be allowed in the area highlighted in black below on the Zoning Map  
excerpt:

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<sup>9</sup> LMC [§ 15-2.2-5](#).





### **Department Review**

The Housing, Planning, Engineering, and Legal Departments reviewed this report.

### **Notice**

Staff published notice on the City's website and the Utah Public Notice website on March 23, 2021. Staff mailed courtesy notice to property owners within 300 feet on March 23, 2021. The *Park Record* published notice on March 24, 2021.<sup>10</sup>

### **Public Input**

Staff did not receive any public input at the time this report was published.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council;
- The Planning Commission may forward a negative recommendation to the City Council; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

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<sup>10</sup> LMC [§ 15-1-21](#).



## **Exhibits**

Exhibit A: Draft Ordinance and Land Management Code Redlines

Exhibit B: Affordable Master Planned Development Background



## **DRAFT ORDINANCE 2021-XX**

### **AN ORDINANCE AMENDING LAND MANAGEMENT CODE § 15-6.1, *ZONING DISTRICTS AND USES*; § 15-6.1-6, *DENSITY*; § 15-6.1-7, *SETBACKS*; § 15-6.1-8, *BUILDING HEIGHT AND FACADES*; § 15-6.1-9, *PARKING***

WHEREAS, the Park City General Plan establishes goals, objectives, and community planning strategies to create a diversity of primary housing opportunities to address changing needs of residents; to increase diversity of housing stock to fill voids within housing inventory to create a variety of context sensitive housing opportunities, to increase density that might allow for affordable housing, to increase affordable housing opportunities and associated services for the workforce of Park City, and to provide increased housing opportunities that are affordable to a wide range of income levels;

WHEREAS, the Park City General Plan recommends updating incentives for density bonuses for affordable housing developments to include moderate and mixed-income housing, to evaluate the Land Management Code to remove unnecessary barriers to affordable housing, and to review the affordable housing Master Planned Development requirements and amend according to existing economics;

WHEREAS, the Park City General Plan Housing Toolbox recommends decreased parking requirements, a density bonus, and increased height for affordable developments;

WHEREAS, the Park City 2020 and 2021 Housing Assessment and Plan establishes goals to build affordable and attainable units on City-owned property through public-private partnerships, to implement zoning incentives for Affordable Units in new developments, to reduce parking for certain affordable housing and amend the Land Management Code to incentivize affordable housing development, and to encourage affordable housing near transit;

WHEREAS, Goal 15 of the Park City General Plan is to preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations;

WHEREAS, Goal 16 is to maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors;

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for City residents and visitors;



WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah, to promote the health, safety, and welfare of the residents, visitors, and property owners of Park City;

WHEREAS, the Historic Preservation Board duly noticed and conducted a public hearing on April 7, 2021, and unanimously forwarded a positive recommendation;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on April 14, 2021, and forwarded a \_\_\_\_\_ recommendation to City Council,

WHEREAS, the City Council duly noticed and conducted a public hearing on April 29, 2021.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. AMENDMENT: MUNICIPAL CODE OF PARK CITY, LAND

MANAGEMENT CODE TITLE 15. The recitals above are incorporated herein as findings of fact. Municipal Code of Park City § 15-6.1-6, *Density*; § 15-6.1-7, *Setbacks*; § 15-6.1-8, *Building Height And Facades*; § 15-6.1-9, *Parking*, are hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 29<sup>th</sup> day of April, 2021

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Andy Beerman, Mayor

Attest:

\_\_\_\_\_  
City Recorder

Approved as to form:

\_\_\_\_\_  
Mark Harrington, City Attorney



## 15-6.1 Affordable Master Planned Developments

### 15-6.1-3 Zoning Districts And Uses

A. **ZONING DISTRICTS**. Affordable Master Planned Developments are Allowed in the following Zoning Districts:

1. Residential Development
2. Residential Development Medium
3. Residential Medium
4. Recreation Commercial
5. General Commercial
6. Light Industrial
7. Community Transition
8. Historic Commercial Business
9. Historic Recreation Commercial, east of Park Avenue

B. **USES**. An Affordable Master Planned Development can only contain Uses that are Allowed or Conditional in the Zoning District in which it is located.

C. **COMMERCIAL USES**. An Affordable Master Planned Development may include up to 10,000 square feet of Commercial, Retail, Office, Public, and Quasi-public Uses.

## HISTORY

*Adopted by Ord. [2021-10](#) on 2/25/2021*

### 15-6.1-6 Density

A. Density for Affordable Master Planned Developments is not determined by the underlying Zoning District, except for the Historic Commercial Business Zoning



District (see Subsection B). Rather, Density for Affordable Master Planned Developments is volume based and is determined by the requirements outlined in this Affordable Master Planned Development Chapter. Setbacks shall comply with Section 15-6.1-7, Building Height and Facades shall comply with Section 15-6.1-8, parking shall comply with Section 15-6.1-9, Open Space shall comply with Section 15-6.1-10, and Site planning shall comply with Section 15-6.1-11.

- B. Affordable Master Planned Developments in the Historic Commercial Business Zoning District shall comply with Sections 15-2.3-8, 15-2.6-5, 15-2.6-6, and 15-2.6-7.

## HISTORY

*Adopted by Ord. [2021-10](#) on 2/25/2021*

### **15-6.1-7 Setbacks**

- A. The minimum Setback around the exterior boundary of an Affordable Master Planned Development is twenty-five feet (25') for Property greater than two (2) acres.

1. The Planning Commission may decrease the required perimeter Setback from twenty-five feet (25') for Affordable Master Planned Developments greater than two (2) acres to the zone-required Setback to provide architectural interest and variation.

- B. For Property two (2) acres or less, the minimum Setback around the exterior boundary of an Affordable Master Planned Development shall be the zone-required Setback.



- C. For perimeter Setbacks or Setbacks within the Affordable Master Planned Development, the Planning Commission may increase Setbacks to retain existing Significant Vegetation or natural features, to create an adequate buffer to adjacent Uses, or to meet Historic Compatibility requirements.
- D. The Planning Commission may reduce Setbacks within the project boundary, but not perimeter Setbacks, from those otherwise required in the Zoning District to match an abutting zone-required Setback, provided the project meets minimum International Building Code and Fire Code requirements, maintains the general character of the surrounding neighborhood in terms of mass, scale, and spacing between Structures, and meets Open Space criteria.
- E. Final Setback approvals shall be specified as a Finding of Fact in the Affordable Master Planned Development approval, in the Development Agreement, and on each plat within the Affordable Master Planned Development.
- F. There are no minimum required Setbacks for Affordable Master Planned Developments in the Historic Commercial Business Zoning District. Building and Fire Code separation regulations apply.

## HISTORY

*Adopted by Ord. [2021-10](#) on 2/25/2021*

### **15-6.1-8 Building Height And Facades**

- A. **BUILDING HEIGHT.** With the exception of the Historic Commercial Business Zoning District, Affordable Master Planned Development Building Height shall comply with the underlying Zoning District Building Height for the perimeter



Building Façade planes. Building Height is forty-five feet (45') from Existing Grade when the following criteria are met:

1. The Building includes a ten-foot (10') stepback on all perimeter Building Façade planes from the underlying Zoning District Building Height to the forty-five foot (45') Building Height;
2. Infrastructure is in place or can be updated to meet the increased demand; and
3. The Building complies with Building Façade variation requirements.

**B. EXCEPTIONS.** The following may exceed the Building Height:

1. Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code requirements;
2. Water towers, mechanical equipment, and Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the forty-five foot (45') Building Height; and
3. Elevator Penthouses may extend up to eight feet (8') above the forty-five foot (45') Building Height.

**C. STEPBACK EXCEPTIONS.**

1. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the stepback.
2. Roof overhangs or eaves projecting not more than two feet (2') into the stepback.



3. Window sills, belt courses, trim, exterior siding, cornices, or other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.
4. Rooftop Decks projecting not more than six feet (6') into the stepback.
5. Solar Energy Systems.
6. Green Roofs.
7. Rooftop gardens projecting not more than six feet (6') into the stepback.
8. Screened mechanical equipment, hot tubs, or similar Structures projecting not more than six feet (6') into the stepback.

**D. FAÇADE VARIATION.**

1. Buildings greater than sixty feet (60') but less than one-hundred-twenty feet (120') in length must exhibit a prominent shift in the Façade of the Building so that no greater than seventy-five percent (75%) of the length of the Building Façade appears unbroken. Each shift shall be in the form of either a ten foot (10') change in Building Façade alignment or a ten foot (10') change in the Building Height, or a combined change in Building Façade and Building Height totaling ten feet (10').
2. Structures that exceed one-hundred-twenty feet (120') in length on any Façade shall provide a prominent shift in the mass of the Building at each one-hundred-twenty-foot (120') interval, or less, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Façade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building



Façade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.

3. The Façade length and variation requirements apply to all sides of a Building.

- E. Building Height in the Historic Commercial Business Zoning District shall comply with Section 15-2.6-5.

## HISTORY

*Adopted by Ord. [2021-10](#) on 2/25/2021*

### **15-6.1-9 Parking**

- A. Affordable Master Planned Developments shall comply with Chapter 15-3, Off-Street Parking.

- B. The Applicant may request that the Planning Commission reduce the parking required by Section 15-3-6, Parking Ratio Requirements For Specific Land Use Categories. To request a parking reduction, the Applicant must:

1. Demonstrate that parking reductions materially increase the feasibility of the proposed Affordable Master Planned Development;
2. Fund and submit a parking and traffic study completed by a third party selected by the City; and
3. Demonstrate that the proposed Affordable Master Planned Development sufficiently addresses the parking demand for the project.

- C. If the Planning Commission approves a reduction in the parking requirements, the Applicant shall submit a parking management plan for Planning Commission



review and approval prior to the issuance of a Certificate of Occupancy for any portion of the Affordable Master Planned Development.

1. The Planning Commission may amend the parking management plan at any time to address changing circumstances.

D. The Planning Commission may reduce the parking required by Section 15-3-6, Parking Ratio Requirements For Specific Land Use Categories, for Affordable Master Planned Developments according to one or more of the criteria outlined below:

1. On sites that are one acre or less by deducting 5,000 square feet per 15,000 square feet of Gross Floor Area for each floor from the sum of total floor area that is used to calculate parking requirements;
2. Parking in the Right-of-Way along the perimeter of the Affordable Master Planned Development Site is available;
3. A clear and irrevocable agreement authorizes Affordable Master Planned Development residents to park in an off-Site Parking Area or Parking Structure that is located within 1,000 feet of the Affordable Master Planned Development perimeter boundary;
4. The Affordable Master Planned Development is within ¼-mile from a bus stop that includes a waiting shelter consistent with City standards;
5. On-Site parking is provided for motorcycles and/or scooters;
6. Bicycle parking exceeds the requirements of Section 15-3-9;
7. The Affordable Master Planned Development provides dedicated parking spaces for resident carshare vehicles.



E. The Planning Commission may not reduce Affordable Master Planned Development parking requirements below the ratio outlined in Table 1:

Table 1

Unit Size	Market-Rate Units	Affordable Units
<600 SF	0.5 spaces per unit	None
600-1,000 SF	1 space per unit	0.5 spaces per unit
1,000-2,000 SF	1.5 spaces per unit	1 space per unit
>2,000 SF	2 spaces per unit	1.5 spaces per unit

F.

G. In mixed-use Affordable Master Planned Developments, the Commercial, Retail, Office, Public, and/or Quasi-public Uses shall meet the parking requirements outlined in Chapter 15-3.

H. See Section 15-2.6-12 for Affordable Master Planned Development Parking in the Historic Commercial Business Zoning District.

## HISTORY

*Adopted by Ord. [2021-10](#) on 2/25/2021*



## Exhibit B: Affordable Master Planned Development Background

In 2016, the City Council passed [Resolution HA 01-2016](#), establishing a goal to create 800 new affordable units in Park City by 2026. This goal was established to promote quality housing opportunities for all economic levels, to meet the socioeconomic needs of the workforce, and to maintain affordable housing for 15% of the workforce within City limits.

While the City has made strides toward the goal of 800 units, there is still a long way to go. Public-private partnerships will be important in developing the remaining 263 units in the next five years, and beyond.



Since 1984, the Land Management Code provided a 20-unit density bonus to incentivize Master Planned Developments that were 100% affordable. However, in 36 years, no such development was ever constructed using the density bonus. In early 2018, the City Council directed Planning and Housing staff to evaluate whether the density bonus went far enough to incentive the development of affordable housing.

In 2018, staff proposed AMPD amendments to:

- (I) Reduce the requirement from 100% to 50% affordable or attainable housing;
- (II) Create a sliding scale for Density Bonuses based on the total percentage of Affordable units and the Area Median Income served – the more affordable units and the lower AMI served, the greater Density Bonus;
- (III) Reduce Off-Street Parking to match general MPD parking requirements; and
- (IV) Exempt micro-units 500 square feet or less from parking requirements.

The Planning Commission forwarded a positive recommendation to City Council but requested continued work on Height, micro-unit limitations, and clarification with respect to market-rate units and the density bonus, parking restrictions, and rental units ([Staff Report](#), p. 52; [Minutes](#), p. 11).

When staff presented the proposed AMPD amendments, the City Council requested further study to demonstrate whether the proposed AMPD amendments went far



## Exhibit B: Affordable Master Planned Development Background

enough to incentivize public-private partnerships. The Council directed staff to hire a consultant. The City hired Cascadia Partners to audit the proposed AMPD code (City Council [Staff Report](#); [Minutes](#), p. 12 - 13).

On November 25, 2019, Cascadia Partners submitted the [Affordable Master Planned Development Code Audit Report: Identifying Zoning and Housing Development Barriers](#). Cascadia concluded that the proposed AMPD code did not sufficiently mitigate the funding gap and could not be accommodated on certain sites. Cascadia recommended additional incentives through:

- Reduced Setbacks
- Reduced Open Space
- Increased Floor Area Ratio (allow more Height)
- Increased Lot Coverage
- Reduced Parking

On December 5, 2019, the City Council reviewed Cascadia's Audit Report and directed staff to amend the AMPD code in two phases: Phase I to reduce Setbacks, Open Space, and Parking, and Phase II to increase Height and further reduce parking.

On January 30, 2020, the City Council adopted [Ordinance 2020-09](#), enacting Phase I to reduce MPD Setbacks for Lots less than two acres to the Zone-Required Setbacks, to reduce AMPD Open Space from 50% to 20%, and to reduce AMPD Parking requirements to match general MPD requirements.

To implement Phase II, staff hired Cascadia Partners to evaluate land use codes that incentivize Affordable Housing through reduced parking and increased Height. Cascadia submitted [Best Practice Research on Height and Parking Code Standards for AMPD Update](#). The Planning Commission conducted three work sessions and provided input below.

### Parking Reductions

On October 28, 2020, the Planning Commission considered parking reductions and provided the following direction ([Staff Report](#); [Minutes](#), p. 3):

- Reduce parking for Affordable Units and require parking mitigations based on transit access, available carshares, motorcycle/scooter parking, and bicycle parking.

Current Requirement		Recommended Requirements		
Dwelling Size	All units	Dwelling Size	Market-Rate Units	Affordable Units
<1,000 SF	1 space per unit	<600 SF	0.5 spaces per unit	None
1,000 – 2,000 SF	1.5 spaces per unit	600 SF – 1,000 SF	1 space per unit	0.5 spaces per unit



## Exhibit B: Affordable Master Planned Development Background

>2,000 SF	2 spaces per unit	1,000 – 2,000 SF	1.5 spaces per unit	1 space per unit
		>2,000 SF	2 spaces per unit	1.5 spaces per unit

- Provide additional parking reductions for AMPDs on small sites: for every 15,000 square feet per floor, reduce the parking requirement for 5,000 square feet.
- Reduce Off-Street Parking Requirements for projects on Lots with an area less than 5,000 square feet if sufficient parking demand reductions can be implemented.
- Allow credit for on-street parking along the site frontage.
- Allow credit for off-site parking spaces within 800 to 1,000 feet from the AMPD that are dedicated to AMPD parking.

### Increased Height

On November 11, 2020, the Planning Commission provided input on the following ([Staff Report](#); [Audio](#)):

- Allow Height up to 45 feet in:
  - Predominantly Residential Zoning Districts (RD, E, SF)
  - Mixed Residential and Resort-Oriented Zoning Districts (RDM, R-1, RM)
  - Resort-Oriented and Commercial Zoning Districts (RC, LI, GC)
  - Highway 40 Entry Corridor Zoning District (CT)
- Require Height stepdowns from the edge of Buildings to mitigate the impact.
- Apply a maximum building length and façade articulation standard.

### AMPD Affordable/Market-Rate Requirements

On December 9, 2020, the Planning Commission provided input on the final phase in the amended AMPD code, including an update to the percentage of affordable versus market-rate units ([Staff Report](#); [Minutes](#), p. 14). Based on amendments to the Housing Resolution and lessons learned through City development of Affordable Housing, the code:

- (I) Separates AMPDs from MPDs and Housing Resolution obligations;
- (II) Requires at least 50% Affordable Units;
- (III) Allows only Affordable Units – not Attainable Units;
- (IV) Bases the Density Bonus on an envelope encompassing reduced Setbacks, Open Space, and increased Height rather than on base-zoning Density;
- (V) Prohibits Nightly Rentals and Timeshares in both affordable and market-rate AMPDs;



## Exhibit B: Affordable Master Planned Development Background

(VI) Allows commercial development if the total is less than 10,000 square feet.

The Planning Commission then conducted two public hearings on January 27, 2021 ([Staff Report](#); [Minutes](#), p. 17) and February 10, 2021 ([Staff Report](#); [Audio](#)), and forwarded a positive recommendation to City Council.

On February 25, 2021, the City Council unanimously adopted [Ordinance No. 2021-10](#), which enacted Affordable Master Planned Developments (AMPDs) to incentivize private development and public-private partnerships in the development of affordable units, codified in LMC [Chapter 15-6.1](#) ([Staff Report](#); [Minutes](#), p. 18). The City Council directed staff to evaluate AMPDs in non-residential Historic Zoning Districts.

On April 7, 2021, the Historic Preservation Board considered Land Management Code amendments to establish AMPDs in the Historic Commercial Business and Historic Recreation Commercial Zoning Districts and unanimously forwarded a positive recommendation for the Planning Commission's consideration on April 14, 2021, and the City Council's consideration on April 29, 2021 ([Staff Report](#); [Audio](#)).