



**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION AGENDA  
445 MARSAC AVENUE  
WEDNESDAY, SEPTEMBER 8, 2004 – 5:30 P.M.**

**WORK SESSION – 5:30 P.M.**

Items scheduled for Work Session are for discussion purposes between the Planning Staff, the Project applicants and the Planning Commission. **NO ACTION WILL BE TAKEN.** The public is encouraged to attend, however, no public testimony will be received. For further information, please call the Planning Department at 615-5060.

Royal Street in Upper Deer Valley, The Lookout at Deer Valley-Master Planned Development/Conditional use permit  
2260 Park Avenue, Nutraceutical Corporation-Conditional use permit modification  
Review of Regular Agenda

**REGULAR MEETING – 6:30 p.m.**

**ROLL CALL**

**ADOPTION OF MINUTES OF AUGUST 11 & AUGUST 25, 2004**

**PUBLIC COMMUNICATIONS**

**STAFF/COMMISSIONER'S COMMUNICATIONS**

**REGULAR AGENDA/PUBLIC HEARINGS**

Hofmann Annexation (continue to a date uncertain)  
64 Ontario Canyon-Subdivision (continue to September 22)  
201 Heber Avenue, Union Square-Master Planned Development (continue to September 22)  
1412 & 1416 Park Avenue-Condominium conversion (Public hearing and possible recommendation to City Council)  
Spiro Tunnel-Master Planned Development (Continuation of public hearing and discussion)

**ADJOURN**

The Work Session will be held at 5:30 p.m. in the City Council Chambers, 445 Marsac Avenue. The Regular Meeting will be held at 6:30 p.m. The public is welcomed to attend. For further information, please call the Planning Department at 615-5060. (Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department, 615-5060 24 hours prior to the meeting.)

Published: September 1, 2004  
Posted: September 1, 2004

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
AUGUST 11, 2004

COMMISSIONERS IN ATTENDANCE:

Chair Jim Barth, Bruce Erickson, Michael O'Hara, Bob Powers, Jack Thomas

EX OFFICIO: Patrick Putt, Planning Director; Kevin LoPiccolo, Planner; Jonathan Weidenhamer, Planner; Grayson Thompson, Planning Intern; Tim Twardowski, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

**I. ROLL CALL**

Chair Barth called the meeting to order at 6:35 p.m. and noted that all Commissioners were present except Commissioners Volkman and Zimney who were excused.

**II. ADOPTION OF MINUTES**

MOTION: Commissioner O'Hara moved to APPROVE the minutes of July 28, 2004, as written. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

**III. PUBLIC COMMUNICATIONS**

There was no comment.

**IV. STAFF & COMMISSIONERS' COMMUNICATIONS**

Planning Director Patrick Putt announced that Planner Kevin LoPiccolo, who has been with the Planning Staff for eight years, has accepted a job as a Planning Administrator for Salt Lake City. His last day with Park City will be August 18.

Director Putt provided the Commissioners with a letter from Craig Smay expressing concern that some of his comments were not entered into the minutes of the July 14 meeting. Director Putt will review the minutes to see what part of Mr. Smay's comments may have not been included. He informed the Commissioners that he may return with a revised set of minutes to address Mr. Smay's concerns.

Director Putt reported that a public hearing is scheduled for possible amendments to the Land Management Code. The amendments deal with three primary items:

1. Additions to the definitions sections to include revised definitions for timeshare unit, timeshare project, and timeshare estate;
2. New inclusions and additions to the definitions section to include definitions for a private residence club, private residence club project, and private residence club conversion;
3. The additional conditional use permit inclusions in the LMC in the RD, RDM, RC, GC, LI, RCO, HCB, and HRC zones to include private residence club and private residence club projects into these zones as a conditional use permit.

The Staff recommended that the Planning Commission conduct a public hearing and consider public input. A red-line, strike-out amendment to the LMC had been prepared in the event the Planning Commission chooses to forward a positive recommendation to the City Council this evening.

Chair Barth opened the public hearing.

Pat Sweeney, representing his brothers and the Sweeney Land Company, asked the Planning Commission, Staff, and City Council to consider adding the Estate MPD zone to this consideration. Based on his knowledge of what it takes to create active bed base, quarter shares, twelve shares, and time shares create the most active bed base and provide a vehicle for ownership of the land that makes it economically feasible. He believed the two Marriott projects in Park City had done a good job with that. He referred to a project he is proposing on the hillside that has a great opportunity to provide active bed base for Main Street with appropriate connections and asked that the Planning Commission include that opportunity in this consideration. He stated that active management is another advantage of this type of project which is a benefit to Park City by dealing with good managers when it comes to City issues and interface.

Bob Wells, representing Deer Valley, stated that Deer Valley participated with Staff in developing this recommendation. The residence club has emerged as a big competitor in the market place, and in their particular zone, Deer Valley RD, having the residence club included under the timeshare definition prohibits this use. Deer Valley would like to have the use from a competitive standpoint, particularly with respect to resorts in Colorado where this use has been successful. Mr. Wells stated that a number of projects have gone through the Planning Commission with the inference that fractional use would be present or that the residence club concept would be present. That includes the North Silver Lake Lodge project and the Chateau project. The hotel at Deer Crest is different because of the split zone situation. The Roosevelt Gap side of Deer Crest is the RC zone which would accommodate this type of use. The zoning on the Snow Park side is RD, which creates a conflict. Mr. Wells stated that the primary motivation is to acknowledge the emergence of

this type of land ownership and its popularity and to be able to achieve it on a conditional use basis within their project.

Chair Barth closed the public hearing.

Commissioner Erickson stated that he generally supports the residence club concept in the definitions included in the text and that he supports expanding it into the proposed zones. He was interested in hearing whether they would need to be conditional uses or part of an MPD. He was not interested in expanding fractional ownership timeshares into those zones and would consider additional restrictions on fractional ownership until the parking requirements are revised to adequately reflect the true parking use. He verified with Director Putt that the amendments would only add definitions for residence clubs and not expand timeshares. Director Putt explained that expanding the zones in which a private residence club could be permitted is also included. This action would not allow the expansion of timeshares. Commissioner Erickson stated that he was not prepared to include the Estate MPD zone as requested by Mr. Sweeney without further guidance from the Staff.

Director Putt stated that the proposed draft currently includes the language, "whose use is established by a reservation system and is managed on site with a front desk operating 24 hours a day, seven days a week providing reservation and registration capabilities." If the language were modified to say, "whose use is established by a reservation system and 24 hour a day management," it could allow a 24-hour-a-day front desk, or it could be operated by a 24-hour-a-day management that could potentially be off site. Commissioner Erickson stated that he would be comfortable with that suggestion.

Chair Barth referred to language stating that the private residence club allows a minimum of four members and up to 12 owners per unit and asked if a unit is considered property. Director Putt replied that it is.

**MOTION:** Commissioner Erickson moved to forward a POSITIVE recommendation to the City Council for the revisions to the Land Management Code relative to the residence club definitions as presented in the staff report and the expansion of the residence club uses to the RD, RDM, RCO, and LI zones as presented in the staff report, with the revision made by Planning Staff that it is a 24-hour management and not 24-hour on-site activities.

Commissioner Erickson asked if the Commissioners wanted to leave the requirement as a CUP or change it to an MPD. Chair Barth and Commissioner O'Hara indicated that they were leaning toward an MPD. Commissioner Erickson suggested leaving the motion as stated with the request that the Staff provide guidance to the City Council with respect to these uses requiring MPD. This will allow the Staff time to analyze the situation and have the City Council make the decision.

Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

7. Treasure Hill conditional use permit for single, multi-family, hotel, and commercial uses

Director Putt noted that a public hearing is scheduled this evening on a CUP submitted by the Sweeney brothers for primarily the Mid-Station and Creole Gulch portions of the Treasure Hill MPD. The project from general overview is a mixed-use project consisting of approximately 282 mixed residential units and 19,000 square feet of support commercial located in the Creole Gulch and Mid-Station areas. The two areas comprise approximately 11-1/2 acres. Director Putt reported that the Planning Commission has been going through a systematic review of this process, looking at the CUP criteria a few at a time. They have reached the point of looking at two criteria that deal with building mass, bulk and orientation, and usable open space. After a review of the project by the applicant, the Staff would request discussion of building bulk and open space issues. No action is required. The Staff and applicant will return at a future meeting for a more detailed review. Director Putt requested that the public hearing be re-opened and kept open at the conclusion of this evening's hearing.

Pat Sweeney, the applicant, stated that he intends to cover Conditions 11 and the balance of 15 this evening and to concentrate on bulk, massing, and separation. Signage and open space will also be discussed. Mr. Sweeney introduced the team members involved with the project.

Mr. Sweeney provided a slide presentation showing the mass and orientation of the project. He explained that the basic concept was to put all the density in the gulch where it will have the least impact. He explained that they started with an accurate field survey and then flew over the project to get the topography at elevations appropriate for construction. That data was combined into a data base of the entire City for purposes of this demonstration and a study of the project's mass. He noted that fire protection drove much of the design. In terms of deciding where to put the mass, they looked at ski runs, lift vehicles, and the height zones in the master plan that determines where height can be placed. The Creole Gulch portion of the master plan has an average height above existing grade of 45 feet or less. The Mid-Station portion of the master plan requires an average height of 25 feet or less. Using the average heights, everything was calculated into square footage. Mr. Sweeney indicated one area that is greater than the 45-foot height limit in the Creole Gulch portion and area that is more than 25 feet above existing grade in the Mid-Station area. The plan for Mid-Station shows an actual height of 20 feet, which is five less than what is required. With respect to Creole Gulch, the plan achieves 33.4 feet, which is less than the 45 feet allowed. The project is required to maintain 75% open space. Inside

Mid-Station, 80% open space was achieved, and insider Creole Gulch, 72% was achieved. The project total is 74.6% open space. Mr. Sweeney presented a slide showing the areas of usable open space.

Mr. Sweeney commented on separation, screening, and massing. He presented a slide showing existing vegetation on the lower part of Treasure Hill which offers a significant screen to the immediate residents. Steve Perkins, with Perkins Associates, felt it was important to predominantly remember the vegetation on the east facing slopes, which has a greater vegetative mosaic than on the west facing slopes. As well as creating separation from residential areas, Mr. Perkins stated that they need to make the transition back to the natural areas as they incorporate this project into the site. He presented a slide showing an evolving landscape plan which divides the landscape into three separate zones with specific issues that need to be addressed as part of the project planning. The first zone is the perimeter landscape extending along the upper edges of the project on the south and west side. That would be re-vegetated in native trees and shrubs to blend back to the adjacent natural forest canopy. This area would have minimal irrigation, and forestry management will be required within this zone. The second zone is the transition zone, and third is the plaza zone which extends through the commercial area, on the terraces and plazas, and around the pool and spa. The plaza areas will be the most active zones where most of the activities take place. The remainder of the site is in the transition zone which is important when looking at separation of uses. The transition zone extends along the cliffscape areas on the south and west side and the residential perimeters along Woodside and parts of Lowell and Empire, as well as the areas that border the ski run. Those transition areas will be planted with native vegetation and other complimentary trees and shrubs where appropriate. They will be irrigated with overhead spray intended as supplemental watering. Mr. Perkins noted that irrigating those areas will help with fire suppression and reduce the risk of wildfire and health and management. These will be actively managed areas with careful consideration of canopy density and fuel load on the ground. This is also the area where they plan to create screening and buffering from the residential neighbors. Mr. Perkins identified the different species of trees and shrubs they intend to plant. He noted that the plan is a work in progress, and they have worked with the architectural model to specifically locate trees for building screening, separating, and adjusting masses. He reviewed the plans for separation from surrounding neighborhoods and explained how they built into the Gulch by excavating out and creating cliffscape areas to separate the uses from adjacent residential neighborhoods and to reduce visual impacts on those neighbors. The larger buildings are located in the back of the Gulch and the smaller buildings are in the foreground. The smaller buildings tend to screen the larger buildings behind them.

Mr. Perkins reviewed Sections A through G which run north and south clockwise and are designed to show particular relationships between the project buildings and the neighborhood. He commented that signage is important, and he expects to create a

comprehensive master sign program for the project. This will include regulatory signs, way finding signs, signs for limited commercial uses, and a comprehensive environmental graphics program. Signs will be consistent with the Park City sign ordinance and developed in a way to give the project distinction and character. Lighting is another big issue, and several aspects of lighting need to be considered. Safety and security at night needs to be provided, and several levels of lighting will be provided at main entrances along major pedestrian corridors and for vehicular access. Light control is a major issue, and for consistency with the ordinance, the lighting program will consider controlling ambient light produced by the project and create lighting zones. The greatest concentration of light will be in the plaza areas. Transitional areas will have less lighting, primarily for pedestrian walks, entrances, and exits. No lighting will be proposed in the perimeter. Light will only be provided where and when needed with appropriate lighting fixtures.

Mr. Sweeney stated that all the information and drawings presented this evening are contained on their web site. At the next meeting, they will discuss the building details in a conceptual sense, and formal renderings of the project will be provided from several different viewpoints.

Chair Barth re-opened the public hearing.

Alan Larson, a resident at 911 Lowell Avenue, stated that he is President of the North Star Homeowners, an association of 10 lots adjacent to the proposed Treasure Hill development. He noted that his lot is contiguous to the proposed development and will be very much affected by this project. He expressed concern about traffic flow to the neighborhood which he believed would be exacerbated by this project. He noted that the only practical way a fire vehicle or emergency vehicle can get into their part of the subdivision is to approach from Empire Avenue. When the subdivision was developed, the City restricted access to Lowell Avenue and required that there be one access on North Star. The angle of North Star can only practically be approached by coming around Empire to Lowell Loop. Mr. Larson stated that Empire Avenue is an important issue for emergency vehicles given the turn and nature of the road. If this project is approved, Mr. Larson urged the Planning Commission to admonish the City to live up to the existing standards for parking, road maintenance, and plowing. If there were a fire or emergency situation in their subdivision, it would only take one blockage due to increased traffic along Empire Avenue to cause chaos.

Annie Lewis Garda stated that she and her husband have had a second home in Park City since 1983 and have lived in their house since 1990 when they moved in after building it. They live in Park City approximately five months of the year and are the residents most impacted by this project. Ms. Garda stated that she met Pat Sweeney several years ago right after the City rejected the plan to put multiple houses up the hillside. Since then, Mr.

Sweeney has been responsive to her questions about the project, and she expressed appreciation for his attention to her concerns. Ms. Garda stated that a major concern is continued access to the trails for skiing and hiking. Another concern is landscaping to mitigate the impacts of the seven-story building which will be 100 feet from her back deck. She noted that Mr. Sweeney has said that the visual impact of this massive building could be alleviated if the Sweeney's were given some leeway in terms of how they build their units. She understands that without encroaching on the promised open space and without increasing square footage, some leeway will allow for more step back, which will help the impact on the City and the residents. Ms. Garda urged the Planning Commission to grant that leeway as far as practical. She commented that the photos and charts are wonderful, but she did not believe they were as effective as a 3-D model like the one presented for another project earlier this evening during the Union Square discussion. She believed a model would help in understanding the true visual impact of this massive building. She requested that the applicants provide a 3-D model in addition to the photographs. Ms. Garda stated that she has concerns about traffic but was unsure if this is the appropriate time to address that issue. She understood that traffic studies had been done, but she believed there would be more traffic than envisioned due to traffic generated by employees, delivery trucks, and garbage trucks. She requested that the Planning Commission consider the traffic issues. She stated that she has spoken with City Engineer Eric DeHaan and the Fire Marshall, and they feel confident about the fire plan. She was confident about emergency vehicles once they reach the gate of the project, but reaching the gate will be a challenge when snow is on the ground and the roads are blocked by garbage trucks and garbage cans on Empire Avenue.

Brad Surel, a resident on Empire Avenue, agreed with Ms. Garda's comments about providing a 3-D model. He commented on traffic and stated that, after speaking with a number of his neighbors, they share his concerns. He referred to the suggestion in the traffic study that Empire Avenue be reduced to one side street parking. He stated that last week when he drove down Empire Avenue, even though cars were only parked on one side, he still needed to wait for cars to pass by. He noted that traffic studies do not account for noise. Currently it is hard to hear anything when a small truck goes down the street, and that problem will worsen when there is a constant stream of garbage and delivery trucks. He wanted to be sure that the Planning Commission spends a lot of time on traffic and access, because those issues affect everyone.

Chair Barth continued the public hearing until August 25, 2004.

Commissioner O'Hara referred to Item 7, fencing, screening, and landscaping. He noted that the Garda house is fairly close by, and the residential use they are separating from the commercial use deserves to be well separated, including noise separation. He would hate to be the residents sitting outside in the summer listening to the HVAC units on top of the building. Those issues need to be adequately addressed so that whatever screening the



applicant considers will separate the uses and provide visual landscaping. Residential users deserve the quiet enjoyment of their homes, and this issue deserves more attention than a beautiful landscape plan. Commissioner O'Hara asked if the Sensitive Lands Ordinance applies to any portion of this review. Director Putt replied that the SLO does not apply specifically to this application. However, criteria in the CUP section of the Code refer to site design and compatibility with environmentally sensitive areas. Commissioner O'Hara asked if the Planning Commission could approach the review by setting specific view points. Director Putt stated that they could to the degree that they can agree on the areas and what they are intended to show.

Mr. Sweeney stated that he worked with Planner Whetstone, and they came up with nine viewpoints, including from the Resort looking up Lowell, from the Park, from Deer Valley Drive where it passes the skate park, from outside the Marsac Building, from the Aerie, from Heber Avenue and Main Street, from the Town Lift deck, and one from the Gardas' home.

Commissioner O'Hara stated that he was previously concerned with Section G. The transition from Old Town off of Woodside to this project is very important, and he was pleased to see how it was represented in Section G. He believed the applicant would have a hard time convincing the Planning Commission that Section A is not really seven stories.

Director Putt noted that Item 15 in Chapter 1 of the Development Code addresses project compatibility with the adjoining site, impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure with the topography of the site. Item 15 gives the Planning Commission the ability to look at the relationships of the buildings, the grading, and the adjacent properties.

Commissioner Thomas referred to the cross sections, specifically Building 4B, and asked if they had been studied in terms of breaking the facade lines both in plane and elevation. Mr. Sweeney explained that was purposely taken out of the drawings for this meeting because the topic was bulk and mass as opposed to architecture. He believed they had facade variations, which will be part of the presentation in two weeks. Mr. Thomas stated that he would be anxious to see that as well as the grading impacts relative to the seven story building and impacts of adjacent vegetation, etc. Mr. Sweeney noted that much of that information is on the website, and he will bolster it with further drawings. Commissioner Thomas stated that the concerns about building mass and relationship with the adjacent community are an important component, and they need to be satisfied in terms of the relationship of the massive structures with the height of the community. He understood that height is factored into the project, but he was curious to see how they would step the building massing.

what they have learned to determine what how to move forward with general plan changes in the future. The Staff recommended that the Planning Commission take public comment, provide necessary changes, and accept and adopt these findings formally drawing closure to the study.

Commissioner O'Hara stated that he participated in the joint committee meetings with the County, and one issue of overwhelming importance was traffic flow and patterns. He noted that traffic is not mentioned in the conclusions and asked why. Director Putt replied that the fact that it was not added as a specific principle does not diminish the issue. It was felt that traffic was sufficiently addressed by the emphasis on land use patterns primarily being directed toward open space, recreation, and possible institutional use and the provisions that those types of development be transit related and interconnected to the properties involved within the study area.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

**MOTION:** Commissioner Erickson moved to **ADOPT** and **APPROVE** the findings and complete the technical report on the joint study area in Quinn's Junction with the provision that the term "density" used in the text be referenced to the definition of density in the Land Management Code. Commissioner Powers seconded the motion.

**VOTE:** The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 10:15 p.m.

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

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
AUGUST 25, 2004

COMMISSIONERS IN ATTENDANCE:

Vice Chair Michael O'Hara, Bruce Erickson, Bob Powers, Jack Thomas, Andrew Volkman, Diane Zimney.

EX OFFICIO: Patrick Putt, Planning Director; Ray Milliner, Planner; Jonathan Weidenhamer, Planner; Brooks Robinson, Planner; Kirsten Whetstone, Planner

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REGULAR MEETING - 6:30 p.m.

**I. ROLL CALL**

Vice-Chair O'Hara called the meeting to order at 6:30 p.m. and noted that all Commissioners were present except Commissioner Barth who was excused.

**II. PUBLIC COMMUNICATIONS**

There was no comment.

**III. STAFF & COMMISSIONER'S COMMUNICATIONS**

Planning Director Patrick Putt requested that the Commissioners submit their disclosures as soon as possible.

Director Putt reported that a formal appeal of the Red Cloud MPD was filed on Friday, August 20, 2004. The appeal will be heard by the City Council on September 9, 2004.

**IV. REGULAR AGENDA/PUBLIC HEARINGS**

1. Hoffman Annexation
2. Spiro Tunnel Master Planned Development
3. 201 Heber Avenue, Union Square - Master Planned Development

MOTION: Commissioner Powers moved to CONTINUE these items to September 8, 2004. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

4. Red Cloud - Preliminary and final plat

MOTION: Commissioner Powers moved to CONTINUE this item to September 22, 2004. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

5. Treasurer Hill Conditional Use Permit for single multi-family, hotel, and commercial uses

Planner Kirsten Whetstone presented the staff report and requested that the Planning Commission review and discuss the Treasure Hill Conditional Use Permit relative to Criterion #11, physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing. The Staff requested that the Planning Commission conduct a public hearing and continue the public hearing until September 22, 2004, at which time the Staff will present all 15 criteria reviewed to date and a summary of the discussions and public input. She recalled that the Planning Commission reviewed Criteria 7-10 on August 11, 2004, and Criteria 2, 12, and 15 on July 14, 2004. Planner Whetstone requested specific input on the location of Building 4A in terms of setbacks and stepping and the overall massing of Building 1B. She noted that the staff report contains an analysis of the criteria for discussion.

Pat Sweeney, representing the applicant, provided a presentation and visual analysis to help clarify Criterion 11 and a portion of Criterion 15. He stated that he realized more work needs to be done on Criterion 11, and they will continue to perfect the project. Criterion 15 discusses appropriateness of the location. Mr. Sweeney stated that he believed it would be hard to find a better location for this kind of density and this kind of building on the hillside. Of the 123 acres, the proposed location is in Creole Gulch at the confluence of ski runs, and it allows for the cabriolet connection to the base and convenient connections to 8<sup>th</sup> and 6<sup>th</sup> Streets. Historically, Park City had large buildings and medium sized buildings next to small dwellings as shown on this site at the turn of the century. Mr. Sweeney indicated the Marriot Summit project and the same small houses and explained that they propose putting a mirror image of Summit Watch in this location.

David Eldredge, project architect, provided a few examples that he felt demonstrated a variety of size, style, and characteristics of the architecture of the period they would envision in this project. The intent is to use modern expressions architecture using elements which make the buildings historical. A common element is richness and articulation resulting from light and shadow variety and a variety of textures, materials, and color. He referred to the conceptual design and explained they pallet of elements that was varied and applied to bring uniqueness to each building in the project. Due to the residential nature of the project, the buildings will be further articulated using balconies.

The fenestration proposed will be double hung or casement in combination with picture windows, transoms, and a variety of divided lights. Mr. Eldredge explained that those five elements were applied in concept to these groups of buildings to extend the urban fabric up the hillside and through the project.

Mr. Sweeney reviewed the visual analysis from the various viewpoints identified by the Staff as being important vantage points. Mr. Eldredge reviewed the building types proposed in specific areas of the project.

Commissioner Volkman asked Planner Whetstone to point out specific areas of concern. Planner Whetstone identified the buildings and noted that one concern is the setbacks on building 4A and the massing of building 1B.

Vice-Chair O'Hara reopened the public hearing.

Annie Lewis Garda stated that she understood Mr. Sweeney had planned to do a photo looking back from her deck showing the seven story building 100 feet away and noted that she did not see it in the analysis this evening. Mr. Sweeney replied that the photo was not taken and offered to provide computer graphics to show the building. Ms. Garda referred to the comment that there are smaller buildings on the other side of the project that build up to the density on the hill. There are residences on her side of the project, but there is not a similar build up, and she asked that this be taken in to consideration. She recalled that Mr. Sweeney previously stated that changes could be made to mitigate the density on her side if he were given some flexibility and this could be done without increasing the square footage of the project or impinging on the promised open space. Mr. Garda requested that be done.

Alan Larson stated that he is closer to the buildings than the Gardas. He had requested a photo showing the view from his deck, but that was not taken. He recalled that he expressed traffic concerns at the last public hearing and while he realized that is not on the agenda this evening, he intends to bring it up at the appropriate time. He stated that he is very concerned about the safety issues associated with limited access.

Peter Barnes stated that his client owns the property on the apex of the corner of Lowell and Empire. He was struggling to deal with all the information that has been provided and thanked Mr. Sweeney and his associates for providing this much information. He stated that he has reviewed much of the information published on the website and is looking at a distribution of services. Mr. Barnes stated that he was required to do design studies of homes he is trying to create on land adjacent to this project, and he was asked why he used a particular type of window. He held up a streetscape and asked why anyone cared. He hoped the City would maintain the same level of detail and concern in this project as they did to the windows of his client's house. Mr. Barnes noted that there was a distinct

lack of views taken from the residential areas on Lowell, Empire, Norfolk, 8<sup>th</sup> Street, and 6<sup>th</sup> Street. The Staff report says the mass of the building can be mitigated by putting it against a hill, but nowhere on his client's side can the hill be seen, and only the building can be seen. Mr. Barnes believed there are no details in construction, but it is all relevant, and they should be getting into the details very fast much like they did with his windows. He stated that his client would like to reserve the right to bring other objections in the future; however, currently they have no opinion. He had no reason to believe that the Sweeney's are anything other than honest, ethical, and dedicated to doing a great project.

Vice-Chair O'Hara continued the public hearing.

Commissioner Erickson expressed concern that the buildings appear to be coming out of what appears to be the Salt Lake Avenues District rather than a Park City concept. He agreed with Mr. Barnes that they should be looking at the details, even though this will go to a CUP later in the process. He believed the 30-foot-high walls would need work, and the two doorways into the garage need work to avoid looking into black holes. He was unsure how to answer the setback question on the north building.

Commissioner Thomas asked if the photographs were shot with a wide angle lens and, if so, what millimeter. Mr. Sweeney was unsure and offered to share the information they have on the various steps of how this was done with anyone who is interested. Planner Whetstone explained that the Staff requested that the applicant use a camera angle and lens based on what the eye would see. The photo from the deck is the only one that did not show the whole view. The Staff wanted the visual analysis to represent what could be seen in the 55 to 65 millimeter range. Commissioner Thomas stated that he did not understand why they used Chicago, San Francisco, and Salt Lake City as comparative architectural styles to Park City. Those are large metropolitan areas, and he did not believe they match the character and scale of Park City. Mr. Sweeney explained that there was no example of the larger buildings in Park City other than the schools. The only way they could make the comparison was to consider what would have happened if Park City had grown like those other cities. Another consideration was that it did not make good architectural sense to make large buildings look like little buildings. A third consideration was given to Ron Ivie and snow shed issues. Mr. Sweeney stated that in the day when this project was approved, it was based on bigger buildings in the Gulch being flat.

Commissioner Erickson recalled that the Planning Commission worked hard on the Caledonia building, and he likes that building and how it meets the Code. He asked if he would be inconsistent to ask for the same direction on these buildings in terms of flatter roofs and architectural details. Commissioner Thomas commented that the architectural elements are important, although they appear to be more applied elements. He was struggling with Criterion 11 in terms of scale in relationship with the adjacent neighborhood fabric, because Park City is not an urban fabric. Park City is a townscape with a different

scale and quality, and he was unsure how to handle the relationship to the adjacent fabric of the neighborhood with buildings as tall as the ones proposed. He requested that cross sections be factored in with the other images showing how slope is handled on the tallest building and the adjacent slopes with regard to the existing power lines.

Commissioner Volkman echoed the comments made by Commissioners Erickson and Thomas. He did not believe there was compatibility with surrounding structures. He did not believe the material given to the Planning Commission provides enough information to be able to provide input on Criterion 11 and architectural detail, design, style, and scale. Planner Whetstone explained that the purpose of the visual analysis was to show the overall project within the context of the town, not from individual properties. She stated that the entire criteria need to be reviewed in the context of the approved MPD that identified height zones and average heights, which they meet. They are looking at compatibility as it relates to an approved master plan. She commented that this has been discussed at Staff level, and it was determined that this area was not identified as an area for single-family residential. The master plan identified it as resort base, and they need to find something that fits in. Compatible in this case does not necessarily mean the same. Commissioner Volkman did not believe there is transition from a neighborhood to this kind of scale. In his opinion, having a seven-story building within 80 feet of a residence means they need to push this project to better fit into the neighborhood. He understood that densities are assigned and that they have height allowances, but there are ways to make this project fit into the neighborhood. He stated that he was stunned by the slides showing the scale and mass of the project and what it does to the hillside. He believed there must be a way to step from single-family neighborhoods to seven-story buildings.

Planner Whetstone felt it might be helpful to bring back the cross sections reviewed at previous meetings and to present more of the information the applicant has submitted to the Staff. Director Putt felt they should begin to look at the overall location of the building bulks and whether they are appropriate. He suggested that the Staff and applicant provide additional study to the perimeter buildings and how they relate to the residential structures on the adjacent neighborhood. Once they get a better sense of where the building masses are located and the scale, they can begin to further refine the building blocks and bulks and talk about the finer architectural details.

Vice-Chair O'Hara agreed with the other Commissioners regarding the massing of the two buildings. He had a problem with going straight up seven stories with a flat wall next door to a residence. He acknowledged the constraints of the site and the areas to which the applicant is restricted in placing the mass and bulk. He asked if geo-technical work had been done on the site. He understood that part of the mass and bulk would be several stories deep and questioned what kind of work might need to be done to excavate holes and whether they plan to blast. Mr. Sweeney stated that they have soils tests and an

opinion from a reputable engineer. Some blasting will be involved, but he was unsure to what extent.

Commissioner Erickson felt it would be important to see the effect of the shadow off of Building 4 onto the buildings directly to the north. He understood the building would be seven stories above grade and was interested in knowing how high the building would be above the Gardas' floor elevation. He felt it would be necessary to see the other photograph from the Gardas' deck and the other landowner's deck when the building is put into the visual simulation. He favored the design approach but was unsure if the building renderings are completely satisfactory. He asked if the Planning Commission will go through a small scale MPD on each building before it is constructed. Planner Whetstone explained that this is the CUP process for the buildings. The Planning Commission has the discretion to add a condition to the CUP approval to see the architectural design of individual buildings. Commissioner Erickson felt it would help them work through the massing question. Mr. Sweeney stated that he would welcome that review, and he did not expect this to be a one-step process.

#### **6. 2409 Gilt Edge Circle, Arrowood - Plat amendment**

Planner Jonathan Weidenhamer reviewed the application for an amendment to a record of survey at Arrowood #2 at 2409 Gilt Edge Circle. The Planning Commission reviewed this item on August 11, 2004, at which time the Staff requested direction on whether there was good cause to move forward. The request is to allow a 400-square-foot addition to a 3,700-square-foot unit. The request meets all the requirements of the State statute and Land Management Code, and all noticing requirements. The proposed open space will be 90%, which exceeds the 60% requirement. There are four on-site parking spaces, and this addition will not trigger additional parking. At the last meeting, the Planning Commission discussed a private settlement agreement between the unit owners at Queen Esther and the developer of this project. It was determined that the City is not a party to that agreement and will not regulate or enforce it. On August 11, the Planning Commission directed the Staff to come back with a recommendation based on good cause that this addition is not visible from the street, is under an existing deck, and does not impact surrounding neighbors other than the two owners who signed a ballot supporting this application. A public hearing was held at the last meeting and a number of people opposed the request. Planner Weidenhamer reported that, since that time, he has spoken with three people who oppose the request because they are concerned about increased traffic, noise, and circulation impacts. He referred to a previous discussion about the number of bedrooms and clarified that the existing unit has a total of three bedrooms, and this amendment will add 400 square feet. A portion of that space will be put into a common living area, and the rest will become an additional bedroom, for a total of four bedrooms. The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for this amended record of survey



based on the findings of fact, conclusions of law, and conditions of approval contained in the staff report.

Vice-Chair O'Hara opened the public hearing.

Keith Golan, a resident at 2434 Gilt Edge Circle, stated that he has a passion for Park City and this neighborhood. He has been a taxpayer for over 24 years in Park City and believes he is one of the few original owners of Queen Esther One on the Gilt Edge Circle side. He discussed his background, which included a masters degree in urban planning and stated that he has been a planner for 35 years. He believed the theme this evening is preservation of neighborhoods, not infringement on them. The City said 20 years ago that nothing could be built in front of Queen Esther One, and since then several developments have been built, including Arrowood, which is still expanding. He believed granting a request for one unit would open up Pandora's box for the other two units, which could result in huge densities and a major infringement on neighborhoods. Adding more bedrooms to a house increases density, which increases people, traffic, noise, and parking. He referred to Conclusion of Law 3 and noted that the citizens are materially injured when a plat amendment allows expansion and more density. He disagreed with Conclusion of Law 4 because this approval will affect the health, safety, and welfare of the citizens. He stated that, when the character of a neighborhood changes, the people look to public officials to protect them from infringements and to enforce agreements between owners, and the owners do not want to be boxed in any more. He wanted to preserve his neighborhood for his family and grandchildren to enjoy in years to come. Once they let one in, the rest will follow. Mr. Golan asked the Planning Commission to deny this request.

Ann MacQuoid, representing the buyer and the seller, stated that the seller of the property purchased the home after it was built and was never a party to any lawsuit or anything that occurred prior to their ownership. This is a second home for the buyer, and he would like to add one bedroom to accommodate his family when they vacation in Park City. She noted that the 2,600 square feet of Queen Esther does not include the two-car garages attached to those units. The 4,115 square feet in this home does include the two-car garage that is attached to the home. The additional square footage being requested as an addition to the lower level of this home does not extend beyond the footprint of the home. The deck above is being enclosed underneath, so there will be no extension into the common area or into the yard area.

Mr. Golan stated that the number of bedrooms was never clarified. There are three bedrooms now, but he questioned what would happen when the buyer sells it.

Vice-Chair O'Hara closed the public hearing.

Commissioner Erickson requested that Condition of Approval 3 include the exact total number of bedrooms that will be incorporated in the unit. Planner Weidenhamer stated that he understood there would be four bedrooms with this addition. Ms. MacQuoid stated that she believed her client would accept that condition.

MOTION: Commissioner Powers moved to forward a POSITIVE recommendation to the City Council to approve the amended record of survey for Arrowood #2 with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner Volkman seconded the motion.

Commissioner Erickson clarified that the motion includes Finding of Fact 10 for three bedrooms currently and Condition of Approval 3 for no more than four bedrooms.

Commissioner Powers amended his motion to include Finding of Fact 10 and Condition of Approval 3. Commissioner Volkman seconded the amended motion.

VOTE: The motion passed unanimously.

#### Findings of Fact - Arrowood Unit #2

1. The condominium project known as Arrowood Condominiums is located at 2409 Gilt Edge Circle. It is zoned Residential Development (RD).
2. Arrowood Condominiums is a 3-unit project. The owner of Unit 2 proposes to amend the existing condominium Record of Survey to allow an expansion of the unit.
3. The applicant intends to convert approximately 375 square feet of Limited Common Area located on the main floor level into Private area.
4. The consent of 66.66% or more of the Unit Owners is required and has been obtained.
5. If the record of survey is amended as requested, the condominium record of survey will still consist of approximately 89% open space.
6. If the record of survey is amended as requested, the new overall size of the unit will increase approximately 375 square feet and will be a total of 4,115 square feet. The unit is currently required to provide 3 parking spaces. The increased square footage does not increase the parking requirement. At this time, the unit provides 4 on-site parking spaces.
7. The proposed addition of approximately 375 square feet is located underneath an existing deck, and its visibility is limited from the public right-of-way (exhibit A - existing conditions). Staff finds that this proposed expansion is immaterial in terms of the overall size and massing of the building as well as its limited visibility.
8. This application was presented to the Planning Commission at the August 11, 2004, regular meeting. A public hearing was held. Public input was voiced both in support of and against the project.

9. At the August 11, 2004, Planning Commission meeting, staff requested direction as to whether good cause existed to move forward with the amendment. Direction from the Planning Commission was to return at this meeting with a recommendation to forward a positive recommendation to City Council to adopt the amended record of survey.
10. There are currently three bedrooms in the unit.

Conclusions of Law - Arrowood Unit #2

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

Conditions of Approval - Arrowood Unit #2

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey 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 Amended Record of Survey 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 amendment will be void.
3. There shall be no more than four bedrooms in this unit.

7. 52 King Road - Plat amendment

Planner Ray Milliner reviewed the application to combine Lots 28 and portions of Lots 29, 30, and 31 of Block 32 of the Park City Survey. The purpose of the application is to combine these lots in order to accommodate the construction of a single-family home. The Staff has reviewed the project and recommends that the Planning Commission forward a positive recommendation to the City Council based on the finding of fact, conclusions of law, and conditions of approval outlined in the staff report following a public hearing.

Commissioner Powers asked when the house that will be demolished was built. Planner Milliner believed the house was originally constructed on the site at the turn of the century, but he did not know the exact date. It was reviewed by the Historic District Commission and found to be non-compliant because of so many changes over time.

Vice-Chair O'Hara asked about noticing on the property. Director Putt stated that he verified the posting of the property, and the legal requirement was met as well as courtesy

and legal noticing. He was unsure what happened to the placard but assumes it was lost in a storm. The Planning Commission can move this forward this evening.

Vice-Chair O'Hara opened the public hearing.

There was no comment.

Vice-Chair O'Hara closed the public hearing.

MOTION: Commissioner Erickson moved to forward a POSITIVE recommendation to the City Council for a plat amendment at 52 King Road in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact - 52 King Road

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The amendment will combine all of Lot 28 and portions of Lots 29, 30, and 31 of Block 32 of the Park City Survey into one lot of record.
4. On August 17, 1998, the Historic District Commission found that the existing single-family home on the property is not historically significant.
5. Access to the property is available from either Upper Norfolk Avenue or King Road.
6. The proposed lot size is 5,760 square feet.
7. There is an existing non-historically significant home on the property.
8. No remnant lots will be created as a result of this application.

#### Conclusions of Law - 52 King Road

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned, the plat amendment is consistent with the Park City General Plan.

#### Conditions of Approval - 52 King Road

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.

2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Guidelines.
  3. Prior to the receipt of a building permit, the applicant shall submit a Steep Slope CUP application for review by the Planning Commission.
  4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
  5. 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 and the plat will be void.
8. 819 Empire Avenue - Plat amendment

Planner Milliner reviewed the application to combine Lots 1-3 of Block 30 of the Snyder's Addition to the Park City Survey. This property is located at the horseshoe where Empire and Lowell Avenue curve around each other. This lot combination will create a 3,800 square foot lot for the purpose of building a single-family home on the lot. The applicant also owns two other single-family lots of record which are intended to be used as 25 x 75 foot lots for the purpose of a single family home. The applicant has submitted an application for a steep slope CUP, and the Planning Commission will review the home proposed for this property within the next few weeks. The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council according to the findings of fact, conclusions of law, and conditions of approval outlined in the staff report.

Peter Barnes, representing the applicant, clarified that there are two applications, and the one this evening is not for steep slope review. The lot above this one is on the steep slope and will require extensive review. He believed few issues are associated with the application for this lot. He referred to a statement in the staff report requiring a construction mitigation plan showing how this project will not conflict with the future development of Creole Gulch and stated that he did not believe building a house on this lot would impact what the Sweeney's intend to do on their project.

Vice-Chair O'Hara confirmed with Planner Milliner that the Planning Commission will not review this request under the steep slope criteria. Vice-Chair O'Hara asked how large a home could be built given the zone and multiple density. Planner Milliner stated that the lot will be large enough for a duplex. He had not calculated the maximum footprint, but it will be significantly larger than 2,000 square feet.

Vice-Chair O'Hara opened the public hearing.

Alan Larson, a resident at 911 Lowell Avenue, a single-family home across the street from some of this development, stated that he understood three homes would be constructed on

five parcels. He did not have an opinion regarding this project but felt they should not minimize the construction mitigation plan, because he had a major concern that this project would be constructed simultaneously with the Treasure Hill project. They only have the horseshoe turn for parking, and he was concerned that the number of construction vehicles parked at one time would make the street impassable. He stressed the importance of understanding what both these projects will do to neighborhood traffic during the construction phase.

Vice-Chair O'Hara closed the public hearing.

Vice-Chair O'Hara referred Finding of Fact 5 indicating that the applicant proposes to construct one single-family dwelling and asked if that fact should be included in the conditions of approval. Director Putt asked if the Planning Commission is concerned that a duplex may be constructed. Vice-Chair O'Hara remarked that the Planning Commission was inaccurately led to believe this would be a steep slope review, and that is not the case. If they are led to believe it will be a single-family dwelling, he wondered if any of the Commissioners were concerned that it could be a duplex. Director Putt clarified that the application is for a single-family lot, and the building plans submitted for historic design review were for a single-family structure. In the event a decision is made to modify the plan to a duplex, it would come to the Planning Commission for a CUP.

MOTION: Commissioner Volkman moved to forward a POSITIVE recommendation to the City Council for a plat amendment at 819 Empire Avenue according to the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact - 819 Empire Avenue

1. The property is located at 819 Empire Avenue and is in the Historic Residential (HR-1) District.
2. The applicant proposes to combine Lots 1, 2, and 3, of the Snyder's Addition to the Park City Survey into one lot of record.
3. The newly created lot would be 3,884 square feet in size.
4. Empire Avenue encroaches onto Lots 1-3.
5. The applicant is proposing to construct one single-family dwelling.
6. The minimum lot area is 1,875 square feet for a single family dwelling and 3,750 square feet for a duplex.
7. The plat amendment will not increase density on the lot.
8. No remnant lot is created.
9. Any development that encroaches onto 30% slope shall require a steep slope conditional use permit.

Conclusions of Law - 819 Empire Avenue

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

Conditions of Approval - 819 Empire Avenue

1. The City Attorney and City Engineer review and approval of the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The City Attorney and City Engineer shall review and approve the dedication of the portion of the property under Empire Avenue to the City prior to the issue of a building permit.
3. The applicant shall 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 and the plat will be void.
4. All standard Project Conditions shall apply, and Land Management Codes shall apply.
5. A Construction Mitigation Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
6. Prior to building plans submittal, the applicant shall obtain approval for a Historic Design Review/Conditional Use Permit for steep slope application if required.
7. The applicant shall place a plat note specifying the front and rear yard setback have a 10-foot setback and the side yards have 5 feet.
8. Dedication of right-of-way for Empire Avenue in accordance with the adopted master streets plan is required.
9. 1884 Three Kings Drive, Spiro Water Plant - Conditional Use Permit

Planner Milliner reviewed the CUP application for an addition to the existing water plant located at 1884 Three Kings Drive. The applicant is seeking approval to add a 510-square-foot addition to the rear of the first building as well as to construct a 200,000-gallon buried finish water wet well. The reason for the 200,000-gallon tank is to create a reservoir for water to protect the East Canyon Creek watershed if there is an infusion of chlorine into the water supply. Upon completion of the project, the goal of the applicant is to maintain the same visual look of the water plant that now exists. It will be torn up significantly to install the tank, but after construction is finished, it should look approximately the same. The Staff

recommended approval of the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in the staff report.

Vice-Chair O'Hara opened the public hearing.

There was no comment.

Vice-Chair O'Hara closed the public hearing.

Vice-Chair O'Hara referred to Criterion 2 regarding traffic and noted that there are serious traffic issues in that area. He asked if this modification could be used to help mitigate some of the parking issues. Director Putt offered to take that concern to the Planning, Building, and Engineering departments who will review construction mitigation. Planner Milliner remarked that the Public Works Department and the Spiro project have discussed creating a parking lot to be used by the maintenance personnel who currently park along the street.

MOTION: Commissioner Erickson moved to APPROVE the conditional use permit at 1884 Three Kings Drive in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact - 1884 Three Kings Drive

1. Park City Municipal Corporation owns the property.
2. The property is located in the Recreation Open Space (ROS) zone.
3. The construction of essential municipal and public facilities in the ROS zone is a conditional use requiring a review by the Planning Commission and a public hearing.
4. On June 20, 1986, the Planning Commission granted a conditional use permit for the construction of an approximately 10,00-square-foot water treatment plant at 1884 Three Kings Drive.
5. The applicant is requesting a modification of the 1986 CUP in order to accommodate a 510-square-foot addition to the existing water treatment plant, and a 200,000-gallon underground water tank.
6. The proposed water tank will protect the culinary water supply from an accidental infusion of chlorine.
7. The proposed water tank will be located 30 feet from the nearest 25 feet from the property line.
8. The existing carport will be removed to accommodate the construction of the tank and will be rebuilt after the tank is installed.
9. No additional parking is required as a result of this application.



10. The applicant stipulates to all Conditions of Approval.

Conclusions of Law - 1884 Three Kings Drive

1. The application complies with all requirements of Section 15-1-10(E) of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.

Conditions of Approval - 1884 Three Kings Drive

1. The proposed design is subject to review and approval from the City Engineer, Chief Building Official, and the Planning Director for compliance with the Land Management Code.
2. The Chief Building Official will limit all traffic impacts on Three Kings Drive generated by the proposed construction in the construction mitigation plan approved as part of the building permit.
3. Existing vegetation on the site shall be preserved to the greatest extent possible.
4. Prior to the issue of a building permit, a landscape plan shall be submitted to the Planning Department for review and approval.
5. All existing conditions of approval from the original 1986 CUP approval shall remain in effect.
6. The final architectural plans will be reviewed by the Planning Staff for compliance with LMC Section 5, architectural guidelines, prior to the issue of a building permit.
7. Planning and Building Department staff will review and take action on the building plans for the carport prior to the issue of a building permit.
8. This approval shall expire if a building permit has not been issued prior to August 25, 2005 (one year after the date of approval).
9. All standard conditions of project approval shall apply to this project.

10. Shooting Star Condominiums, Village at Empire Pass - Conditional Use Permit

Planner Brooks Robinson explained that the Shooting Star Condominiums are part of the Village master plan known as Building 2. The Planning Commission extensively reviewed this building prior to looking at the rest of the village. The construction mitigation plan required for all large buildings within the Village was included in the staff report. This CUP will be under the requirement that downhill traffic use Royal Street and not come down the Mine Road. The Staff prepared an analysis on the conditional use criteria and findings of fact, conclusions of law, and conditions of approval for consideration. Planner Robinson requested that Finding of Fact 3 be deleted since this was not part of the expandable area of Larkspur. He noted that a Village plat is in process and will come before the Planning Commission at a later date. Planner Robinson added a new Finding of Fact 6 to state, "The ADA unit will be platted as common area," and a new Finding of Fact 7 to state, "The ADA unit does not count toward unit equivalents or unit total." The remaining findings

should be renumbered accordingly. Planner Robinson noted that a final set of plans was submitted August 20, 2004, and construction must be in substantial compliance with these plans. The date in Condition 6 should be corrected to August 20, 2004. Planner Robinson recommended that the Planning Commission conduct a public hearing and consider this for approval.

Vice-Chair O'Hara opened the public hearing.

Maile Bucher stated that her front door is on Prospect, and her back door and access to off-street parking is on the Mine Road. She is a member of the Marsac Corridor Association and supports the Planning Department recommendation relevant to the construction mitigation plan for the Shooting Star Development which would send the trucks up Lower Marsac and the Mine Road and down Royal Street and Lower Deer Valley. She believed this plan would balance the impacts between neighborhoods. The 30 homes on the Mine Road and Marsac should not have to bear 100% of the burden. She requested that everything possible be done to minimize the downhill truck traffic on the Mine Road's steep grades due to safety concerns. Ms. Bucher commented on runaway trucks, toxic brake fumes, and noise pollution and noted that what was once slated as a service road for Upper Deer Valley has gradually turned into Park City's autobahn, with the Historic District becoming a rest stop. She reiterated support for the construction mitigation plan and hoped that the Planning Commission would consider similar truck routing for all Upper Deer Valley development. She believed Shooting Star was one piece of a puzzle that continues to threaten the core of Park City and requested that the neighborhoods be preserved.

David Chaplin, a resident at 86 Prospect Avenue, stated that he is also a member of the Marsac Corridor Association and supports the construction mitigation plan. He raised the issue of a batch plant being constructed in the Flagstaff project. He explained that a batch plant is where materials that are found in a particular location can be modified and prepared for use in a very close location. The batch plant was part of the construction mitigation plan in the initial development agreement documents. He quoted from the Flagstaff Annexation agreement dated May 8, 1997, the development parameters document dated September 10, 1998, and the development agreement dated July 2, 1999, which all called for the use of a batch plant. He commented on the amount of truck traffic that could be saved by the application of these agreements and asked the Commissioners to consider that when considering their approvals.

Alan Schueller, a resident at 9 Prospect Avenue, stated that he is a member of the Marsac Corridor Association. After reading the staff report, he was pleased with some of the content, particularly the downhill traffic routing and minimal service and delivery. In considering these plans, he asked the Planning Commission to factor in the impact on the neighborhoods. He suggested that the City provide incentives for the workers to carpool. He understands that the workers need their own tools, which requires them to drive their

own vehicles. He stated that he has worked on sites where the contractor provided tool storage on-site so the workers could carpool. He suggested other possibilities to reduce the amount of traffic and construction impacts. He asked the Planning Commission to encourage the use of the Mine Road and Royal Street for all future projects.

Vice-Chair O'Hara closed the public hearing.

Doug Clyde, representing the applicant, explained that the batch plant set out in the project construction mitigation plan was predicated on its being cost effective. Upon further analysis, the only potential saving was the lack of trucking water to the site. Unless they were to find suitable aggregate and put in a rock crushing plant, nothing could be saved. The combination of these issues meant there was not economy of truck trips or development costs, and that information was presented to the Planning Commission when the construction mitigation plan was revised. Regarding the comment about excavated materials staying on site, he clarified that is an absolute requirement of the project, and they are keeping all materials in the project area. He noted that the current construction mitigation plan involves a substantial amount of off-site parking and employee shuttles. There is not much parking on site, and the contractor discourages workers coming one to a vehicle. He believed the overall conclusion is that this plan is compliant with the specifics as well as the intent of the construction mitigation plan.

Commissioner Erickson referred to the batch plant and noted that the applicant submitted evidence in terms of truck traffic. He believed a specific finding was made that truck trips would be reduced with loaded concrete trucks rather than trying to batch the concrete on site. Another finding made at the time was that, in order supply the batch plant, it would be necessary to run trucks later into the night when pours were not occurring in order to stockpile material. For that reason, the batch plant was eliminated from the construction mitigation plan. He believed Mr. Chaplin's other comments regarding moving materials on and off the site were appropriate.

Commissioner Volkman recalled stronger wording about employee shuttles in the initial construction mitigation plan. Mr. Clyde quoted from the construction mitigation plan that "carpooling will be encouraged." He stated that there is not a requirement for shuttles, and the current plan is stronger than what the construction mitigation plan calls for.

**MOTION:** Commissioner Erickson moved to APPROVE the conditional use permit for Shooting Star Condominiums in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report with the following revisions:

Finding of Fact 3 is deleted.

Addition of the two findings of fact with respect to the ADA unit that it is being constructed and does not count against the unit equivalents for the site.

Striking the date of August 6, 2004, in Condition of Approval 6 and revising the condition to read, "Final building plans will be in compliance with the drawings dated August 20, 2004."

Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact - Shooting Star CUP

1. The Shooting Star Conditional Use Permit is located in the RD-MPD zoning district.
2. The City Council approved the Development agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer offered-amenities.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A.
4. The proposed Shooting Star Conditional Use Permit is for 21 units plus an ADA unit utilizing 36,481 square feet and 18.3 unit equivalents.
5. The ADA unit will be platted as common area.
6. The ADA unit does not count toward the unit equivalents or unit total.
7. The proposed conditional use permit is consistent with the approved Master Planned Development for the Village Empire Pass.
8. Shooting Star is to be platted as a condominium.
9. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
10. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was requested and granted in the Village Master Plan. The proposed building complies with the granted height exception.
11. The setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear, and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property line, platted street, or existing curb or edge of street. The Commission granted a reduction in setbacks throughout the MPD (setback Exhibit Sheet 10 of 10).
12. A Maintenance Agreement has been reviewed and approved by the City.
13. A Master Homeowners Association document has been reviewed and approved by the City.
14. The Planning Commission reviewed a Construction Mitigation Plan that reiterates downhill construction truck traffic will use Royal Street.

#### Conclusions of Law - Shooting Star CUP

1. The CUP is consistent with the Village at Empire Pass Master Planned Development and Flagstaff Mountain Resort Master Planned Development, the Park City Land Management Code, and the General Plan.
2. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - Shooting Star CUP

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A water efficient landscape and irrigation plan that indicates snow storage areas and meets the defensible space requirement is required prior to building permit issuance.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines.
4. All exterior signs require a sign permit.
5. Materials, color samples, and final design details must be approved by staff prior to building permit issuance.
6. The final building plans and construction details for the project shall meet substantial compliance with the drawings dated August 20, 2004, as submitted and reviewed by the Planning Commission.
7. The applicant will record a condominium Record of Survey prior to selling individual units.

The Park City Planning Commission meeting adjourned at 8:15 p.m.

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

# Planning Commission Staff Report



**Subject:** 1412 & 1416 PARK AVENUE  
**Date:** September 8, 2004  
**Type of Item:** Condominium Conversion

PLANNING DEPARTMENT

**Summary Recommendation:** Staff recommends that the Planning Commission review the proposed condominium conversion, conduct a public hearing, take public input, and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval found in this staff report.

## Description

**Owner:** Sean Hilton  
**Location:** 1412 & 1416 Park Avenue  
**Proposal:** Condominium Conversion  
**Zoning:** Historic Residential – Medium density (HRM)  
**Adjacent Land Uses:** Residential, City Park  
**Planner:** Jonathan Weidenhamer

## Background

The properties located at 1412 and 1416 Park Avenue were created through a three-lot subdivision on July 23, 1998. Lot 1 (1420 Park Avenue) has an existing historic structure located on it. Lot 1 is not a part of this application. Lots 2 and 3 were created with sufficient square footage to allow a duplex on each lot, per standards of the underlying HRM zoning. Lot 2 consists of 4,892 square feet and Lot 3 consists of 6,823 square feet. The applicant has built duplex buildings on each lot, and at this time wishes to convert each unit to private ownership. This application will combine both lots into one condominium project, with four units.

All duplex proposals in the HRM Zone are an allowed use, provided that the structure maintains the minimum lot size and complies with setbacks and height requirements for the zone. As proposed, each duplex meets the aforementioned minimum standards. Each duplex fronts Sullivan Road, but as conditioned per the approved Subdivision, access is prohibited off Sullivan Road. Each unit will utilize a non-exclusive access easement from Park Avenue.

## Analysis

This request is to condominiumize the existing duplexes on the lot. Staff has evaluated the overall project against the Land Management Code regulations for the HRM District, and determined the proposed application complies as presented with all requisite City codes, including setbacks, which are 20' in the front, 10' in the rear and 5' on the sides. As part of this project the City will require to posting of a financial security to ensure all necessary public improvements are completed. A condition of approval will reference this request.

Units 1 and 2 will have 3184 square feet of private are (both building and yard areas (typical)), Unit 3 will have 3159, and Unit 4 will have 3222 square feet.

### **Notice**

Notice of this hearing was sent to property owners within 300' on August 25, 2004. No formal comments have been filed at the time of this report.

### **Department Review**

The Planning, Building and Planning Departments have reviewed this request. The City Engineer and City Attorney's Office will review the plat prior to recording. The request was discussed at a Staff Review Meeting on August 24, 2004, where representatives from City Staff were in attendance and found it to be in conformance with all current requisite City development codes.

### **Recommendation**

Staff recommends that the Planning Commission review the proposed condominium conversion, conduct a public hearing, take public input, and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval found below:

### **Findings of Fact**

1. The properties are located in the HRM District at 1412 and 1416 Park Avenue.
2. The findings discussed in the analysis section of this report are incorporated herein.
3. A Plat Amendment creating three lots of record on the subject property was approved by the City Council on July 23, 1998. This application will combine both lots into one condominium project, with four units.
4. Lot 2 consists of 4,892 square feet. Lot 3 consists of 6,823 square feet. The minimum lot size in the HRM zone for a duplex is 3,750 square feet. Each lot meets the lot size requirement.
5. The allowable building height in the HRM Zone is 27 feet. The duplexes meet the height requirement.
6. The minimum allowed setbacks for these lots are: front 20', rear 10', sides 5'.
7. There is an existing historic structure at 1420 Park Avenue.
8. There is a non-exclusive access agreement for the duplexes from Park Avenue. Vehicular access is prohibited from Sullivan Road.
9. Units 1 and 2 will have 3184 square feet of private area, Unit 3 will have 3159, and Unit 4 will have 3222 square feet. Both interior buildings and exterior yard areas are considered Private area.
10. The condominium plat will allow the applicant to sell each unit separately.

### **Conclusions of Law**

1. There is good cause for this condominium plat.
2. This approval as conditioned is consistent with the Park City Land Management Code and applicable state law governing condominium plats.
3. This approval as conditioned does not adversely affect the health, safety, or

welfare of the citizens of Park City.

4. Neither the public nor any person will be materially injured by this plat amendment.

#### **Conditions of Approval**

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recording
2. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded at the Summit County Recorder's office prior to that date.
3. The applicant is required to provide a financial guarantee in an amount approved by the City Engineer and in a form satisfactory to the City Attorney..

#### **EXHIBITS**

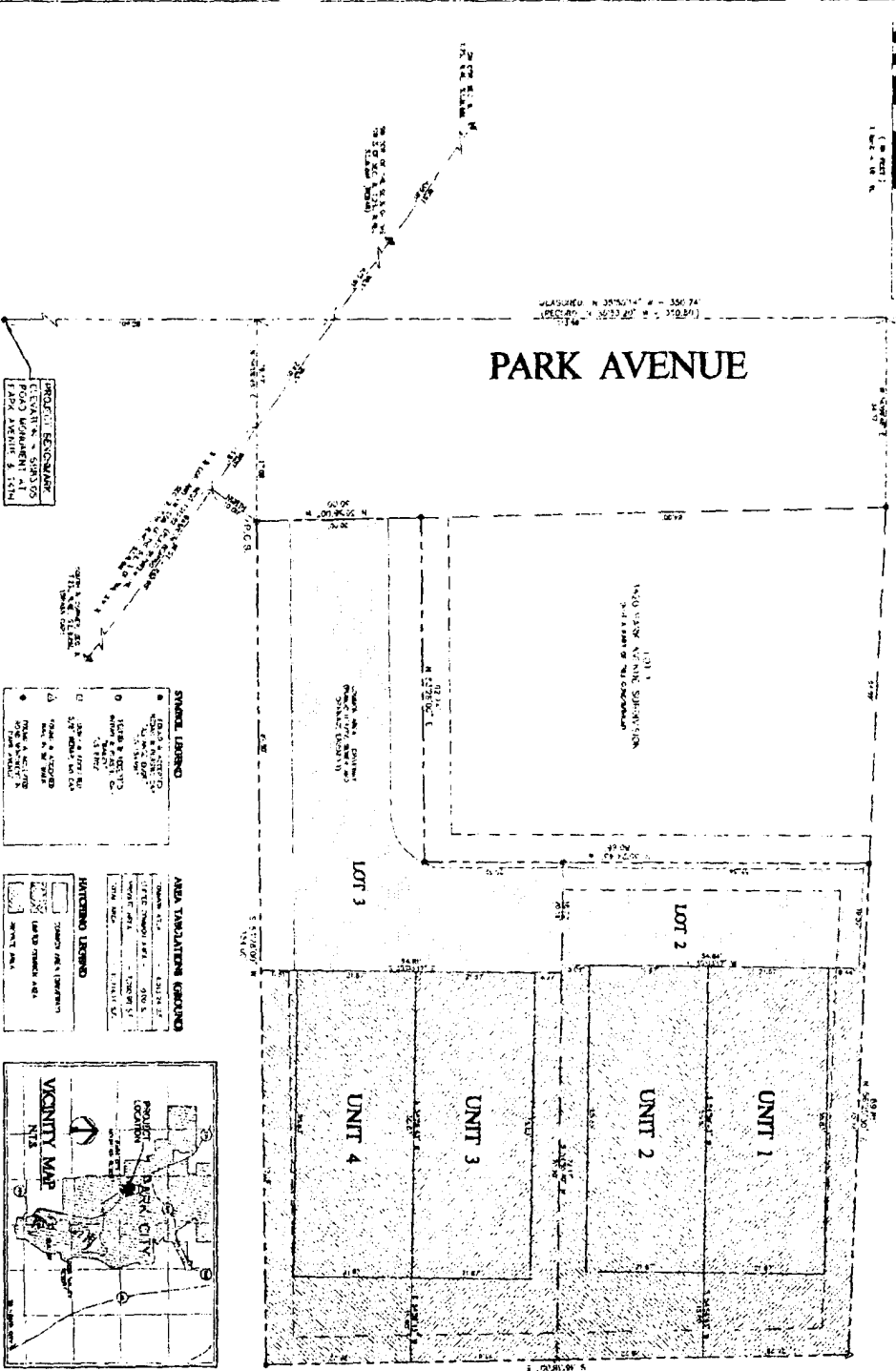
Exhibit A - Proposed Plat



RECORD OF SURVEY MAP

# 1420 PARK AVENUE CONDOMINIUM PROJECT - A 4 UNIT CONDOMINIUM PROJECT

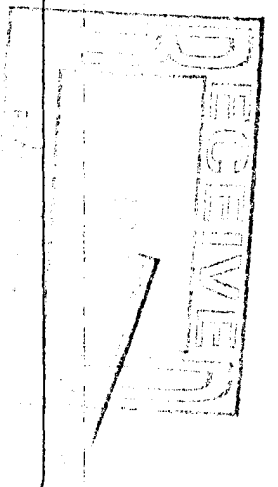
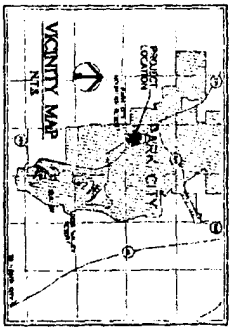
(CONTAINING 4 RESIDENTIAL UNITS)  
A PART OF LAND LOCATED WITHIN THE SOUTHWEST QUARTER  
OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, 54TH TWP  
RANGE AND MERIDIAN PARK CIV. SURVEY COUNTY, UTAH



PROJECT RECORDARY  
FOOD WORKERS UNION  
PARK AVENUE 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

**STAKE LISTING**  
1. 1/4\"

**AREA CALCULATIONS**  
UNIT 1: 1,200 sq. ft.  
UNIT 2: 1,200 sq. ft.  
UNIT 3: 1,200 sq. ft.  
UNIT 4: 1,200 sq. ft.



### LEGAL DESCRIPTION

THESE UNITS ARE PART OF THE 1420 PARK AVENUE CONDOMINIUM PROJECT, A 4 UNIT CONDOMINIUM PROJECT, AS SHOWN ON THE RECORD OF SURVEY MAP, PLAT NO. 1420, FILED IN THE OFFICE OF THE COUNTY CLERK OF SALT LAKE COUNTY, UTAH, ON THIS 14TH DAY OF MARCH, 2008.

### STAKEOUT CERTIFICATE

I, the undersigned, being duly sworn, depose and say that the above described units were accurately located and marked in accordance with the plans and specifications on file in the office of the County Clerk of Salt Lake County, Utah, and that the same are in accordance with the laws of the State of Utah.



### NOTES

- 1. THE UNITS ARE TO BE CONVEYED TO THE BUYER BY DEED, AND THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING TITLE INSURANCE.
- 2. THE UNITS ARE TO BE CONVEYED TO THE BUYER BY DEED, AND THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING TITLE INSURANCE.
- 3. THE UNITS ARE TO BE CONVEYED TO THE BUYER BY DEED, AND THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING TITLE INSURANCE.

### OWNER REPRESENTATION AND CONSENT TO RECORD

I, the undersigned, being duly sworn, depose and say that I am the owner of the above described units and that I have read and understand the contents of the above legal description and consent to the recording of the same.

### ACKNOWLEDGEMENT

I, the undersigned, being duly sworn, depose and say that I am the owner of the above described units and that I have read and understand the contents of the above legal description and consent to the recording of the same.

### OWNER REPRESENTATION AND CONSENT TO RECORD

I, the undersigned, being duly sworn, depose and say that I am the owner of the above described units and that I have read and understand the contents of the above legal description and consent to the recording of the same.

### ACKNOWLEDGEMENT

I, the undersigned, being duly sworn, depose and say that I am the owner of the above described units and that I have read and understand the contents of the above legal description and consent to the recording of the same.

**CITY PLANNING COMMISSION**  
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 14TH DAY OF MARCH, 2008.

**CITY ENGINEER**  
THIS PLAN IS IN COMPLIANCE WITH THE CITY ENGINEER'S OFFICE OF THE PARK CITY PLANNING DEPARTMENT ON THIS 14TH DAY OF MARCH, 2008.

**CITY COUNCIL APPROVAL**  
PRESENTED TO THE BOARD OF CITY ENGINEERS ON THIS 14TH DAY OF MARCH, 2008. THIS RECORD OF SURVEY MAP IS APPROVED BY THE BOARD OF CITY ENGINEERS.

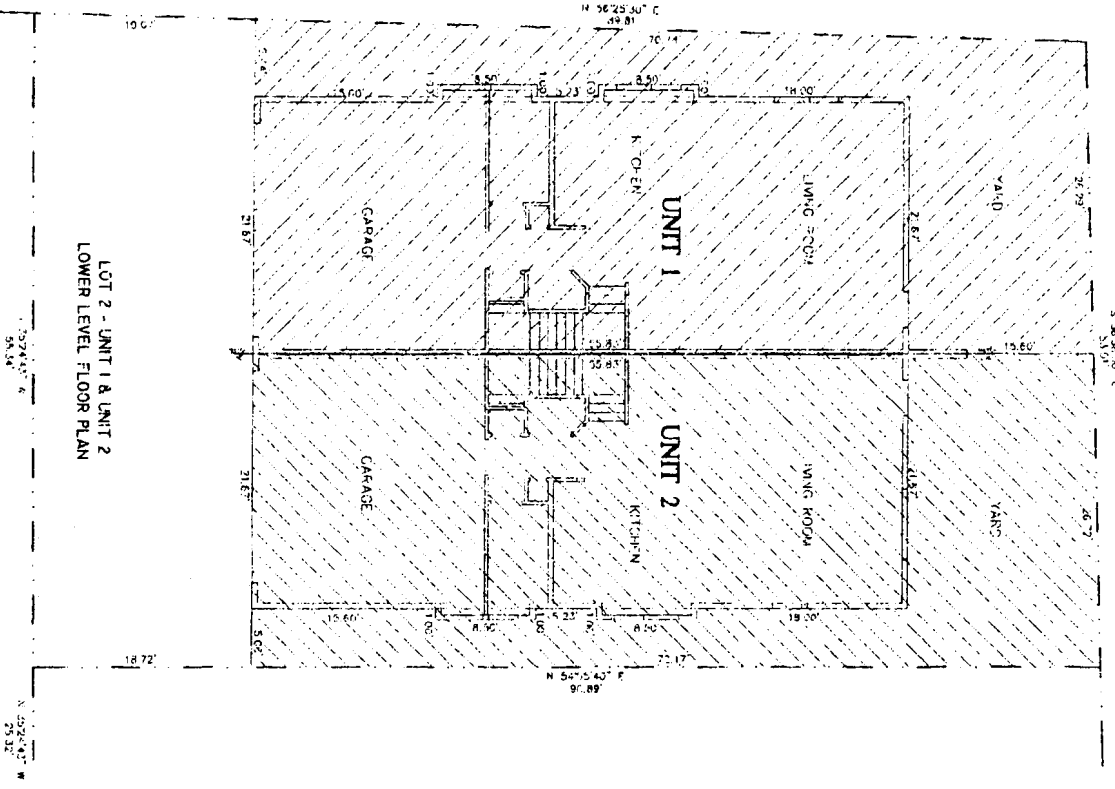
**APPROVAL AS TO FORM**  
APPROVED AS TO FORM ON THIS 14TH DAY OF MARCH, 2008.

**RECORDED**  
STATE OF UTAH  
COUNTY RECORDS  
COUNTY RECORDS

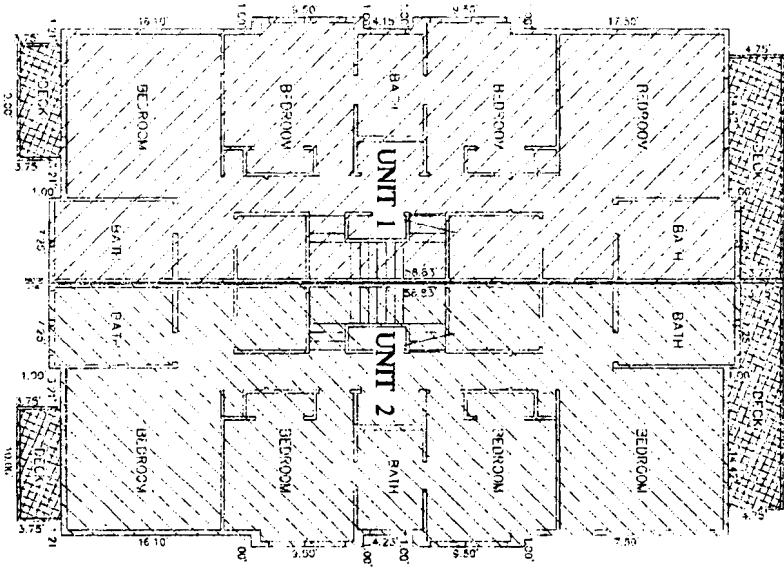
**SNYDERVILLE BASIN W.R.D.**  
REVIEWED FOR COMPLIANCE TO SNYDERVILLE BASIN WATER REGULATION DISTRICT SNYDERVILLE BASIN W.R.D. ON THIS 14TH DAY OF MARCH, 2008.

**Evergreen Engineering, Inc.**  
1000 East 1000 South, Suite 100, Salt Lake City, UT 84143  
Phone: 313-400-4000 Fax: 313-400-4000  
www.evergreen-engineering.com

LOT 2 - UNIT 1 & UNIT 2  
LOWER LEVEL FLOOR PLAN



LOT 2 - UNIT 1 & UNIT 2  
UPPER LEVEL FLOOR PLAN



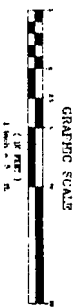
**HATCHING LEGEND**

- COMMON AREA
- UNIT'S COMMON AREA
- PRIVATE AREA

**AREA TABULATIONS**

UNIT 1	
IMBED COMMON AREA	123 SF
PRIVATE AREA	1295 SF
UPPER FLOOR	1227 SF
MAN FLOOR	708 SF
TOTAL PRIVATE	3194 SF

UNIT 2	
IMBED COMMON AREA	73 SF
PRIVATE AREA	1225 SF
UPPER FLOOR	1227 SF
MAN FLOOR	692 SF
TOTAL PRIVATE	3144 SF



RECORDED

1412/1416 PARK AVENUE CONDOMINIUMS  
UNITS 1 & 2  
BUILDING FLOOR PLANS

SEAN MILTON

REVISIONS  
DATE BY  
DESCRIPTION

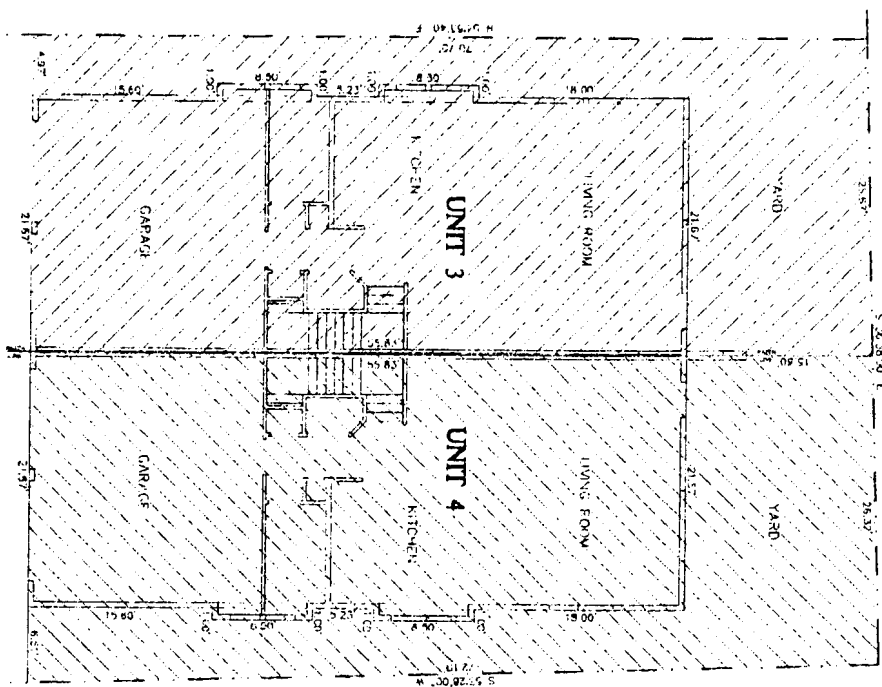
REVISIONS  
DATE BY  
DESCRIPTION

REVISIONS  
DATE BY  
DESCRIPTION

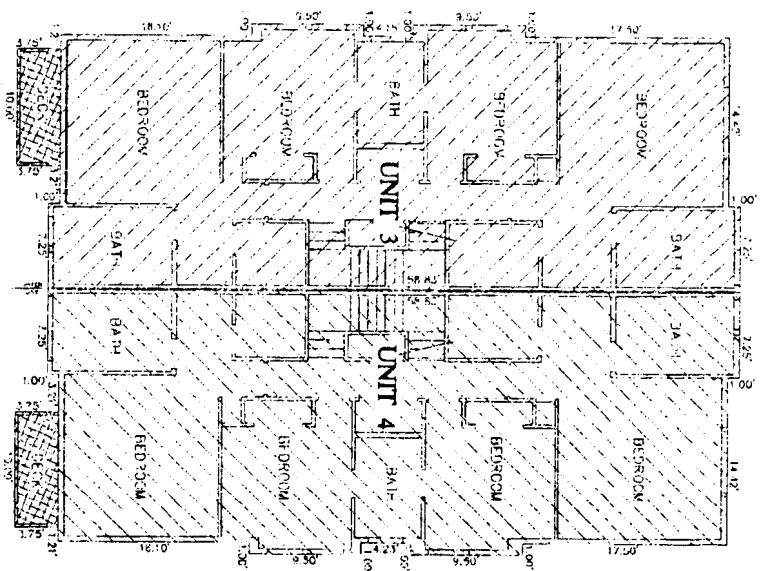
**Evergreen Engineering, Inc.**

Evergreen Engineering, Inc. 10000 Evergreen Way, Suite 100, Richmond, BC V6X 2E7, Canada  
 Tel: (604) 273-8888 Fax: (604) 273-8889  
 Email: info@evergreeneng.com Website: www.evergreeneng.com

LOT 3 - UNIT 3 & UNIT 4  
LOWER LEVEL FLOOR PLAN



LOT 3 - UNIT 3 & UNIT 4  
UPPER LEVEL FLOOR PLAN



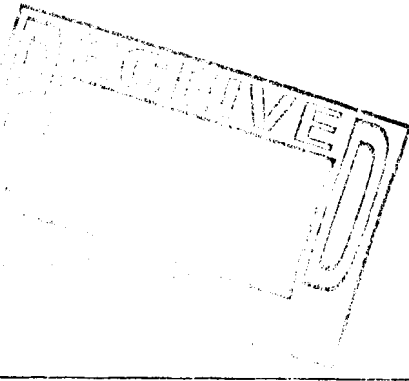
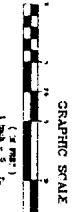
**HATCHING LEGEND**

- COMMON AREA
- UNITS COMMON AREA
- PRIVATE AREA

**AREA TABULATIONS**

UNIT 3	UNIT 4
UNITS COMMON AREA	37 SF
PRIVATE AREA	1265 SF
UNITS COMMON AREA	1727 SF
YARD	687 SF
TOTAL PRIVATE	3158 SF

UNIT 4	
UNITS COMMON AREA	37 SF
PRIVATE AREA	1265 SF
UNITS COMMON AREA	1727 SF
YARD	687 SF
TOTAL PRIVATE	3158 SF



1412/1416 PARK AVENUE CONDOMINIUMS  
UNITS 3 & 4  
BUILDING FLOOR PLANS

**Evergreen Engineering, Inc.**



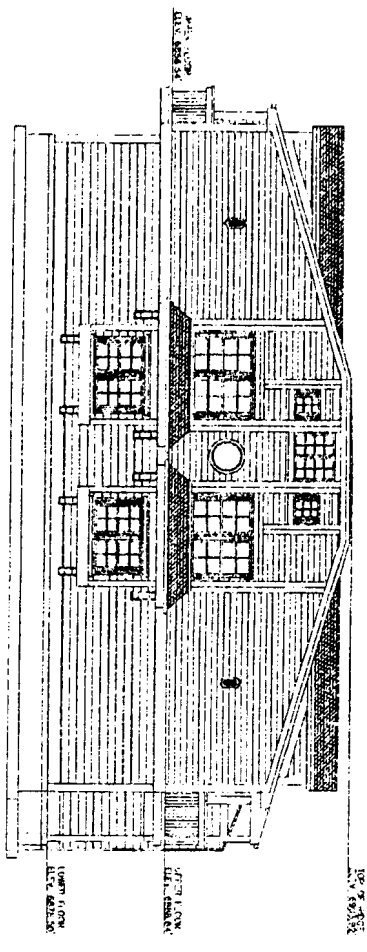
2025 Engineering - Land Surveys - and Drafting  
1741 West 2nd St. Suite 200 - Vancouver, BC V6C 3K8  
(604) 681-1111 Fax: (604) 681-1112

NO DATE  
BY  
RECORDED IN THE REGISTER OF  
1:100 (1:100)  
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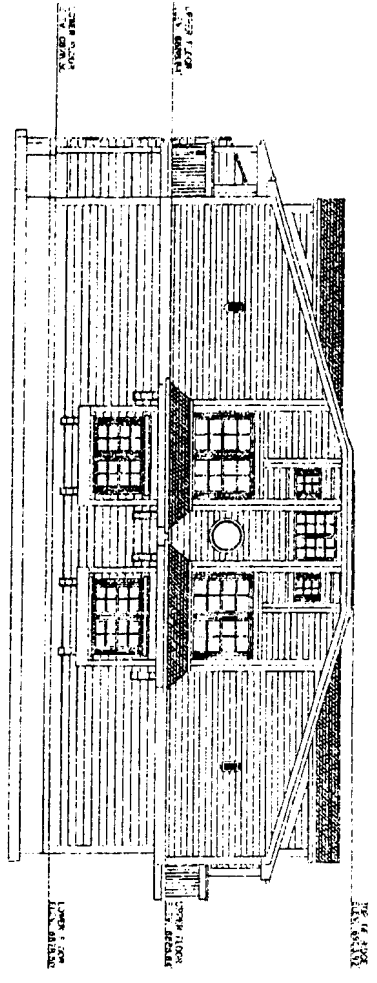
142/UNIT-4/P. TWO 002  
SEAN HILTON

AS FOR  
 ASSUMES  
 ARCHITECTS  
 HILLMAN

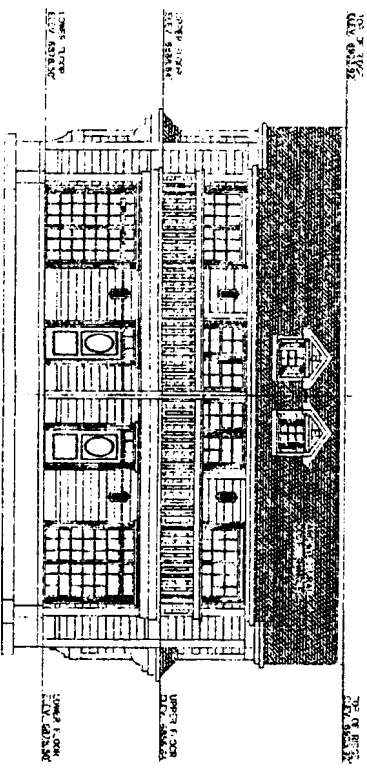
SOUTH ELEVATION  
 UNIT 2



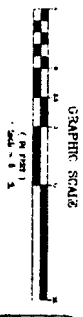
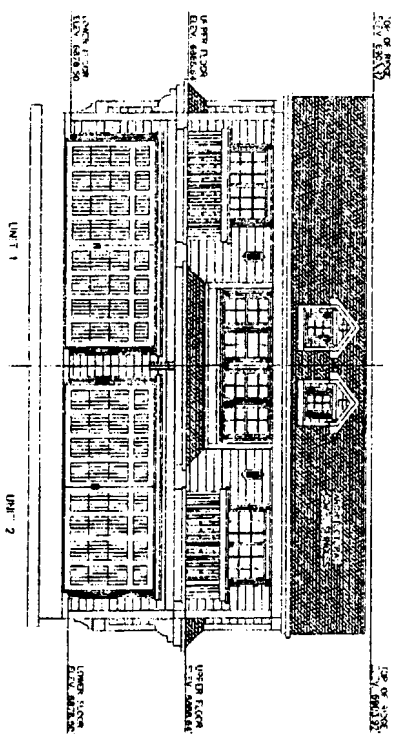
NORTH ELEVATION  
 UNIT 1



EAST ELEVATION (CITY PARK)  
 UNIT 2

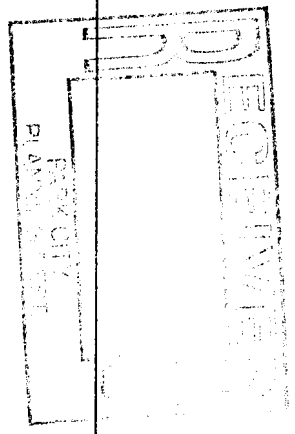


WEST ELEVATION (PARK AVENUE)  
 UNIT 1



GRAPHIC SCALE

RECORDED  
 CITY OF  
 RECORD AT THE REQUEST OF  
 SEAN HILTON



1412/1416 PARK AVENUE CONDOMINIUMS  
 UNITS 1 & 2  
 BUILDING ELEVATIONS

SEAN HILTON  
 ARCHITECT  
 1412/1416 PARK AVENUE  
 SUITE 100  
 MIAMI, FL 33139  
 PH: 305.555.1111  
 FAX: 305.555.1112  
 www.seanhilton.com

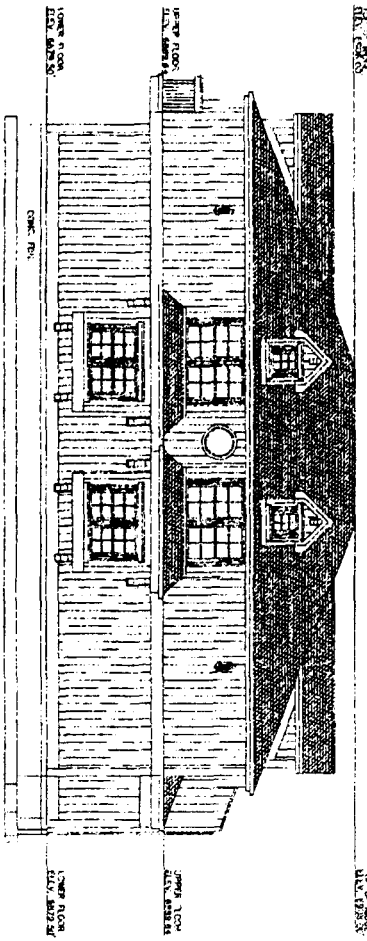
NO.	REVISIONS

**Evergreen Engineering, Inc.**

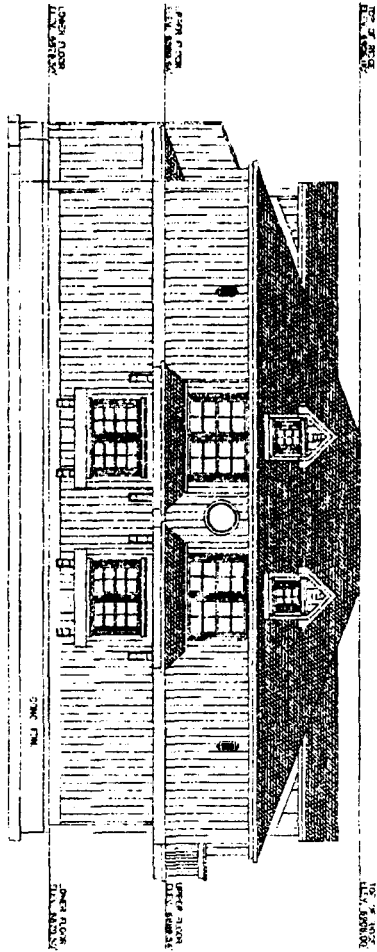
Civil Engineering • Land Surveying • Land Mapping  
 1412 Webster • Suite 200 • P.O. Box 293 • Park City • FL 32666  
 (407) 499-4667 • Fax: (407) 499-9279 • evergreeneng.com

UNITS 3 & 4  
 ASSOCIATES  
 ARCHITECTS  
 1001 15th St. N.  
 Minneapolis, MN 55412

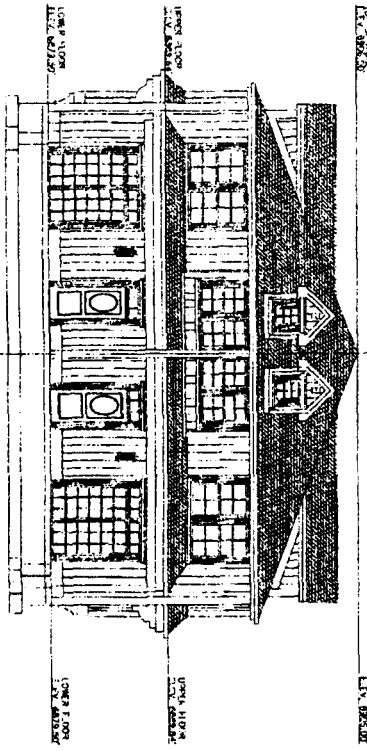
SOUTH ELEVATION  
 UNIT 4



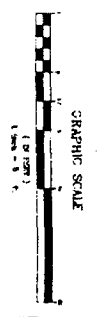
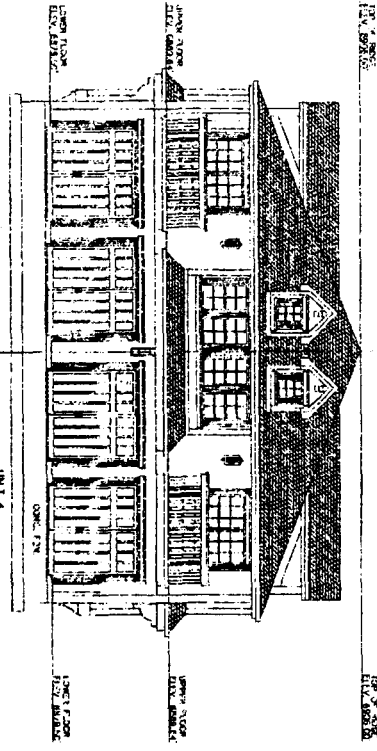
NORTH ELEVATION  
 UNIT 3



EAST ELEVATION (CITY PARK)  
 UNIT 4



WEST ELEVATION (PARK & RESERVE)  
 UNIT 3



RECORDED  
 FILED AT THE OFFICE OF THE COUNTY CLERK  
 IN THE CITY OF MINNEAPOLIS  
 MAY 15 2008

PLANS SHEET

1412/1416 PARK AVENUE CONDOMINIUMS  
 UNITS 3 & 4  
 BUILDING ELEVATIONS

SEAN RILTON  
 ARCHITECT

MINNEAPOLIS, MN 55412  
 TEL: 612-338-1111  
 WWW: SEANRILTON.COM

NO.	DATE	DESCRIPTION

**Evergreen Engineering, Inc.**

1245 Selkirk Ave. S. Suite 200  
 Minneapolis, MN 55412  
 Tel: 612-338-1111  
 Fax: 612-338-1112  
 www.evergreen-engineering.com

# Planning Commission Staff Report



**Author:** Kirsten A. Whetstone  
**Subject:** Spiro Tunnel,  
Master Planned Development  
(Conditional Use Permit)  
**Date:** September 8, 2004  
**Type of Item:** Administrative

**PLANNING  
DEPARTMENT**

## **Summary Recommendations:**

The Planning Department recommends the Planning Commission conduct a public hearing. Following Planning Commission discussion and direction, staff recommends the Commission close the public hearing. Staff has prepared an analysis of the proposed Spiro Tunnel Master Planned Development for public and Commission comment. Staff specifically requests Commission discussion on the following issues: 1) the proposed building heights and height exception requests, 2) appropriateness of the proposed density, and 3) the relationship of the proposed buildings to the topography of the site and the surrounding buildings. No final action is requested at this time.

## **Topic**

**Applicant:** Paladin, LLC  
**Location:** Three Kings Drive, north of Crescent Road and west of the Spiro Water Treatment Facility  
**Zoning:** Residential Development (RD)  
Residential Medium Density (RDM)  
Single Family (SF)  
**Adjacent Land Uses:** Park City Mountain Resort, Crescent Condominiums, Pay Day Condominiums, Three Kings Condominiums, Park City Municipal Golf Course, Park City Spiro Water Treatment Facility, and Thaynes Canyon single-family residential subdivision.

## **Background**

On August 12, 2004, Council adopted an ordinance approving the annexation and annexation agreement for the 12.32 acre Spiro Tunnel Annexation. The annexation agreement sets forth development parameters for the zoning, types and locations of land use; density range; timing of development; as well as the development approval process. The proposed development of the 12.32- acre parcel is combined with two adjacent parcels for a total of 19.84 acres and is to be reviewed according to the Master Planned Development review and approval process as outlined in Chapter 6 of the Land Management Code. A final subdivision plat is required to create platted parcels prior to

issuance of any building permits for new construction. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats. This MPD is being processed concurrent with the CUP criteria pursuant to LMC Section 15-2.14.2B(38). A final review of the CUP criteria will be provided at the next meeting.

**Proposal**

The applicant seeks Master Planned Development (MPD) approval for a mixed-use development known as the Spiro Tunnel MPD. The MPD includes the 12.32- acre Spiro Tunnel annexation parcel, an adjacent 5.26- acre RD zoned parcel, and an adjacent 3- acre SF zoned parcel (19.84 acres total). The MPD consists of the following:

***Table 1. Density***

<b>Lot</b>	<b>Unit Equivalents</b>	<b>Actual Units</b>	<b>Parking required</b>	<b>Parking proposed</b>
22 cottage “duplexes” in Area C	22	22	44	44- in garages
Single family house with existing guest house (Area A of the MPD – to become a separate lot at time of subdivision plat)	1	1	2	2 in garage
Condominiums- Townhouses and flats in Area B	14	14	28	28- in parking structure
Condominiums- Townhouses and flats in Area A	60	61	122	120- in parking structure
Artist-in Residence studios, support office, resort support commercial, parking	14.5 commercial UE	14,500 sf	93 (seasonal.. see appl Parking letter)	96- surface
Artist-in Residence housing/employee housing	No UE	Approx. 14 (to be determined with final density approval)	14	14- surface
Open Space –14.80 acres				
<b>TOTAL: 19.84 acres</b>	<b>97 UE</b>	<b>98 units</b>	<b>302</b>	<b>304 (110 surface spaces)</b>

## Analysis

### Master Planned Development Review

Staff has performed a review of the proposed Master Planned Development per the Land Management Code Section 15-6-5: Master Planned Developments (MPD) Requirements as follows:

#### Length of Approval

Construction of the approved MPD will be required to commence within two (2) years of the approval date. After construction commences, the MPD remains valid as long as it is consistent with the approved MPD and any phasing plan.

#### MPD Modifications

Substantive changes to the MPD require a subsequent Planning Commission review and approval.

#### Site Specific Approvals

The approved MPD and Development Agreement will re-state all development parameters, including site plan configuration, open space, building volumetrics including any height exception, allowed uses and density, affordable housing, historic restoration, utility plan requirements, general architectural character, and other development requirements. Specific architectural and landscape detailing will be reviewed by the Planning staff for compliance with the Park City Architectural Design Guidelines, prior to building permit issuance.

No separate conditional use permit approval will be required prior to building permit issuance for construction of the residential units and commercial/support commercial buildings. This MPD is being processed concurrent with the CUP criteria pursuant to LMC Section 15-2.14.2B(38). A final review of the CUP criteria will be provided at the next meeting.

Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of any portion of this project, with the exception of on-going historic restoration of the existing buildings.

#### Density

**Discussion requested.** Development density of the Spiro Tunnel MPD is proposed at 97 UE on the 19.84 acres that comprise Areas A, B, and C. Twenty-two cottage units (22 UE) and one single family lot with a guest house (1 UE total) are within Area C. Area B is designated as the artist-in-residence campus with up to 14,500 sf of resort related commercial and non-profit/artist-in-residence studios/office space (10,500 sf to be located within existing mining structures with 4,000 sf to be with new buildings) and



15 UE of condominium units. Fifteen employee-housing units (constructed to satisfy the 15 affordable housing unit requirement) are proposed within Area B (no UE are assigned to these units). Area C is proposed for a total of 59 UE (in a combination of townhouses and flats with the flats located to the rear of the property along the existing fire access road). Resulting gross density of 97 UE on 19.84 acres is 4.89 units per acre.

Staff finds the proposed density and location of units, is consistent with the SF, RD, and RDM districts and with the adjacent developments.

The Commission should discuss the appropriateness of the proposed density given the existing zoning, site constraints, impacts on surrounding uses, proposed public amenities, and value to the community of the proposed extensive historic renovation and remediation of this site.

#### Density-Sensitive Lands

The property is not located within the Sensitive Lands Overlay zone and was not zoned such during the annexation. This zone was designed to protect areas that are visually prominent, contain sensitive ridgelines and visually prominent slopes and view sheds, contain excessive slopes, are environmentally sensitive, and generally are viewed as being pristine in their natural state. Most of the Spiro Tunnel MPD site was heavily impacted by the mining activity that took place there during the construction and maintenance of the mine tunnels as well as other related industrial uses that have occurred on the property.

In large part, the Spiro site has been disturbed to the point where the natural slopes and contours have been erased by the mining and construction activity. Much of the area of 40 % slope is man-made due to deposition of mining overburden and cut-slopes from construction of buildings and roads. The Spiro site is not a visually prominent site from designated LMC vantage points, is not located within prominent view of the entry corridor, and does not contain any designated ridgelines. A wetlands determination was conducted by PSOMAS Engineering and, with the exception of a .2 acre area, defined as a drainage area on the Donile parcel, and a 0.1 acre drainage area on Area A, there are no wetlands associated with the site. No development is proposed on the drainage areas or on naturally occurring areas of 40 % and greater slope.

If the areas of greater than 40% slope and the drainage areas noted above are removed from the gross acreage the resulting developable acres would be a approximately 17 acres (17.08) and the net density would be 5.7 units per acre over the entire site.

Allowable gross and net density, given the underlying zones and range of allowable density, for the three parcels is depicted in the following tables:

**Table 2. Gross Acreages and Total UEs**

Zone	Zone Density	Gross Spiro Acreage	Total UE's (range)
RD	3-5 UEs/Acre	5.26 Acres	16-26 UEs
SF	3 UEs/Acre	2.26 Acres	7 UEs
RDM	5-8 UEs/Acre	12.32 Acres	62-99 UEs
<b>Totals</b>		19.84 Acres	85-132 UEs

**Table 3. Net Acreage and Total UEs (excepting areas of slope greater than 40% and drainage areas)**

Zone	Zone Density	Net Spiro Acreage	Total UEs (range)
RD	3-5 UEs/Acre	4.32 Acres	15-24 UEs
SF	3 UEs/Acre	2.06 Acres	6 UEs
RDM	5-8 UEs/Acre	10.70 Acres	55-88 UEs
<b>Totals</b>		17.08 Acres	78-116 UEs

The proposed density of the Spiro Tunnel MPD is within the ranges as described above, taking into consideration the gross acreage and the net acreage after subtracting more sensitive lands.

The upper range is generally considered appropriate for Master Planned Developments that provide public benefits and amenities, in addition to better-designed projects. The Spiro Tunnel MPD provides such public benefits and amenities. These include 1) the extensive renovation of historic structures, 2) ski infrastructure amenities and improvements consistent with the PCMR Master Plan, 3) redevelopment and rehabilitation of a former industrial site, 4) infrastructure, parking, and housing for an artist-in-residence program, 5) resolution of parking (trailhead and Public works employees) and pedestrian conflicts along Three King Drive, and 6) public bus stop amenities.

Setbacks

**Complies.** The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. The proposed Spiro Tunnel MPD complies with this standard. Along most of the perimeter property line development exceeds the 25' setback. Within the MPD, the Planning Commission may reduce the zone setbacks. The only property line interior to the MPD is the future (as shown on the preliminary subdivision plat) lot line between Lot 1 (generally the Donile Parcel) and Lot 2 (the remainder of the site).

Open Space

**Complies.** The proposed MPD exceeds the standard 60% open space requirement set forth in the LMC. Approximately 74.6% of the site is proposed as open space, per LMC

definitions. There are several large areas of open, undisturbed land, around the cottage units in Area C and other areas of both public and private open space in the form of plazas and landscaped areas.

#### Off-Street Parking

**Discussion Requested.** Parking for all single-family and cottage-style duplex units will meet the two-space/unit requirement. Parking for the condominium units will meet the specific requirements outlined in LMC Chapter 3- Parking. At this time the exact unit size and parking requirements are not known due to the questions of density and height exceptions. The applicants are not asking the Planning Commission for any exceptions to the LMC parking requirements. A final parking analysis will be submitted for the next meeting for final review for compliance with LMC parking and the CUP criteria related to parking.

Support commercial areas and artist-in-residence parking will also comply with the LMC parking requirements. Given the seasonal aspects of the artist-in-residence program and the non-profit office there will be sufficient parking developed on the site to allow summer time public trail head parking and summer time Public works employee parking, without creating additional parking spaces for these uses. Parking lot design, landscaping, and lighting will be reviewed at the time of building permit issuance for compliance with LMC requirements. A preliminary parking plan has been submitted for review and approval at staff's recommendation that prohibits public parking for wintertime use and indicates how this will be enforced (see attached letter from applicants).

#### Building Height

**Staff requests discussion.** The single-family house and cottage units will be constructed pursuant to the 33' zone height limitation (of the SF and RDM districts). Height exceptions are being requested for the stacked-flat condominiums located at the rear of Area A as well as for the stacked flat condominiums located on the overburden area of steep slope east of the existing historic structures. The applicant's request and discussion of the four required findings for additional height are discussed in the applicant's submittal binder (and attached height analysis from applicant).

The applicant is requesting a 5' to 7' height exception (over the 33' height limit) for the stacked flat buildings and three of the interior townhouse buildings due to the topography of the existing site and due to the fact that the project is within the Prospector Soils District which complicates the amount of soil that can be disturbed and relocated and how deep the parking structures can be buried.

In Area B the applicant is requesting height exceptions of between 10-' and 12' (from the 33' height limit) due to the very steep overburden slope. This height exception is

requested for the southern and central portion of the plaza building, with the exception of the northern most section of the building, which meets the height limit.

Staff requests the Planning Commission review the Visual Analysis and building height exception request at this meeting and discuss whether the proposed building height exceptions comply with the following LMC criteria for height exceptions for Master Planned Developments (Section 15-6-5 (F)).

The LMC grants the Planning Commission the authority to allow additional building height based upon site-specific analysis provided the Commission could make the following findings. The findings are listed below with Staff comments.

**1. The increase in building height does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.**

**Staff requests discussion.** The applicants are not proposing an increase in density or square footage, as a result of the height increase. The project is within the density range allowed by the zoning. The existing grade/topography has been modified by prior construction and mining activities in the area of the requested height exceptions and includes an area of cut/fill slopes and steep overburden deposits. These slope areas create an unnatural grade change. The method by which building height is measured causes the heights of the stacked flat buildings to exceed the zone height. The stacked flat buildings in Area A are appropriate in this location along the toe of the open space slopes and contribute architectural variety to the project. The stacked flat buildings in Area B are located in such a manner as to step up and minimize visual impacts of a steep, bare, sparsely vegetated overburden slope.

The additional height is offset by increased setbacks that offer opportunities for greater landscape buffers to be established. The proposed roof design, including pitched roofs that step with grade, are consistent with LMC Architectural Design Guidelines, suggestive of pitched/sloping roofs found on historic mine structures. The variation in roof form and pitch provides increased architectural interest over generally flat roof buildings.

**2. Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.**

**Complies.** No structures currently existing on neighboring properties are within close enough proximity to cause potential impacts due to shadows, loss of solar access, or loss of air circulation. The closest buildings on the south end, across Crescent Drive, are approximately 75' from the nearest proposed structure and are screened currently with thick vegetation. The area of stacked flats on the steep overburden slope off of Three Kings Drive is not located directly across from the existing Payday Condominium buildings. The buildings in Area B, subject to the height exceptions, have greater setbacks from the street and are further mitigated with an area of landscaping and a skier drop-off lane.

**3. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.**

**Complies.** The buildings where height exceptions are requested exceed the RD and RDM District setback requirements. The setback requirements of the RD and RDM District are 20 feet for front yards, 15 feet for rear yards (10' for RDM district), and 12 feet for side yards (10' for RDM district). Proposed setbacks are 25-40 feet for the front yard setbacks and 25- 80 feet for the rear setbacks. There are no side yard setbacks in the area of the requested height exceptions due to the configuration of the property lines. Staff finds that sufficient building separation between each structure is provided, as demonstrated in the cross section studies. Staff also finds that the building separation and building heights are compatible with those of the surrounding condominiums. A preliminary landscape plan indicates the intent to provide a sufficient landscape buffer between the various buildings on site as well as around the perimeter of all buildings subject to the height exception request. A specific and detailed landscaping/buffer plan will be required to be approved by the Planning staff as part of the building permitting process to better describe the landscaped buffer that is proposed on the MPD drawings.

**4. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.**

**Complies.** The proposed design clusters the majority of the density into Areas A and B where the adjacent land uses are predominately condominium buildings in exchange for larger areas of project open space in the area around the existing historic structures, so as not to overwhelm these significant buildings. This design also leaves larger areas of open space at the northern end of the project where the surrounding property is single-family houses and open space/undeveloped land. The LMC requirement for MPD open space is 60%. Approximately 74.8% open space is provided throughout the entire project.

Much of the project open space is passive open space, ski trails, and areas of more sensitive terrain and more heavily vegetated.

**5. The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9, Architectural Guidelines or Historic District Design Guidelines if within the Historic District.**

**Complies.** The rooflines are designed with a significant amount of variation and transition in roof elements. There are a variety of building types on the site that provide transition in roof elements and each individual building is designed to provide a transition in building heights. The design complies with Chapter 9, Architectural Guidelines.

Analysis of #6 is not applicable due to the zoning.

#### Site Planning

**Complies.** The nine site planning criteria outlined in the LMC are intended to promote overall design that incorporates the development into the site's natural characteristics.

- 1) The location of the proposed structures is consistent with the site planning criteria. The units are situated on the most developable and least visually sensitive portions of the site and areas most heavily vegetated are not proposed for development. Substantial buffer in terms of setbacks and vegetation are provided between the duplexes/cottages and the existing single family homes to the north.
- 2) With the exception of the main plaza building, located on the steep man-made overburden site, the project has been designed to minimize grading and the need for large retaining structures. The buildings step horizontally and vertically with the existing topography. The larger buildings are located to the rear of the property at the toe of the vegetated slope that creates a backdrop to the entire site.
- 3) The private road for the cottages is designed to minimize to the extent possible cuts and fills and generally follows an existing road/utility cut. Utilities primarily exist to the site, with the exception of sewer service, which requires some temporary disturbance of the golf course, the Payday Condominiums open space and landscaping, and Three Kings Drive.
- 4) The Spiro Trail and access will be maintained in the current location within the open space portions of the site and additional trailhead parking will be provided on site for summer time use.
- 5) Adequate internal vehicular and pedestrian circulation is provided. Emergency and secondary access routes have been discussed with the Chief Fire Marshal and adequate turn-around radii will be provided where required.

- 6) All requirements for adequate snow removal and snow storage will be complied with and these areas will be described in detailed as required during the building permitting process.
- 7) Adequate refuse storage and collection, and adequate recycling facilities are proposed. Conditions of approval will need to address these requirements in detail, both during the construction process and once the development is complete and occupied. Areas identified for refuse storage and collection shall either be within the parking structures or otherwise adequately screened from public view. Refuse collection for the cottage units shall be consistent with that of single-family subdivisions provided this is acceptable to the waste removal company. Otherwise, areas of common refuse storage shall be provided. These areas shall be adequately screened.
- 8) The project has designed a bus drop-off and pick-up area as a central feature of the plan to provide convenient transportation alternatives for the residence of the development and as a convenience for neighborhood access to the ski amenities.
- 9) Service and delivery areas for the support commercial and artist-in-residence portion of the project will be located in the northern portion of the plaza building, away from pedestrian and skier access and the public plaza areas.

#### Landscape and Streetscape

**Complies with conditions.** Landscaping, streetscape, and lighting will be reviewed in detail at the time of building permitting. The applicant will need to clarify the amount and type of street lighting, if any is proposed along the residential street serving the cottage units. Parking lot lighting and landscaping will comply with the LMC requirements of Chapter 3. Street lighting will comply with the City Engineer's specifications and the Municipal Lighting Code. All streetlights will be privately maintained. Staff has added a Condition of Approval that each building permit application shall include a preliminary landscape plan with water-efficient irrigation systems. The applicants propose utilizing only native trees and shrubs and planting native grasses and wildflowers as the primary turf landscaping, with minimal use of high water demand turf areas.

#### Sensitive Lands Compliance

**Complies.** The Sensitive Lands Overlay Zone does not specifically apply to this site, however, the location of the development is based on Sensitive Lands principles (see discussion under Density- Sensitive Lands).

#### Employee/Affordable Housing

**Complies with conditions.** The Spiro Tunnel MPD proposal was reviewed by Phyllis Robinson, affordable housing consultant to Park City Municipal Corporation (see attached Exhibit C). The final determination on the number of affordable housing units required to satisfy the City's Affordable Housing Resolution will be known once the final

density is approved for the project. At this time 15 on-site employee/affordable housing units are proposed, in compliance with the proposed density and land uses.

#### Conditional Use Review

Staff will return at the next meeting with a review of the project with respect to the conditional use criteria as outlined in LMC 15-1-10. These criteria are more detailed and specific to the exact uses and site plan, such as traffic, utility capacity, landscaping, building massing, signs, lighting, noise, etc.

**Recommendation:** The Planning Department requests the Planning Commission re-open the public hearing and consider any additional public comment on this application. Staff recommends the Planning Commission discuss the MPD analysis, and focus the discussion on 1) the proposed building heights and height exceptions, 2) appropriateness of the proposed density, and 3) the relationship of the proposed buildings to the topography of the site and surrounding buildings. Staff will return at a future meeting with Findings of Fact, Conclusions of Law and Conditions of Approval for the Spiro Tunnel MPD based on public input, discussion, and direction from the Planning Commission. In addition, staff will return with an analysis of the MPD as it relates to the Conditional Use criteria.

#### **Exhibits**

- A- Packet of plans, study of neighborhood compatibility, visual analysis, building height and cross-section study (attached under separate cover)
- B- Parking letter from applicant Sept. 1, 2004
- C- Affordable/Employee housing review