

**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION  
CITY HALL, COUNCIL CHAMBERS  
MARCH 13, 2013**



## **AGENDA**

<b>MEETING CALLED TO ORDER - 5:30 PM</b>	<i>pg</i>
<b>WORK SESSION</b> – <i>Discussion items. No action will be taken. Planning Commission may move the Work Session until after the Regular Agenda at their discretion.</i>	
General Plan – Discussion and Overview of Old Town, Resort Center, and Masonic Hill neighborhoods	3
<b>ROLL CALL</b>	
<b>ADOPTION OF MINUTES OF JANUARY 9, 2013</b>	35
<b>ADOPTION OF MINUTES OF FEBRUARY 27, 2013</b>	89
<b>PUBLIC COMMUNICATIONS</b> – <i>Items not scheduled on the regular agenda</i>	
<b>ADJOURN</b>	

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.  
Planning Commission - March 13, 2013



# Planning Commission Staff Report



**Subject:** General Plan  
**Author:** Katie Cattan, AICP  
**Date:** March 13, 2013  
**Type of Item:** Work Session

Below is the layout for the new General Plan. The elements within the new General Plan are incorporated within the 4 Core Values identified during the community visioning. The Core Values are those values identified by the community that must be preserved to maintain those aspects of the City that the residents value highly. The Core Values include: Small Town, Natural Setting, Sense of Community, and Historic Character.

## **Layout of the New General Plan**

1. Park City Visioning Outcome
2. Park City Demographics
3. Small Town PC reviewed on 10.8.2012 & 10.16.2012
  - a. Land Use
  - b. Regional Land Use Planning
  - c. Transportation
4. Natural Setting PC reviewed on 10.16.2012 and 11.27.2012
  - a. Open Space
  - b. Resource Conservation
  - c. Climate adaptation
5. Sense of Community PC reviewed on 11.27.2012 and 12.11.2012
  - a. Housing
  - b. Parks and Recreation
  - c. Special Events
  - d. Economy
  - e. Community Facility
6. Historic Character PC reviewed on 12.11.2012
  - a. Historic Preservation
7. The PC Neighborhoods PC review on 2.13.2013; 2.27.2013; 3.13.2013
  - a. 1 – 9
  - b. Implementation Strategies
8. Indicators

The new general plan takes a neighborhood approach to planning. The general plan looks at the existing demographics and trends within each neighborhood then identifies principles and strategies to be applied at a neighborhood level. These principles and strategies will assist the Planning Commission and City Council in future zoning modifications, area plans, and policy decisions.

Staff will begin the work session with further discussion on the Old Town neighborhood. Due to the late meeting on February 27<sup>th</sup>, 2013, staff would like to give the Planning Commission the opportunity to discuss any further edits within the Old Town section.

The Resort Center neighborhood will be discussed second, followed by Masonic Hill.

**Exhibits**

Exhibit A: Neighborhood 4: Resort Center

Exhibit B: Neighborhood 6: Masonic Hill







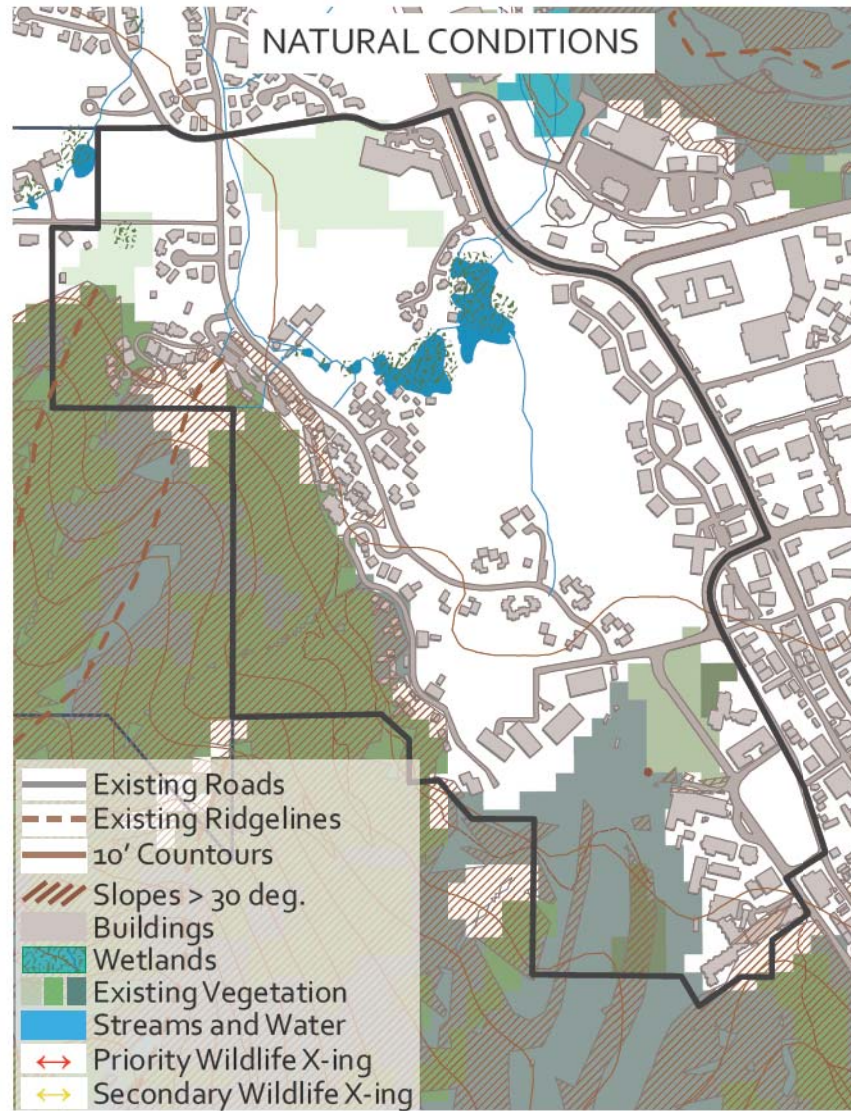
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# NEIGHBORHOOD 4: RESORT CENTER



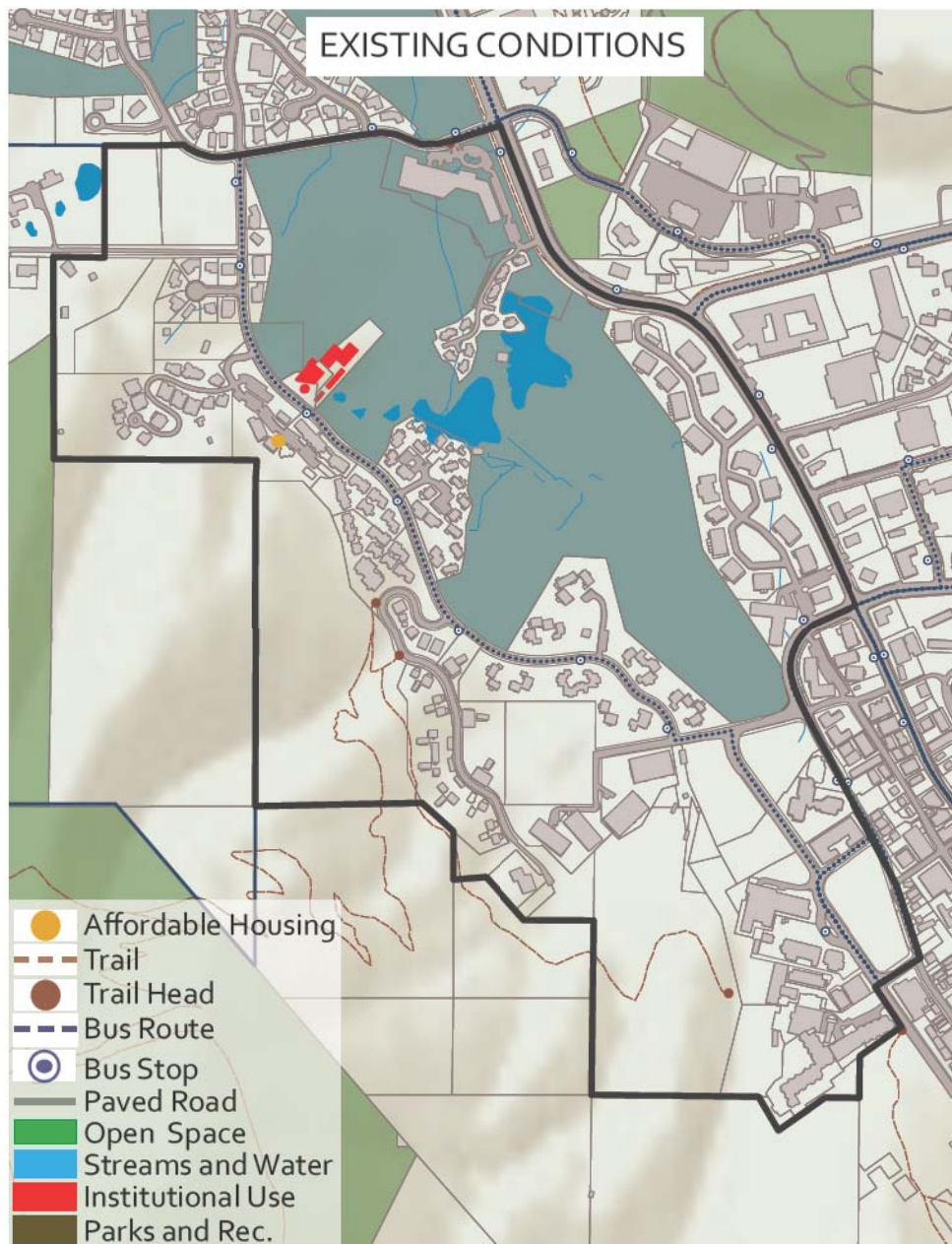
# RESORT CENTER

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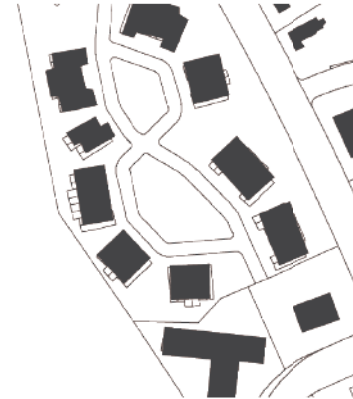


Total Area (sq. miles)	.33 square miles
Total Area (acres)	214 acres
Total Units	1,034
Unbuilt Units	403
% of Total PC Units	11%
Average Density	16.37 units per acre
Range of Density	0.3 – 76 units per acre
Population	97
Population Density	290 people per acre
Housing Types	Condos, multi-family & single-family homes
Historic Sites	_ sites on Historic Inventory
Affordable Housing	Silver Star (20)
Occupancy	5% primary residences 3% owner-occupied 2% renter-occupied
Neighborhood Icons	Glenwood cemetery, Silver King Mine Building, Park City Mountain Resort, Park City Golf Course, White Pine Touring Center
Parks	None
Open Space	Armstrong, Warren Claims
Trails	Extensive trails throughout Park City Mountain Resort & Nordic ski trails at the Golf Course.

Walkability	Moderate walkability due to existing amenities, lack of sidewalks.
# of Businesses	
% of Park City Businesses	
# of Nightly Rental	
% of Park City Nightly Rentals	







As one of the most dense, resort-oriented neighborhoods, the typical lot configuration accommodates multi-family condominiums, hotels, and timeshares. A few single family homes exist at the northern edge of the neighborhood.

#### **4.1: The Resort Center Neighborhood: Where redevelopment integrates a world class resort with a strong sense of community.**

The base of the Park City Mountain Resort (PCMR) contains a mix of medium- and high-density condo-hotel buildings that are primarily offered as nightly rentals. Resort support commercial uses (e.g. ski rental, restaurants, and retail shops) are concentrated at the resort base. The Resort Center is uniquely “Park City” with the Old Town neighborhood wrapping the southern and eastern edge. Although similar in context to the neighboring multifamily neighborhood between Empire Avenue and Park Avenue to the east, future development within the Resort Center will create a more dense village core. The neighborhood is surrounded by many community assets including

City Park, the Library and Education Center, the Senior Center, and Miners Hospital. PCMR has embraced its central ties to the community with an enduring long-term relationship with the locals through community programs and a legacy for hosting local benefits.

Future PCMR development of the three (3) parking lots located at the base provide an opportunity for PCMR to rebrand itself combining the ski experience with the lodging experience. Currently, PCMR manages the ski resort but has little control of the private business at the base area. The future style, layout, and design will redefine the character for the base area and influence the entire Resort Center neighborhood.

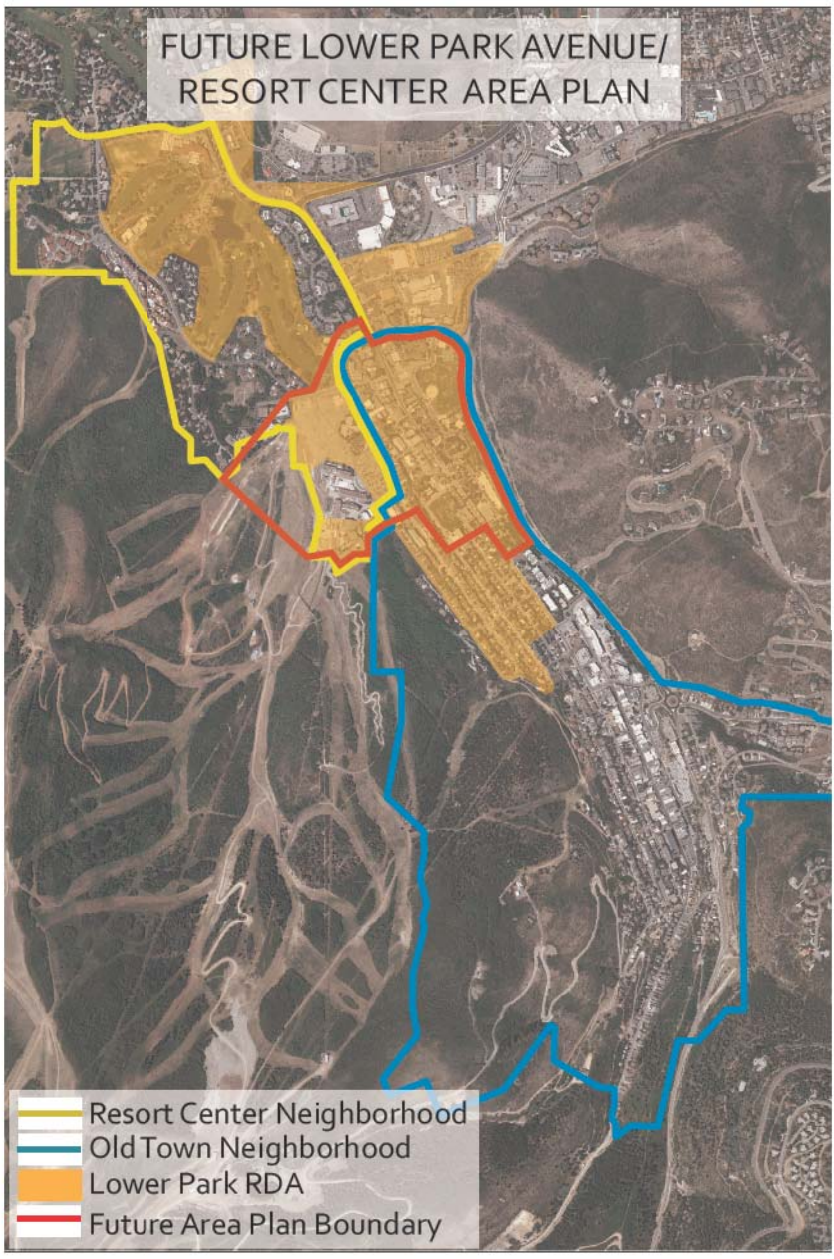
The majority of the Resort Center neighborhood is located within the Lower Park Avenue Redevelopment

Area (RDA). Originally created in 1990, the Lower Park RDA contributed to the revitalization of the area surrounding the resort center with improvements that include the sound garden, skateboard park, outdoor theatre, Miner’s Hospital, and City Park. The Lower Park Avenue RDA has been the largest funding source for Historic Preservation Matching Grants and the City’s affordable housing programs. The Lower Park Avenue RDA plan guides appropriate investments within the area. The RDA plan was amended in 2012, allowing the increment funding to continue through 2030. This will allow the City to work with the resort to ensure improvements in the redevelopment area balance tourism and community needs. The Lower Park Avenue RDA expands three neighborhoods including the Resort Center, Old Town, and Bonanza Park.

Multiple planning documents have been created for this area including the Lower Park Avenue RDA plan(1990, 2012 amendment), Lower Park Avenue Design Study (PCMC, 1993), Lower Park Avenue Preliminary Planning Concepts (Jack Johnson Company, 2009), the Lower Park Avenue Redevelopment Authority Project List (Design Workshop, 2009), & the PCMR Base Area Transit Center and Parking Structure Plan (2013).

To bring all the concepts into one guiding document, a Lower Park Avenue/Resort Center Area Plan should be a top planning priority to ensure the success of the RDA and guide development in a cohesive manner. An Area Plan is a document, separate from the General Plan, which is recommended by the Planning Commission and adopted by the City Council.





The following concepts should be included in a future Area Plan:

**Area Plan Principle 1:**  
Support redevelopment of the Resort Center through public/private partnership to stimulate private investment within the RDA project area.

The three (3) resort center parking lots at PCMR are entitled for future redevelopment of a mix of resort oriented residential and commercial uses. According to the 2009 Jack Johnson Company study "The prohibitive costs of comprehensive replacement of this parking in underground or structured formats has stymied past redevelopment efforts." The lots are located within the Lower Park Avenue RDA, providing redevelopment tools at the Park City Mountain Resort Base Area which include public/private partnerships on

development projects, public financing, and/or financial incentives. Future public/private investments from RDA funds should promote redevelopment by stimulating private development within the project area. The investment into the area should improve the visitor experience within the project area resulting in increased competitiveness of Park City within the resort market. Flexibility should be employed regarding the execution of the existing PCMR MPD approval in order to facilitate: 1) public/private partnership opportunities for public transit, parking and affordable housing; 2) potential relocation/ transfer of density; and 3) new uses including emerging recreation and resort visitor experiences.

**Area Plan Principle 2:**

Improve the guest experience of arriving and leaving the resort center.

Circulation Improvements:

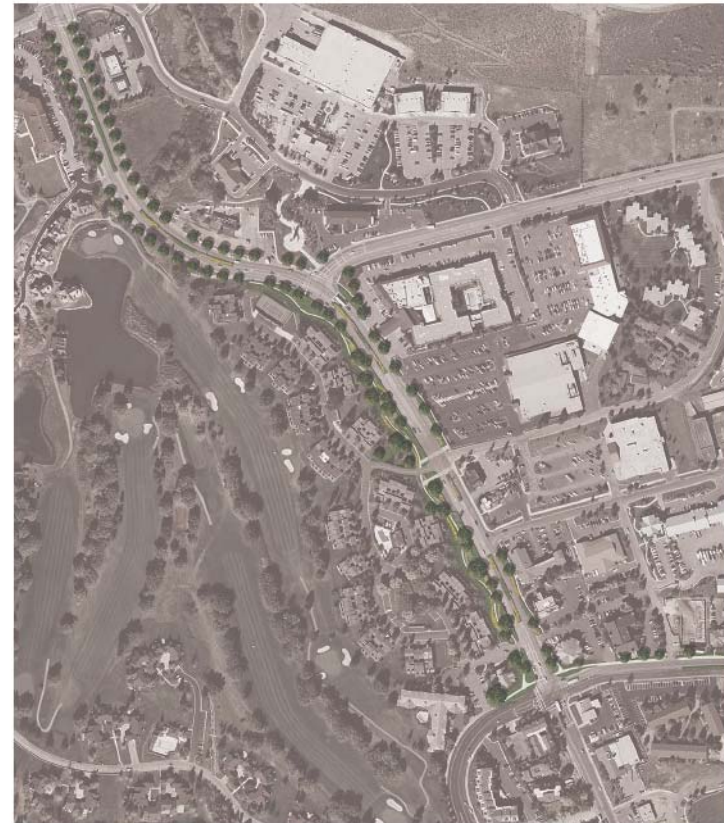
There are four (4) areas that should be addressed to improve the circulation at the resort.

1. Management of load-in, load-out.

During peak periods of demand at the resort center (peak holiday skiing visitation, Sundance Film Festival, Arts Festival, and Fourth of July) conflicts are common between private vehicles, transit, and pedestrians. Also, overflow parking impacts the neighboring residential/hotel areas with parking on the streets and in restricted area.

2. Primary entry point improvements are necessary at existing intersections of Park Avenue & Deer Valley Drive; Empire & Three Kings; Kearns & Park Avenue; and Deer Valley Drive & Bonanza Drive.

The 2009 Lower Park Avenue Preliminary Planning Concepts created by the Jack Johnson Company recommended consideration of “the use of appropriately scaled traffic circles, grade separate improvements for pedestrians or vehicles, and strategies to allow uninterrupted flow of Public Transit (transit only express lanes/free right turns) as potential strategies for improvement to these nodes.” Following this recommendation, the City Hired Fehr and Peers in 2012, to complete a corridor plan to address pedestrian, bicycle, public transit, and private automobile flow through the three key entry



points. The corridor study was finalized in 2012 with recommendations to address the traffic challenges. The recommendations of this study should be included within the future Area Plan.

3. Public Transit Improvements

The 2009 JJC study also recommended the consideration of “new modes of public transit and dedicated transit lanes or corridors throughout the study area and connecting





to and through adjacent districts. Consider dedicated small bus service, trolley, or street car service on Lower Park Avenue, Main Street and Deer Valley Drive loop. Long term consideration should be given to preserving corridors and nodes for light rail service between the resorts and key points outside the neighborhood." As a major destination, the resort center is one of the busiest public transit stops within the City. The future Area Plan should support increased connectivity through fun, fast, green public transportation methods over the private automobile.

4. Additional East-West connections  
Existing egress into and out of the Resort Center is dominated by North-South routes including Park Avenue and Deer Valley Drive. Additional East-West connections should be sought to complete a more efficient grid with additional options.

Way finding Improvements:  
"Signage and way finding improvements that help identify connections to and through the neighborhood and create a seamless transition between the

resort and surrounding neighborhoods. Use these items to strategically direct vehicle and pedestrian traffic along preferred routes." (Jack Johnson Company, 2009) Smart Messaging leading into and out of the Resort Center would improve traffic flow and guest experience.

Parking Improvements:  
A mix of the following five suggested parking improvements should be considered to improve parking within the Resort Center:

1. Modify location of building

2. Public/private partnerships to remove prohibitive costs of development on parking lots.
3. Identify alternative parking location with state of the art public transportation connection.
4. Consider reducing parking requirement combined with investment in alternative public transportation.
5. Cooperative Trip reduction strategies through shared management plan of multiple entities public and private.

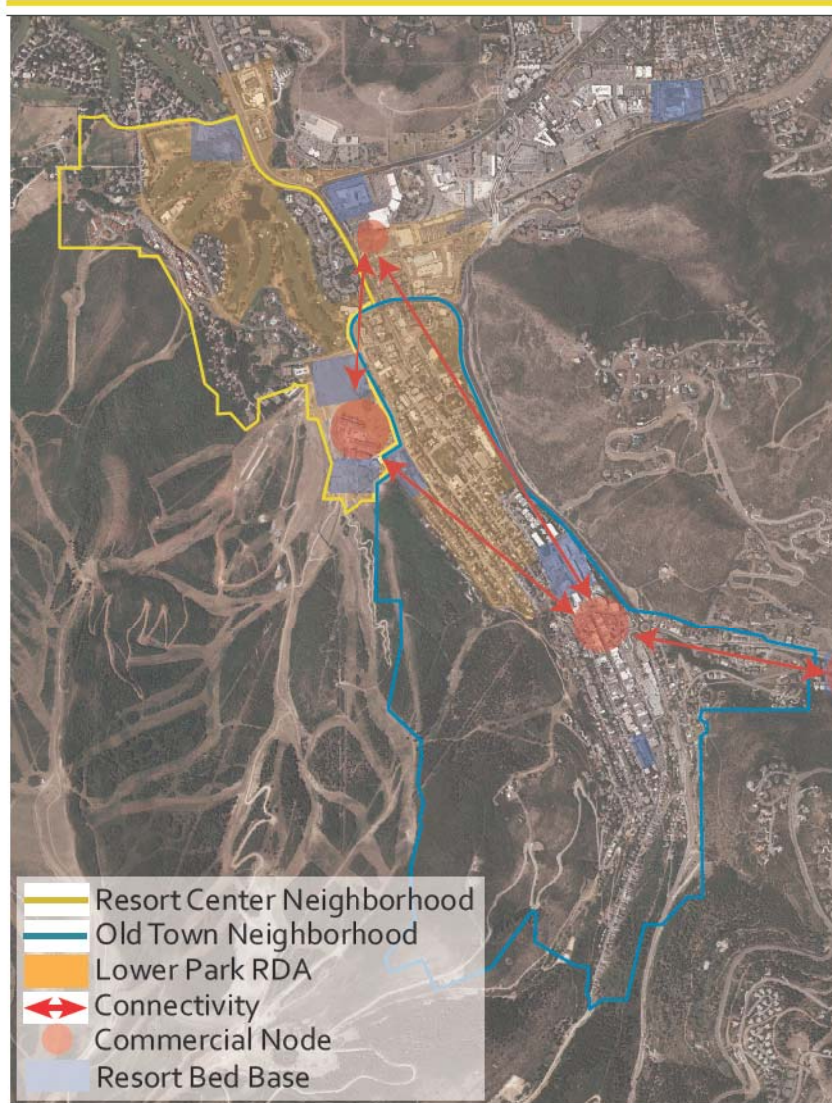
“Consider all potential transportation and connectivity improvements under the lens of their ability to provide functional and identifiable ties between bed base and revenue centers in the Lower Park Avenue Neighborhood and those adjacent to it. Attempt to gauge the increase in revenue potential these solutions could bring to Historic Main Street, Bonanza Park, and elsewhere.”

Jack Johnson  
Company, 2009

#### Area Plan Principle 3:

Provide a series of transportation and connectivity improvements to allow better synergy between the commercial and event economic engines and bed base.

Main Street, the Bonanza Park District, and the ski resorts are the main commercial areas in Park City. The resort bed base is scattered through the gateway and resort areas with hotels along Park Avenue, within and around the Resort Center base expansion, Main Street, and at Deer Valley. The future Area Plan should create connectivity and transit plans that improves the visitor experience and efficiency moving between the Resort Center, Historic Main Street, Bonanza Park, and Deer Valley to create improved synergy between the bed base, restaurants, Main Street and the resorts.



Future transportation improvements should create improved synergy between the major commercial nodes, resort centers, and resort bed base as identified in the above project location map.



**Area Plan Principle 4:**  
 Improve pedestrian connectivity between PCMR, the local civic buildings, and public gathering areas coupled with public transportation opportunities.

There are two (2) areas within Lower Park Avenue that are in need of improved connectivity: the South End Civic Connection (SECC) and the North End Entry Corridor (NEEC).

South End Civic Connection:  
 A cohesive East-West connection between the north end of Lowell Avenue/ PCMR Base, the Library Center, City Park, Miner’s Hospital, and the Senior Center is necessary. There are existing connectivity challenges of ownership, grade, and built conditions. Opportunities for creative design solutions should be explored such as an artist stairway to overcome grade challenges while adding

to the Old Town aesthetic. Previous creative solutions include: outdoor escalators and elevators. There are many components to successful connectivity. The new Area Plan should not preclude transportation alternatives to assist in the East West connection. Further study on the macro level is necessary to identify the appropriate micro solution in this area to work seamlessly within the system. Additional land acquisitions may be necessary to complete connectivity and the location of future acquisitions will influence transportation solutions.

North End Entry Corridor:  
 The second area of necessary connectivity improvements is between the Resort Center to the North End of Park Avenue. Civic connections should include the base of PCMR, Shadow Ridge Hotel, City Park softball diamond,



and the poison creek trail. A safe pedestrian connection is needed to that will provide a pleasant user experience leading from Park Avenue to the Resort. Redevelopment of the Resort Center and Bonanza Park (BoPa) should improve connectivity between the neighborhoods.



**Area Plan Principle 5:** Public investment in historic sites, public buildings, affordable housing, and public gathering areas to ensure best use for increased Return On Community(ROC).

The project should demonstrate Park City's commitment to historic preservation, sense of community, education, local entrepreneurship, and sustainability. Adaptive reuse of Historic Structures to accommodate civic uses is recommended. Three (3) City Owned Historic Properties include 1354 Park Avenue (Miner's Hospital), 1333 Park Avenue, and 1255 Park Avenue (Carl Winter's School/Library). Non-historic City owned properties within the redevelopment area include the decommissioned Park City Fire Station at 1353 Park Avenue and the Senior Center property at 1361 Woodside Empire Avenue. Adaptive reuse or new

construction on these sites is appropriate.

Identified necessary community assets that should remain and/or be introduced into the redevelopment area include: a senior center, workforce/affordable housing, the community co-op, community gardens, a neighborhood center, and a small scale neighborhood services. Purchase of outdated housing stock for affordable housing retrofits should be researched and considered to create increased local housing opportunities through public funding or new financing mechanism. Housing stock located between the Resort Center, Park Avenue, and the North end of City Park should be explored. The City should identify potential partners to assist in redevelopment opportunities lower the cost burden while achieving community goals.



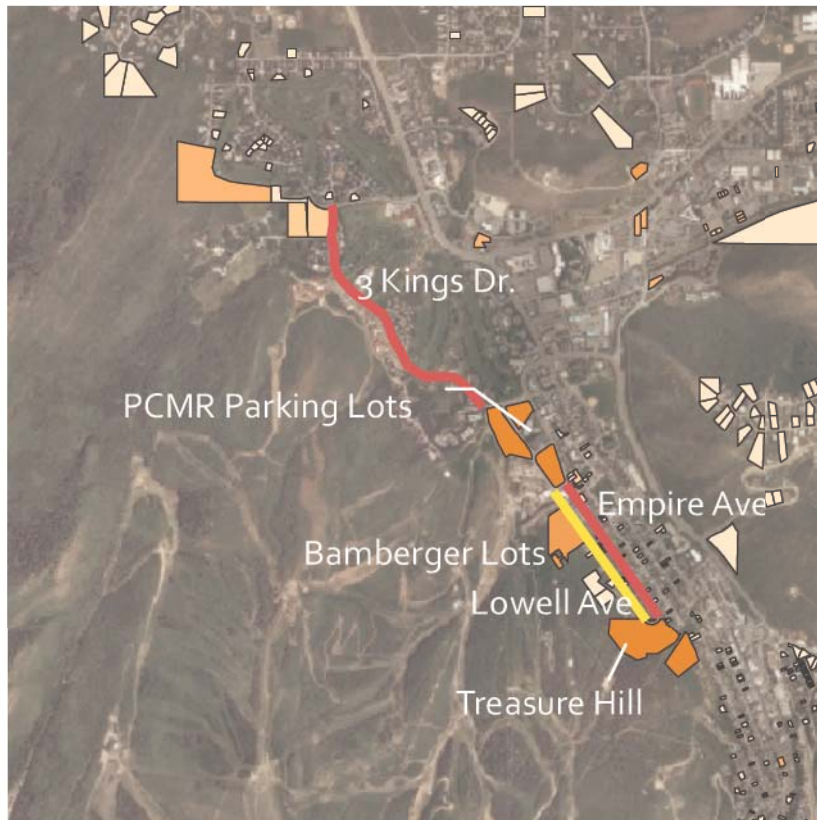
“Consider additional uses for the Library Center that enhance rather than detract from the civic and park characteristics the community currently enjoys at the site. A community garden or relocation of the Senior Center to this parcel are both examples of projects that could be entertained without compromising the existing attributes of the Library Center and green space.”  
(Jack Johnson Company, 2009)



**Area Plan Principle 6:**  
Decrease impacts of the destination resort on surrounding residential communities.

The Lowell/Empire Loop.  
Future development will place demand on Lowell and Empire Avenue. Consistent with the Sweeney MPD, additional improvements to manage increased traffic demand will be necessary. Transportation design should direct traffic toward Lowell Avenue and lower Empire Avenue (north of Manor Ave) to access Treasure Hill and future development of the Bamberger Lots. Also, to decrease traffic on Lowell Avenue, an alternative transportation solution between the Resort Center and Treasure hill should be explored as recommended within the 2009 Jack Johnson Company Study.

Lower Woodside Avenue  
The potential exists within



the Lower Woodside Avenue right-of-way to provide a more pleasant pedestrian corridor connecting multifamily residence to the north with the Library Center. Lower Woodside should remain a low vehicular road with priority given to pedestrians and bicycles

through design and way finding. Beautification projects would add to the sense of place within the dense northern blocks of Woodside Avenue and help reintroduce a small town aesthetic. Beatification projects may include sidewalks, pedestrian

Future development at the resort center combined with development along Lowell Avenue (Bamberger Lots and Treasure Hill) will create increased demand on nearby roads. Traffic calming measures to deter visitors from utilizing roads that exist within residential neighborhoods should be implemented prior to construction. Three Kings Drive and Empire Avenue (highlighted in red) should limit through traffic. Lowell Avenue (highlighted in yellow) is the expected route for the future buildout of Treasure Hill and the Bamberger Lots.

boulevard, planter boxes, public art, benches, shade trees, and pocket park opportunities.

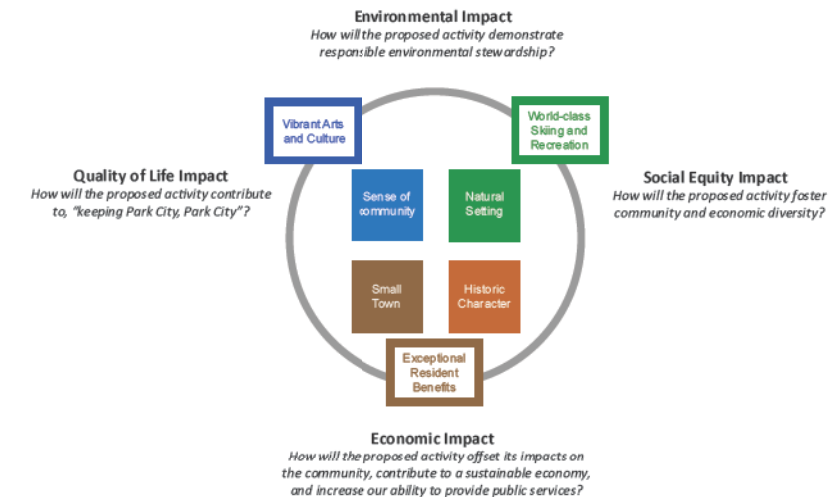
Three Kings Drive.  
Discourage resort through traffic on Three Kings Drive through improved design and way finding signage.

## Area Plan Principle 7: Balanced Decision Making

Many exciting, yet challenging, decisions will be made by the redevelopment team for future projects within the Resort Center and Lower Park Avenue. The redevelopment authority will utilize RDA funds to assist in those projects within the development area that will improve revenue potential, guest experience, and increase visitation. At the same time, the redevelopment authority will measure projects influence on maintaining the core values of Park City, to protect the "Park City Experience" of small town, natural setting, historic character, and sense of community. Decision-making must balance Return On Investment (ROI) with Return On Community (ROC).

The aphorism "a rising tide lifts all boats" is applicable

to how projects should influence and be influenced by the redevelopment area. As the redevelopment authority allocates funds to public/private partnerships to stimulate private investment, these investments should improve the visitor experience at the resort creating a competitive edge for Park City in the resort market. Increased demand will result in increased financial return on investment. Public/private collaboration projects should mitigate impacts of increased demand on public infrastructure prior to causing the increase in demand. Return On Community is a major influence on decision-making for project prioritization. Projects should support, not threaten, the community Vision. Not all projects within the Resort Center need to have a community benefit, realizing the ongoing benefit to the community of a prosperous,



self-sustaining resort. Future community projects to create opportunities for a senior center, community co-op, and affordable housing are primary community goals within the redevelopment area. In 2009, Design Workshop created a matrix as a tool

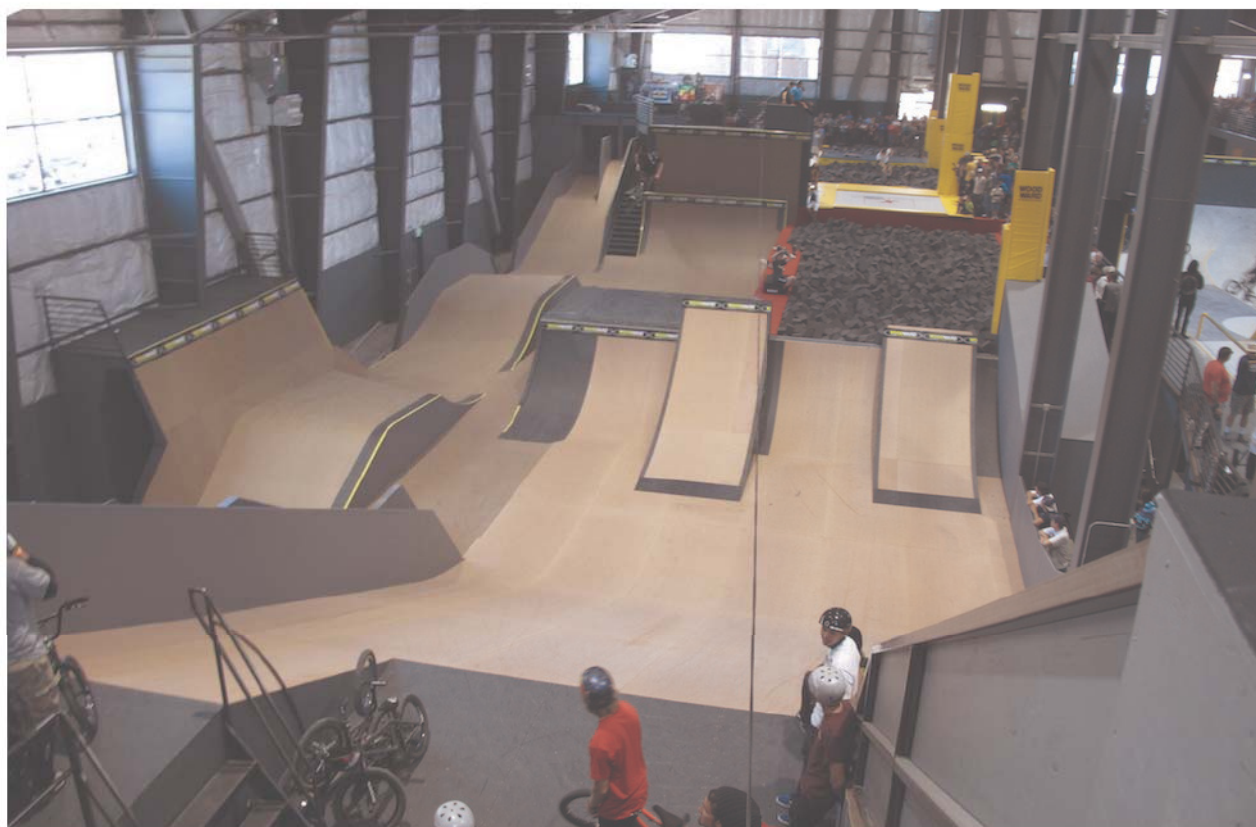
for project prioritization in which different outcomes of projects were weighted. This matrix should be utilized by the Redevelopment Authority to make well-informed decisions. Impacts to the the City's Vision's core values should be added to this matrix and quantified.



#### 4.2: The Resort Center Neighborhood: Home to year round events and recreational activity.

The resort is host to a wide range of national and international sporting events in winter and summer. These events include the 2002 Olympic Winter Games, World Cup ski and snowboard competitions, IMBA mountain biking competitions on the gold status trail system, and marathons. While athletes are not competing in the many events held at the resort, they are training and call Park City home. To embrace the competitive population, high altitude training and housing opportunities should be supported.

State, national, and international events bring competitors from near and far which fill the resort centers condo-hotels and the



local restaurants and shops. Powder Corp, the management company for Park City Mountain Resort, invested in year-round recreation facilities at a sister mountains in California and Colorado. The recreation facility is utilized as a camp facility for extreme sports

during the summer and is an added amenity to the ski area in the winter. Creative business models that will attract visitors year-round to Park City should be encouraged during the build out of the base area. Flexibility within the master planned development may

be necessary to ensure the best build out of the base area. The area should be considered for potential relocation/transfer of density, due to the pending redevelopment opportunity, existing and future infrastructure improvements, and low visibility.



**4.3: The Resort Center Neighborhood: A model for green practices.**

Park City Mountain Resort has been very influential in the local "Save our Snow" campaign to curb climate change through carbon mitigation strategies. The City has a unique opportunity to work with the resort to continue the legacy toward one of the greenest resorts in the nation. A portion of redevelopment funds could be applied toward green house gas reduction within model sustainable redevelopment.





**4.4: The Resort Center Neighborhood: Maintain the rural character of the transition area between the Resort Center and the Thaynes neighborhood.**

The resort center neighborhood connects with the Thaynes Canyon neighborhood at the intersection of Thaynes Canyon Drive and Three Kings Drive. Within the half mile of Three Kings Drive there is a major shift in development patterns. Density shifts from high density at the resort center to single family and agriculture at the edge.

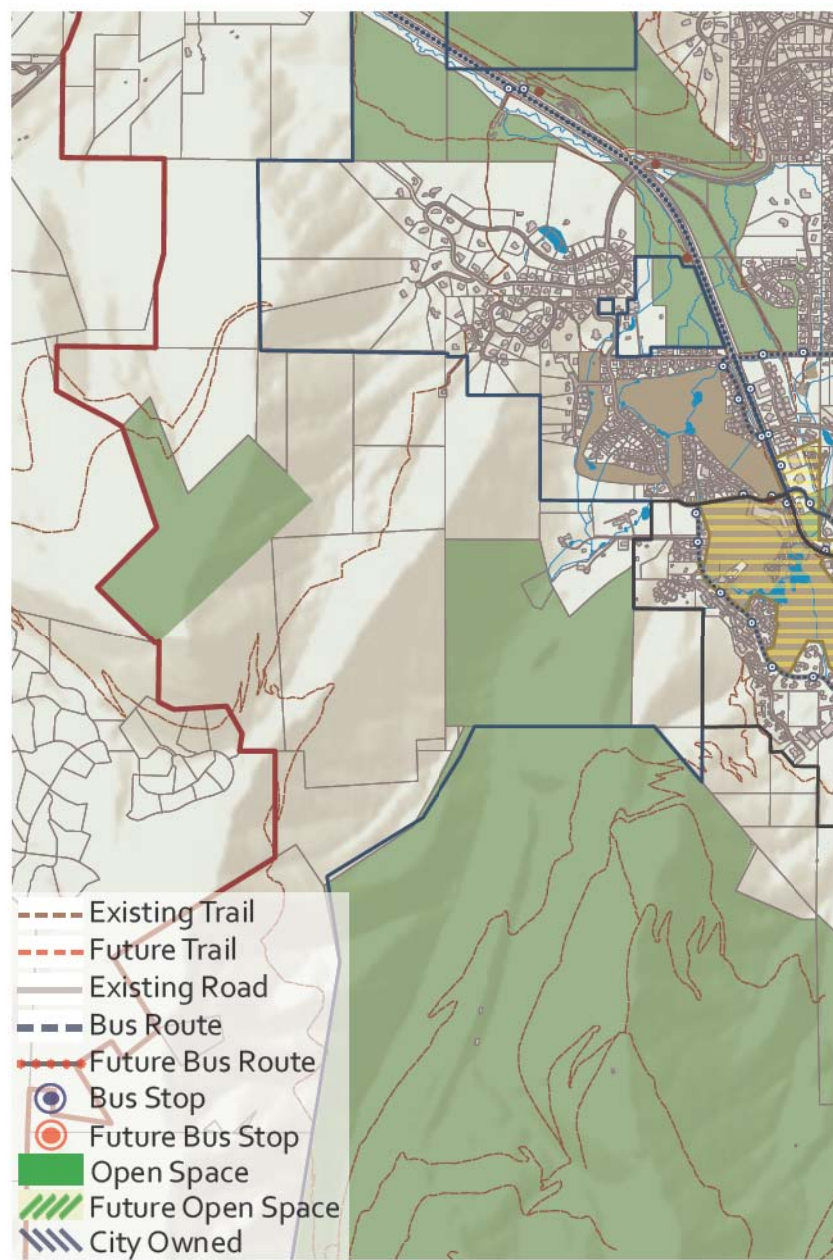
There is a property at the edge of the resort center neighborhood within this transition area that is currently located within Summit County yet land locked by Park City. This county land should be annexed in the future to comply with Utah land use

law. Future annexation of the Snows Lane area into the City should maintain the low density of current county mountain remote zoning of 1 unit per 120 acres.

Future development at the corner of Three Kings and Snows Lane should be set back from the road to maintain the pastoral aesthetic of the corner with the line of established trees. Future homes should be oriented with front porches toward Three Kings Drive and car access coming in off of Snows Lane in the rear yard. Design for the automobile should not disrupt the pastoral front yard. Flexibility in the area should be maintained to accommodate small cottage style homes for a co-housing, assisted living, or affordable housing (similar to Snowcreek Cottages) development.



To maintain the natural buffer between the resort center neighborhood and the thaynes neighborhood, future development at the corner of Thaynes and 3 Kings should be set back from the road and pulled closer to Snows Lane. This area would be best left as open space or developed in a compact manor implementing conservation subdivision design.





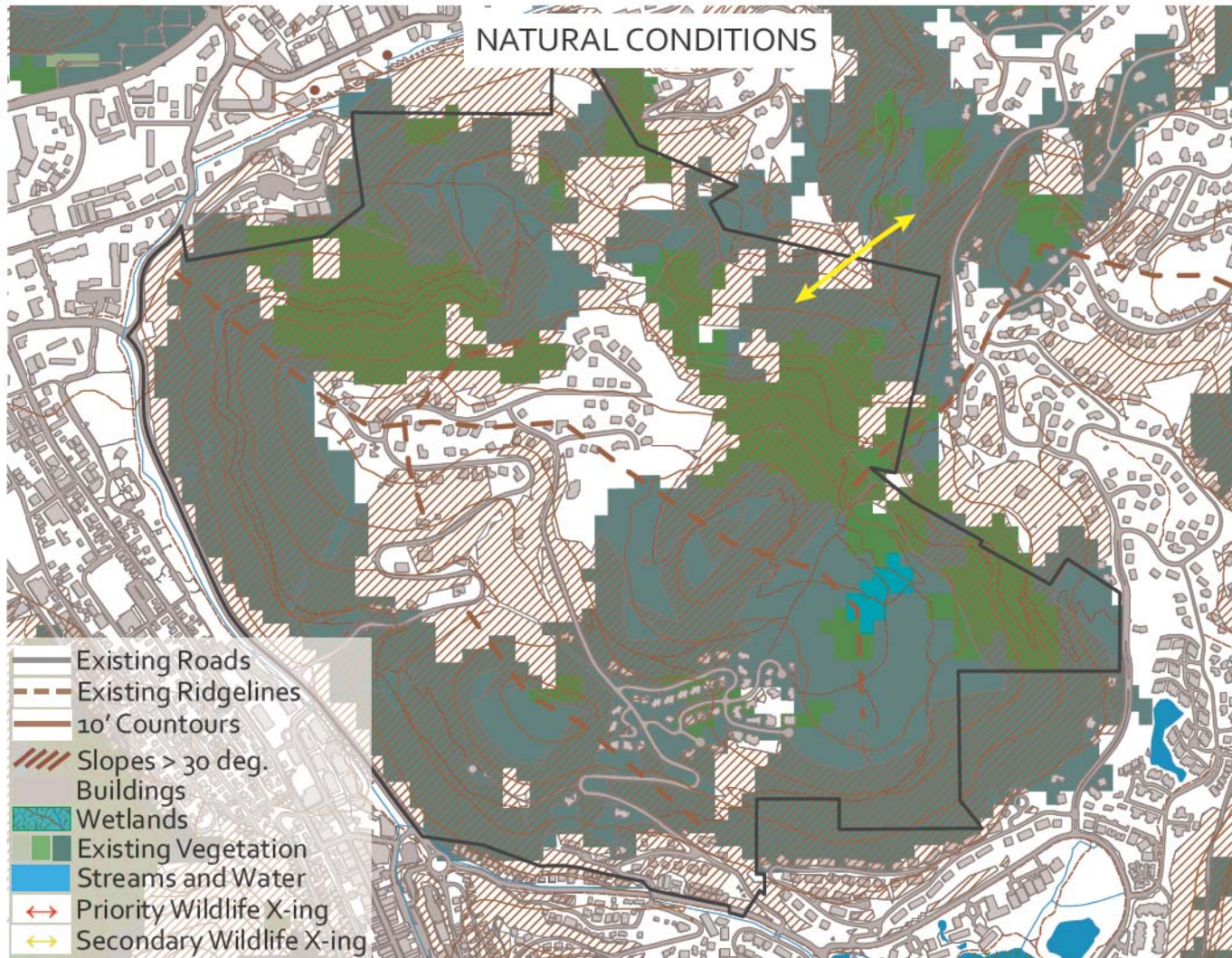


# NEIGHBORHOOD 6: MASONIC HILL

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# MASONIC HILL

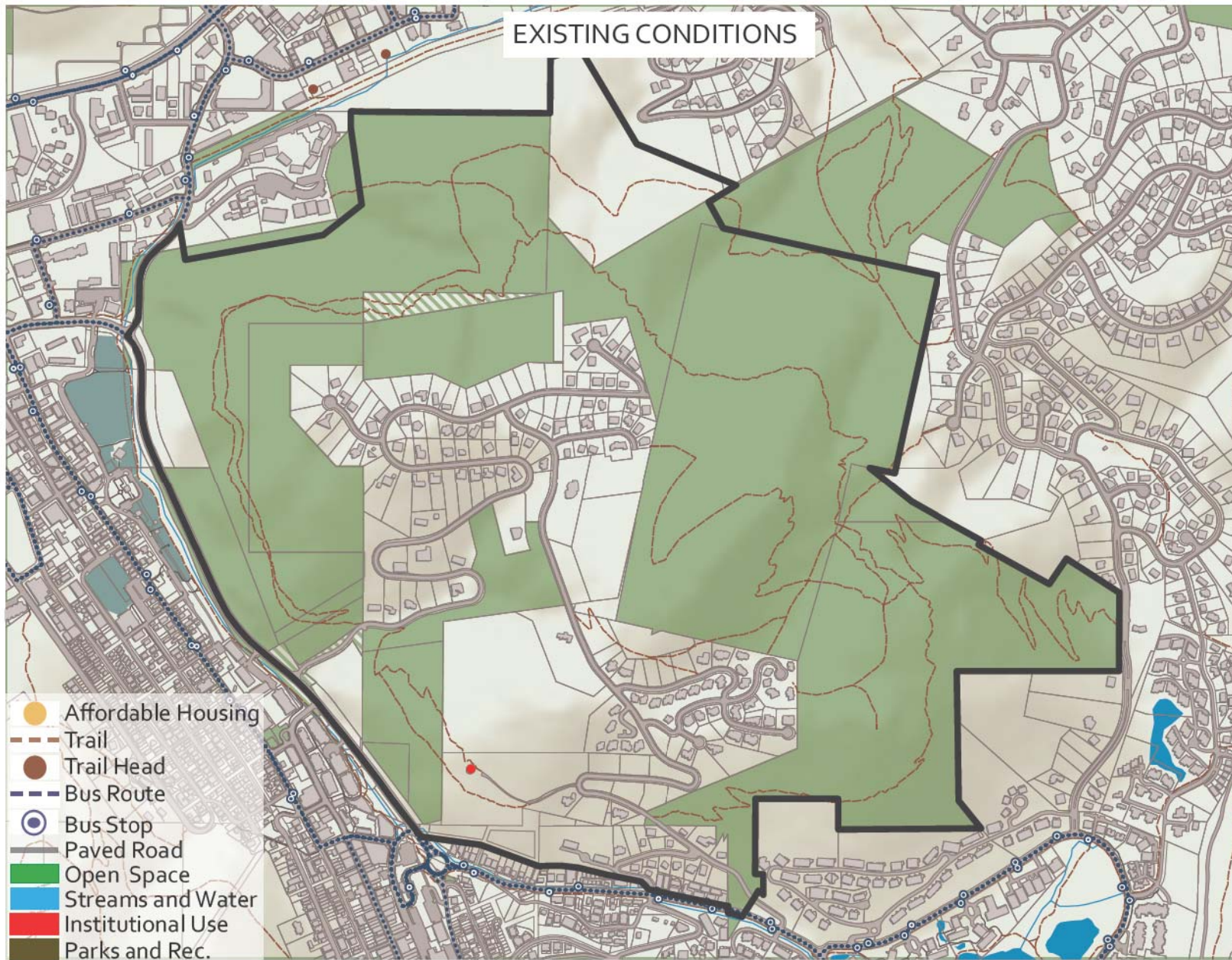


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Total Area (sq. miles)	.97 square miles
Total Area (acres)	622 acres
Total Units	267
Unbuilt Units	69
% of Total PC Units	3%
Average Density	3.03 units per acre
Range of Density	0.23 - 27.1 units per acre
Population	267
Population Density	275 people per square mile
Housing Type	Single Family and Multifamily
Historic Sites	None
Affordable Housing	None

Occupancy	43% Primary residence 28% Owner-Occupied 16% Renter-Occupied
Neighborhood Icons	Hiking Trails Views of Old Town Water Tank
Parks	None
Open Space	Gamble Oak, Hope-White Acre, Solamere, Aerie, Mellow Mountain, April Mountain
Trails	Lost Prospector Trail
Walkability	Low due to no internal amenities, yet proximity to Main Street maintains moderate walkability.









The built environment within Masonic Hill range from large single family lots to more dense multifamily development. The multifamily units are clustered closely together surrounded by open space. The established pattern within Masonic Hill is influenced most by the area that has not been developed. Open space surrounds the single family and multifamily units. The majority of built units backup to protected open space.

### 5.1 Masonic Hill: A natural conservation neighborhood.

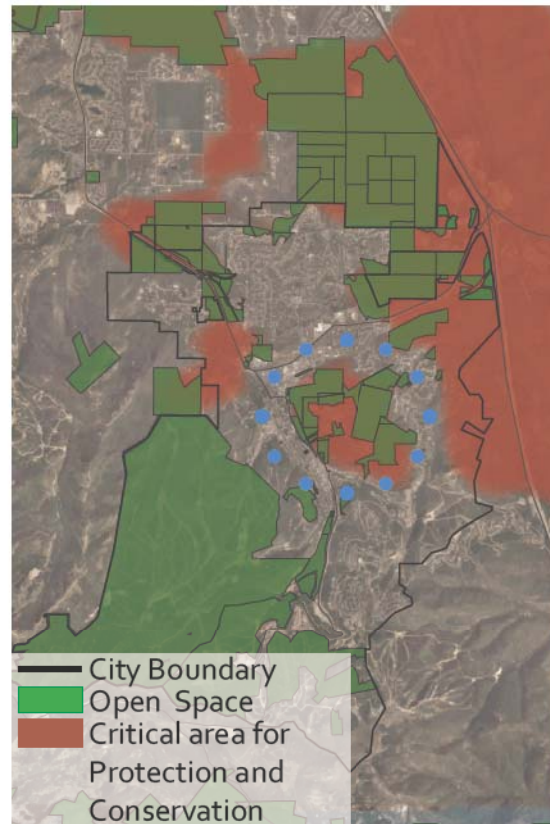
The future of the Masonic Hill neighborhood will not look very different than today, with the exception of being further camouflaged into the existing landscape. The neighborhood exists central to the entire city, tucked into the side of Masonic Hill and surrounded on all sides by open space. The neighborhood is the smallest in size, approaching one square mile. In 2011, there were 267 built units with 69 vacant lots. The average units per acre is low at 3.03 units per acre within the subdivision.

The neighborhood's central location combined with the vast amounts of open space has maintained one of the neighborhoods primary original functions as wildlife habitat. The open space provides sufficient wildlife habitat within the landscape

dominated by scrub oak and sage, typical of dry upland vegetation. The area is frequented by deer, elk, and moose.

The neighborhood, in its entirety was identified as critical area for protection and conservation within the February 2011 Natural Resource Inventory Study.<sup>1</sup> By protecting the native vegetation in the area, plants will continue to play their crucial role in the ecosystem: filtering air and water, preventing erosion, and providing essential habitat (food, water, and shelter) for wildlife.

As the neighborhood continues to evolve, special guidance through incentives and restrictions should be put in place to manage the neighborhood as a natural conservation neighborhood. Programs to be considered which result in preserving the natural vegetation of the



The 2011 Natural Resource study identified the entire Masonic Hill neighborhood as "critical area for protection and conservation". The neighborhood is surrounded by open space and is utilized by wildlife for habitat.

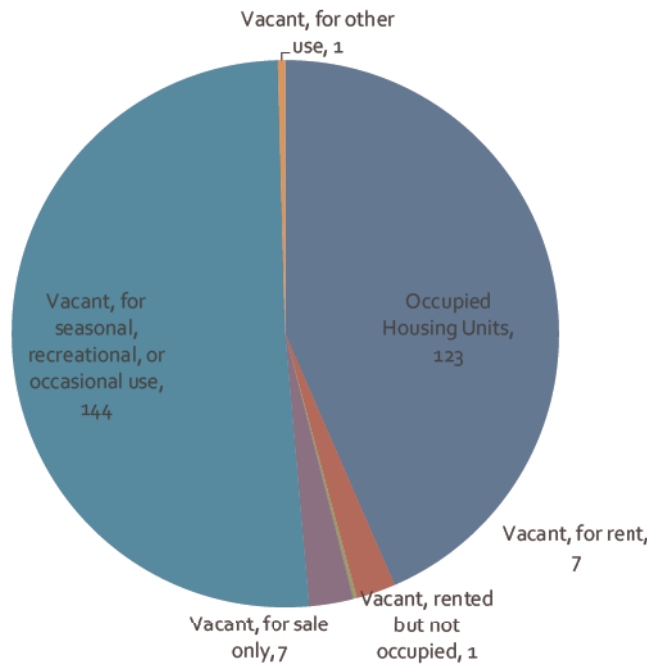
area, including strict limits of disturbances, prohibiting tall fencing, adopting building pads, and incentives to plant native vegetation. Also, wildfire mitigation should be introduced to prevent future wildfires in the extremely high risk neighborhood.

**5.2 Masonic Hill: A neighborhood dominated by second homes and primary residents.**

There has always been a mix of full-time and part-time residents in the Masonic Hill neighborhood. During the 2010 census, the Masonic Hill neighborhood had 51% seasonal ownership and nightly rental was not allowed. To maintain this neighborhood as a quiet, low traffic residential neighborhood, the restriction on nightly rentals should remain.

As a critical area for protection and conservation, this neighborhood is not appropriate for additional density. In this context, lockouts and accessory dwelling units should be prohibited. The Masonic Hill neighborhood provides a viable option for those who chose to have a second home in Park City,

close to the resorts, within a quiet, conservation neighborhood. Affordable housing opportunities in this neighborhood should take the form of deed restricting entitled single family and multifamily units.



and the lack of pedestrian improvements. Within future improvements for walkability and connectivity, improved connectivity should be explored. The possibility of a neighborhood staircase or a safe pedestrian crossing should be considered to increase connectivity between Masonic Hill and Old Town. In terms of trail connectivity, the neighborhood is exemplary with trails leading to Deer Valley, Prospector, and beyond.

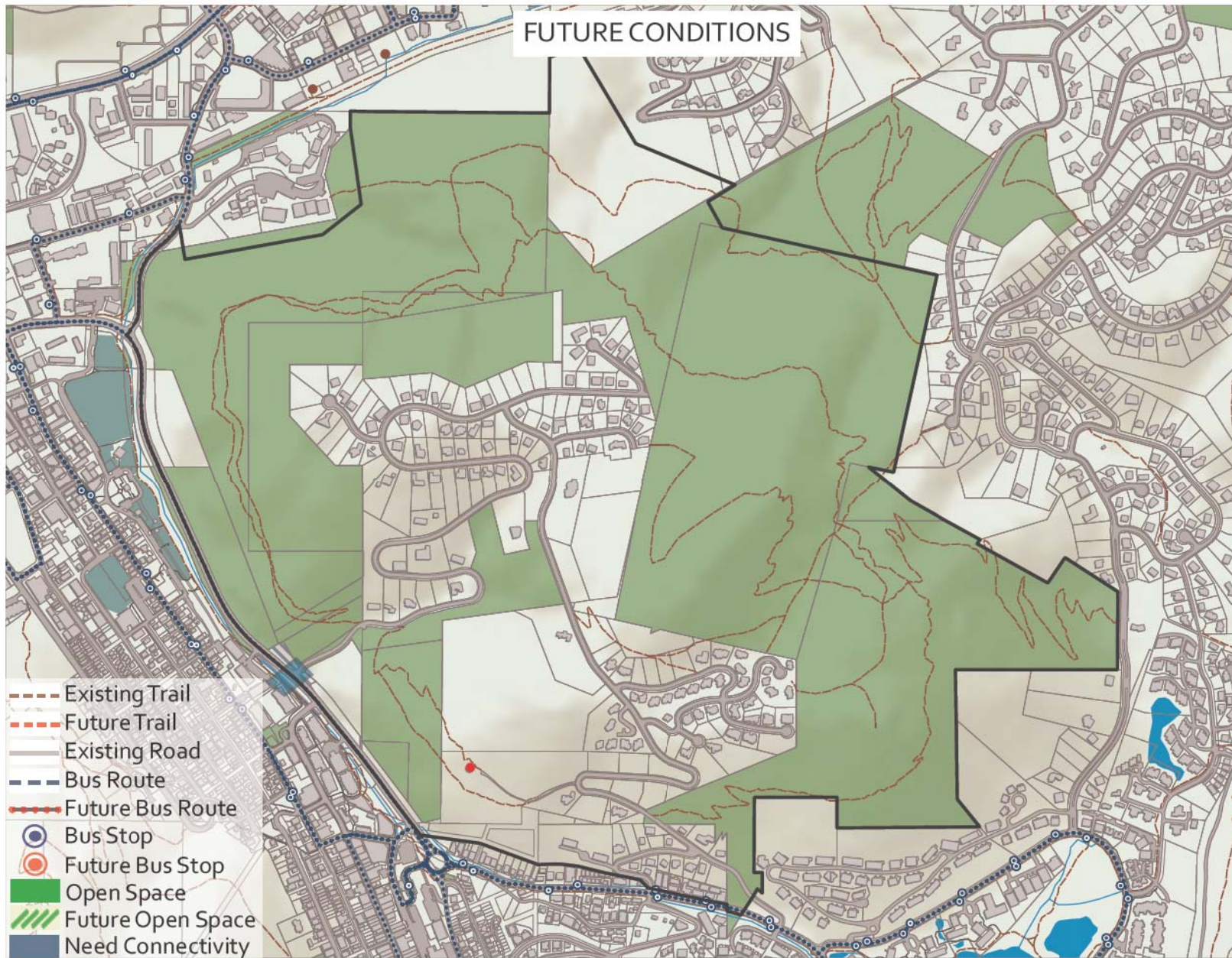
<sup>1</sup>Bowen Collins & Associates, Inc.

**5.3 Masonic Hill: Improve pedestrian connectivity to Old Town.**

The Masonic Hill neighborhood is in close proximity to Old Town but is disconnected due to the state highway dividing the two (2) neighborhoods









**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
JANUARY 9, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Mick Savage, Adam Strachan, Charlie Wintzer, Thomas Eddington, Kirsten Whetstone, Francisco Astorga, Matt Cassel, Polly Samuels McLean

**WORK SESSION ITEMS**

**Land Management Code – Discussion of height/story in Chapter 2 and 15**

Commissioner Wintzer provided a topo map of Old Town showing every ridge. He requested that the Staff use the map to prepare for a future discussion regarding ridges.

Planner Astorga remarked that the objective this evening was to make sure the Staff and the Planning Commission were correctly interpreting building height in the Historic Residential Districts; the HR-1, HR-2 and the HRL. He noted that some of the Commissioners have been on the Planning Commission long enough to understand heights in Old Town; while others have only been on the Planning Commission a short time. The Staff believed this work session would be a good exercise for everyone.

Planner Astorga explained that the Staff chose scenarios of different slopes starting at 15%, 30%, 45% and 60% for uphill and downhill lots. The structures were designed to the highest maximums allowed by Code in terms of height and footprint and the setbacks were minimized to create the worst case scenario. Planner Astorga wanted this exercise to be a true discussion and he wanted the Commissioners to ask questions and critique the individual scenarios.

Planner Astorga reviewed the LMC Height Restrictions as outlined in the Staff report. The allowed height is 27-foot maximum from existing grade. Final grade shall be within four-feet of the existing grade around the periphery. A structure may have a maximum of three stories. A ten-foot minimum horizontal stepback is required. The roof pitch must be between 7:12 and 12:12. The downhill lot has an exception for the tandem garage. Planner Astorga recalled previous discussions regarding exceptions to roof pitch; however, until that was adopted he preferred to focus on the existing Code.

Commissioner Savage asked for clarification on how existing grade is defined. Planner Astorga replied that existing grade is the existing topography. Commissioner Savage wanted to know how they could be certain that the grade was not changed. Commissioner Thomas explained that the topo is examined at the beginning of the project and the grade is examined at the end of the project. The Building Department should be able to confirm whether the grade has been manipulated. Commissioner Hontz thought Commissioner Savage made a good point because there are situations where the previous owner changed the grade of the site. She recalled a project where Planner Astorga realized that the grade had been change and suggested that the Planning Commission add a condition that the structure should be built from the previous existing grade and not the current existing grade. Commissioner Hontz stated that if someone moves the dirt now and calls it existing grade ten years later, they would probably get away with it. Commissioner Thomas pointed out that it is supposed to be natural existing grade.

Commissioner Savage asked if there was a way to make a definite determination on grade. Commissioner Thomas replied that if there is an interpolation to be made between the existing grade and the natural grade, the Planning Director has the purview to make that decision. Planner Astorga recalled that when the Code was amended in 2009, a specific definition of existing grade was added. Planning Director stated that existing grade is defined as the grade of a property prior to any proposed development or construction and activity. Therefore, it is the grade prior to any altering of the site. Commissioner Savage pointed out that the language states, "prior to any proposed" altering of the site. Commissioner Hontz agreed. She may not be proposing to do anything, but that would not keep her from moving dirt on the site. Commissioner Savage thought it was important to find a way to tighten the definition with respect to interpolation of some extension of natural topological grade.

Director Eddington explained that the Staff visits the site and assesses the grade. If the existing grade appears to be different than what is shown on the topo, the Staff assesses the natural grade which, by definition, is "The grade of the surface of the land prior to any development activity or any other manmade disturbance or grading. The Planning Department shall estimate the natural grade not readily apparent by reference".

Commissioner Savage was satisfied that the existing definition addressed his concern. Commissioner Thomas remarked that grade is a game that had been played and he expected it to continue.

Planner Astorga reviewed the first scenario, Scenario A, on a downhill lot. A blue line represented the property lines. The lot is 75' in length. The first scenario had the requirement of one exterior and one interior parking space. He noted that the property could be designed with two interior parking spaces. The structure was three stories. In this particular scenario the lot was accessed from the left-hand side. Planner Astorga reminded the Commissioners that these examples were worst case scenarios. Based on the access in this scenario, the front yard setback increased from 10-feet to 18-feet because of the minimum standard of the parking pad. He indicated the 10' stepback on the downhill façade. This scenario was drafted at a 15% grade and it would not require a review by the Planning Commission because it does not reach the 30% or greater requirement. The project could be three stories, meet the 10-foot stepback and still meet the height requirement. Planner Astorga pointed to the line indicating existing grade. Two other redlines showed 4' up or down from grade. This scenario had a one-car garage. The second required parking space was outside.

Commissioner Strachan noted that the basement was almost totally submerged, and he asked how low it could go. Planner Astorga replied that the basement could be completely submerged. Director Eddington referred to the heavy red line indicating existing natural grade, and noted that it could go 4' down from there and expose more light in the basement. Commissioner Strachan pointed out that someone could also make the floor 25' feet high and dig down further. It would provide very little light but they might not care. If someone wanted to excavate more dirt to increase the square footage of the overall home, they could do that. Commissioner Thomas commented on the ramifications that would occur with over-excavation. He questioned whether it was unrealistic to define a basement depth. Commissioner Wintzer thought the control would be shoring engineering to address the issue of digging a large hole three feet away from the neighbor.



Commissioner Strachan remarked that larger basements have been the trend in more recent applications and the amount of excavation continues to grow. Because the lots are so steep, the portion that daylight gets bigger with the slope and results in significantly more excavation in the back. He understood that the LMC states that the effects of excavation must be mitigated, but he believed it was a very loose standard.

Commissioner Thomas was unsure about placing a restriction on the depth of the lowest level. Commissioner Hontz suggested that they continue with the presentation before discussing specific restrictions, since the other scenarios may help provide the answers.

Planner Astorga presented the second scenario, Scenario B, which was also a 15% slope. The difference between this scenario and the previous scenario is that scenario two has two interior parking spaces. The setback was only 10' feet from the front. Planner Astorga noted that in the second scenario, the third floor was completely buried. The Code indicates that window wells could be approved, however, the setbacks must be at least 5' and the window wells could encroach 4' onto the side yard setback. Planner Astorga stated that some of the basement space could be used for mechanical equipment, but he did not believe anyone would use an entire floor for that purpose.

Commissioner Strachan asked why there was not a 10-foot stepback. Planner Astorga replied that the basement was buried completely. The stepback is only required for the third floor above grade.

Planner Astorga presented the third scenario, Scenario C. It was still a 15% slope, however, the difference between the first two scenarios and the next two was that the building would go down the slope. In scenarios one and two the driveway went up 14% positive grade. In the next two scenarios, the driveway goes down 14% negative grade. Planner Astorga noted that the roof pitches in all the scenarios were designed at 7:12 pitch, to again create the worst case scenario.

Commissioner Savage commented on the tendency towards thinking that taking a structure to the maximum allowed by Code is negative. He did not believe the end result was always negative, and sometimes it could be positive. Commissioner Savage stated that maximum utilization of a lot is within the rights of the applicant, and the Planning Commission should not consider that to be a negative independent of subsequent analysis.

Planner Astorga reviewed the scenario, which showed one interior and exterior parking space. Because the grade goes down 14%, the vehicle is stored on the main floor. Due to setbacks and the roof pitch, the third story is smaller than in the first two scenarios, which affects overall square footage. Planner Astorga stated that the floor area in this structure was 2100 square feet. The floor area in the first scenario was 2400 square feet, and 2500 square feet in the second scenario. He noted that the third scenario would have a walkout level on the lower basement.

Commissioner Thomas noted that most cars are fairly long and the larger vehicles can exceed 18' long. He pointed out that the bumper on larger vehicles touch the front of the house on one end and the property line at the other end. He was not in favor of adding to the front yard setback, but there is a challenge with larger vehicles. Director Eddington stated that if someone has that large of a vehicle, they would probably reduce the square footage of the house to make the garage larger. Commissioner Hontz remarked that instead of reducing the house size, people build the minimum

size garage and park on the street. Either that or they park one car in the garage but leave the door open because the vehicle extends out, and then park their other cars in the street. Commissioner Hontz believed that the standards were not working and there were many questions on how to resolve the garage issue.

Commissioner Savage asked who was responsible for making decisions regarding parking and parking density on the streets. Director Eddington replied that Public Works handles parking issues. Since this was an issue with respect to car length, Commissioner Savage thought it would be appropriate to have Public Works look at a regulation that would prohibit cars greater than a certain length from parking in the driveway unless the driveway is a certain length. Commissioner Thomas pointed out that such a regulation would create an enforcement issue. Commissioner Hontz noted that enforcement is contracted out; therefore, Public Works would not be the enforcers. She believed it was a larger problem than just trying to solve it on paper. Commissioner Hontz thought they needed to look at places with 14% uphill and 14% downhill. She could not think of too many with 14% uphill; and the downhill ones were disasters.

Commissioner Wintzer indicated the potential for a green roof in one area, and noted that it could create living space per the Code. In that situation, the green roof was an issue of increasing square footage, not being compatible with the house. Commissioner Thomas stated that in Park Meadows, for a flat roof less than 4:12, the maximum height is reduced from 33' to 28'. Director Eddington replied that the rule did not apply in Old Town. Commissioner Thomas thought it might be worth considering that for Old Town. If they could encourage green roofs and reduce the heights, the visual impact of the volumetric would be overwhelming. If they allow flat roofs they should have a reduced height below 27'. Commissioner Wintzer thought the green roof issue in Old Town should be revisited because allowing green roofs was passed without any input from the Planning Commission. The language basically allows green roofs in Park City without consideration for compatibility with historic structures or other related issues. Commissioner Wintzer agreed that flat roofs were better in Park City's climate than pitched roofs, but he thought the green roof scenario should be revisited for Old Town.

Planner Astorga reviewed scenario four, Scenario D, which was still at 15% grade. This scenario had two interior parking spaces. The basement was exposed with a rear walkout. The garage was tandem. The house size was 2050 square feet, which was slightly decreased from the previous scenario at 2100 square feet.

Planner Astorga presented scenario five, Scenario E, which was on 30% grade and would require Planning Commission review. It was a downhill scenario because at 30% there was no way to go up. The driveway was 14% grade with one exterior and one interior parking space. The lower level had a rear walkout. Planner Astorga noted that the lot would meet the height requirement and the 10' foot stepback would become 20 feet. The house size at 2200 square feet was slightly larger than some of the 15% grade lots.

Planner Astorga noted that the black lines in all the scenarios indicated the story. The stories in all the scenarios were designed at 10' each.

The sixth scenario, Scenario F, was also 30% grade. There were two interior cars. This scenario breaks the maximum height of 27'; however, the Code states that for a two-car garage in tandem

configuration, a height of 35' would be allowed. This scenario would meet the Code.

Commissioner Thomas asked for the allowed length of a tandem garage. Planner Astorga replied that the Staff capped the length at 37 feet. The Code does not indicate the length of a two-car garage in tandem configuration. It only specifies that the garage must be 11' x 20' for a single car and 20' x 20' for a double car garage not in tandem. Commissioner Strachan asked if the garage could be larger than 400 square feet but not smaller. Planner Astorga replied that it could be larger. The 400 square feet is the standard used for allowances. Commissioner Thomas pointed out that the impact of having a tandem garage on a downhill lot over 30% was dramatic. He has a tandem garage on his home and it is less than 32 feet long. He parks two smaller cars in tandem and the larger car on the other side. Commissioner Thomas believed it was realistic to have an 18' car on one side and a 13' car on the other side, parked 16" apart. He expressed concerns about designing to the maximum and suggested that they design for the minimum.

Planner Astorga stated that for consistency with the LMC, the Staff decided to cap the garage length at 37' to achieve a 400 square foot garage. Commissioner Thomas stated that a 400 square foot garage could still be accomplished with a 34' length. Director Eddington stated that the downside of a shorter garage is the inability to park two larger cars, which puts one on the street. Another downside is lack of space to store skis.

Commissioner Hontz remarked that a current problem in Old Town is that people were not using their tandem garages. Rather than focusing on the dimensions of the garage, a better idea might be to have the square footage of the garage count against the overall square footage of the house. If someone wants a larger garage it would reduce the size of their house. Commissioner Thomas stated that his concern was the visual impact of the overall mass. Commissioner Hontz was not opposed to having tandem garages as an option, but they continue to see repercussions resulting from tandem garages. To address Commissioner Thomas' concern, Commissioner Hontz suggested resolving the problem from a height standpoint rather than square footage. Commissioner Thomas asked if the Code currently has a depth limit for tandem garages. Director Eddington replied that the Code did not specify a depth limit; however, the depth would be defined and limited by the 35' foot height limitation. Commissioner Thomas agreed with Commissioner Hontz's suggestion to stay within the height limitation and not allow height exceptions for tandem garages.

The Commissioners discussed flat roofs on tandem garages. Commissioner Savage asked what advantage that would be for Park City. Commissioner Thomas replied that aesthetically it demasses the volumetrics and it allows the second space in the garage to get a car off the street.

Planner Astorga offered to consider their suggestions to see what would work. He asked if the Commissioners would be more comfortable if the height exception was closer to 32' rather than 35'. Commissioner Savage preferred to leave it alone. Commissioner Thomas outlined the worst that could be done on the premise of a worst case scenario. Director Eddington pointed out that the depth of the garage could not exceed the minimum depth for an internal parking space within the Code, which is 40 feet.

Commissioner Hontz pointed out that Scenario F was on a 30% grade and would require a Steep Slope CUP. She clarified that the Planning Commission currently has the ability under the Steep Slope CUP to deny a height exception. The purpose of this discussion was to codify certain



requirements so applicants would know upfront that a height exception would not be granted.

Commissioner Savage understood that the height exception was in place to encourage tandem parking, but now they were concerned that people would use the tandem garage for storage and not cars. Commissioner Strachan stated that whether the garage is used for storage or cars, it would still have the visual impact Commissioner Thomas had mentioned.

Planner Astorga presented the seventh scenario, Scenario G, which was on a 45% grade. He noted that development on steeper slopes was unusual, but it does occur and it was worth the discussion. This scenario was allowed one exterior and one interior parking space. The garage was 11'x 20' and it would meet the exception. The only issue was the 10' setback at the end of the structure. A portion of the house would have to be shaved, otherwise it would be on stilts. Planner Astorga noted that the structure could not accommodate any type of walkout because it would not meet the 4-foot grade provision. Commissioner Gross pointed out that they could build a deck to level it out.

Commissioner Strachan wanted to know why living space could not be stilted. Commissioner Hontz stated that it would violate the 4-foot return to grade requirement. Commissioner Thomas did not believe the Code addressed stilt houses. Planner Astorga believed it was a question for the Historic District Design Review analysis.

Director Eddington noted that a deck could not exceed the setback because it would exceed 30" above final grade. Planner Astorga pointed out that a workable deck in this scenario would require a very creative solution. Commissioner Thomas thought this scenario demonstrated that the steeper the slope, the more difficult it was to build a house. Commissioner Strachan agreed, however, he used the drawing to show how the livable space could be increased. In his opinion, a deck is usable space, even if it is not technically considered livable space. The Commissioners discussed additional issues related to building on the steepest slopes. Commissioner Hontz believed the Code was written on the idea of 15-30% slopes. Planner Astorga noted that steeper slopes push the designers to move forward on a split level. Commissioner Thomas stated that the discussion had focused on stepping the exterior of the facade and the massing of the building. However, in terms of impact to the community and over-excavating the site, he wondered whether they should begin thinking about stepping the foundation to create a reasonable depth and maximum excavation requirement.

Commissioner Hontz referred to scenarios on extremely steep slopes and asked what happens when the driveway exceeds 14%. The average slope may be 45% or 60%, but the initial portion of the slope is 80% or 100% and a 14% driveway could not be reached within the setbacks. Commissioner Gross assumed that the percentage was calculated from the edge of the right-of-way to the building envelope. Planner Astorga stated that in his analysis he found that one thing affected another thing in the Code. In his experience, nothing could be built on a slope greater than 30% without a variance. However, Park City is different because of its historic character and topography and someone could apply for a variance. The 14% grade is a standard in the LMC, which the Board of Adjustment has the ability to override with appropriate findings. Commissioner Hontz pointed out that someone could ask for that variance or a six or four foot front yard setback variance. Commissioner Wintzer stated that a variance request typically goes to hardship. In most cases, the hardship is that the person could not build as large they would like. In his opinion, that hardship could be mitigated by building a smaller house and shifting it on the lot; however, the Board of

Adjustment does not take that fact into consideration when reviewing the variance request. Commissioner Wintzer did not believe hardship was valid in those cases.

Commissioner Savage asked how often hardship cases go before the Board of Adjustment and how often they get approved. He questioned whether the Board of Adjustment would actually grant a variance if the only hardship was the inability to build a larger home. Commissioner Strachan pointed out that most people do not give home size as the hardship. Instead, they make the case that their lot is difficult to build on.

Commissioner Thomas asked if a tandem garage could be done on a very steep uphill lot. Director Eddington stated that it would exceed the 35 feet before the second car, and there is no exception on an uphill lot. Commissioner Thomas clarified that he was talking about the impact to grade below ground. He asked them to imagine an uphill lot with a tandem garage on a 100% slope. If the garage depth is 35 feet, there would be a 35' retaining wall on the backsides of that garage, which creates a significant impact. He thought consideration should be given to discouraging tandem garages on super steep slopes. Director Eddington asked if someone should be allowed to put a theater room underground if they chose not do a tandem garage. Commissioner Strachan felt the problem was the requirement for two parking spaces. If the lot is steep enough, it would be impossible to have two cars on site. He stated that one option would be to combine two or three 25' x 75' lots so they could access the driveway on an angle. He believed the issue was how deep to excavate and whether they could step back the problem, similar to stepping back the height problem.

Planner Astorga presented Scenario H, which was at 45% grade and two interior parking spaces. The driveway was 14%. This scenario would require an exception. Mandatory increased setbacks were placed on the rear because of the grade provision. Planner Astorga believed they would most likely see a split level with this scenario.

Commissioner Strachan asked why they were looking at the exceptions assumed. Planner Astorga replied that it was due to the requirement for two interior spaces. Commissioner Thomas clarified that there was an exception in the Code that allows the Staff to make the ratio determination. Commissioner Gross pointed out that they could also apply the green roof scenario that was discussed earlier. Planner Astorga recalled from the Code that a garage in tandem configuration could be as much as 35-feet. Commissioner Strachan stated that going to 35-feet would require an exception. It is not entitled. Planner Astorga read from the Code, "The Planning Director may allow additional height on a downhill lot to accommodate a single-car garage in tandem configuration." Commissioner Thomas pointed out that the tandem configuration could still be achieved by going to a green roof for the other segment and stay within 27-feet. Commissioner Wintzer stated that if half of the roof was a green roof, he was unsure how that could be considered historically compatible. Commissioner Thomas believed that should be a separate discussion. Planner Astorga stated that the Staff was in the process of drafting specific language for the LMC as an exception to the 7:12, 12:12 provision, if it complies with the guidelines and is granted by the Planning Director. The Commissioners discussed possible alternatives for meeting the requirements in Scenario H without an exception.

Commissioner Thomas recalled that the 7:12, 12:12 provision was established in an effort to find compatibility with the historic character of Old Town. Before the Code change people were flattening out the roof and making the volumetric as large as possible. If they decide to allow green roofs, they need to think it through and define the specifics.

Planner Astorga reviewed Scenarios I and J together. Both were on 60% grade. Scenario I has one exterior parking space, and Scenario J has two interior parking spaces. Planner Astorga noted that there were major issues with variances in both scenarios. If such a lot existed with 60% grade, it would again make sense to try and do a split level concept.

Commissioner Hontz pointed out that in addition to not meeting the height due to the garage, it also would not meet Code because the driveway could not be returned to within 4-feet of natural grade. The bottom two floors would also have to be on stilts. Scenarios I and J could not be built based on all three reasons.

Planner Astorga had prepared another packet of scenarios on uphill lots that he would present at a work session on February 13<sup>th</sup>.

**496 McHenry Avenue, McHenry Subdivision Replat – Plat Amendment.  
(Application #PL-12-01717)**

Due to a conflict, Commissioner Thomas recused himself from this discussion and left the room.

Planner Astorga reviewed the application for the proposed McHenry subdivision replat. Sean Kelleher was the property owner. Planner Astorga reported that Mr. Kelleher owns approximately 12 lots of record. Three do not meet the minimum lot size; therefore, the lot lines would need to be shifted for development.

Planner Astorga reported that the current plan is to construct seven single-family houses that would be accessed from an underground, shared parking garage. The Staff report outlined specific points for discussion, and Planner Astorga requested that the Planning Commission provide direction to the Staff and the applicant on how to proceed. As part of the discussion, the Staff report also included the minutes from the December 12<sup>th</sup> meeting, at which time the Planning Commission held a site visit and a work session discussion on the three lots down the street from Mr. Kelleher's property.

Mr. Kelleher provided a power point presentation reviewing the history and background of the property. He has been in the periphery of Rossi Hill for a long time, but he has never come before the Planning Commission. Mr. Kelleher stated that when he first became involved with the property in 2006, he was a tenant in common with Mr. Bilbrey, a former owner. Mr. Bilbrey retained all the development rights for the property and Mr. Kelleher was the traditional silent partner. Mr. Kelleher remarked that his only involvement regarding plat applications that came forth since 2007 was to sign the plat as a co-owner of the property. All discussions and decisions made on the property were out of his control.

Mr. Kelleher outlined what has been done on the property since 2007 and how he and Mr. Bilbrey eventually became independent owners of different elements of the lots in 2011. Mr. Kelleher noted that the infrastructure has been completed at this point. He commented on problems with the wall in 2009 and that it was basically rebuilt. In 2011 he stepped in after he and Mr. Bilbrey terminated their arrangement. He worked closely with Matt Cassel, the City Engineer, in terms of ensuring that the wall was as much of a fortress as possible. That was completed in the Fall of 2011 and it went



through the one-year warranty period. Mr. Kelleher believed it was scheduled before the City Council within the next few weeks.

Mr. Kelleher stated that he has been working with a number of builders, developers, architects, and energy engineers around the Park City area a plan for development. Mr. Kelleher clarified that he is not a developer and he was never involved as a developer. He manages a firm that works with community banks and credit union. His background in development is limited, which is why tried to build a team of local representatives that know Park City and understand the issues. He has been working with this team over the past year and they have an idea of what makes sense in that area. However, they held off throughout 2012 because of changes being proposed in the LMC, such as flat roofs, which was something he would like to do.

Mr. Kelleher and the team spent a lot of time reviewing specific elements important to the community, and he tried to develop a plan that looked at sustainability and other forward thinking issues critical to Park City. They looked at the Bonanza Park plan and tried to build in some of the incentives and additional “gives” to the town that they thought were important based on that plan.

Mr. Kelleher outlined some of the benefits of his plan. In terms of affordable housing and open space, six years ago they pledged to make a contribution to the Park City Foundation of 1.5% of any of the lot sales, and that money would be focused on either affordable housing or open space. Stated that when he took possession of the property and the development rights over a year ago, he realized that the world of housing was rapidly changing and there was no reason not to build homes that use 80% less energy than the common home built to Code. He commented on things that could be done to accomplish a more energy efficient home with this development.

Mr. Kelleher stated that one reason for proposing a condo-type structure that would look like single family homes, was the ability to share energy between units. Mr. Kelleher presented a schematic and highlighted some of the features. The average home size would be approximately 3,000-3500 square feet. Underground parking and access clears the road and allows energy sharing. He noted that the proposal requests a vacation of the eastern half of the Fourth Street right-of-way. It was not a critical part of the plan, but the intent is to turn that into open space. Without the vacation, they would only have the right to go underneath it. Mr. Kelleher explained that if they extend the Shorty stairs over to the east side of Ontario and have public space above, they could also add parking along Rossi Hill to remedy currently impaired parking options and access for the existing homes. He believed that would be a “give” for the neighborhood.

Mr. Kelleher stated that the Kimball Arts Center was interested in developing an artist-in-residence program in Park City. However, the problem is lack of consistent housing and a place that would incentivize an artist. Mr. Kelleher proposed to offer the Kimball Arts Center the right to use the second floor of one unit as a 500 square foot studio/one-bedroom facility. It would be a below-market use and after ten or fifteen years, the studio would be turned over to the Kimball and they would become a member of the HOA.

Mr. Kelleher requested input from the Planning Commission on the proposed plan and he was open to feasible suggestions or alternatives.

Chair Worel referred to page 6, Exhibit A, which indicated that the lower floors of the proposed

housing would house garages, mechanical storage, etc. She asked if those garages were in addition to the large common garage. Mr. Kelleher noted that the dotted lines shown in the proposed public space area was the underground ramp. It would circle around and drop to 11 or 12 feet below grade. That would run parallel to the road that was put in a few years ago. The plan is to excavate a fairly large portion of each of the lots and have underground parking, as well as mechanical, etc., in that space. A single family home is excavated based on the footprint; however, because it is considered a condo underground, they would extend the excavation to create a larger underground space to accommodate parking for two or three cars.

Commissioner Wintzer asked if the parking would go underneath the houses all the way down Echo Spur Drive. Mr. Kelleher contemplated that it would go even further to the west. Commissioner Wintzer clarified that excavation would occur under all of the houses. Mr. Kelleher replied that this was correct. He was unsure if they could keep excavation to 100% under final grade, which was something for the Planning Commission to consider.

Planner Astorga noted that Mr. Kelleher had also submitted an existing conditions survey as well as the proposed plat. At this point Mr. Kelleher was moving forward with the plat amendment to combine everything into one lot of record in order to move forward with a condominium in the future.

Planner Astorga had included Resolution 898 in the Staff report as a quick review of the City Council findings that the applicant would have to meet for the street vacation.

Planner Astorga stated that a condominium was a type of ownership and not a use. Based on the footprint in the HR-1 District, the Staff struggled with how to move forward with an interpretation due to the underground garage that would be shared by future owners. LMC language included in the Staff report indicates that the Planning Commission may approve an underground shared parking facility through a conditional use permit. He noted that seven unit condominium projects with shared underground parking are rarely proposed in Park City. The Staff was aware of the approval for 801 Park Avenue; however, this was a different zoning district with different zoning parameters. 801 Park Avenue was part of an MPD and crossed two zone lines. If requested by the Planning Commission, he could research the specific parameters of that approval versus what was proposed for 496 McHenry.

Planner Astorga requested that the Planning Commission discuss whether they would consider the units as single-family dwellings, or whether the underground garage and being connected by the foundation would be an issue. Commissioner Wintzer asked if a condominium project was a permitted use. Planner Astorga reiterated that a condominium is a type of ownership. It is not a use. Commissioner Wintzer asked if it was permitted ownership in the zone. Planner Astorga answered yes. Commissioner Wintzer asked if the entire project could be built as a condominium if the applicant wanted to do so. Planner Astorga explained that with a condominium project, the property lines no longer exist and the private ownership is the house itself. Everything around the house would be common ownership and there would be no setback issues. Because of the foundation, it was difficult to interpret whether or not the structures would be identified as single-family dwelling. The Staff was looking for feedback from the Planning Commission to help with that interpretation. Planner Astorga had included the definitions for a single-family dwelling and a multi-unit building in the Staff report.

Commissioner Wintzer could not understand why the applicant could not build a condominium

project with houses. Planner Astorga replied that the proposal was a condominium project. Director Eddington explained that it would have the appearance of single family dwellings, but it would be a condominium project.

Commissioner Savage thought it was important to distinguish how the property is marketed versus the form of ownership. He understood that for marketing purposes it would be a single family stand-alone unit in terms of what exists above ground; but the ownership would be a condominium form of ownership. Commissioner Savage clarified that there were no constraints in the LMC as it relates to having a condominium form of ownership on a lot or a subsequent combination of lots.

Mr. Kelleher remarked that the intent was to use the existing setbacks for the zone. They were also considering flat roofs, which could lower the height below 27'. The flat roofs would accommodate solar PV and thermal. The property slopes away from the light and steep roofs would block each other.

Commissioner Wintzer pointed out that a compatibility study would need to be done and he was unsure whether five roofs would meet the Historic District Guidelines. Mr. Kelleher understood that there was a proposal to amend the LMC to allow flat roofs if used for solar, etc. He also understood that the project would have to meet compatibility. Mr. Kelleher reiterated that a primary reason for the condominium was so Rocky Mountain Power would allow shared energy between homes.

Planner Astorga stated that based on additional analysis, adding up the overall area, including the requested street vacation, equates to approximately 14.25 Old Town lots of record. Without the underground concept and just having seven single-family dwellings over 14 lots, each lot would be approximately 3800 square feet. The footprint would be approximately 1541 square feet. He was unsure if the end product would have two or three stories, but assuming three stories, each house would be approximately 4600 square feet.

Commissioner Gross asked if there would be two or three stories above the garage. Planner Astorga replied that another point for discussion was whether or not the garage counts as the first story. The Staff was only asking the question because the garage would be platted as common space, while everything else would be platted privately.

Mr. Kelleher clarified that he was only proposing two floors above grade. He was fairly certain they would not need the full 27' height. Commissioner Wintzer believed that could be addressed in a condition of approval. Commissioner Gross thought the garage should be counted as the first level to be consistent with other projects where the basement level counted as the first story.

Commissioner Hontz stated that if the underground garage connects to the above ground units, by definition she believed that would constitute an attached building, which makes the structure a multi-unit building instead of single family dwelling. Planner Astorga thought the definition of a multi-unit building was weak because it only says, "A building containing four or more dwelling units". It does not address the connection piece. The Staff was looking for direction from the Planning Commission on that issue.

Commissioner Savage stated that if the redlined area shown was common space, then each unit



sits on top of common space and; therefore, all the units are connected by common space. On the other hand, if a driveway provided access to private garage space underneath each home, the homes could be independent of each other as it relates to footprint. In his opinion, whether or not the building is multi-tenant would be contingent on the underground design.

Commissioner Strachan remarked that a driveway would also be a potential connection and considered common space because each unit would not have its own access point. Mr. Kelleher clarified that there would be a garage door for each unit.

Commissioner Wintzer understood that an MPD was not permitted in the HR-1 zone. Director Eddington replied that this was correct. Planner Astorga remarked that in some circumstances, the reduction of driveway accesses for each unit is a good urban design feature and allows for more aesthetic control on the street.

Commissioner Gross asked if parking was allowed on that street. City Engineer, Matt Cassel, stated that street parking was not allowed. Commissioner Gross wanted to know where guests would park. Planner Astorga asked if Mr. Kelleher would consider adding guest parking in the underground garage. Mr. Kelleher asked if parking on the street was prohibited in any circumstance. He was told this was correct. Planner Astorga remarked that the Code requires two parking spaces per dwelling unit. Therefore, fourteen spaces would be required for seven units proposed.

Mr. Cassel explained that the street was built to 20 feet, which included sidewalk, curb and gutter and the road surface. It was only meant to provide access to homes on that street and for fire access, which requires 20' minimum. Cars are not allowed to park along the road unless they are fully off the street, sidewalk and curb and gutter. Commissioner Gross asked about snow removal. Mr. Cassel stated that snow gets pushed to the end of the road. Commissioner Hontz assumed the road had still not been accepted by the City. Mr. Cassel replied that it has not been accepted at this point. However, it would go to the City Council for final acceptance or dedication. If for some reason the City decided not to take it over, it would become a private drive and nothing would change. He noted that the road was built to City standards.

Commissioner Savage asked if the Staff could present the Planning Commission with a hierarchy of decisions that need to be made regarding this proposal, and the dependency of one decision upon another. He thought a major question was whether or not a multi-unit dwelling was acceptable for this development in conjunction with it being designated as a condominium form of ownership. Another important question related to ridgeline. Planner Astorga noted that the Staff had received additional information from Commissioner Wintzer regarding the ridgeline. To address Commissioner Savage's question regarding the use related to condos and single family dwelling, Planner Astorga believed a related question would be how to interpret the footprint.

Commissioner Wintzer referred to page 25 of the Staff report and indicated ten or twelve platted lots that have attached development rights and access to the street. Those lots could be developed with one house on each lot without Planning Commission approval. Commissioner Savage asked if there were slope issues on those lots. Commissioner Wintzer replied that a lot of record with access would trump any slope issue. Commissioner Wintzer indicated lots further down the road and noted that the second to the last lot was a lot of record with access. The two lots below that lot were lots of record, but without access. He pointed out that combining those two lots would

increase the amount of development rights further down the road, and that was his issue. Commissioner Wintzer thought they should focus on the issue above and not the issue below.

Commissioner Hontz appreciated the comments from both Commissioners Wintzer and Savage because she struggled with the same issue. If they combine the lots it is evident where the ridgeline would run through the lots, and the Planning Commission would need to have that discussion. Commissioner Hontz noticed that the survey in the packet was a topo survey and she thought they had asked to see a boundary or alta survey. Director Eddington replied that they would want to see an alta survey with the subdivision.

Commissioner Hontz stated that if the lots are combined, the Planning Commission would have to make findings for good cause and one concern would be public health, safety and welfare. She noted that Echo Spur is a substandard street and any road utilized to get to that street is also substandard. Ontario, McHenry, and Rossi Hill are all narrow streets and she would like to understand the impacts of adding seven or nine units. Commissioner Hontz thought a traffic analysis would be necessary and the City should dictate the terms of what is analyzed. The analysis needs to take into account the conditions of the streets, particularly in winter, and the existing conditions that would not be improved.

Commissioner Hontz had issues with the additional square footage through the addition of the right-of-way from the City vacation. She thought some of the ideas listed on page 6 of the Staff report could be great benefits to the neighborhood, but she wanted to hear from the neighborhood and visit the site herself to make her own determination about the additional parking spots. Commissioner Hontz was not convinced that adding the stairs to that location would be a benefit to anyone except that particular development. She was concerned that it could potentially reduce the value of the open space in that area. At this point she would not consider those a good enough "get" on the part of the City. Commissioner Hontz was also concerned about taking access off of McHenry instead of Echo Spur into the underground parking. Although they usually try to reduce the amount of excavation, if it done correctly, the potential benefits of an underground combined parking garage in this area could offset the excavation impacts to the community.

Mr. Kelleher wanted to know what defines a substandard street. City Attorney Matt Cassel stated that Echo Spur and Rossi Hill meet all the criteria of City standards for a street. The only street considered substandard is Ontario, due to the slope. Commissioner Hontz recalled Mr. Cassel's earlier comment that street parking was prohibited on Echo Spur. Mr. Cassel explained that based on a request by the neighbors and to satisfy their needs and issues, Echo Spur was made as narrow as possible but still meeting the Fire Code. Commissioner Hontz asked if there were any parking requirements on Rossi Hill based on its width. Mr. Cassel stated that Rossi Hill is scheduled to be redone and the City will try to address current parking issues and the width in terms of snow removal. Currently, Rossi Hill is not considered a substandard street. It is unsafe in the winter but it is not substandard.

Mr. Kelleher understood that there was an additional 10' on each side of Rossi Hill for a railroad right-of-way. He had contemplated that space for parking spots. Mr. Cassel replied that there was a railroad spur. He believed there was minimal space on the south side and five to ten feet on the north side of Rossi Hill Drive. Chair Wintzer asked if Mr. Kelleher anticipated using that space for

guest parking. Mr. Kelleher thought they may have to put visitor parking in China Bridge and make them walk up the stairs. He was primarily thinking of using the road side spaces to address parking issues discussed with the Ontario neighbors. It would be a nice "give" to the neighbors to pave parking spots in the railroad right-of-way along the road. Commissioner Savage assumed the proposed design would have to allow for public access into the garage area. In his opinion, not having the ability to access that area would be problematic unless the garage is publicly accessible to visitors. He was unsure of the solution, but he suggested that it would be a contentious issue for Mr. Kelleher to consider. Commissioner Wintzer agreed that an owner could never have house guests without on-site parking.

Commissioner Strachan was concerned that the proposal creates the effect of a gated community since no one except the owners could access the development. Visitors would not want to use Echo Spur because parking is prohibited and the road goes nowhere. Mr. Kelleher stated that he was not aware that one of the "gives" with the road going in was that parking was not allowed on the road in any circumstance. He felt it was unfair to say it was a gated community since it was the neighbors and not the developer who requested that parking not be allowed. Commissioner Strachan stated that Rossi Hill could be utilized for parking, but it becomes more isolated moving north. If the intent was to intermingle communities and make homes and families live, work, and play around each other, this proposal was not conducive to that intent, particularly the northernmost homes.

Commissioner Savage suggested that a possible design solution would be to create guest parking in the space west of Echo Spur. Director Eddington agreed that it was a potential and similar to what was done on Rossi Hill.

Commissioner Wintzer concurred with most of the points made by Commissioner Hontz. As someone who lives 300 yards up the road, the only open space left in Old Town are the streets that have not been built on. He noted that a park was created in the middle of the street on the upper part of Rossi Hill. Commissioner Wintzer was opposed to the City vacating any land that is the last of the open space in Old Town. He did not favor Rossi Hill Drive as the project entrance and recommended that the applicant find a way to use Echo Spur as the entrance. Commissioner Wintzer pointed out that the "gives" proposed were not "gives" the City. That was not necessarily a bad thing, but the City is typically the beneficiary. He did not believe it would benefit anyone to have a structure in the corner against Rossi Hill. Commissioner Wintzer recalled that the stairs going down the other half of Fourth Street were mentioned as a "give" the last time the Planning Commission saw this with Mr. Bilbrey. In looking at the topo, it was evident that a hill with significant vegetation would be destroyed and the stairs would only be a benefit to the residents in the project. Others may use it, but not enough people to make it a real public benefit. In his opinion, the parking structure is problematic due to the grade, and he would need someone to show him that it could work before moving forward. Commissioner Wintzer commented on the phasing plan and potential problems with building the parking structure first. He believed it should be an all or nothing process because phasing would not work in this situation. Commissioner Wintzer preferred to see a better floor area ratio study in relation to parking versus above grade square footage. Commissioner Wintzer stated that aside from his concerns, this was a creative solution and he was willing to give it consideration if his issues could be addressed. He liked the idea of a neighborhood without garage doors.

Commissioner Wintzer stated that he has lived there nearly 40 years and he walks that street every



day. His issues and concerns are based on experience and what he sees. He believed if the City and the development community had worked together in the past and had started with this proposal, they would have had a far better project without the existing problems at the end of the road.

Commissioner Savage echoed Commissioner Wintzer on the all or nothing approach. If this is to be a condominium-style project with the road access as proposed, it could not be piecemealed. He felt strongly that it should be a condition of the design concept. Commissioner Strachan recommended bonding to address the issue. Commissioner Savage thought it was important to have some understanding that the garage must be completed in conjunction with the first house.

Mr. Kelleher asked if the Planning Commission was suggesting that the foundation should go in all the way down. Commissioner Wintzer thought the foundation should go in. He was concerned about being left with a large hole in the ground at the end of the foundation if the project was stopped for any reason. He suggested the possibility of phasing the project over a two-year period by building one half first and then the other, but he would not favor the concept of building a piece of garage with every house.

Mr. Kelleher noted that the first house built would be owned by his family. He asked if having contracts for each purchase would make a difference on the phasing. Mr. Kelleher thought it would be riskier for everyone to build the entire project at one time. Commissioner Wintzer explained why he believed it would be economically better to build the garage structure at one time and then go back and construct the houses. Commissioner Savage remarked that the last house should be built first with the garage leading all the way down to the first house.

Planner Astorga believed the Staff had enough direction to move forward. Mr. Kelleher needed to redraft the concept plan and the next step would be to involve the neighborhood. Planner Astorga suggested that the next meeting should also be a work session, but with noticing to get the neighbors involved in the process. Mr. Kelleher stated that there were conversations with the neighbors in the past regarding parking and walkways for better access. He understood that the extension of the Shorty stairs appeared to be minimal, but it complements other parts of the Shorty stairs further west that also have walkways to the homes.

Planner Astorga thought it would also be beneficial to review 801 Park Avenue more in-depth to better understand that project.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JANUARY 9, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Thomas Eddington, Planning Director; Kirsten Whetstone, Planner; Matt Evans, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Wintzer called the meeting to order at 7:45 p.m. and noted that all Commissioners were present.

**ADOPTION OF MINUTES**

October 10, 2012

Commissioner Wintzer referred to page 55 of the Staff report, page 11 of the minutes, the last line of paragraph 5, and noted that Matt Cassel was incorrectly identified as the City Attorney. He corrected that to read **City Engineer**.

Commissioner Hontz stated that at the last meeting she had requested that someone re-listen to the recording to incorporate more of the details of her conversation with Matt Cassel regarding 264 Ontario. Based on verification with the recording, she referred to page 50 of the Staff report, page 6 of the minutes, fourth paragraph, and added a sentence at the end of the paragraph to read **“Mr. Cassel believed the road was approximately 15 feet.”**

MOTION: Commissioner Wintzer moved to APPROVE the minutes of October 10, 2012 as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

December 12, 2012

Commissioner Hontz referred to page 97 of the Staff report, page 27 of the minutes, the last paragraph, and noted that the fourth line stated, “...a benefit to the landowner to go from 0-7units...”. She corrected the minutes to replace 0-7 with **0 to 7** units for better clarification.

MOTION: Commissioner Savage moved to APPROVE the minutes of December 12, 2012 as amended. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

## **PUBLIC INPUT**

Jim Tedford recalled that at the last meeting the public was told that the discussion on the MPD revisions to the LMC would be continued to this meeting. He asked why that item was not scheduled on the agenda this evening, and when the public could expect the Planning Commission to continue that discussion.

Director Eddington stated that at the last meeting the Planning Commission had forwarded portions of the LMC amendments and continued the rest. Since it was not continued to a date certain the Staff felt it was more important to have the work session discussion regarding stories. He anticipated that the MPD discussion would be scheduled for the second meeting in February. The first meeting in February was primarily dedicated to Form Based Code.

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

Chair Worel noted that the Planning Commission needed to elect a Commissioner to the Blue Ribbon Commission on the Soil Ordinance and Soil Disposal Options. They also needed to elect a Commissioner to the Citizens Open Space Advisory Committee.

Joan Card, Environmental Regulatory Affairs Manager for Park City, stated that she was one of several involved in staffing the Blue Ribbon Commission on the Soils Ordinance and Soil Disposal Options. If those appointed to the Commission have a sense of humor, they would be called the Dirt Bags. Ms. Card remarked that the Commission is a task force style group tasked to look at the Soil Ordinance and the challenge associated with not having a local repository for soils that are impacted with historic mining tailings and waste. A lot of soil in town is impacted and to excavate that soil there needs to be an affordable disposal option. Ms. Card stated that the group would have an ambitious schedule and the intent is to complete the task within a six week period of meetings. The meetings would be held on Monday mornings at 10:00. They would not meet on President's Day, February 18<sup>th</sup>. The meetings would begin on February 4<sup>th</sup> and go into mid-March. Ms. Card reported that the City Council plans to appoint the Commission on January 24<sup>th</sup>.

Director Eddington reported that COSAC, the Citizens Open Space Advisory Committee, was being reconvened with a new Board. The purpose of the Committee is to help the City look at open space opportunities in the future. Meeting times and dates had not been established at this point. The Committee typically meets monthly or bi-monthly and it would be a mid-day meeting. Director Eddington believed the length of the COSAC Committee was two to three years.

Commissioner Savage asked if the appointment would be a designee of the Planning Commission. Director Eddington replied that both the COSAC and the Soils Ordinance appointees would be designees of the Planning Commission. If the Planning Commissioner's term ends, a new Commissioner would be appointed.



Commissioner Savage nominated Commissioner Gross for either committee. Commissioner Gross was interested in both committees; however, he would have to miss two of the six meetings proposed for the Blue Ribbon Commission. Ms. Card agreed that missing two or three meetings would be problematic.

Commissioner Thomas noted that Commissioner Wintzer has had a lot of experience with soils and he understands the ramifications and the issues.

MOTION: Commissioner Thomas nominated Commissioner Wintzer as the appointee to the Blue Ribbon Commission. Commissioner Hontz seconded that nomination.

VOTE: The motion passed unanimously.

Commissioner Hontz reported that she served two terms as a citizen-at-large on two previous COSAC. She understood that the rules had changed and that the Planning Commissioner appointee is only an advisory position without voting ability. City Attorney McLean was unable to confirm whether there was a change because she had not seen the terms for the new COSAC. Director Eddington stated that the stakeholder groups include Mountain Trails, Park City Chamber, the Planning Commission, Utah Open Lands and the Rec Advisory Board. He believed all the stakeholders were voting members.

Commissioner Hontz clarified that the point she wanted to make was that with the last two Committees there were a lot of opinions around the table that were not necessarily educated opinions. She did a lot of research and came to the meetings with all types of data and a background and knowing what the wildlife studies were on the parcels. It was often a battle because some wanted to purchase open space because it was a personal benefit to their home versus what was actually a valuable piece of open land. Commissioner Hontz stated that COSAC is an important committee and the Planning Commission needs a strong representative. She pointed out that the members are not given a Staff report and each individual is responsible for doing their own research.

Heinrich Deters verified that the Planning Commission appointee would be a voting member. He noted that there was not a set schedule for COSAC meetings and recommended an alternate in the event that the primary member could not attend.

MOTION: Commissioner Savage nominated Commissioner Gross as the primary appointee to COSAC and Commissioner Hontz as the alternate. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Planner Astorga reported that on December 23<sup>rd</sup> the house at 335 Woodside Avenue fell down. On December 28<sup>th</sup> the Staff and Building Department met on-site with the contractor, architect, structural engineer and a lifter contractor. An official recommendation was submitted yesterday on how to remedy the situation. The Staff was currently working on approving a plan that would fix

what happened. The proposal is to lift the house with a crane and the Staff was in the process of studying that proposal.

Commissioner Strachan asked what caused the house to fall down. Planner Astorga replied that the Building Department was trying to determine exactly what happened. Commissioner Strachan thought they should be cautious about jacked up buildings that accidentally fall down and then get demolished and rebuilt. Commissioner Wintzer had watched the house from the time it was lifted. He felt it was a timing issue and that the contractor did not do the job fast enough. The house sat in the air for six or seven months and it was only a matter of time before it fell.

Director Eddington clarified that the project was fully bonded and the Staff was working with the Building Department to ensure that the structure is preserved as best as possible. Cost was not an issue.

Commissioner Thomas stated that bracing is a huge component of any construction and it is the responsibility of the general contractor to provide bracing engineering. He suggested that the Planning Commission think about adding a condition of approval on those types of projects that require another level of engineering review. Commissioner Wintzer remarked that lifting a house is a specialized skill and it should be done by a licensed house mover.

Assistant City Attorney Polly Samuels McLean suggested that Chad Root, the Chief Building Official, attend the next meeting to explain the procedures and requirements for this type of project.

Commissioner Hontz disclosed that her husband works in the Sustainability Department; however that would not affect her decision-making on the City application for the tennis courts at 1580 Sullivan Road.

Commissioner Hontz asked about the notice on the Marsac Wall at the top of Hillside. Director Eddington stated that it was noticing for the appeal before the Historic Preservation Board regarding the project at 100 Marsac. Commissioner Hontz suggested that the sign be moved to a better location because no one can reach it on foot and there is no place to stop a car and get out and read the notice.

Commissioner Hontz commented on an applicant who wasted paper unnecessarily by printing out sections from the Code that the Commissioners already have and know. She found it infuriating and insulting because the Commissioners do their job and read the Code. She felt that anyone who had the need to reprint what the Planning Commission already has should pay the additional expense to print the Staff report.

Commissioner Thomas noted that the sign in the roundabout requires someone to physically cross the track at the roundabout to change the data on the sign. He knows the people who change the sign and they feel that their life is in jeopardy stepping across the walkway. The sign code does not allow digital signage and he felt it was worth considering a change in the sign code to allow digital modification of that sign.

Director Eddington stated that re-planning work for Deer Valley Drive was in process and the sign at the roundabout was one item being addressed, as well as lighting opportunities and retaining wall improvements along that road. Digital technology was being considered.

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

### **1. 1580 Sullivan Road – Conditional Use Permit (Application #PL-12-01644)**

Planner Astorga reported that at the last meeting the Planning Commission forwarded a positive recommendation to the City Council for a subdivision at 1580 Sullivan Road to resolve a lot line issue. The subdivision was scheduled to be reviewed by the City Council the following evening. The item before the Planning Commission was a conditional use permit for the expansion of the use. Two tennis courts currently exist on the property and the City would like to add a third court. Planner Astorga believed the request was adequately outlined in the Staff report. Ken Fisher and Matt Twombly, representing Park City Municipal Corp., were available to answer questions.

The Staff recommended that the Planning Commission consider approving the requested expansion of the use based on the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Commissioner Wintzer asked if the lighting would be the same intensity. Mr. Twombly stated that the lighting would be stronger but still within the requirements of the lighting code. He recalled that it was 1500 watts. However, the new lights would have louvers and shields, which are not present on the current lights.

Commissioner Thomas understood that the light would be galvanized metal poles. Mr. Twombly remarked that a condition of approval requires the poles to be painted. Commissioner Thomas noted that lighting at Quinn's Junction are galvanized poles. He believed too many galvanized poles sticking up create a bigger visual impact. Commissioner Thomas suggested that they explore different options for something non-reflective and darker in color. He would prefer a non-reflective dark bronze pole.

Mr. Twombly stated that based on his discussions with Staff, the poles would be painted black. Planner Astorga noted that painting the poles was addressed in Condition #4, "The galvanized steel poles shall be treated or painted to remove the reflective aspect so they do not stick out". Commissioner Thomas was comfortable with painted poles as long as they are painted a non-reflective color.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.



Commissioner Hontz referred to Finding of Fact #4 and added a colon at the end of the first line after the word “the” and before “entry area”.

MOTION: Commissioner Wintzer moved to APPROVE the CUP for 1580 Sullivan Road in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1580 Sullivan Road - CUP

1. The site is located at 1580 Sullivan Road, known as City Park.
2. The site is within the General Commercial (GC) District.
3. The site contains two (2) tennis courts.
4. The City requests to add another tennis court west of the existing courts over the: entry area, concrete sidewalk, bark mulch path, and portion of the landscape area.
5. The City requests to reconstruct the two (2) existing tennis courts by adding another layer of concrete, replacing of all of the fencing and replacing the four (4) light posts and fixtures with more efficient lighting.
6. The City proposes to reconfigure the entrance to the courts and also add a new ADA access, re-grade, the existing berm (for the new ADA sidewalk, and reconfigure the drainage around the proposed court.
7. The City filed this CUP application to move forward with the proposed improvements at City Park.
8. The expansion of the tennis court, a Public Recreation Facility is conditional use in the General Commercial District.
9. A fence over six feet (6') in height from final grade is a conditional use in the General Commercial District.
10. The site, City Park, has ample size for the proposed expansion.
11. There are minimal traffic impacts associated with the expansion of the use.
12. The proposed use is located at City Park, which has access off Sullivan Road towards Deer Valley Drive, a major collector street, and access off Park Avenue, a major bus corridor in the City. The site is also accessed off the rail trail, a major pedestrian trail.
13. No additional utility capacity is required for this project.

14. Emergency vehicles can easily access the site.
15. The proposed expansion of the use does not increase the amount of off-street parking.
16. The parking areas are directly accessed off Deer Valley Drive through Sullivan Road and through Park Avenue.
17. The existing height of the fencing is approximately twelve feet (12').
18. The applicant proposes the new fencing around the three (3) courts to be lowered to ten feet (10').
19. The proposed additional court (third) court will be placed over an existing concrete sidewalk leading to the tennis courts, back mulch pathway, and over a small landscaped area containing two (2) deciduous trees and several shrubs.
20. The improvements include a new fence around three (3) newly constructed tennis courts. The existing courts will receive a new layer of concrete and will be at the exact location. The new court will be located directly west of the existing courts. The three (3) tennis courts will be lined up on a side-by-side configuration.
21. The requested use will be changed from passive open space to active open space. The use will still be usable open space.
22. No signs are proposed at this time.
23. The applicant also proposes to replace all four (4) existing light posts.
24. The proposed lighting fixtures cut operating costs in half and reduces spill light by 50%.
25. The applicant has indicated that they are unable to use the existing wooden posts because of the Building Department's requirement that specific engineering is required to authorize the more efficient lighting fixtures on the existing wooden posts.
26. The applicant requests to replace the existing poles with the proposed galvanized steel poles.
27. The applicant proposes fencing consisting of wooden posts (similar to the existing material) and black vinyl coated chain link.
28. Staff finds that the proposed materials provide a look and feel that is compatible with our character.

29. Staff finds that the existing materials meet the purpose statements as they contribute to the distinctive mountain resort character of our City, which is not repetitive of what may be found in other communities.
30. There isn't any noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated within City Park.
31. There are no anticipated deliveries, services vehicles, loading zones and screening associated with the proposed expansion.
32. Park City Municipal Corporation, the City, will retain ownership of the property as well as management of the park.
33. The proposal is not located within the Sensitive Lands Overlay zone.

Conclusions of Law – 1580 Sullivan Road - CUP

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

Conditions of Approval – 1580 Sullivan Road - CUP

1. All standard conditions of approval shall continue to apply.
2. The same amount of removed vegetation will be added to the park in another location.
3. The site shall comply with specific standards for recreation lighting outlined in LMC 15-5-5-(I) (11).
4. The galvanized steel poles be treated or painted to remove their reflective aspect so that they do not stick out.
5. Salvageable material shall be used throughout the project as construction waste should be diverted from the landfill and reused and recycled when possible.
6. Existing water lines run adjacent to the existing courts. These water lines will need to be relocated prior to construction.
7. This project shall comply with the City's Soils Ordinance.



**2. 99 Sampson Avenue – Conditional Use Permit for nightly rental  
(Application PL-12-01720)**

Commissioner Strachan reported that when he went by the site there was not a sign noticing this project. Commissioner Gross had the same experience. Planner Evans stated that a sign was put there. Commissioner Strachan clarified that the issue was not whether the signs are being posted; but rather the fact that the signs were not staying up. Commissioner Gross thought the sign may have been knocked down by the snow plow.

Planner Matthew Evans reviewed the application for a conditional use for a nightly rental at 99 Sampson Avenue. It is a 3-bedroom, 3-bathroom, 3400 square foot home that was built in 1983. Also included is a 672 square foot garage as two legal off-street parking spaces. The home has frontage on to both Sampson Avenue and King Road. The zoning is HR-L. Nightly rentals are a conditional use in the HR-L zone and require Planning Commission approval.

Planner Evans noted that the Staff report contained background and history on the structure. The last nightly rental that came before the Planning Commission was for 60 Sampson Avenue. The Planning Commission had issues with that particular application and denied the CUP. The denial was appealed to the City Council and the Council reversed the Planning Commission decision and added findings of fact and conditions of approval in addition what the Staff had originally drafted.

Planner Evans stated that in looking at this current application and based on its proximity to 60 Sampson Avenue, the Staff parlayed the same findings of fact and conditions of approval from 60 Sampson Avenue for 99 Sampson Avenue with minor revisions. He noted that there are differences between the two homes; primarily the fact that 60 Sampson Avenue is a historic home and 99 Sampson Avenue is not. Another difference is that 99 Sampson has two enclosed off-street parking spaces. The Staff was still concerned with parking as addressed in the findings of fact and the conditions of approval.

Planner Evans referred to a nightly rental map on page 129 of the Staff report based on a previous study of nightly rentals in the vicinity of the proposed location. He noted that there were 15 criteria under the conditional use process that the Planning Commission must consider. The Staff had reviewed the criteria, as well as the issues raised during the previous review process for 60 Sampson Avenue. The Staff had made recommendations on the best ways to mitigate some of the issues associated with a nightly rental. The Staff has drafted 24 findings of fact and 11 proposed conditions of approval. Planner Evans remarked that the primary issues that were raised during the nightly rental review for 60 Sampson Avenue included occupancy, management, providing information in the materials to perspective renters, and proper management of trash receptacles.

Commissioner Thomas assumed that Drawing A-1 on page 143 of the Staff report was the site plan.

Planner Evans replied that it was a site plan from 1983. Commissioner Thomas remarked that the site plan did not clearly designate the street. Planner Evans used the cursor to show the edge of Sampson Avenue. He reviewed what he considered to be a better illustration on page 131 of the Staff report. He noted that the dashed red lines come from the street to the front of the garage.

Commissioner Thomas asked if the driveway was approximately 24-25 feet long. Planner Evans replied that this was correct.

Janet Margulies, an agent representing Richard Wilson, the owner/applicant, stated that the Staff report adequately outlined the proposal and she was available to answer questions.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz felt it was difficult to move forward based on the reversal of their last decision. However, the same concerns discussed in the application for 60 Sampson Avenue still apply with this application. She still believed that the way the mitigations were recommended shifts the burden of enforcement to the neighborhood and she finds that unacceptable. Commissioner Hontz disagreed that the impacts were fully mitigated by the proposed solutions. She was uncomfortable with the format of the Staff report because it says after each criterion that there are no unmitigated impacts. She pointed out that the impacts are only mitigated with conditions. If conditions are not implemented or the owner does not follow the conditions, then the impacts are not mitigated. Commissioner Hontz referred to page 130 of the Staff report and noted that her comment related to Criteria 2, 4, 5 and 12, at a minimum. She also had issues with trash pickup and the 15 hour requirement. Hypothetically, if trash is picked up on Thursday at 8:00 a.m., the manager could put the trash out on Wednesday and 5:00 p.m. and the trash receptacle could sit there until 5:00 p.m. on Friday. Three days out of seven a trash can would be sitting on the street. She noted that recycling is not even addressed so there is no limitation on how long that could sit on the street. Commissioner Hontz stated that she would have problems approving this request because it promotes bad neighborhood relationships.

Commissioner Hontz stated that she would not be able to find for any of the Findings of Fact because the impacts need to be mitigated via conditions. In her opinion, those are not unmitigated impacts. She suggested either re-writing the findings or removing the impacts from the findings of fact. She also proposed that the Planning Commission consider further limiting the trash by adding recycling to Condition of Approval #8.

Commissioner Gross stated that as a City representative he has sat through meetings and reviewed projects and he keeps hearing how Old Town is becoming seasonal and second home owners. Commissioner Gross asked if this was becoming rental sprawl. If that is something they wanted to do as a community that would be one thing, but with the number of requests they were seeing, he was concerned that everything in Old Town would eventually be nightly rentals. He felt it was an undue burden on the City to make sure the property is managed properly and that the conditions are being met to mitigate the impacts.

Commissioner Strachan recalled discussing this same concern at great length with the last nightly rental application. However, despite their discussion and reasons for denial, the City Council chose to reverse the decision. Commissioner Strachan agreed with Commissioners Gross and Hontz, but

he thought their hands were tied and that they needed to consider approval. It tears away at the fabric of Old Town, but there was nothing the Planning Commission could do to stop it.

Commissioner Strachan thought the best way to address the issue would be to change the LMC to remove nightly rentals as a conditional use. It should either be an allowed use or prohibited. Commissioner Thomas recalled that the Planning Commission had that discussion several times in the past and had requested that the conditional uses be examined for each zone. Unfortunately, that has not yet occurred.

Commissioner Savage presented a theoretical situation where a house had a CUP to allow nightly rentals and that was the use for that particular house; but a later change in the LMC no longer allows nightly rentals as a conditional use for that particular zone. He understood that the use was grandfathered, but he wanted to know what would happen if the ownership changed and whether the use was grandfathered to the property or the owner. Assistant City Attorney explained that the use is grandfathered to the property as long as it is continually used as nightly rentals and there has not been a one-year lapse. Commissioner Savage asked if that was dictated by State law or whether the City has control. Ms. McLean replied that it was a State law requirement that is mimicked in the LMC. Commissioner Wintzer stated that when the zone was first established nightly rentals were not allowed in the zone. However, that was overturned without looking at all the consequences. He pointed out that once something is allowed it is easy to upzone but it is impossible to downzone. That is why issues need to be looked at deeper than just an individual project. They need to look at it from the standpoint of a neighborhood and a city. Commissioner Wintzer did not believe this was being done well enough.

City Attorney McLean corrected her earlier statement by clarifying that State Code does allow the ability to not allow grandfathering, but it is not an easy process.

Chair Worel agreed with Commissioner Hontz that the burden of enforcement is on the neighbors to monitor what goes on. She asked if the neighbors would report any violations to the police department. Ms. McLean stated that the City also has Code Enforcement in the Building Department. Commissioner Wintzer remarked that regardless of who they report to, the point is that the neighbors are left with the responsibility of filing the complaint.

Chair Worel asked if the nightly rental privilege could be withdrawn if a certain number of complaints are logged. Planner Evans explained that the Planning Commission would hold a public hearing to rescind the conditional use permit. Ms. McLean stated that if the conditions of approval are violated, the conditional use permit would come back to the Planning Commission for review. The Planning Commission could specify the number of violations that would trigger a review; otherwise it would be at the Staff's discretion. Commissioner Wintzer thought it should be a standard condition of approval for every nightly rental. Commissioner Strachan agreed. A business can have its business license revoked for violations and this was no different.

Assistant City Attorney McLean explained that there are two components with nightly rentals. The first is the conditional use permit. The second component is the business license, which also has certain requirements. Therefore, if someone does not abide by the requirements of the business license, they would also risk having their business license revoked. Commissioner Strachan asked

if it was valid to have a condition of approval stating that the conditional use permit would be revoked for one violation. Ms. McLean remarked that the CUP would need to go through the proper review process before it could be revoked. Commissioner Strachan asked if it was possible to add a condition stating that the business license would be revoked after one violation. Ms. McLean clarified that the business license was separate with different criteria and it could not be tied to the CUP. Commissioner Strachan thought they would have to tie compliance with the conditional use permit to the business license. It would not be conditioned on obtaining the CUP; but a failure to fulfill the requirements of the CUP would result in losing the business license. Ms. McLean stated that the CUP gives the rights to the use, so the Planning Commission would want to revoke the CUP. Commissioner Strachan pointed out that if they could not prohibit nightly rentals they would want to ensure compliance with the conditions.

Commissioner Thomas recalled that in the past conditional use permits had a one-year review before the Planning Commission to make sure the conditions had been mitigated. He was unsure if State law no longer allows that flexibility, but it was a way to evaluate the CUP. Commissioner Hontz noted that Condition of Approval #10 calls for a one-year review before the Planning Commission. Commissioner Gross asked if the review was only after the first year or every year. Planner Evans replied that after the first review the Planning Commission could request another review in one year. Ms. McLean stated that another mechanism used in the past was that three complaints would trigger a review before the Planning Commission. Commissioner Strachan was comfortable with the reviews as long as they were noticed as a potential loss of the CUP.

Commissioner Wintzer believed the neighborhood was still the issue because no matter who complains you lose the neighborhood. In looking at the rental map, Commissioner Savage assumed that approximately 30% of the houses in the area have this use. He thought the only meaningful leverage was to find a mechanism to modify the LMC to discontinue this conditional use to mitigate the ongoing evolution of the problem.

Commissioner Strachan could not understand how someone could maintain their business license if they were in violation of the CUP. Ms. McLean recommended that the Planning Commission separate the CUP from the business license. If someone does not renew their business license in a timely manner, they are still permitted to renew the license after paying a late fee. However, the conditional use can be revoked after a one year period. The requirements are different because a business license is different than a use. A conditional use is an allowed use with mitigated impacts; and a CUP can be denied if the impacts cannot be mitigated. That is a different standard than a business license where the underlying use is already permitted and it is only a matter of licensing.

Commissioner Strachan asked if a CUP could be suspended for a time indefinite. For example, after one year from approval the CUP is suspended and it is noticed to see if there are any complaints. The Staff would prepare a Staff report and if the Planning Commission determines that the CUP has not been complied with and the impacts have not been mitigated, then the suspension becomes permanent. Ms. McLean stated that the suspension would have to be related to actual misdeeds. If they make it an annual review, the Staff could notice the neighbors within the same noticing requirement of the initial CUP.



Commissioner Wintzer thought it was impractical to have yearly reviews for every CUP. Commissioner Hontz suggested that a CUP be reviewed only if there were issues or complaints, and the review could take place at any time within the year.

Commissioner Hontz understood that the business license requirements for trash cans on the street were more restrictive than the Conditional Use Permit. Ms. McLean read the business license requirements regarding trash for nightly rentals. "Trash collection, which ensures that trash cans are not left at the curb for any period in excess of 24 hours and the property, must be kept free from refuse." Commissioner Thomas stated that the business license language was better and he thought the conditions for the CUP should reflect that language. Commissioner Hontz agreed.

MOTION: Commissioner Savage moved to APPROVE the conditional use permit for 99 Sampson Avenue based upon the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Gross seconded the motion.

Director Eddington suggested that the motion include a modification to Criteria 12, as identified in Finding #12 related to trash cans, and modify the 15 hours before and 15 hours after to match the business license requirement, which is 24 hours for trash to be left out.

Commissioner Savage amended his motion to include the modification to Criteria 12 in Finding #12.

Commissioner Thomas asked if they should also modify Condition #11 to include a three complaint trigger to bring the CUP back to the Planning Commission. Commissioner Savage felt that if there was a complaint, the issue needed to be fixed. If it is not fixed appropriately, the CUP would be revoked. If a complaint is logged in six months, the CUP could still be revoked as a consequence of non-compliance. He believed there was already a mechanism in place to deal with the existence of a problem, and the one-year time frame is the mechanism to address the possibility of a problem. Commissioner Savage thought the Planning Commission should address the question of whether or not to implement a change in the LMC to stop the nightly rental problem.

Commissioner Savage re-stated his motion to APPROVE the conditional use permit for 99 Sampson Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report with the amendment to Criteria 12 regarding the 24 hours limit on trash cans. Commissioner Gross seconded the motion.

VOTE: The motion passed 5-1. Commissioners Savage, Thomas, Strachan, Gross, and Wintzer voted in favor of the motion. Commissioner Hontz opposed the motion.

Commissioner Hontz explained that she had voted against the motion because she disagreed with the Findings of Fact that the actual impacts were mitigated, and she did not believe that the Findings accurately represented the situation.

Commissioner Savage noted that the nightly rental issue has come up multiple times and he expected it would come up again. He asked Director Eddington what the Planning Commission could do to find a solution rather than continue a repetition of the issue. Director Eddington stated

that in working on the General Plan the Staff tried to identify primary versus secondary neighborhoods. He requested that the Planning Commission not address the issue until after they see the Staff recommendations in the General Plan. Commissioner Savage assumed there would be a modification to the LMC subsequent to the completion of the General Plan.

Findings of Fact – 99 Sampson Avenue

1. The property is located at 99 Sampson Avenue. The property is improved with a 3,490 square foot, three (3) bedrooms, one den/studio, three (3) bathrooms, and single family house.
2. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
3. The house at 99 Sampson Avenue is located on an approximately 4,360 square feet (.10 acres) lot. Minimum lot size in the HRL district is 3,570 square feet.
4. Nightly rental uses are subject to a Conditional Use Permit in the HRL District.
5. The Planning Commission finds that there are no unmitigated impacts to Criteria 1-15 as outlined in LMC Section 15-1-10(E) if the applicant adheres to the mitigation measures as proposed.
6. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #1 (Size and Location of the Site), that the site and size of the home is suitable for nightly rentals with the number of persons limited to no more than either person occupying the home overnight as conditioned within the Conditions of Approval.
7. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #2 (Traffic) of Section 15-2.1-2, LMC, and that the proposed Nightly Rental may contribute some level of increased traffic; however, the trip generation for long term rentals, seasonal work force rental, and/or housing for permanent residents, is generally greater than that of short term vacation rentals. As a potential mitigation measure limit the number of people occupying the Property during any given rental period to no more than eight (8). Applicant shall include express references to this limit in the marketing material and rental agreements for the Property.
8. The City Council finds that there are no unmitigated impacts with respect to Criterion #3 (Utility Capacity) as no additional utility capacity is required for a night rental, and utilities for a nightly rental use are consistent with the available utilities associated with a typical single-family dwelling.
9. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #4 (Emergency Vehicle Access). The nightly rental business license triggers an inspection of the house by the Park City Building Department and all IBC and Fire Code requirements have to be met prior to issuance of a business license. Nightly rental use does

not change the requirement for, or conditions related to, emergency vehicle access which exists on Sampson Avenue and King Road, and that the double-frontage of the home allows emergency access from two sides, Sampson Avenue and King Road.

10. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #5 (Location and amount of off-street parking). Pursuant to LMC 15-3-6 parking for the first six (6) bedrooms of a Nightly Rental is based on the parking requirement for the unit. The home has three (3) bedrooms with a studio/den, and thus would not exceed the requirement. Furthermore, the parking requirement is the same as that required for the existing home which would be two (2) legal off-street parking spaces and the site has two fully enclosed parking spaces available within the garage.
11. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #6 (Internal circulation system). The home is accessible from both Sampson Avenue and King Road. Access to the site could be complicated during winter months, but the same is true for all local residence and other nightly rentals within the vicinity. The internal circulation within the home is not an issue due to the fact that the home is fairly modern and is typical of other homes within the area.
12. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #7 (Fencing, screening and landscaping to separate uses). The site is heavily landscape, has retaining walls and existing mature trees, making only the very front and rear of the house visible from adjacent properties. The property appears to be well kept and in good condition.
13. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #8 (Building mass, bulk, orientation and the location on the site, including orientation to adjacent buildings or lots) as the size of the existing house, relative to surrounding buildings, mitigates impacts from building mass, bulk, orientation and location on the site.
14. The Planning Commission finds that Criterion #9 (Usable open space) is not applicable due to the fact that open space is not a requirement for a Night Rental; however, the lot is larger than a typical Old Town lot and does provide some outdoor spaces, patios, and decks for renters to enjoy.
15. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #10 (Signs and lighting) as the applicant is not proposing signs or additional light, and signage is not allowed per the Conditions of Approval.
16. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #11 (Physical design and compatibility) with surrounding structures in mass, scale and style) has no unmitigated impacts in that the home is similar in height, size, scale and mass to most of the homes on Sampson Avenue.

17. The Planning Commission finds that there are no unmitigated impacts with respect to Criterion #12 (Noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site). It is not anticipated that the nightly rental would cause additional noise, vibration, odors, steam or mechanical factors above and beyond those normally associated with a detached single family dwelling in Old Town, and as a means to mitigate potential odors, trash and unsightliness, a condition of approval will be to require that the property management place trash receptacle(s) out for trash pick-up and be placed back properly back onto the property within twenty-four (24) hours as required by code.
18. The Planning Commission finds that there are no unmitigated impacts associated with Criterion #13 (Control of delivery and service vehicles, loading and unloading zones, and screening) as it is anticipated that the Nightly Rental would not necessarily increase deliveries or additional service vehicles at the property. It is conceivable that renters may use taxis and shuttle services, but the infrequency of such vehicles would likely not create a burden in the neighborhood. As part of the Conditions of Approval, Staff is proposing that the Planning Commission review the Nightly Rental one-year after approval for compliance with the other conditions. The Planning Commission could then consider if the Nightly Rental caused an increase in delivery or service vehicles associated with the same.
19. The Planning Commission finds that there are no unmitigated impacts associated with Criterion #16 (Expected ownership and management of the property). As a condition of approval, the applicant must agree to use a Property Management Company to manage the Nightly Rental business. The home is currently used by the owner, who resides in California, as a secondary residence.
20. The Planning Commission finds that there are no unmitigated impacts associated with Criterion #15 (Sensitive Lands Review) as the home is not located within the Sensitive Lands Overlay Zone. The home is existing, and the use as a Nightly Rental is contained within the existing structure, and no expansion of the home is being proposed at this time.
21. Parking at the property is limited to the garage and driveway, which accommodates two (2) legal parking spaces. The applicant has agreed to limit the number of motor vehicles parked on the Property during any given rental prior to no more than two (2) within the enclosed garage.
22. All-wheel or 4-wheel drive vehicles may be necessary to access the nightly during winter months.
23. The applicant has been informed of the potential conditions based on those imposed on the Conditional Use Permit for 70 Sampson Avenue, and stipulates to the conditions of approval as proposed by Staff.

#### Conclusions of Law – 99 Sampson Avenue

1. Nightly rentals are a Conditional Use in the HRL District.



2. The proposed nightly rental use as conditioned is compatible with surrounding structures in use, scale and mass, and circulation.
3. The proposed nightly rental use as conditions is consistent with the Park City General Plan.

Conditions of Approval – 99 Sampson Avenue

1. All standard project conditions shall apply.
2. A business license and inspection of the property by the building department are necessary to ensure that the business owners are verified and the property meets all applicable fire and building codes.
3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of business license application is required as a condition precedent to issuance of a business license.
4. No exterior commercial signs are approved as part of this CUP. All signs are subject to the Park City Sign Code.
5. The Applicant shall at all times have a property management company based in Summit County under contract and responsible for functioning as Applicant's agent with regard to all matters concerning nightly rental of the Property.
6. The Applicant shall limit the number of people on the Property during any given rental period to no more than eight (8) persons total. Applicant shall include express references to this limit in the marketing materials and rental agreements for the Property.
7. The Applicant shall limit the number of motor vehicles parked on the Property during any given rental period to no more than two (2). Said vehicles shall be parked in the garage at all times. Applicant shall include express references to this limit and the stipulation that the vehicles must be parked in the garage within the marketing materials and rental agreements for the property.
8. Property Management shall place trash receptacle(s) out for trash pick-up and be placed back properly back onto the property within twenty-four (24) hours as required by code.
9. Applicant shall include that all-wheel drive or 4-wheel drive may be necessary to gain access to the property during winter months in the marketing materials and rental agreements for the Property.
10. The applicant shall agree to monitoring of the Conditional Use Permit by the City and shall come back before the Planning Commission after one year from the date of this approval for a review of the Conditional Use Permit for compliance with the Conditions of Approval.
11. A pre-HDDR application is required for any exterior work needed as a result of the Building Department inspection and identification of building code deficiencies prior to the issuance

of the Business License for the Nightly Rental. A building permit is also required prior to the commencement of any interior or exterior work on the home.

**3. 427 Main Street – Conditional Use Permit  
(Application PL-12-01672)**

Planner Whetstone reviewed the request for a conditional use permit for commercial uses in the HR2 Zone. The building is located at 427 Main Street. The HR2 zone is the portion of the lot that is Park Avenue. The proposed uses are in a 1,261 square foot space located within the War Memorial Building and located on the lower level beneath the dance floor. The applicant was issued a building permit in 2007 to excavate the space and it was used as back of house. Now the applicant would like the ability to lease this out to one of the tenants, either the bar on the south side or the restaurant, for the option of using this space.

Planner Whetstone reported that in the HR2, Subzone "A" any use of this space is subject to 15 criteria and a conditional use permit is required in order to commence any commercial uses. Planner Whetstone reviewed a slide showing that the space back portion on Park Avenue and noted that the subject space is below the grade of the street.

Planner Whetstone stated that the Staff Report contained the Conditional Use Permit Action Letter for Harry O's, which was at a time when bars required a conditional use permit. Bars are now an allowed use in the HCB zone and in the HR2 subject to a conditional use permit.

The Staff report included the analysis of the 15 criteria, as well as the 15 criteria for conditional use permits. The Staff found that the impacts had been mitigated by either the existing physical situation of the space or by the conditions of approval. The Staff recommended that the Planning Commission conduct a public hearing and consider approving this conditional use permit based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Commissioner Wintzer recalled a parking requirement on Main Street where exceeding a certain height increased the need for parking and the applicant paid into that. He asked if that was applicable with this application. Planner Whetstone stated that it was determined that this property was a historic building and exempt from the parking requirement. She pointed out that this building would not exceed the height to trigger the requirement Commissioner Wintzer had referred to.

Commissioner Strachan wanted to know the number of parking spaces behind the building. Planner Whetstone replied that there were 10 spaces, but the parking agreement only gives the exclusive right of four in exchange for maintaining the sidewalk and the staircase that comes up for the Blue Church. That agreement is still in place. The other six spaces are for residential parking permits and that is enforced by the City. Commissioner Strachan noted that Condition #6 only addresses four spots. Planner Whetstone replied that per the agreement, parking other than the four spaces identified were a first come/first served by the public. Commissioner Strachan felt there should be no loading and no activity back there.

Commissioner Hontz referred to page 166 of the Staff report, Criteria 5, which talked about parking license and stairway maintenance. Her question to the City was how they were doing and how that

was signed. She was comfortable with the parking arrangement as long as members in the community understand that they can park in those other six spots. When she used to walk the stairway it was quite messy. She referred to Item 9 on page 164 of the Staff report and noted that twice in December she saw ten or twelve trash cans on the sidewalk that prohibited people from walking down Main Street. The cans were related to the bar and that building. Commissioner Hontz did not have a problem with this application, but the trash cans were a problem.

The applicant's representative stated that the tenants are responsible for taking their own trash in and out. She has spoken with Debbie Wilde with Code Enforcement and whenever the tenants leave the cans on the street beyond the 10:00 a.m. time specified in the Code, Ms. Wilde calls her and the tenants are fined.

Chair Worel noted that Condition #4 states that the trash service shall be provided from Main Street and not include the use of Park Avenue. However, page 168 of the Staff report states that trash service on Park Avenue is contemplated in the Parking License and Stairway Maintenance Agreement. If that was being contemplated, she asked if it should be included in the conditions of approval. Commissioner Strachan assumed it was an error and it should say that trash service on Park Avenue is not being contemplated. Planner Whetstone replied that it was contemplated in the Parking License Agreement. She suggested that they change the language to say that it was contemplated on Park Avenue. Director Eddington clarified that it was making note that they understand that it was contemplated, and the condition of approval is that it not be utilized.

Commissioner Hontz requested that the word "recycling" be added to Condition #4. Commissioner Hontz asked about the fence. Commissioner Strachan pointed out that Condition #9 addressed the fence and fence repair. He believed it was left to the discretion of the Staff to determine whether the fence is in good condition. However, he would personally give the Staff gentle direction that it was not in good condition.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan revised Condition of Approval #6 for the Commissioners to consider. "All parking areas on Park Avenue shall not be used by employees, patrons, band members, taxis, shuttles, other non-owners and/or managers or for any other commercial use". There was no objection from the Commissioners.

Commissioner Gross asked if they could add a condition requiring them to paint the front of the building. Ms. McLean replied that conditions have to be tied to the use.

**MOTION:** Commissioner Hontz moved to APPROVE the conditional use permit for 427 Main Street based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 427 Main Street

1. The subject space is located with a building that is located at 427 Main Street.
2. The building is located within both the Historic Commercial Business (HCB) and Historic Residential 2 (HR-2) Subzone "A" districts.
3. The building, known as the war Memorial Building, is a Landmark historic building on the Park City Historic Sites Inventory and was constructed in 1939. The building is considered to be in good condition.
4. The building is owned by War Memorial LLC, a Utah limited liability corporation. This owner does not own other adjacent properties are not included in this application.
5. The historic building is a legal non-complying building with respect to setbacks on the north side. The historic building is exempt from parking requirements.
6. The total lot area for the building is 18,750 sf and the total floor area is 26,104 sf, including the 1,261 sf subject space on the lower level within the building. No additional floor area is proposed.
7. The total lot area within the HCB zoned portion of the property is 9,375 sf. The HCB zone allows a maximum Floor Area Ratio of 4.0 which equates to 37,500 sf of total floor area. The entire building contains approximately 26,104 square feet of Gross Floor Area. The entire basement level contains a total of 12,970 square feet, including the boiler and utility areas. The building does not exceed the maximum FAR of 4.0.
8. Currently the 1,261 sf subject space is utilized as general storage for the building, not related to any specific use or tenant. The applicant proposes to lease out this space for commercial uses for additional seating area for either a restaurant or a bar on the lower level, or as retail space. No exterior changes to the building are proposed with this application.
9. There are no residential units on the property and no residential units on Park Avenue are possible due to the configuration and location of the historic structure.
10. The building contains two stories with a mezzanine level around the main level dance floor.
11. The proposed commercial space is located within an existing building and no changes to building height are proposed. The building does not exceed the maximum building height in either the HCB (45') or the HR-2 Subzone "A" zoned portion of the building.
12. The owner was granted a building permit in 2007 for excavation of the 1,261 sf space on the lower level. The space is entirely within the HR-2 Subzone "A" zoned portion of the building.



13. On December 20, 2012, the City Council approved a Land Management Code amendment to include bar uses as a conditional use within the HR-2 Subzone "A".
14. The building currently contains commercial uses (restaurant, bar, and night club uses). These uses are allowed uses within the HCB zone. The night club use was originally approved as a Conditional Use on January 13, 1999. Private clubs and bars were changed from conditional uses to allowed uses in the HCB zoning district, with the 2000 LMC Amendments.
15. The existing commercial uses are located within both the HCB and the HR-2 Subzone "A" zoned portions of the building. The existing commercial uses within the building (Park City Live and O'Shucks) are located within both the HCB and the HR-2 Subzone "A" zoned portions of the building. The existing commercial areas, as well as the currently vacant tenant spaces on the lower level have been utilized continuously for commercial uses since before the HR-2 Subzone "A" district was created in 2000, and for temporary Special Events during the Sundance Film Festival since 2004. The subject space has not been previously utilized for commercial uses and therefore requires a conditional use permit to be used as restaurant, bar, or retail space.
16. Restaurants, bars, and retail uses within the HR-2 zone require a Conditional Use Permit (CUP) with review and approval by the Planning Commission.
17. The conversion from storage to commercial use does not change the total Gross Floor Area of the building because storage space is included in the total Gross Floor Area calculations for commercial buildings.
18. The subject space is entirely enclosed within the existing building and no exterior changes are proposed as part of the Conditional Use Permit. Access to the space is from the main entrance to the building on Main Street.
19. There are no significant traffic impacts associated with converting the subject space to a commercial use as the area is less than 5% of the total floor area of the building. The building has only four (4) parking spaces and therefore patrons and employees are required to park elsewhere and walk or take public transportation.
20. No significant additional utility capacity is required for this project and no additional water fixtures or restrooms are proposed.
21. No emergency vehicle access impacts are associated with the project as the building is accessible from Main Street and Park Avenue for emergency vehicles.
22. No additional parking requirements are required. The building was exempt from the requirements of the downtown parking improvement district because it was an historic public building at that time. The building is currently subject to a Parking License and Stairway Maintenance Agreement recorded, January 8, 1990. Use of four existing parking spaces

within the City right-of-way of Park Avenue, as described in the Agreement, is subject to the existing revocable Park Agreement.

23. The internal circulation between the subject space and associated tenant spaces will be identified and approved by the building department prior to issuance of a building permit for the tenant finish to use this space.
24. Additional fencing is not proposed as part of this application. Existing fencing is in a moderate state of disrepair.
25. No signs are proposed at this time. The applicant has submitted an application to amend the current master sign plan. The amended sign plan is being reviewed concurrent with this application. Parking regulation signs on Park Avenue will be part of the amended sign plan.
26. The applicant has indicated that no noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated with these types of uses within the HCB District and the space is located beneath the existing dance floor.
27. No new mechanical equipment, doors, windows, or any other exterior changes are proposed.
28. The proposal is not located within the Sensitive Lands Overlay zone.
29. Approval of this Conditional Use Permit allows bar, restaurant, or retail use of the subject space subject to the conditions of approval stated herein. Because the building is exempt from parking requirements and because of the relatively small size of the subject space when compared to the remaining commercial areas within the building there are similar impacts to be mitigated for these uses.

#### Conclusions of Law – 427 Main Street

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

#### Conditions of Approval – 427 Main Street

1. All standard conditions of approval shall apply.

2. All conditions of approval of the January 13, 1999 Conditional Use Permit for the Private Club shall continue to apply.
3. Access to the building, including service and deliveries, shall only be from Main Street and shall not include use of Park Avenue, except for emergency Access as required by the Building Code.
4. Trash service and recycling shall be provided for Main Street and shall not include the use of Park Avenue.
5. All conditions, stipulations, and requirements of the Z-Place Parking License and Stairway Maintenance Agreement recorded on January 8, 1990 with the Summit County Recorder's Office shall continue to apply to the entire building.
6. All parking areas along Park Avenue shall not be used by employees, patrons, ban members or crew, taxis, shuttles, limousines, other non-owners and/or mangers, or for any other commercial use.
7. All conditions, stipulations, and requirements of the Grant of Preservation Easement, Park City Entertainment Center, Inc., shall continue to apply to the entire building.
8. All exterior lighting shall comply with the Land Management Code prior to issuance of a certificate of occupancy for use of the subject space.
9. All fencing and parking stalls along Park Avenue shall be repaired prior to issuance of a certificate of occupancy for use of the subject space.
10. All service and delivery shall only be from Main Street and shall not include use of Park Avenue, except in an emergency.
11. All emergency access doors shall be inspected for compliance with the IBC and shall be equipped with proper equipment and alarms to be able to be used only in emergency situations. Side and rear doors providing access to mechanical equipment, trash enclosures, and other services may be used by employees only when servicing the building.
12. All signs, including existing signs and parking regulation signs on Park Avenue, shall be brought into compliance with the Park City Sign Code and a Master Sign Plan for the building shall be submitted for review by the Planning Department and shall comply with requirements of the Park City Sign Code prior to issuance of a certificate of occupancy for use of the subject space.
13. Prior to issuance of a certificate of occupancy for use of the subject space an occupancy load plan shall be submitted by a qualified professional with final certification of this occupancy to be determined by the Chief Building Official. All building code required ingress and egress conditions for safe internal circulation for the entire building shall be addressed prior to final certification of occupancy for the subject space.

**4. Richard Parcel – Annexation (Application PL-12-01482)**

Planner Whetstone reviewed the request for annexation and zoning of approximately 33 acres of property along Highway 224. Park City Municipal Corporation owns a 19.74 acre parcel. The Frank Richards Family Trust owns the remaining 13.75 acres. Planner Whetstone reported that the requested zoning for the Frank Richards Parcel is single family zoning. A preliminary plat was submitted with the annexation for seven single family lots, with a requirement in the annexation agreement that the lots be constructed to LEED Silver Standard. Part of the proposal is a common lot for an indoor riding arena as an amenity for the subdivision. Planner Whetstone indicated a private driveway and public roads. Lots greater than one acre could be horse lots.

Planner Whetstone stated that the 19.74 acres owned by Park City Municipal Corporation was recommended to be zoned ROS. However, regardless of the zoning, that parcel would be City open space and subject to the Deed of Conservation Agreement that has been held by Summit Land Conservancy since 2005.

Planner Whetstone reported that the annexation was subject to the conditions of the ordinance attached to the Staff report, which included Findings of Fact, Conclusions of Law and Conditions of Approval. It was also subject to the Annexation Agreement which was in draft form and attached to the Staff report as Exhibit I on page 250. Planner Whetstone stated that the procedure is for the Planning Commission to forward a recommendation to the City Council on the requested Annexation, whereby the City Council would make the final determination and take final action.

Planner Whetstone noted that the annexation plat being recommended at this point was included as Exhibit A in the Staff report. If approved, the annexation plat would be recorded at Summit County with the ordinance and the Annexation Agreement. It would then go to the State for final certification.

Planner Whetstone reviewed the revisions to the preliminary subdivision plat. Additional information was added regarding the white fences proposed. The barns were moved as close to the houses as allowed by Code, which was 75'. Planner Whetstone noted that the fence on Lot 7 would be consistent with the existing fence across the north property line. Planner Whetstone outlined the main items that would be addressed at the final subdivision plat. A final subdivision plat would be submitted, the final lot platting would be reviewed for consistency with the preliminary plat. Buildings and barn location, sizes, design and height would be identified as on the preliminary plat. A final subdivision determination is made at the time of review of the final subdivision plat. Issues such as limits of disturbance, grading, a fencing plan, lighting, landscaping, utilities and other items addressed as conditions of approval that must be submitted prior to recording the plat or at the time of the building permit would be part of the final subdivision review. Planner Whetstone emphasized that much more detail would be submitted and reviewed at the final subdivision phase.

Planner Whetstone commented on items that still needed to be address by the City Council.

She noted that the Annexation Agreement addresses water; however a separate water agreement was being drafted as part of the annexation, as well as a license agreement for agricultural use and grazing of the PCMC parcel.

Planner Whetstone outlined items to be addressed by the Housing Authority. The Housing authority has the ability to determine whether affordable housing can be an in-lieu fee or whether it must be provided on site. All annexations require an affordable housing component according to the resolution in effect at the time of the annexation.

Planner Whetstone reviewed the public benefits associated with the annexation request. The Staff analysis was provided in the Staff report. She believed the most important benefit was the ability for local control of this land in a prominent entry corridor. Currently, the property is an island of County jurisdiction surrounded by Park City. The property is contiguous to the City and could easily be served by City services. Planner Whetstone stated that the current configuration was equestrian rural character and the proposal would preserve the existing agricultural entrance into Park City. It also preserves the sensitive wetlands.

Planner Whetstone stated that a typical single family subdivision in the area is three units per acre, which would allow approximately 40 units on the site. Therefore, the seven units proposed would be a significant reduction in density. She pointed out that currently the City parcel was being used on a gentleman's handshake agreement. Another benefit of the annexation would be that any use of that City property would require a license agreement or lease agreement to be determined by the City Council. Planner Whetstone remarked that LEED Silver construction was another benefit of this proposal. An extension of the sidewalk from the existing subdivision across the property's frontage on Payday Drive was a public benefit of the annexation.

Planner Whetstone presented recommended changes to the findings. She referred to Finding #7 regarding the lease agreement on page 222 of the Staff report. In an effort to keep the language more general, she recommended striking the last sentence in Finding #7 and replacing it with, "A lease agreement is required for any use of the PCMC Parcel by any entity other than the City." Planner Whetstone referred to page 223 of the Staff report, and revised Condition #11 to read, "Use of the PCMC parcel shall be addressed and regulated by a signed and executed License Agreement for Agricultural Use and Grazing prior to commencing the use. All use of the PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy."

Commissioner Savage asked if the recommended changes were acceptable to the applicant. Mr. Richards stated that he has had an agreement with the City for 14 years. He was comfortable with the recommended changes as long as he could continue to use the ground. He pointed out that the proposal would be done in two phases. The second phase would be Lots 5, 6, 7 and 8. He would like to continue to graze horses like he has for many years, until the property is subdivided and fences are installed.

Planner Whetstone referred to the draft Annexation Agreement on page 250 of the Staff report. She noted that Mr. Richards and the City reviewed the agreement and made changes after the Staff report was published. She highlighted the key revisions. On page 255, Item 18, in an effort to keep the language more general, the phrase, "parties shall enter into" was stricken, as



well as the language specifically mentioning Frank Richards and specific uses. Item 18 of the Annexation Agreement was revised to read, "A license agreement for agricultural use and grazing on the PCMC parcel for use of the PCMC parcel is required for any use by anyone other than the City. All use of the PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy (Exhibit D)." Planner Whetstone explained that the mention of specific uses was deleted because the uses would be determined by Park City and Summit Land Conservancy.

Planner Whetstone noted that additional revisions for clarification would be made prior to sending this to the City Council.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the annexation and the zoning map amendment based on the findings of fact, conclusions of law, and conditions of approval in the draft ordinance with the revisions as stated.

Steve Schueler with Alliance Engineering believed Planner Whetstone had adequately abbreviated the benefits of this project. He recalled specific concerns raised by the Planning Commission at the last meeting regarding specific issues such as the barn, fencing and other items. He was willing to discuss those concerns in more detail if the Commissioners still had questions. Commissioner Wintzer pointed out that those issues should be addressed at the time of the subdivision and not with this application. Mr. Schueler understood that they would be addressed at that time; however, he was willing to speak to any issues this evening.

Commissioner Savage apologized for having to leave early at the last meeting before he had the opportunity to participate in the discussion. He understood that historically the large plot of land that Mr. Richards currently anticipates continuing to use as grazing property with this subdivision now belongs to Park City Municipal. Therefore, Mr. Richards would need to enter into a lease agreement with PCMC in order to have that allowed use for a sustained period of time. Commissioner Savage wanted to make sure that Mr. Richards was comfortable that the lease agreement would provide him the ability to get that entitlement in the way he has contemplated this development.

Mr. Richards stated that the project was designed so he would not have to use that property. All the lots, with the exception of the two on Payday Drive, are in excess of an acre or 1.25 acre. He has a verbal agreement with the City and he understood that when he sells the lots, if people choose to use that property and maintain it, they would have to enter into an agreement with the City.

Commissioner Savage recalled a previous discussion where the HOA of that subdivision would have an agreement that would provide access to that property for all the homeowners. Commissioner Savage clarified that he was not trying to structure anything for Mr. Richards. He only wanted to explicitly make sure that Mr. Richards was comfortable with the direction of the revised language. Mr. Richards replied that he was comfortable with the direction of the language.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thomas asked if any studies or analysis had been done regarding the impacts to the wildlife on that parcel because he has personally seen moose in the area. Mr. Schueler stated that there would not be any impact to the wildlife corridors with respect to the City property because there were no proposed changes to that space. Mr. Richards' property is fully fenced. Commissioner Thomas stated that if Mr. Richards anticipates continued grazing on the City property, it would imply an impact.

Mr. Richards stated that he rarely sees wildlife in the area; however, occasionally he has spotted deer or moose and they graze with the horses. Commissioner Thomas stated that he drives that road every day and he sees moose once a week in that area.

Heinrich Deters, City Trails, remarked that there have been historical uses of agriculture on the property, and that was the reason for wanting to separate the lease agreement for uses from the Annexation. The details and controls would be formalized in the lease agreement with a specific person, rather than as a possible entitlement to a specific lot. Mr. Deters stated that wildlife impacts could still be addressed. He has been working with Conservation Services on a grazing plan for this area and they could also look into wildlife issues. Commissioner Thomas noted that historically the City has required a wildlife study in other annexations. Mr. Schueler stated that he and Mr. Richards had reviewed the wildlife information from the State Department of Wildlife Resources, and that information was contained in the Staff report. Planner Whetstone pointed out that the maps shows that the area is used by deer, elk, moose, birds and other wildlife.

Commissioner Wintzer noted that Condition #3 on page 225 of the Staff report talks about identifying building pads for houses and barns at the final subdivision plat. He would like the language to include that hard surface pads that identifies the driveways and where they would go to the barns would also be addressed with the final subdivision plat.

Commissioner Wintzer clarified that the City was currently approving the annexation with the zones. He would like to have the bottom portion of Lots 1, 3, and 6 put into the ROS zone. It could still be fenced, but it would guarantee that buildings would not be located close to the open space. Mr. Schueler thought that could be accomplished by designated building pad locations. Commissioner Wintzer replied that it would be accomplished initially, but those could be amended. The zone could not be amended without applying for a zone change. Commissioner Wintzer pointed out that ROS zoning would move the barns close to the homes and away from the open space.

Commissioner Hontz asked about the redline setback. Planner Whetstone replied that it was the 50' setback from the wetlands. Commissioner Hontz thought the wetland setback was 100' feet from structures. Mr. Schueler replied that the LMC requires 50 feet. Commissioner Hontz asked about the requirement for the Army Corp of Engineers. Planner Whetstone replied that it

was 20 feet from irrigation, but the applicant was showing 50 feet. Commissioner Hontz concurred with Commissioner Wintzer. There needs to be a reality in the way things should be. If the Planning Commission likes a proposal and wants to approve it, they need to add the layers of protection. She supported Commissioner Wintzer's idea of adding ROS so the actual line follows the redline or the wetlands. She also preferred to include the upper portion of Lot 7 as well.

Commissioner Wintzer pointed to the areas that he was suggesting be zoned ROS. Planner Whetstone remarked that the issue was that the barn could not be any closer than 75 feet, and the plan as shown was drawn at 75 feet. She suggested the possibility of putting an ROS line on the plat for Lot 7 that could be identified and legally described in the subdivision plat. She believed that would address their concerns about protecting the north end. Planner Whetstone stated that zoning a portion of the lots ROS would eliminate the acreage for horses. Commissioner Hontz pointed out that the acreage was not being taken away because they were only changing the zoning. The owner would have the same amount of acreage required to have horses, but they would not be able to use the ROS portion to calculate additional density. She agreed that protection measures were already in place, but without additional layers, it is too easy to request changes and amend was what done.

Commissioner Savage remarked that in terms of thinking about visual corridors and highway 224, Thaynes Canyon is lined with houses. Everything they were talking about modifying in Mr. Richards' plan would be tucked into a corner with houses on both sides. In his opinion they were only talking about moving the barn back and forth. Commissioner Savage stated that Mr. Richards has proven to be a responsible friend of the City's and he thought they should allow him to do his project.

Commissioner Hontz stated that the ROS zone would not change Mr. Richards' plan. However, it would make it more difficult for a future owner to undo what Mr. Richards intended. Commissioner Savage disagreed. He felt it would force the buyer who purchases a lot from Mr. Richards to be constrained to one side of the lot rather than take full advantage of the lot.

Planner Whetstone pointed out that the Annexation Agreement would not allow additional density. Commissioner Savage clarified that his issue was not about density. It was about allowing the owner to place a barn on his lot where he wants it. Planner Whetstone explained that the subdivision plat would state that these lots may not be separately divided. The annexation agreement sets the density and the applicant is proposing building pads for the final plat to set the location of housing and barns.

Commissioner Hontz remarked that additional layers would make any changes more difficult and require three steps instead of one. Step one would be to amend the annexation agreement. Step two would be to modify the lot location through the subdivision plat. Step three would be to change the zone. Commissioner Hontz understood that not everyone agreed with her, but she was not willing to move forward without the layers.

Commissioner Savage thought they were talking about two different things. He understood that Commissioner Wintzer was proposing to draw a vertical line through Lot 1 and everything to the

right of that line would be zoned ROS. ROS zoning would preclude building on that portion of the lot at any point in the future. Commissioner Savage believed that approach would significantly diminish the natural value of the lot because the owner would be restricted on how he could use his lot. He did not think the Planning Commission should do those things "willy-nilly". Commissioner Wintzer stated that it was not being done "willy-nilly". Secondly, Mr. Richards does not have a lot. He was requesting to create a lot and the Planning Commission was providing description to it. Planner Whetstone clarified that the request was for an annexation and preliminary plat. Commissioner Savage made it clear that he agreed with Commissioner Hontz regarding the wetlands.

Commissioner Hontz understood that water rights were part of the annexation agreement, and she asked if the City had to purchase those water rights when they purchased the acreage.

Tom Daley, representing the City, explained that the water rights belong to Mr. Richards and he would sell them as part of the entitlement to the individual lot owners. Commissioner Hontz read from the Annexation agreement, "additional ten acre feet were conveyed to the trust for public lands". Mr. Daley explained that those were part of the same underlying water rights. The ten acre feet were separated off and are pertinent to the Park City open space. Therefore, they would not be used in the subdivision. Commissioner Hontz asked if any money exchanged hands for those ten acre feet of water. Mr. Daley replied that the City purchased ten acre feet. Mr. Richards owns approximately 11,000 acre feet of water rights and the ten acre feet are a part of that.

Commissioner Strachan read language in the Annexation Agreement stating that the petitioner has to pay 86 acre feet of the decreed water right to a third party. He wanted to know who would be the third party. Mr. Daley replied that it was a deal Mr. Richards made with John Cummings. Mr. Richards explained that he leased the water rights to the City for approximately ten years with a first right of refusal. He offered the rights to the City and the City chose not to buy them. John Cummings became aware that the water rights were available and he purchased them from Mr. Richards.

Commissioner Hontz referred to her comments from December 12<sup>th</sup> and noted that nothing in the application had changed enough to make her change her opinion on what they were being asked to approve this evening. She believed the density was compatible with the neighborhood and she never found that to be an issue. However, she uses the same filter for every annexation and with this one she did not believe there were appropriate "gets" for the community in return for the density that she felt was very generous. Commissioner Hontz thought it was important to have the additional protection of ROS lines being added at a minimum on Lot 7, and to have an entire affordable housing unit instead of the partial unit proposed, whether on-site or a fee in lieu, in addition to utilizing a caretaker unit on site. The added protection and the affordable housing unit would need to occur before she could begin to feel comfortable with upzoning from zero to 7 units.

Commissioner Strachan stated that his comments have remained the same since the beginning. He has always thought the Estate zone was more appropriate than single family. Commissioner Strachan also thought the comments made by Commissioners Wintzer and Hontz regarding the

position of the building pads should be set in stone and defined now.

Commissioner Savage stated that the City talks about “gives” and “gets”, yet they were not giving credit to the historical “gives” that Mr. Richards has provided to Park City and Summit County and the community. He thought the Planning Commission was treating Mr. Richards like a random stranger. Commissioner Savage believed there were a lot of “gets” for Park City. They would annex this property into the City and get the economic benefit associated with development on that property. They would also get the underlying tax base that would come about as a consequence of that development. Commissioner Savage stated that considering the homes along Payday Drive and the homes along the Aspen Springs subdivision, he would conclude that the density in this proposal was significantly less than in those very present contiguous neighborhoods. Therefore, density was not an issue and there were economic benefits to this annexation request.

Commissioner Savage believed Mr. Richards had come forward with a proposal that improves the overall quality of what exists in the City, and it does nothing to detract from the beauty associated with the surrounding area.

Commissioner Gross concurred with Commissioner Savage.

Commissioner Thomas was uncomfortable being painted into a corner because he was concerned about the visual impact of the barns on the entry corridor to Park City. He sided with Commissioners Strachan and Wintzer in terms of the sensitivity of where those barns are placed. Commissioner Thomas stated that in the design process and establishment of the building pads, Lots 1, 2 and 6 pull the residential components as tight to the front yard setback as possible, being sensitive to the depth of that building pad to create 75 feet to the barn and possibly pull the barns forward. Commissioner Thomas believed the barns would have a visual impact on the entry corridor. He felt they needed to be careful about where they establish the building pads; however, he was unsure whether that should be done now or in the subdivision plat.

Commissioner Wintzer stated that the zoning is done now and the building pads are defined with the subdivision plat. Commissioner Thomas replied that in his opinion, the most critical component was positioning the building pads as tight to the west as possible. Mr. Schueler pointed out that the barn on Lot 6 was an existing barn. Commissioner Thomas stated that it would have been helpful to have that identified as an existing barn. He pointed out that two or three additional barns would add to the visual impact, particularly if equipment is parked next to them. Mr. Schueler remarked that the barns are proposed to be large enough to store equipment inside rather than outside the barn.

Commissioner Gross recalled that two months ago Mr. Richards presented photos of the barn that he wanted to use. At that time the Planning Commission wanted variety as opposed to having all the barns look the same. He believed Mr. Richards had tried to be responsible in reacting to their direction.

Mr. Richards stated that by putting two zones on 1.25 acre of ground really limits the salability of



the lot. Commissioner Gross suggested that the ROS portion could be designated as a no-build easement area as opposed to a different zone. Mr. Richards asked if it could be done through covenants. Commissioner Wintzer pointed out that a covenant could be easily changed.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council on the Richards/PCMC Annexation and zoning map amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance, as amended by Planner Whetstone, and with the amendment to Condition #3 to include the hard surfaces, and the request to add a zone line to zone the easterly portion of Lots 1, 2 and 6 and the wetlands portion of Lot 7 to ROS zoning.

Commissioner Hontz referred to page 225 of the Staff report, and language in Condition #7, "Construction of a five-foot wide public sidewalk along Payday Drive...." "The sidewalk and all required public improvements including, landscaping on the public right-of-way, shall be complete prior to issuance of a certificate of occupancy for any house on the property." Commissioner Hontz pointed out that Mr. Richards already has a house on his property; therefore, the condition was not accurately written. She wanted to make sure that nothing else could be built until the sidewalk and all improvements were installed. Planner Whetstone revised Condition #7 to state, "...for any new construction on the property subject to the final plat."

Commissioner Gross seconded the motion.

VOTE: The motion passed 4-2. Commissioners Gross, Thomas, Wintzer and Strachan voted in favor of the motion. Commissioners Savage and Hontz were opposed.

Planner Whetstone requested that the Commissioners be more definitive on the location of the proposed ROS line. Commissioner Savage understood that the Commissioners intended to arbitrarily decide this evening how Mr. Richards would have to divide his lots. Commissioner Wintzer replied that this was correct. Planner Whetstone stated that this has previously been done on other parcels. One in particular was Morning Star Estates, which had more restrictive zoning for the open space. However, the City typically plats the ROS line, which is the limit of disturbance line. In this case they were platting building pads and the remainder of the lot would be unbuildable area. Planner Whetstone believed that ROS zoning for the wetlands and the wetlands setback area made sense on Lots 6 and 7.

Assistant City Attorney McLean recommended that the Planning Commission consider where they wanted the absolute no-build zone as opposed to defining the building pads. That would allow some flexibility for shifting the building pad as long as it stayed out of the no-build area. Commissioner Hontz remarked that there was already agreement on areas where building could not occur because of the wetlands. This was just an added layer of protection. Commissioner Savage was comfortable with an ROS designation on the wetland areas because it was already an unbuildable area.

Commissioner Thomas indicated the existing homes along Payday and the last house before Mr. Richards. He remarked that if the existing property line between the two properties

continued straight up, that could delineate the ROS zone. It would leave a non-complying barn in the ROS zone, but the other two barns would be forced forward slightly. Planner Whetstone pointed out that a barn would be allowed in the ROS zone as an accessory structure through a CUP. Commissioner Thomas stated that extending the property line would not necessitate moving the barn on Lot 1. The barn on Lot 2 would probably have to shift forward. Commissioner Gross asked if the existing barn could be grandfathered in its existing location within the ROS zone, with the caveat that if it were ever demolished and replaced, the replacement barn would have to move. Commissioner Thomas pointed out that in addition to building pads, they could designate non-disturbance lines that are platted on the subdivision plat to help protect the sensitive areas.

Commissioner Savage assumed that the items they were discussing could be accomplished in conjunction with the subdivision approval. Commissioner Thomas stated that other than the modification of the zone, the rest could be accomplished with the subdivision. Commissioner Savage reiterated his earlier position that the Planning Commission was willy-nilly imposing a constraint on Mr. Richards in an effort to get a "get" now, when they would have significant amount of control and influence at the time of the subdivision. In his opinion, doing it now provides no benefit to the City and it detracts the ability for Mr. Richards to have maximum creativity to plan his subdivision. Commissioner Wintzer pointed out that a motion had already been made and it was voted on and passed.

Director Eddington understood that the Planning Commission was recommending moving the ROS line to the west approximately 75 feet. Planner Whetstone clarified that it would be from the northwest corner of Lot 9 of the Thaynes Creek Subdivision and continues north, parallel to the northern property line of Lot 6. It would also encompass all of the wetland areas. Commissioner Hontz suggested that instead of forming a triangle, it should be an east to west or west to east line somewhere north of the barn on Lot 7.

Assistant City Attorney McLean stated that accessory buildings less than 600 square feet are allowed uses in the ROS zone. A barn is called out as an accessory building in the Code. An accessory building larger than 600 square feet would require a conditional use in the zone. Commissioner Thomas asked if they could establish the buildings pads since they were looking forward to doing a plat amendment. Ms. McLean replied that they could establish the building pad area, but if the property is zoned, a building pad could not be placed within a zone that does not allow it.

Planner Whetstone reviewed the proposed changes in addition to the ones she had revised earlier in the meeting.

- Condition #3 – To define driveways and hard surface areas at the time of the final subdivision plat.

- The recommendation that the easternmost 80' of Lots 1, 2, and 6 and the northern most 250' of Lot 7 be zoned Recreation Open Space (ROS) with the remaining portions of these lots zoned Single Family (SF).

Mr. Richards asked if he would be able to have a gravel road to the back of his property. Planner Whetstone stated that he could put a driveway in the ROS zone.

Commissioner Hontz clarified that everything starting on Highway 224 on the open space parcel all the way over to the new line would be zoned ROS, and it would then go up to Lot 7. The ROS zone would be contiguous to the east and to the south and the west. Planner Whetstone replied that this was correct.

Due to the discussion and additional changes following the vote on the previous motion, the motion was amended and voted on again.

MOTION: Commissioner Wintzer amended his previous motion to include the clarification of the new ROS lines as stated by Planner Whetstone. Commissioner Gross seconded the motion.

VOTE: The motion passed 4-2. Commissioners Strachan, Wintzer, Thomas and Gross voted in favor of the motion. Commissioners Savage and Hontz were opposed.

#### Findings of Fact – Richard Parcel Annexation

1. On February 7, 2012, the applicants filed an annexation petition with the City Recorder for annexation of two parcels currently within the jurisdiction of Summit County and completely surrounded by properties within the Park City municipal boundaries.
2. The applicants are requesting annexation and zoning approval for two separately owned parcels. The Frank Richards parcel is 13.75 acres and the requested zoning is Single Family (SF). The PCMC parcel is 19.74 acres and the requested zoning is Recreation Open Space (ROS).
3. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224 (Exhibit A). The property is surrounded on all boundaries by Park City municipal boundaries and is considered an island of unincorporated land.
4. The applicants submitted an annexation plat for the two parcels, prepared by a licensed surveyor and additional annexation petition materials according to provisions of the City's Annexation Policy Plan and Utah State Code. A preliminary subdivision plat and an existing conditions survey map were also submitted.
5. The preliminary plat indicates four lots in Phase I and three possible future lots in Phase II. The existing home and horse training facility are in Phase II and may remain unplatted until a final subdivision plat is submitted and approved by the City for that property.
6. The petition was accepted by the City Council February 16, 2012 and certified by the City Recorder on March 1, 2012. Notice of certification was mailed to affected entities as required by the State Code. The protest period for acceptance of the petition ended on April 1<sup>st</sup>. No protests to the petition were filed.

7. The PCMC property is a dedicated open space parcel, subject to a March 24<sup>th</sup>, 2005, Deed of Conservation Easement in favor of the Summit Land Conservancy, in perpetuity. In 1999, the City purchased this 19.74 acre parcel through a purchase agreement with the Trust for Public Land from Frank Richards. A Lease Agreement is required for any use of the PCMC Parcel by any entity other than the City.
8. The PCMC parcel is currently utilized for grazing and growing of hay, as well as for undisturbed open space along streams, irrigation ditches, and wetlands. The City provides winter time grooming of a ski trail within the parcel, along Hwy 224. The land was originally part of the Frank Richards property. The PCMC property will remain as open space in perpetuity, subject to restrictions of the Conservation Easement.
9. The property is located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8) and is contiguous with the current Park City Municipal Boundary along the south property lines with the Thayne's Creek Subdivision Annexation (June 2, 1989) and the Treasure Mountain Annexation (Thayne's Canyon Subdivision) (July 28, 1971). The property is contiguous with the City along the north property lines with the Peterson Property Annexation (February 22, 1993) and the Chamber Bureau Kiosk Annexation. Along the west property lines there is contiguity with the Smith Ranch Annexation (July 14, 1988) (aka Aspen Springs Subdivision) and the Iron Canyon Annexation (October 28, 1983). Along the east property lines there is contiguity with the McLeod Creek Annexation (May 7, 1979).
10. The property is the entirety of property owned in this location by these applicants that has not already been annexed to the City.
11. Access to the Richards property is from Payday Drive at the existing driveway to the Richards arm. Access to the PCMC property is also from Payday Drive, just west of Hwy 224 at a stubbed in roadway. This access is used by ski grooming equipment and other municipal vehicles to maintain the property. No access is proposed directly off of Highway 224 with this annexation or for the subdivision.
12. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation is 15% of 6 new units or 0.9 AUE (810 sf). Affordable housing shall be provided on-site according to requirements of the Housing Resolution 20-07, unless payment of fees in lieu is approved by the Park City Housing Authority. Additional requirements regarding affordable housing are spelled out in the Annexation Agreement. Fees in lieu are subject to the dollar amounts established by the Housing Authority and in effect at the time of submittal of building permits.
13. Land uses proposed in the subdivision include a total of 7 single family lots and 1 common area lot (Lot 8 of the preliminary plat) for an existing riding arena. No density is assigned or permitted to be developed on Lot 8. Only one single family home and one

- barn are permitted to be constructed on the remaining lots. Lot 5 of the preliminary plat contains an existing single family house and a guest house. These uses are permitted. A maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan. The PCMC parcel allows only uses permitted by the Conservation Easement.
14. The proposed land uses are consistent with the purpose statements of the SF and ROS zones respectively. The SF zone does not allow nightly rental uses and restricting this use is desired by the neighborhood. The Annexation Agreement and preliminary plat limit the total number of lots seven (7) and the final plat would include a note indicating that no further subdivision of lots is allowed and no residential or commercial density is permitted on Lot 8.
  15. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
  16. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.
  17. Areas of wetlands and irrigation ditches have been identified on the property.
  18. The annexation is outside the City's Soils Ordinance District and there are no areas of steep slope that would indicate the property should be placed in the Sensitive Lands Overlay Zone. Wetlands and streams are protected by language in the LMC requiring minimum setbacks and protection during construction. The platting and designation of sensitive areas as platted ROS (Recreation Open Space) will further protect these sensitive areas from impacts of development.
  19. The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Section 10-2-4-1, 10-2-402 and 10-2-403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.
  20. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and as conditioned will protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space and ensure environmental quality; protect a prominent entry corridor, view sheds and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general public health, safety and welfare.
  21. City Staff has reviewed the proposed annexation and preliminary plat against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of this report.



22. The property was posted, courtesy notices were mailed to surrounding property owners, and legal notice was published in the Park Record according to requirements for annexations in the Land Management Code.

Conclusions of Law – Richards Parcel Annexation

1. The Annexation and Zoning Map amendment are consistent with the Annexation Policy Plan and the Park City General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval – Richard Parcel Annexation

1. The Official Zoning Map shall be amended to designate the PCMC property as Recreation Open Space (ROS) and the Richards' Parcel as Single Family (SF) with the easternmost 80' of Lots 1, 2, and 6 and the northern most 250' of Lot 7 to be zoned Recreation Open Space (ROS) with the remaining portions of these lots zoned Single Family (SF).
2. The Annexation Agreement shall be fully executed and recorded at Summit County.
3. Recordation of a final subdivision plat, to create legal lots of record; dedicate utility, access, drainage, snow storage, and irrigation easements; identify building pads for houses and barns; identify limits of disturbance areas and define driveway and hard surface areas; establish architectural guidelines for barns; establish fencing details; and to address other issues that are typically addressed at the time of the final subdivision plat, is a requirement prior to commencing of site work and issuance of building permits on the Property.
4. The final subdivision plat shall be in substantial compliance with the preliminary plat submitted with the Annexation petition and reviewed by the Planning Commission.
5. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.
6. Fencing shall be consistent throughout the subdivision and described on the final subdivision plat and in the CCRs. A fencing plan shall be submitted with the final subdivision plat application and with each building permit application to allow Staff to review all fencing for consistency throughout the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods.
7. Construction of a five foot wide public sidewalk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required and shall be identified on the final subdivision plat. The sidewalk and all required public improvements, including landscaping of the public right-

of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new construction on the Property.

8. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. A landscaping plan for public right-of-way and any common areas shall be submitted with the final subdivision plat.
9. A note shall be included on the final subdivision plats requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
10. Excavated materials shall remain on site to the greatest extent possible.
11. Use of the PCMC parcel shall be addressed and regulated by a signed and executed License Agreement for Agricultural Use and grazing prior to commencing the use. All use of the PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy.
12. The application is subject to the City's Affordable Housing Resolution 20-07 and as further described in the Annexation Agreement. Affordable housing obligation shall be provided on the property, unless otherwise approved by the Park City Housing Authority.
13. A note shall be added to the final subdivision plats stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within the building pad identified on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.
14. Access easements shall be provided on the final plat, along lot lines to facilitate access to the PCMC parcel, for equestrian use and for maintenance of the parcel as allowed by the March 2005 Deed of Conservation Easement.
15. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat.
16. The final subdivision plat shall dedicate a private access easement for the Ross-Gaebe Property to memorialize the existing private easement across the existing driveway and to extend this easement to the public ROW at Payday Drive.
17. Prior to recordation of a final subdivision plat, an historic and cultural resources survey of the Property shall be conducted by the Applicants in conformance with the City's Historic Preservation Chapter 11 of the Land Management Code and a certification letter

regarding any historic and cultural resources be submitted to the City. Any discovered historical structures shall be added to the City's Historic Sites Inventory, and designed as either "Significant" or "Landmark" according to the criteria as listed in LMC Chapter 11.

18. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the property at the time of development of the lots.

The Park City Planning Commission meeting adjourned at 10:30 p.m.

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

DRAFT



**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
February 27, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Charlie Wintzer, Thomas Eddington, Katie Cattan, Francisco Astorga, Anya Grahn, Polly Samuels McLean

**WORK SESSION ITEMS**

**General Plan – Discussion and Overview of Old Town Neighborhood**

Planner Cattan stated that this work session was an update on the Old Town neighborhood section of the General Plan. She provided an overview of how the General Plan, and explained that it was set up around the core values of small town, natural setting, sense of community and historic character. Each core value would have its own set of goals, principles and planning strategies. The Neighborhood sections would be towards the end of the General Plan explaining the future direction of the neighborhood.

Planner Cattan remarked that area plans are different. They are more specific and give guidance to redevelopment or new development. The discussions in area plans are more specific than the types of conversations in a General Plan.

Planner Cattan stated that the General Plan for Park City is utilized as more of a policy document with general guidance. Code information is provided within the LMC and not addressed in the General Plan. Director Eddington noted that the General Plan guides and recommends what might come later in terms of the Land Management Code.

Planner Cattan stated that the City conducted a significant amount of public neighborhood outreach in 2010 and 2011. The different neighborhoods were assessed in 2010. However, a neighborhood charrette was done specifically for Old Town because of its importance. The neighborhood was broken into nine different parts to study the different challenges within smaller sections of Old Town.

Planner Cattan remarked that through the neighborhood outreach, the primary finding was that the essence of local is desired, such as locally owned commercial, community gardens, dedicated car share parking; mixed use development and convention space. There was more support for single family homes in future development. Mixed-use had ranked equal with affordable housing and senior housing. The survey also asked what type of affordable housing was most appropriate, and the Staff heard more support for single family homes. There were also suggestions for taking a portion of the burden of the cost of some of the smaller historic structures and using it for two purposes such as deed restricting for affordable housing, as well as historic preservation. Other affordable housing included mother-in-law apartments and separate accessory structures. There was definitely concern that incompatible monster homes are a problem in the neighborhood. Planner Cattan noted that there was also discussion regarding the need for opportunities for everyone in Old Town from the perspective of whether the homes are large enough.

Planner Cattan used the Lowell to Empire neighborhood as an example of specific neighborhoods. Planner Astorga pointed out Lowell Avenue west side and thought it was important to recognize the



different feel between the structures as far as size, platted lots and what exists on Lowell east. There are no historic homes on Lowell, however the development pattern tends to follow the standard configuration of 25' x 75'. There is an opportunity to look at this neighborhood in terms of future development when they rewrite the LMC or redo the zoning. Planner Cattan pointed out that there is a pattern all along the edge of Old Town and she believed it had a lot to do with the Treasure Hill development.

Planner Cattan commented on the Park to Woodside neighborhood and noted that there was a lot of discussion about slowing down traffic and access. There are more nightly rentals in this area. There was also a lot of discussion on power lines, the tramway and snow removal. Parking issues are also a major problem.

Planner Anya Grahn led the discussion on Historic Preservation. The Commissioners were given key pads to vote on a series of questions.

Question – Do you believe the Staff has sufficient existing planning tools to ensure compatibility in Old Town, including the LMC and the Historic District Design Guidelines.

The Commissioners voted and the result was: 33% - Yes 67% - No.

Commissioner Wintzer thought a tool that was not used enough is the conversation about mass and scale and compatibility. He did not think those terms were strong enough in the LMC to be able to defend them. He thought they needed to go further in the purpose statements. If they want to be compatible, they need to strengthen the LMC to use those words.

Commissioner Savage stated that in his opinion, when they talk about tools it is the General Plan as well as the Land Management Code. The problem is that design guidelines per se are not incorporated into the General Plan, but they do have the opportunity through visual representation to come up with a much better understanding of what they believe compatibility means. It can include quantitative items, but it also has to talk about compatibility as it relates to the different sections incorporated into the General Plan; most importantly in Old Town. Commissioner Savage thought they needed more visual representations of what constitutes compatibility that can then be interpreted with respect to the LMC.

Director Eddington stated that the General Plan will make recommendations and give visual cues as to what is compatible. From that will stem design guidelines and Land Management Code revisions.

Question - Do you believe that the Planning Commission has sufficient existing planning tools to ensure compatibility on steep slopes in Old Town. The Commissioners voted and the result was: 17% - Yes 83% - No

Planner Grahn noted that the next set of questions focused on infill and design in Old Town. Infill and new additions in Old Town should be compatible within the neighborhood context and subordinate to existing historic structures. One of the steps towards doing this is to conduct an intensive level survey to understand the building typologies, urban fabric and the pattern of the neighborhood.

Commissioner Savage asked if subordinate to existing historic structures meant within the neighborhood or outside the neighborhood. Planner Cattan stated that it would be within the neighborhood. Director Eddington thought that it would be the radius around the house.

Planner Grahn remarked that the second and third steps would be to define the compatibility and define what subordinate means. She noted that the General Plan defines subordinate. Within historic preservation subordinate design refers to additions or new construction that is visually contiguous to a historic structure, yet reinforces the visual dominance of the historic structure. While a smaller addition is visually preferable to achieve subordinate design, various design strategies can achieve subordinate design with increased size. Subordinate design can be achieved through six principles.

The Commissioners were shown photographs related to each of the following six principles:

Principle 1 – Simple design to prevent competition with primary façade.

The Commissioners were asked whether this principle was true or false in terms of subordinate. The Commissioners voted and the result was: 100% - true.

Commissioner Hontz suggested using larger photos for better readability. Commissioner Savage asked if people would have the ability to expand the photos in the online version of the General Plan. Director Eddington replied that the photos and the maps could be expanded. Depending on the format, they should also be able to enlarge the text. Commissioner Hontz suggested that the good examples could be highlighted with a border of green and the bad examples could have a border of red plus the little x. Commissioner Wintzer thought it would be helpful to have dates on the photographs, recognizing that it was not possible on all photos.

Principle 2 – The cornice and upper level setbacks are consistent with the historic building.

Thinking of subordinate, the Planning Commission was asked whether or not they agreed with this principle. The Commissioners voted and the result was: 83% - Yes 17% - No.

Director Eddington noted that there is a transition requirement in the design guidelines to show differentiation. The one person who voted “no” caught the fact that there was no transition or variety in the photos. Commissioner Savage stated that he had voted “no” because he thought it looked overly consistent.

Principle 3 – The new building shall be setback or a visual “seam” is provided.

The Commissioners were asked whether or not they agreed with this principle.

Director Eddington stated that the “seam” is like a transition element pursuant to the design guidelines.

The Commissioners voted and the result was: 100% - Yes.

Principle 4 – The massing and setbacks of new construction should compliment and reinforce the visual dominance of the historic structure.

The Commissioners were asked whether they agreed or disagreed with this principle. The Commissioners voted and the result was: 100% - Agreed.

Principle 5 – For larger additions, break up the massing of the addition into smaller modules that related to the historic structure.

The Planning Commission was asked whether they agreed or disagreed with this principle. The Commissioners voted and the result was: 83% - Agreed 17% - Disagreed.

Commissioner Hontz recommended changing the language because even though the concept is good to break up the mass, the examples shown were not compatible with the historic structure or with the neighborhood.

Planner Cattan remarked that subordinate was the criteria rather than compatibility. She asked if Commissioner Hontz thought the structures were subordinate to the historic structures in that scenario. Planner Hontz explained why she disagreed that the new additions were subordinate in any of the photos shown.

Principle 6 – Complimentary street and wall treatments

The Commissioners were asked whether or not they agreed with this principle. The Commissioners voted and the result was: 100% - Yes.

Planner Grahn remarked that the Staff had looked at ways to define compatibility, which included mass, scale, and orientation and other ways to measure compatibility.

The Planning Commission was asked to vote on principles of compatibility through a series of questions and related photos.

Principle 1 – mass, scale and height of the building should follow the predominant pattern of the neighborhood.

The Commissioners were asked whether they agreed or disagreed. The Commissioners voted and the result was: 83% - Agreed 17% - Disagreed

Commissioner Strachan disagreed because the neighborhoods have already changed and every house is massive. He thought it should be tied to a specific smaller home. Director Eddington asked if the buildings should be more compatible with the historic setting. He pointed out that if it is not the neighborhood, they need to find a new definition. Commissioner Strachan thought they could identify certain structures as the ones against which compatibility is measured. The structures could be in each sub-neighborhood or in Old Town as a whole.

Director Eddington proposed language, "Mass, scale and height of the building should follow the predominant pattern of the historically designated structures in the neighborhood." The

Commissioners supported that language.

Commissioner Savage asked how many historically designated structures were in Old Town as a percentage of the total number of structures. Director Eddington believed there were approximately 425. Commissioner Savage stated that if the historic structures have been destroyed over the years, and they were trying to maintain the level of compatibility within these neighborhoods, he thought they were pushing the pendulum too far the other direction because they would end up with little houses in a neighborhood where the houses are significantly larger. He believed that would exasperate the problems of smaller versus larger. Commissioner Strachan pointed out that reducing mass and scale was the general consensus of the public during the visioning process because they felt it was out of control. The structures were too big and not representative of what they wanted to see in Old Town. Commissioner Savage agreed that it was the consensus, but the question was what the consensus meant. He felt that choosing a number of small historic houses as the benchmark for measuring future applications would not be fair to the applicants who want to build a house suitable for their living requirements. Commissioner Savage gave his ideas for what he thought would be a better approach for determining compatibility. He noted that he and Commissioner Strachan have different perspectives on compatibility. If they could not come to an agreement on what was acceptable, it would be difficult for the applicants that come before the Planning Commission.

Commissioner Strachan did not think it was a question of small versus large. There are several historic homes with large additions that were done very well. Commissioner Hontz concurred. She thought it would be interesting to see an analysis on whether those larger historic homes are the same or drastically different from what they were seeing now. Director Eddington pointed out that some of the scale issues of compatibility have already been addressed in the steep slope criteria. However, they would not see the fruits of that labor until they see more construction. Planner Cattan stated that rather than taking away overall square footage, the issue is how the building compliments the mass, scale and height of the neighborhood.

Commissioner Wintzer pointed out that many people who build in Old Town are from out-of-town and do not have a real feel for Old Town. He believed part of the solution was to educate people on what is important to keep connectivity in the neighborhoods. Director Eddington asked the Commissioners if compatibility was more size and scale or more design. Four Commissioners thought it was size and scale and two thought it was design. Commissioner Wintzer thought it was easier to define size and scale than it is to define architecture. Commissioner Savage stated that size and scale are negative attributes and design is a positive attribute. If they could present what they were trying to do in a positive way, he believed they would see more compatibility as a result.

Principle 2 – Proportion of façade elements should be compatible in scale, proportion, texture and finish to those on the historic structure.

The Commissioners were asked whether or not they agreed with this principle. The Commissioners voted and the result was: 83% - Yes 17% - No

Principle 3 – The relationship of solids to voids on primary facades should be similar to those seen on historic structures.

The Commissioners were asked whether or not they agreed with this principle.

Commissioner Gross asked for an explanation of solid and void. Planner Cattan replied that a solid would be an actual wall and the void would be doors and windows.

The Commissioners voted and the result was: 83% - Yes 17% - No

Principle 4 – Rhythm and spacing of buildings on streets should follow the predominant pattern of historic buildings on the street.

The Commissioners were asked whether or not they agreed with this principle. The Commissioners voted and the result was: 83% - Yes 17% - No

Principle 5 – The rhythm of entrances and/or porch projection should reinforce the established pattern along the Street.

The Planning Commission was asked whether or not they agreed with this principle. The Commissioners voted and the result was: 83% - Yes 17% - No

Commissioners Strachan had voted no because he did not like the established pattern along the street. Commissioner Hontz thought the language “established pattern” was the issue, since one could argue that the Mall is an established pattern. Commissioner Strachan suggested changing the language to “established pattern of historic buildings.”

Principle 6 – Roofs of new building should be visually compatible with the roof shapes and orientation of surrounding historic sites

Commissioner Hontz did not think the photo with two garage doors should be shown as a positive example. Planner Grahn clarified that the Staff was not endorsing double garage doors. The photo was included to show the roof line. Commissioner Hontz recommended that the Staff find another picture to use as an example of a great roof line.

The Commissioners were asked whether or not they agreed with this principle. The Commissioners voted and the result was: 100% - yes.

Principle 7 – Additions and modifications made to historic structures should be visually and aesthetically compatible with the structure.

The Commissioners were asked whether or not they agreed with this principle. The Commissioner voted and the result was: 100% - Yes.

Principle 8 – Floor level elevations should relate to the street grade and reinforce the neighborhood pattern

The Commissioners were asked if they agreed with this principle. The Commissioners voted and the result was: 83% - Yes 17% - No



Principle 9 – The directional expression of the front elevation should reinforce the overall pattern established on the streetscape.

The Commissioners were asked if they agreed this principle.

Commissioner Strachan noted that “established pattern” was used again and it should be reworded as previously discussed.

The Commissioners voted and the result was: 83% - Yes 17% - No

Planner Grahn moved to Section 5.2 regarding Old Town. To maintain the local, state and national historic district designations, the City must prevent incompatible infill, significant modifications or alterations to historic structures and the loss of historic resources. This reinforces the existing guidelines and preservation policies.

Commissioner Savage wanted to know the primary quantitative benefit to Park City of maintaining the National Historic District designation. Director Eddington replied that it was probably not quantitative unless people wanted to utilize tax credits for certain projects. He believed the qualitative benefit was a certain status and realness. Commissioner Savage asked what the negative would be if they lost the national designation. Director Eddington remarked that there is a status that goes with having a nationally designated historic district.

Commissioner Hontz commented on economic development. Cultural tourism is booming and trending to increase. If they lose their national designation people might not be as interested in coming to Park City to experience the cultural tourism aspect.

Commissioner Strachan thought they could quantify it based on the revenues generated by Main Street businesses, because that is clearly historical and people go there for that reason. Commissioner Strachan noted that Telluride has a historic Main Street. They built a new area on the south side that is brand new and modern and has condos and commercial that is not tied to the historic center of the town. The property values in the historic center are much higher than in the new portion.

Planner Grahn noted that the Historic District Design Guidelines help retain the National Register. For that reason they expect a higher quality of construction. In working with historic buildings the construction is more time-intensive, which raises the values and produces local jobs.

Planner Grahn stated that in the past, building design has been shaped by snow shedding, parking, real estate demands, etc.

A question for the Planning Commission was whether going forward the design should be focused more on the architectural context of the neighborhood. 1) Yes, we should develop stricter architectural standards; 2) No, stay the same; 3) This is false, we have not focused design on snow shedding, parking and whatever other demands exist in the historic district.

Planner Grahn clarified that the question related only to Old Town.

The Commissioners voted and the result was: 1) 50% 2) 0% 3) 50%

Planner Cattan moved to Section 5.3. Secondary accessory structures, ruins and archeological sites should be recognized as historically significant and listed on the local, state and national registers. Planner Cattan noted that they would focus on secondary accessory sites, mining sites and updating to add ski inventory.

Director Eddington noted that they have the mine era and the decline of the mine era. Skiing would be the next logical era.

The Commissioners were asked to vote on whether they agreed with adding sites that are representative to the start of the ski areas. The Commissioners voted and the result was: 67% - Yes 33% - No.

Director Eddington noted that the HPB was asked the same question and they were unanimous for moving into the ski era.

Question - Should Park City consider incentives for preservation of secondary structures.

The Commissioners voted and the result was: 67% - Yes 33% - No

Commissioner Hontz requested that they expand on incentives because there were more ways than what is highlighted in the current plan. She encouraged them to be as creative as possible and to include more carrots.

Commissioner Savage thought Old Town Crested Butte looks like a ghetto and he thought they needed to be careful about an incentive for preservation versus preservation to make something better. In his opinion, they should continue to focus on beautifying the neighborhoods and making it historically consistent and historically preserved, but attractive and not down-trodden.

Question - Should Park City consider incentives to reintroduce the secondary structures to the pattern of Old Town.

Commissioner Hontz stated that if it relates to the size of the house and the lot and an attached garage, she would rather have a secondary structure that turns into a garage. She would answer yes if it subordinates some of the vehicular components of design.

Commissioner Strachan asked if there was a mandate from vision for secondary structures. Planner Cattan stated that it was more to reintroduce the pattern of Old Town. In looking at the Sanborn maps, the typical house would have one and sometimes two accessory structures for storage, etc. New development is typically one structure. There is an exception for accessory structures but they have to be in the back yard and are subject to other limitations.

The Commissioners voted and the result was: 67% - Yes 33% - No

Question - Should Park City consider incentives to preserve mining structures while encouraging work force housing. The Commissioner voted and the result was: 67% - Yes 33% - No.

Planner Cattan moved to Section 5.4 – Old Town. The Character of Historic Sites should be retained and preserved.

Planner Cattan commented on two suggested new zoning practices that should go into the Land Management Code. The first is that lot combinations should be limited within existing blocks to respect the historic fabric of the blocks. She pointed out that this would take an internal look from the street and both sides when looking at the context of lot combinations.

Question – Does Planning Commission agree with looking at the context of the block for plat amendments. The Commissioners voted and the result was: 100% - Yes

The second suggested zoning practice is to set a maximum width of structures and additions based on historic context. Planner Cattan stated that in situations where traditionally more than two lots are combined, a maximum width would be established for the house to maintain the built environment.

Question – Does the Planning Commission agree with establishing a maximum width for structures and additions. The Commissioner voted and the result was: 100% - Yes.

Question - Would the Planning Commissioners support utilizing the under-utilized right-of-ways as parking areas. The Commissioners voted and the result was: 100% - No

Question - Would the Planning Commission support utilizing under-utilized right-of-way to access private parking.

Planner Cattan noted that currently the City has a conditional use permit allowance to give access to a private home through the City right-of-way.

The Commissioners voted and the result was: 67% - Yes 33% - No

Question - Would the Planning Commission support utilizing under-utilized right-of-way as open space. The Commissioners voted and the result was: 100% - Yes

Question – Would the Planning Commission support utilizing under-utilized right-of-way as community gardens.

Commissioner Wintzer thought a better question was whether they would support it for community purposes. He believed a landscape area where people could sit would serve a better purpose than a community garden in Park City's climate.

The question was changed and the Commissioners were asked to vote on whether they would support utilizing under-utilized right-of-way as community open space. The Commissioners voted and the result was: 100% - No

Planner Cattan moved to Section 5.5 – Old Town. To prevent demolition by neglect, stricter enforcement of municipal regulations, public programming and financial assistance shall be utilized. She clarified that this was only reinforcing current policy. Planner Cattan personally thought they

needed stricter enforcement.

Commissioner Wintzer thought the enforcement should also include life/safety and fire protection because abandoned houses are unsafe and become a fire hazard in Old Town. Director Eddington noted that the Code has been modified to include a provision that allows the Chief Building Official and the Planning Director to take action if there are health, safety and welfare issues.

Section 5.6 – Old Town. Financial Incentives should be made available to facilitate intensive restoration, rehabilitation and preservations projects. Planner Cattan noted that this was also reinforcing the existing policies.

Chair Worel called for public comment.

Ruth Meintsma referred to the discussion on subordinate design the photos related to the question about cornices. In looking at one photo, she noted that historically, there was a large garage that was attached to the house that was as high as the roofline of the current addition. It was very tall and narrow, but not as wide, and it had a driveway. She asked if someone would be able to replicate the garage if they came forward with the historic photo. Ms. Meintsma noted that the height looks wrong now, but the disparity in height was actually there in history.

Ms. Meintsma was told that it could be replicated because it was historic.

Ms. Meintsma referred to another photo and thought the open cement void completely destroys the house. She believed that a single detached garage would have allowed landscaping that would completely camouflage the large addition that no one likes. It is a large amount of cement, it is all heated and there is no landscaping. It is a big empty space and it looks blighted. Ms. Meintsma pointed out that the design followed the guidelines in terms of the garage, but the result was not what the City wants.

Ms. Meintsma noted that the term “seam” used in the presentation is called a “separation” in the guidelines. In her opinion, visual “separation” was more accurate and makes sense.

Ms. Meintsma referred to the photos of monstrous houses. On one in particular, if the original structure was painted a different color it would make a huge difference and everyone would recognize it and see the smallness of it rather than the massiveness. Sometimes it is more than the obvious and she believed the details could make a huge difference.

Ms. Meintsma referred to a photo where, per the guidelines, the garage was placed in the back. She pointed out that it created a terrible scenario of a massive wall with tons of cement. Ms. Meintsma pointed out how this problem could be reversed by building a single detached garage in a different location on the site and adding trees and landscaping. She believed that change would result in seeing the historic structure as it was originally. Ms. Meintsma remarked that sometimes things look so wrong, but in reality, a few simple changes can make it right. In some cases, the guidelines still don't have it right. Ms. Meintsma named examples of structures in Old Town to show that other things besides size can impact a historic structure. Ms. Meintsma agreed that an addition should be subordinate to the historic structure. However, the adjacent structure should have the same subordination as the addition, but that is not addressed anywhere in the guidelines.

Hope Melville pointed out that the large historic house at 421 Park Avenue is on 2-1/2 lots. A new big building on a small lot is not the same as the historic structures on larger lots, and she believed that was a major factor when looking at re-platting to combine lots. If they allow the same size big buildings as the Old Town Historic big buildings, it should be built on more space.

Mary Wintzer stated that she had a conversation with someone who has walked to work for nearly 40 years and noticed the decrease in sunlight and open space over that time period. As things have evolved it has become darker and colder and more dangerous because of the ice. She lives on the Rossi Hill side, and when she looks from the other side of the canyon, it looks like they have much more space on their side of the canyon. Ms. Wintzer stated that in the 1980's when they first wrote the Land Management Code, they set the rules for quality of life because property was not as valuable. Since then the City pushed and pushed to fill the coffers and acquire more building fees. She recognized that it may have been good economically, but they are now seeing the devastation in Old Town because of it. Ms. Wintzer suggested that they go back a little bit and incorporate both the economic and the quality of life aspects. Years ago she thought they were almost there and had infill, but then people started pushing harder and the City started accommodating. If they had adhered to the rules and not just considered revenue, they would not be having these problems in Old Town.

Mike Sweeney asked if Ms. Wintzer was talking about only Main Street or all the buildings in Old Town. Ms. Wintzer stated that she was talking about Old Town in general.

Commissioner Wintzer noted that the current General Plan was written in 1997-1998. In reading the General Plan, there are eight or ten places that make similar comments about the mass and scale of new development threatening Old Town. That was talked about and put in the General Plan 20 years ago but they never followed through.

Ms. Melville stated that another factor in the idea of having more primary residents live in Old Town is that people will not want to live there full-time without a yard or some land around their home. When something is built to the edges, it is apparent that no one would be living in that house year-round. Every time they approve building up to the edges without a backyard or side yard, it is one less primary residence in Old Town.

Planner Cattan suggested that if the trend is to build to the maximum, then the City needs to look at reducing the maximum.

Ms. Wintzer realized that they cannot return Old Town to what it was, but the rules were set for common sense and what is happening now creates additional fire protection and traffic issues. She believed they still had the opportunity to keep things from getting worse and to protect Old Town from further devastation.

The Staff and Commissioners discussed nightly rentals.

Planner Astorga presented a color coded map taken from the census showing the different types of occupancy in Park City. The gray was vacant lots. Red identified vacant housing. Green was occupied housing. Planner Astorga stated that the focus would be on the Resort Center, Deer

Valley and Upper Deer Valley and Old Town.

Planner Astorga noted that both Deer Valley and Upper Deer Valley have a trend of vacant housing. It was the same with the Resort Center and Old Town.

Planner Astorga presented an exhibit identifying second home ownership. The dark tone represented higher percentages of second homes. The lighter tone was a lesser percentage. He indicated the same trend in Upper Deer Valley, Deer Valley and the Resort Center. Planner Astorga thought it was interesting how only a small area of Old Town had a higher percentage of second homes.

Planner Astorga noted that the Planning Commission had discussed the definition of nightly rental at the last meeting. He stated that the only exception is that nightly rental is allowed everywhere except for in the Protected Open Space and Restricted Open Space. Nightly rental is a conditional use in the HRL zone.

Planner Astorga reported that there are approximately 4,000 nightly rentals in Park City out of an approximate total of 8500 units. The total percentage of nightly rentals was 46%. Commissioner Savage asked for a breakdown of the 46%. Planner Astorga replied that 46% represented all housing units used as nightly rental including single-family and multi-family and condos. It did not include hotels. Mike Sweeney stated that 22% of the total hotel units were placed in the nightly rental pool. Planner Cattan clarified that the 46% was only residential unit types. She noted that the percentage could be higher because the information was only based on those operating under a business license.

Planner Astorga noted that the Planning Commission previously reviewed data that was focused on the primary residential neighborhoods. He presented numbers this evening that focused on the resort oriented neighborhood as well as Old Town. The nightly rental percentages for the Resort Center, Lower Deer Valley and Upper Deer Valley were 72%, 83% and 60% respectively. The percentage for Old Town was lower at 48%. Planner Astorga remarked that Old Town should be a mix of primary residence and resort-oriented because of its proximity to the resort and other amenities. He noted that there were 993 nightly rental units in Old Town, which is 25% of the nightly rentals throughout the City.

Planner Astorga reiterated the Staff recommendation that the PCMR neighborhood, Lower Deer Valley and Upper Deer Valley should remain resort-oriented neighborhoods. He outlined the benefits for allowing nightly rentals in Old Town, which included ski in/ski out access, a walkable community for visitors, economic impact, the local experience and close proximity to resorts. The negatives is that it puts a burden on the neighborhood, creates parking issues, loss of full-time neighbors and sense of community, loss of predictable behavior, and garbage and traffic issues.

Commissioner Wintzer thought a bigger negative is the fact that a nightly rental property does not generate sales tax when it is vacant. To Commissioner Wintzer's point, Mike Sweeney stated that hot pillows and hot beds make Main Street work, and without the occupancy it is difficult. The merchants are trying to figure out a formula that brings people to Park City year-round as opposed to something that is bi-module. He noted that some of merchants only have one or two months to make enough money to survive the year. Commissioner Gross believed that was common in the



retail industry. He pointed out that some merchants only make their money during the Christmas season.

Commissioner Strachan thought another benefit of nightly rental in Old Town is that it focuses all the tourists in one area. Commissioner Hontz remarked that another negative is that some people build bigger houses for the purpose of having more bedrooms to make a bigger profit on a nightly rental. More bedrooms equal more people and more cars. As pointed out in public comment, a larger house reduces the amount of yard and light and it discourages the owner from wanting to live there or stay there.

The Commissioners were asked to vote on a series of questions regarding nightly rentals.

Question – What do we do regarding nightly rental in Old Town neighborhoods?

1) Do nothing and let the market drive it; 2) Limit the number and put an overall cap on the number of nightly rentals in the neighborhood. For example, these neighborhoods should not have more than 90% nightly rentals.

Commissioner Hontz requested a third option. At the last meeting the Planning Commission had requested information on the economic benefit and the actual number of nightly rentals. Planner Astorga remarked that a third option would be to look at the economic impact of nightly rentals. Director Eddington noted that it would have to be researched by Staff and brought back at the next meeting.

Commissioners Gross and Worel questioned the overall cap on Option 2 and asked how that could be accomplished. Commissioner Worel asked if it would work the same as a liquor license. Commissioner Wintzer stated that if they cap was 90% they might as well have 100%. It was pointed out that the question related only to Old Town. Director Eddington clarified that the 90% was relative to resort-oriented and it should be ignored for this question.

Planner Astorga re-read the question and the Commissioners voted on the two options discussed. The result was: 17% - Do nothing. 83% - Limit the number.

In addition to the economic impacts, Planner Astorga asked if there was additional information the Commissioners would like the Staff to research to help in their decision regarding nightly rentals.

Commissioner Strachan encouraged research into other communities that have done overlay zones and dictated where the nightly rentals could be in the neighborhood. He believed that would help plan the impacts. If they intend to limit the number, it was important to make sure the nightly rentals allowed were in the right places. The Commissioners discussed the issue of whether or not a CUP could be sunsetted if a nightly rental was eliminated in a specific location. The Staff would pursue an answer and report back to the Planning Commission.

Commissioner Savage asked if it was possible to change the way nightly rentals are taxed. Assistant City Attorney McLean stated that business licenses are tied to actual City costs, but the City cannot alter the business license according to State Code. Commissioner Savage clarified that his question related to taxes. Planner Astorga would research his question.

Question – The Main Street RDA is set to expire in 2022. It is a funding source for matching grants. The Planning Commission was asked if the General Plan supports a second extension to keep this funding stream. The Commissioners voted and the result was: 67% - Yes 33% - No

Question – Should Main Street be prioritized as a public transportation hub for Park City. The Commissioners voted and the result was: 67% - Yes 33% - No

Question – Do we need to increase local anchors on Main Street.

Commissioner Gross asked the Staff to define an anchor. Planner Cattan replied that the Post Office is a place where locals have to go. Commissioner Gross asked if Roots would be considered an anchor. Director Eddington stated that it could be a bank, a market or other magnet stores. Commissioner Gross thought magnet was a better word choice than anchors. The Kimball Arts Center is also considered an anchor.

The Commissioners voted and the result was: 100% - Yes

Question – Do you agree with policy to require civic expansions within adaptation of historic structures?

Planner Cattan explained that guidance in the General Plan would say that adaptive reuse of a historic structure on Main Street should be considered first, before building a new structure.

The Commissioners voted and the result was: 100% - yes.

Question – Prioritize the following for Main Street. 1) authenticity of historic resources; 2) increase local anchors; 3) public improvements; 4) programming of street.

The Commissioners voted and the result was: 1) 25% 2) 35% 3) 20% 4) 19%

Director Eddington stated that the General Plan talks about diversification of the economy and includes ideas such as potential R & D opportunities with small outdoor suppliers. They talk about high altitude training center, adaptation of green industries and potential higher education, culinary institute kinds of campuses.

Question – Do you see this diversification as a threat or a supplement to the economy. The Commissioners voted and the result was: 33% - threat 67% - supplement.

Question – Is the City doing enough to promote arts and culture? The Commissioners voted and the result was: 17% - Yes 83% - No.

Question: The City's current transportation is primarily based on vehicles. How strongly do you feel that Park City should broaden our transportation system to include:

Gondolas or Cabriolet – 1) Strongly agree; 2) agree; 3) neutral; 4) disagree; 5) strongly disagreed.

The Commissioners voted and the result was: 1) 50% 2) 17% 3) 33% 4) 0% 5) 0%

Trolley/Streetcar – The Commissioners voted and the result was: 1) 17% 2) 33%  
3) 17% 4) 33% 5) 0%

Smaller buses that can move around Old Town enabling people to reach the resorts without having a car – The Commissioners voted and the result was: 1) 17% 2) 50%  
3) 0% 4) 17% 5) 17%

The concept of the Interconnect – The Commissioners voted and the result was:  
1) 33% 2) 50% 3) 17% 4) 0% 5) 0%

Director Eddington clarified that Interconnect was not the Ski Link gondola connection from Solitude to the Canyons.

Bus Rapid Transit (BRT) - The Commissioners voted and the result was: 1) 17% 2) 50%  
3) 0% 4) 33% 5) 0%

Question - Should we work with UDOT and the County to widen State Road 224 to get more traffic in and out of town more quickly. Possibly add an addition vehicular lane in and out.

The Commissioners voted and the result was: 33% - Yes 67% - No

Question – When Park City speaks of economy we often think of the tourism economy. How would you rank the different aspects of this tourism economy in terms of economic importance. The Commissioners were asked to rank their top three priorities of: 1) winter skiing; 2) summer biking/hiking/golf; 3) arts/cultural events; 4) concerts; 5) Sundance.

The Commissioners voted and the result was: 1) 27% 2) 35% 3) 11% 4) 12%  
5) 24%

Based on a show of hands for their choices, Director Eddington did not believe the votes were registering accurately.

Question – The Commissioners were asked to choose their top challenge facing Park City in the future. 1) traffic; 2) growth; 3) brain drain (no jobs for younger generation to come back to); 4) a single focus economy; 5) tourism threats from other developments overseas and in America; 5) lack of community with an increase in second homeowners.

The Commissioners voted and the result was: 1) 17% 2) 33% 3) 0% 4) 17% 5) 0%  
6) 33%

Question - In 2030 the transportation network in Park City will include:

1) basically, maintaining the current road network; 2) expanding the current road network;  
3) expanding bus service; 4) or incorporating alternative modes.

The Commissioners were asked to vote for one choice they would want to happen. The result was:

4) 100%

Question - Park City has two primary access points; 224 and 248. If Park City considered a third ingress/egress, which is the most appropriate: 1) Interconnect rail for SLC; 2) An I-80 connection to Meadows Drive; 3) A buildout/completion of Guardsman Pass; 4) Tunnel under Deer Crest to Snow Park; 5) Do nothing.

The Commissioners voted and the result was: 1) 33% 2) 0% 3) 0% 4) 17% 5) 50%

Question – If you had \$10 million in your pocket and had to spend it on a planning project this year or lose it, what would you spend it on: 1) open space trails; 2) investment in a new transportation mode; 3) a green grid for local energy production; 4) seek capital for higher education campus/culinary institute; 5) something else.

The Commissioners voted and the result was: 1) 50% 2) 50%

Question – Who is the most important entity for the City to collaborate with to maintain our core values for future generations of Parkites: 1) Summit County; 2) Wasatch County; 3) State of Utah; 4) UDOT; 5) UTA.

The Commissioners voted and the result was: 1) 33% 2) 0% 3) 33% 4) 17% 5) 17%  
Commissioner Wintzer noted that due to the late hour the Commissioners were not able to give their general comments this evening. He requested that the Staff set aside 30 minutes at a future meeting to hear their comments.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
FEBRUARY 27, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Charlie Wintzer

EX OFFICIO:

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

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REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Thomas who was excused.

Planner Worel moved the Work Session items to the end of the Regular Meeting to allow the applicants the opportunity to leave if they were not interested in sitting through the work session.

**ADOPTION OF MINUTES**

February 13, 2013

Commissioner Worel referred to page 35 of the Staff report, page 2 of the Work Session minutes, third paragraph, 2<sup>nd</sup> sentence, and changed the word require to correctly read **required**.

MOTION: Commissioner Gross moved to APPROVE the minutes of February 13, 2013 as corrected. Commissioner Hontz seconded the motion.

VOTE: The motion passed. Commissioner Wintzer abstained since he was absent from the February 13<sup>th</sup> meeting.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington reminded the Planning Commission about an email they received regarding the Congress for New Urbanism planning conference which would be held in Salt Lake from May 29<sup>th</sup> – June 2<sup>nd</sup>. The Planning Staff would be participating. If any of the Commissioners were interested in attending they should contact the Planning Department. Park City would be hosting some local events and the dates and times of those events should have been included in the email. The

Planning Commission could also contact also Anya Grahn for that information. There was a registration fee for the conference and they were looking to see if the City could help supplement the fee.

Director Eddington reported that a new policy has been implemented to notify the Commissioners when new information has been sent to their City email address. This new policy includes all correspondence and not just packets or agendas. Commissioner Wintzer noted that the Staff gave his City email address to the City Sustainability for some reason and he had missed two meetings because his notices were sent to the wrong email. He requested that they make sure his email address is shared between the Sustainability Department and the Planning Department so he remains updated on all matters.

Director Eddington stated that the Planning Commission should have received an email with the date for Camp Training, which is Historic District Design Guideline training. The Camp was scheduled for Friday, June 7<sup>th</sup>, however, the date may be changed to the following Friday, June 14<sup>th</sup>. The date has not yet been confirmed and he encouraged the Commissioners to keep both dates open if they were interested in that event. He would notify the Commissioners when the date is finalized.

Chair Worel announced that she would be absent from the next meeting on March 13<sup>th</sup> and Commissioner Thomas would chair the meeting

#### **REGULAR AGENDA – Discussion, Public Hearing and Possible Action**

**1. 520 & 522 Park Avenue – Plat Amendment  
(Application #PL-13-01813)**

Planner Francisco Astorga reviewed the application for a plat amendment at 520 Park Avenue, located in the HR-2 District. The request is to combine almost two lots of record, since one does not meet the minimum lot size. He noted that 18 months ago the Planning Commission reviewed this application during a work session. At that time the Planning Commission gave positive comments, after which the applicant took their application to the Board of Adjustment and was granted a variance on the lot that did not meet the minimum lot size so the applicant could build one structure on each lot. However, since that time the applicant discovered that the lot that received the variance could not accommodate a structure. That discovery resulted in the current application for a plat amendment to combine both parcels to construct one single family dwelling.

Planner Astorga noted that a duplex requires a conditional use permit; however, they would encounter the same issues with a duplex because it would not meet the minimum lot size of 3750 square feet without obtaining another variance. The Staff identified that the proposed lot meets the minimum lot size in Old Town, as well as the development standards outlined in the HR-2 District.

The Staff recommended that the Planning Commission conduct a public hearing and consider forward a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval.



Hal Timmons, representing the applicant, stated that they are staunch advocates of single family homes, and since 2000 they have built approximately 12 single lot homes. They have wrestled with designs and adherence to some of the issues pertaining to the slope and height of this particular lot. They had difficulty coming up with a livable plan and believed that they could do a better job by constructing one home on two combined lots. Trent Timmons stated that a significant amount of architectural dollars was spent trying to achieve a plan for two homes before they decided to combine the lots.

Commissioner Wintzer asked if these were steep slope lots. Planner Astorga stated that some areas on the lots hit 30%, however, the Staff is unable to make a steep slope determination until they see the exact footprint of the proposed improvements. He believed it was likely that the project would come back before the Planning Commission. Mr. Timmons remarked that the approach would be located on a 30% grade. The home itself would not be. Director Eddington pointed out that the front of the lot appeared to be steep slope, and both access and building requires a Steep Slope CUP.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, noted that this part of town is mostly historic residential and she understood from past discussions that the Planning Commission would like to see it remain that way. She commented on previous scenarios regarding the struggles with building homes up against a commercial back. She recalled that the Planning Commission created an MPD where someone with a lot line on Main that was attached to a lot on Park Avenue could possibly have a zero or reduced back yard setback. It also included the possibility for a single detached garage to make these lots more developable and more appropriate for the neighborhood. Ms. Meintsma remarked that the lots in the proposed plat amendment are not associated with the Main Street lots and, therefore, the rules do not apply. She pointed out that these lots are still difficult to develop because they are on commercial and a 10-foot setback would be extremely unattractive. Even though this is a plat amendment, if there was a struggle with a single on two lots, she asked if it would be possible to consider a reduced rear yard setback similar to the MPD, because it is the same type of lot with the same type of development issues. If it would require a change to the LMC she believed it would be an important change. A reduced back yard setback would make a front yard more attractive and allow for more landscaping, which would be better for the neighborhood. Ms. Meintsma noted that this property was in Subzone A, which was its own area with its own rules. She encouraged the Planning Commission to think of other possibilities and to think outside the box for this important historic area.

Ms. Meintsma noted that the Planning Commission has previously talked about reducing parking requirements. She was unsure whether the Park Avenue resident would be amenable to that because of existing parking problems. However, other situations have had deferred parking where there is single parking on-site and another parking spot on Swede Alley or another location. She believed this was a unique situation and there were a lot of advantages to allowing a single detached garage. Ms. Meintsma remarked that a single lot residence with a setback and a single car garage would be beautiful on that street. The current rules do not allow for that but it would positively add to the area.

Chair Worel closed the public hearing.

Commissioner Wintzer thought it was important pass on Ms. Meintsma's comments to Planner Katie Cattan since she was working on the General Plan for that area. Director Eddington stated that Planners Cattan and Grahn were already talking about single family detached structures and how it plays into the footprint.

Commissioner Gross had visited the site. He suggested parallel parking in front of the driveway to acquire additional parking in front of the structures. Any parking should fit within the lot and a half and be part of the plat. Mr. Timmons stated that the property line is 13 feet back from the curb and there is an 18' setback. In effect, they have a 31' setback that would accommodate the parking Commissioner Gross suggested. Assistant City Attorney McLean remarked that generally the City does not allow parking in the right-of-way for specific homes. Commissioner Gross clarified that he was suggesting additional parking inside the property line and adjacent to the street.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 520 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 520 Park Avenue

1. The property is located at 520 & 522 Park Avenue.
2. The property is identified as Lot 43 & 44, Block 9 of the Park City Survey.
3. The property is located in the Historic Residential (HR-2) District.
4. The proposed lot is 3,704 square feet in size.
5. The minimum lot size within the HR-2 District is 1,875 square feet.
6. The lot width of the proposed lot is fifty feet (50').
7. The minimum lot width within the HR-2 District is twenty-five feet (25').
8. The maximum footprint for a lot this size is 1,504 square feet.
9. The site is currently vacant with the exception of a non-historic shed that encroaches towards the north area of the lot.
10. There are no other violations or non-compliances found on the site.
11. No remnant parcels of land are created with this plat amendment.

12. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law – 520 Park Avenue

1. There is good cause for this plat amendment as it removes the need for the variance for Lot 43.
2. The plat amendment reduces the potential density at this property from one (1) unit on each lot to one (1) unit on the combined area; therefore, it also reduces the required parking from four (4) spaces to two (2) spaces.
3. The plat amendment dedicates 10' wide public snow storage easements along Park Avenue.
4. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
5. Neither the public nor any person will be materially injured by the proposed plat amendment.
6. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval – 520 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal.
4. A 10 foot wide public snow storage easement is required along the frontage of the lot with Park Avenue and shall be shown on the plat.
5. The applicant shall resolve the encroachment of the shed on the 526 Park Avenue by obtaining an encroachment agreement from that neighboring property owner or by removal of the shed encroachment.

**2. 421 Park Avenue – Plat Amendment  
(Application PL-13-01797)**

Planner Astorga reviewed the application for a plat amendment to remove two lot lines at 421 Park Avenue. He noted that the request was similar to the previous application at 520 Park Avenue, with the exception of an existing historic house. The historic structure crosses two lot lines. The subject site is two lots of record plus half of Lot 4.

Planner Astorga noted that the applicant has indicated future plans to place an addition; however, because the structure is historic the addition would be limited to the rear of the structure. At this time the Staff had not received specific plans through either a building permit or a Historic District Design Review, and any future work would have to comply with applicable Codes and the Historic District Design Guidelines. Planner Astorga stated that once a proposal is submitted, the Staff would determine whether a Steep Slope CUP would be required.

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

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 421 Park Avenue based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

**Findings of Fact – 421 Park Avenue**

1. The property is located at 421 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 4,650 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is sixty-two feet (62').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing footprint of the structure is 1,066 square feet.

8. The maximum footprint for a lot this size is 1,790 square feet.
9. The current use of the property is a single family dwelling.
10. The existing front yard setback is eleven feet (11').
11. The existing rear yard setback is twenty-two feet (22").
12. The minimum front and rear yard setbacks are ten feet (10').
13. The existing north side yard setback is twelve feet (12').
14. The existing south side yard setback is nine feet (9').
15. The side yard setbacks are five feet (5') minimum, eighteen feet total.
16. There is a historic structure on the site.
17. The Historic Site Inventory lists the site as a Landmark.
18. The historic house sits on two lots lines, which the applicant is proposing to be removed with this application.
19. No remnant parcels of land are created with this plat amendment.
20. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law – 421 Park Avenue

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

#### Conditions of Approval – 421 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
  2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
  3. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal.
  4. A 10 foot wide public snow storage easement is required along the frontage of the lot with Park Avenue and shall be shown on the plat.
3. **496 McHenry Avenue, Lot 21-32 Echo Spur Subdivision – Plat Amendment (Application PL-12-01717)**

Planner Astorga reported that the Planning Commission previously reviewed this application on January 9, 2013. He noted that since the January meeting the site was posted and noticing letters were sent to property owners within 300 feet in an effort to get the public involved in the process. Planner Astorga had received phone calls and public comments from owners in the neighborhood. Those comments came in after the Staff report was prepared, and they were emailed to the Commissioners today. Hard copies were also provided to the Planning Commission. Planner Astorga also provided copies of an additional exhibit that was submitted by the applicant the day before.

Planner Astorga remarked on the challenge of addressing public comment after the Staff report is drafted. He clarified that the Staff report is available to the Planning Commission the Friday before the Wednesday Planning Commission meeting. Due to limited timing, the Staff also has difficulty reviewing exhibits submitted by the applicant just prior to the meeting.

Planner Astorga stated that during the January 9<sup>th</sup> discussion the Staff and applicant were asked to address specific items. He noted that this item was scheduled as a public hearing; however, he preferred to treat it as a work session discussion since the Staff was not recommending that the Planning Commission take action this evening. The Staff recommended that the Planning Commission take public input and provide additional direction to the applicant and Staff.

Planner Astorga stated that the first issue addressed in January was the discussion related to use. Since that meeting, the Staff researched a similar project, Parkwood Place, which was approved in 2005-2006. The only difference between the two projects was that Parkwood Place was approved through an MPD; however, the use is not governed by the MPD. The Staff had made a determination that was approved by the Planning Commission and the City Council, to consider an underground garage that would be platted as common with a single family dwelling unit on top of



each of the platted garages. Planner Astorga noted that the Staff had reviewed the information and attached an exhibit to the Staff report showing the approved Parkwood Place condominium plat. The Staff determined that the end result was a single family dwelling.

The Staff had prepared four questions for discussion.

**Staff classifies the proposal as single-family dwellings with a common underground garage, which is consistent with the approved Parkwood Place project. Does the Planning Commission concur with this determination.**

Commissioner Wintzer stated that typically the ownership goes vertical through a building. With every condominium plat that has an underground parking structure, the parking structure is labeled common area, the building the house sits on is identified as private area, and the space between the buildings which are now called setbacks, are listed as public common area. All the condominium plats were consistent with that layout and he could not find a way to think of this project as anything different than a condominium project based on the layout. Planner Astorga clarified that the Staff agreed that the proposal was a condominium project. The issue was the challenge of the Land Management Code.

Chair Wintzer understood the comparison with a project that went through a master planned development, but in reading the minutes, he thought the project was approved in a vacuum because the Planning Commission at the time did not have this discussion. Commissioner Hontz pointed out that Parkwood Place also crossed two zones, which makes it more different than similar. Planner Astorga understood the MPD approval and that the overall project crossed two zones, but he was unsure how that was relative to the use, because one of the zones was the HR-1, where a single family dwelling is an allowed use, a duplex is a conditional use, and a multi-unit building is not allowed. Planner Astorga pointed out that the MPD cannot trump the specific use. The Staff was trying to make the same determination for consistency, while at the same time analyzing the proposed use.

Commissioner Hontz stated that based on the Code language reflected on page 132 of the Staff report, she thought the proposal meets the definition of Attached Building. However, the Code definition for multi-dwelling units on page 131 of the Staff report, "A building containing four or more dwelling units" left the interpretation to the Planning Commission of whether the structure is an Attached Building or Multi-dwelling units.

Planner Astorga stated that interpretation was the reason for this discussion. He noted that a duplex would also be considered an attached building but not a multi-unit structure. The other challenge is that the current definition tends to be antiquated because the City no longer uses party wall agreements that occurred in the 1980's. Instead, the applicant is required to go through a condominium plat amendment for that type of attachment.

Commissioner Wintzer asked how they could say that the project was not a condominium if it requires a condominium plat. Director Eddington replied that a condominium is a form of ownership. The Staff was looking for clarification on the use. He used Snow Creek as an example of a

condominium complex that is typically considered single-family dwelling units, and it was intentionally built that way.

Commissioner Savage wanted to know what difference the use makes. Commissioner Hontz replied that the Planning Commission could not approve a use if it was not allowed in the zone. If the Commissioners determine that it is a multi-unit dwelling, it would not be allowed and the applicant could not move forward with the application. Director Eddington gave examples of various scenarios to demonstrate differences in use. He noted that the Code is unclear on the issue, which makes interpretation difficult.

Commissioner Hontz stated that she could make either interpretation based on the Code definitions for Multi-unit dwelling and an Attached Building.

Commissioner Gross pointed out that the units would be detached with the exception of the underlying parking.

In response to Commissioner Savage, Commissioner Wintzer stated that the use might not make a difference on this particular project. However, it would make a difference if the next project uses this as a precedent and it makes a difference on that project. Commissioner Wintzer liked the application presented, but he was concerned about opening the door without understanding how it would affect future projects. His preference was to have the Planning Department and the Legal Staff find a logical way to do it and let the Planning Commission voice an opinion on their determination.

Planner Astorga noted that the HR-1 District encourages an underground shared parking facility through a conditional use. He asked how they could encourage someone if the Code did not allow it. Director Eddington remarked that the Staff had this discussion among themselves because they knew it would be a challenge. The idea of individual units with parking in front and garages that take up the whole unit is unfortunate in the Historic District on 25' x 75' lots. They like the historic aspect of the smaller lots, but the advent of the car and multiple cars for every single-family dwelling detracts from Old Town. He believed that was foreseen, which is why the Code favors underground parking. The applicant was complying with the Code regarding the parking, but the issue is ownership versus use. When the Staff had this discussion from a planning perspective, their initial determination was a single family use with condo-style ownership. He understood that the Planning Commission may disagree, but the Staff liked the idea of underground parking and how the design preserves the open space and the landscape in the front yard.

Commissioner Savage understood that the real question was whether the connected garages imbue a different style of property. Looking at this from the standpoint of marketing and how the properties would be perceived by the owners, he believed they would be perceived as single family homes. Director Eddington agreed. Commissioner Savage felt that a common parking structure was an attribute of the condominium form of ownership without changing the single family nature of the way the project is being developed.

Director Eddington stated that given the yards and the setbacks of the structures above, it would rightly be perceived as individual single family units. What occurs underground is different, but they could argue that underground parking could not be accomplished if the units were not attached to

the garage. Underground parking for each individual unit would not work without the connection. The Staff believed it was a good solution. Commissioner Savage stated that the garage attached by a tunnel should not be meaningfully different than if it was attached by a street.

Commissioner Gross referred to page 155 of the Staff report and thought the driveway exhibit showed a street next to a street where the units would access their own garages.

Chair Worel clarified that each garage was attached to its own single-family unit and the only way the garage could access the home is through a stairwell that connects the garage to the house above.

Sean Kelleher, representing the applicant, pointed out that there would be a staircase on the side to access the garage on the lower level, in addition to going through the garage through the alleyway. Commissioner Gross clarified that it would be pedestrian access and not vehicular. Mr. Kelleher replied that this was correct.

Commissioner Wintzer asked if it was possible for the Staff to draft a finding with specific reasons for why these are single family homes, and include it in a future Staff report. If the Planning Commission voted to approve, it would be supported by the finding and the reasons for determining the use as a single family home. He was not opposed to this proposal, but reiterated his concern for how it could affect future problems. If the Staff could draft a finding specific to this design, he felt that would help resolve the issue.

Director Eddington thought the Staff could draft findings that were use and design based to address Commissioner Wintzer's concern. Commissioner Savage also wanted the Staff to spend time thinking this through from the point of view of precedence to make sure they were not creating an argument for a future developer to be allowed the same determination. He understood that they could not avoid all possibilities, but it should be given reasonable consideration.

The Commissioners moved to the next discussion item.

**Does the Planning Commission concur with this finding related to not counting the footprint of the underground common parking structure through an approved Conditional Use Permit**

Planner Astorga noted that this type of development is encouraged in the parking section and in each individual residential district in the Historic District. The issue is that the Code does not specify whether or not the footprint of the underground garage should be counted. However, the Code indicates that if a project goes through an MPD, such as Parkwood Place, language in the MPD section for the HR-1 specifically says that the footprint of these underground common spaces are not counted.

Planner Astorga stated that if the intent is to encourage this type of development to limit pavement and reduce the number of garage doors, including the footprint would discourage applicants from doing this type of underground parking because it would take a significant amount of the footprint and greatly reduce the size of the structure. The Staff was of the opinion that when this section of the Code was written, they included the exception of not counting the footprint of the completely

underground portion of the garage, but they failed to place a provision in the conditional use permit criteria. Planner Astorga asked if the Planning Commission concurred with the Staff.

The Commissioners discussed various points and scenarios for underground parking regarding the footprint. Commissioner Wintzer thought they could achieve a 50% gain in underground square footage if the footprint is not counted. He thought they should give that to the applicant in order to do this project. Commissioner Wintzer also suggested that they vary some of the front yard setbacks to avoid having one common wall that goes down the entire street. He believed the trade off for giving the applicant extra square footage was the benefit of a facade without garage doors.

Commissioner Savage was not opposed to the idea as an incentive, but he was trying to consider the fairness as it relates to a single family dwelling. He thought this question should also be subject to the criteria of thinking it through to make sure they were not creating issues with future projects.

Director Eddington noted that the applicant was proposing to count the bottom level as the first of three stories. Eliminating the third story above also reduces the total square footage. Planner Astorga stated that the Staff was trying to be consistent with the MPD language that only counts the above grade footprint.

Commissioner Hontz concurred with the comments of Commissioners Wintzer and Savage in terms of understanding what they were creating. She stated that the Staff report indicates that the parking structure is completely underground or below grade, and that has to be the existing and the future. She would not want to see the grade suddenly go up and then the parking structure go in. Commissioner Hontz thought house size was a separate issue unrelated to the garage. Under no circumstance would she not consider the garage level a story. She was pleased to hear that it was proposed by the applicant so it would not be an issue.

Director Eddington clarified that there was general consensus among the Planning Commission that the parking structure should not be included in the footprint. Commissioner Strachan stated that he would strictly interpret the language to be the parking area only and not storage area, mechanical rooms, etc. None of that should be included in the definition of an underground parking structure. Commissioner Wintzer agreed and suggested that they be allowed to put storage, mechanical and other uses in the parking structure and use some of the square footage from the upstairs where it becomes a volume issue. Commissioner Strachan was uncomfortable with the precedent that it would set. He clarified that the exception was for a parking structure. It was not an exception for back of house, mechanical and storage. He remarked that every time the Planning Commission has seen an exception to a footprint calculation it has been exploited to the maximum.

Chair Worel asked where the storage and mechanical equipment would be located if not in the parking structure. Commissioner Strachan replied that it would have to be located inside the house.

Director Eddington explained that the house above on the lot line would still meet the footprint setbacks. He assumed that most people want ski and outdoor equipment storage in or near their garage. Director Eddington stated that the Staff could work with the applicant on language with regard to boilers and/or furnaces,; however, another challenge with the site is the issue of solar

panels and other energy equipment in the house. He recommended that they add language allowing for that space when certain sustainability standards are met.

Planner Astorga understood the concern about setting a precedent for the footprint. To address the issue, he skipped to the fourth question for discussion related to process.

**Does the Planning Commission concur with this finding of reviewing the CUP for the underground parking garage concurrently with this Plat Amendment request.**

Planner Astorga stated that at this stage, the Planning Commission was entertaining the plat amendment filed by the applicant. However, a conditional use permit is required for an underground parking structure. With that in mind, the Staff recommendation was to look at that application first to review floor plans, the site plan, landscaping and cross sections that would help them come up with a better determination of the specific use and how those areas are used in terms of footprint, etc. Planner Astorga stated that in the planning world one could interpret that the use comes first, and once that use is approved, they should entertain the plat amendment. Having more information related to the conditional use permit and how it relates from one structure to the other would help them come up with a better resolution on how to specifically handle the precedent issue.

Planner Astorga asked if the Planning Commission concurred with that finding. The Commissioners agreed.

Commissioner Hontz referred to the minutes from previous meetings provided in the Staff report and noted that the Planning Commission had two work sessions where different Commissioners had highlighted numerous issues and concerns. She felt that the Planning Commission would never reach the point of being comfortable enough with the plat amendment to move forward. Commissioner Hontz intended to review the minutes from previous meetings to recall her questions and concerns. She highly recommended that the applicant also review the minutes to identify the questions that were asked in previous meetings to make sure those were answered if this application did move forward. Commissioner Wintzer concurred. He assumed that no one had read the minutes from the last meeting because his questions had not been addressed in the Staff report. Commissioner Wintzer had restated his questions in writing and submitted it to the Staff this evening.

**The next question for discussion was ridgeline development.**

Planner Astorga noted that the Staff report cited the specific regulations in terms of the definition of ridgelines and compliance with restrictions due to the character of the land and specific vantage points. A general provision listed on page 125 of the Staff report under General Subdivision requirements states that, "Ridges shall be protected from development, which development will be visible on the skyline from the skyline from the designated vantage points in Park City." Planner Astorga reviewed the vantage points A through listed on page 126 of the Staff report. The only vantage point the Staff found would qualify was (K), across valley view.

Commissioner Savage asked about the criteria used to determine that (K) was the only vantage point. Planner Astorga replied that the development would not be visible from the other vantage points. He pointed out that the Land Management Code does not define across valley view. He presented an exhibit he found on line and explained how he had interpreted across valley view. Without the applicant submitting information to determine whether or not the structures break the skyline, he asked how the Commissioners felt about his interpretation.

Commissioner Wintzer understood that if an applicant has a single platted lot on a ridgeline that has access to a road, the City was obligated to allow the owner to develop the lot. Assistant City Attorney McLean replied that it would be difficult to defend otherwise. Commissioner Wintzer did not believe this particular part of the ridge application mattered because the applicant could build on 9 of the 14 lots without a plat amendment. It would be difficult not to allow the owner to combine the three smaller lots into two lots; therefore, they could end up with 11 houses on the site without a plat amendment. He did not believe they would be increasing the amount of ridgeline encroachment by combining some of the lots, and they would have a better chance of working with less of a ridgeline encroachment. Commissioner Wintzer has consistently felt that these lots were different from the lots further down the hill, where combining the lots could result in a larger structure that might increase the ridgeline encroachment.

Commissioner Strachan remarked that other than the nose of the ridge where the other application on the lots down the hill was pending, the rest of the ridge has already been decimated. It would be hard to make the appropriate findings to say there is a ridgeline when someone had already bulldozed the ridge. He concurred with Commissioner Wintzer.

Commissioner Hontz noted that Planner Astorga had highlighted the restrictions due to the character of the land, which are different when it deals with a ridgeline that comes into play later. It was an important discussion but she recognized that they were limited in their consideration of this site. Chair Wintzer stated that if they decide to move forward on the application, they could address the issue in a finding stating that the ridge was already disturbed before this applicant became involved.

Commissioner Hontz thought the across valley view vantage point still mattered because it was equal to the same elevation from two vantage points. Planner Astorga noted that the across valley view could be from multiple vantage points. Commissioner Strachan stated that if the proposed structures go higher above the retaining wall than the existing structures, there would be ridgeline and across valley view issues because all of the homes would break the skyline. Director Eddington stated that the visual was from across Deer Valley and across Main Street to get a view in that area.

Planner Astorga referred to the comments regarding the questions that were raised at previous meetings, and noted that he and the applicant were available to address those questions this evening.

Commissioner Wintzer stated that based on the conversation of counting the footprint for the parking structure, he wanted the applicant to understand that for lot combinations and subdivisions, the Planning Commission has the ability to reduce the height and setbacks of buildings. He assumed they would have that discussion in terms of the parking garage and other aspects of the



project. Commissioner Wintzer wanted to make sure there would be no height increase and that they would not end up with a wall of eight houses with the same line of sight. He would be looking for variation. Commissioner Wintzer emphasized the importance of making sure that the parking structure would be completely underground. He requested to see one section that runs north and south through the parking structure and at least three sections that go east and west to make sure the parking structure fits underground and is completely buried.

Mr. Kelleher referred to the layout on page 155 of the Staff report and asked what should be added to that basic layout. Commissioner Hontz pointed out that the layout was a plan view and not the cross sections Commissioner Wintzer was requesting. Commissioner Wintzer clarified that he wanted cross sections showing contour lines and dimensions. He noted that cross sections going north and south would show the existing grade of the road and the dirt so he could determine whether the garage fits underground. He also wanted to see three cross sections that run east and west for the same determination.

Commissioner Wintzer also requested a drawing showing the size of the lots because the setbacks are based on the width of the lots. The Planning Commission needed to see a drawing that would be a pre-application for a subdivision. Commissioner Wintzer understood that the applicant was looking for direction and additional information before spending money on plans that may not be approved, but the Commissioners needed to see more detailed drawings before they could make their decision.

Mr. Kelleher stated that if they were to put in the underground structure and start building homes on the way down, the unit size would be up to the individual homeowners. Commissioner Wintzer clarified that the Planning Commission would not approve the parking structure if the applicant could not prove that it would be completely buried. Mr. Kelleher noted that he was referring to the size of homes and not the parking structure. He wanted to make sure he and the Planning Commission had the same understanding in terms of the practical process of how the project would be completed. Mr. Kelleher remarked that the applicant would agree to limit the size of the homes to address the Commissioners' concerns about monstrous homes.

Commissioner Savage understood that the applicant had a design concept in mind for all the homes, and he agreed that individual owners should be able to customize their units, particular inside the home. However, the Planning Commission wanted to look at the project as an integrated whole, and the design concept for each home would be part of this application. When someone decides to purchase the lot, they should have a good idea of the design concept before signing the contract.

Mr. Kelleher understood that if an owner wanted to make his home 200 square feet larger, he would have to come back to the Planning Commission for approval. Commissioner Wintzer explained how the Planning Commission could change the setbacks for each lot, and it would be on the plat. Those would be the types of restrictions that would obligate the buyer.

Commissioner Gross if Commissioner Wintzer was also thinking about setbacks as it relates to the roofs, since they were only going two stories above the parking garage. Commissioner Wintzer thought that was something they could look at further into the process. His intent at this point was to

inform the applicant of what the Planning Commission is permitted to look at with a plat amendment.

Commissioner Wintzer was still opposed to vacating Fourth Street. He personally felt that the only open space left in Old Town were the streets that have not been built on. Everything else was built to the setbacks. Commissioner Wintzer was very concerned about giving up what little open space they have. Commissioner Wintzer did not believe it was in the best interest of the City or the neighborhood to dig up the hillside to extend the Shorty stairs. It would result in the loss of significant vegetation and the extension would only benefit this project. Commissioner Wintzer commented on the six exchanges proposed by the applicant. He believed the only benefit was parking in the City right-of-way; however, the City already has the right-of-way and the parking spaces. The only change would be the pavement. Regarding the benefit of giving away a percentage of the lot sale, Commissioner Wintzer thought the City needed to weigh the value. He pointed out that the City Council, not the Planning Commission, makes the decision to vacate streets. He assumed the street was 30' wide, which makes the value high. Commissioner Wintzer did not believe the affordable unit was a benefit to the City; however, that issue was also the decision of the City Council. Regarding the last item of exchange, in his opinion the triangular property across the street has no value to anyone. Mr. Kelleher clarified that it was only a cleanup issue. Commissioner Wintzer remarked that the six items proposed would not equal the value of one Old Town lot with a good view in a good location.

Commissioner Wintzer did not believe the entrance should be off existing Rossi Hill Drive. He suggested that the applicant find a way to enter the parking structure off of Echo Spur Drive. A driveway at 14% grade popping up onto a street right next to another street creates a safety issue and it is not good planning practice. Commissioner Wintzer thought the project should come through as a CUP, and before they move forward they need to see pre-CUP plans to show what they were looking at, as opposed to blocks on a drawing. Commissioner clarified that these were his personal comments and the other Commissioners may have different opinion.

Mr. Kelleher explained that the intention of the right-of-way vacation was that they would not be allowed to build on it and that the right-of-way would become open space. Mr. Kelleher pointed out that the proposed entrance to the parking appeared to be the most efficient, but he was willing to go back and review other options. Mr. Kelleher asked if it would be better to not vacate the right-of-way and keep the hill where it is and only use it to get underground. Commissioner Wintzer reiterated his previous comment that the project should not be entered from that location. He was open to consideration if the applicant came back with drawings showing that it was doable and how it would look. Commissioner Wintzer thought it would still be problematic to have two streets next to each other.

Planner Astorga was unsure whether the City Engineer would be inclined to approve an underground easement through the right-of-way. That would be an issue for future discussion.

Commissioner Hontz stated that since many of her questions reflected in the previous minutes were the same questions raised by Commissioner Wintzer, she concurred with his comments, particularly related to the right-of-way and access. Commissioner Hontz reiterated her previous questions, and

noted that she was not looking for answers this evening. She preferred to have the answers in writing and an analysis done by the applicant as part of the actual application.

Commissioner Hontz noted that the first two questions related to the actual status of the Echo Spur Road in terms of its relationship and dedication to the City. Her question was reflected in the December 12<sup>th</sup> minutes included on pages 158 and 159 of the Staff report. Commissioner Hontz wanted to see some discussion on what could be done about Third Street and making sure it never becomes an access point. She believed those were discussions for the City. Also on page 159, the minutes reflected her request for a traffic study. She had concerns that the assumed density shown in the configuration and the standard 12 vehicle trips per trips per day would results in over 108 vehicle trips on that street. The Commissioners had a discussion about substandard and unsafe streets, and as noted by the City Engineer as reflected on pages 159 and 183, Ontario is a substandard street and Rossi Hill can be unsafe in the winter. Commissioner Hontz hoped that the entire Planning Commission would support moving forward with a traffic analysis by a licensed traffic engineer that addresses the concerns of turning radius, amount of traffic, especially in winter, and whether this site could actually support that based on what it would take to get there.

Commissioner Hontz referred to the minutes of January 9<sup>th</sup> on page 183 of the Staff report where she talks about the stairs, vacating the right-of-way and taking access off of McHenry. She deferred to Commissioner Wintzer's comments and concurred with his points.

Commissioner Wintzer remarked that at one time the applicant had talked about phasing the parking structure, which the Planning Commission opposed because they did not want reliance on the next owner to build the next phase. He understood phasing the houses above the parking but he was still opposed to phasing the parking structure itself.

Chair Worel referred to the minutes of January 9<sup>th</sup> on page 185 of the Staff report and the comment that the next step would be to involve the neighborhood. She asked if that step had occurred to involve the neighbors. Mr. Kelleher stated that the only contacts he has are people on Ontario and some of the residents at Silver Point. He tried to call a meeting over the Christmas holidays. Another meeting was scheduled for tomorrow, following this meeting, in an effort to get all the neighbors together for informal dialogue. Mr. Kelleher stated that no one was able to attend either meeting. He has been talking with Ernie Campo, the president of the HOA above this project. He believed the email from Mr. Campo indicated that they have had good dialogue. Mr. Kelleher pointed out that the applicant was trying to work out some of the issues with the neighbors.

Planner Astorga stated that neighborhood involvement was the reason for scheduling a public hearing this evening. Planner Astorga reported that he has received phone calls from Ernie Campo, Bill Tew, and others who were unable to attend this evening. They were communicating with Mr. Kelleher as well the Staff.

Commissioner Gross commented on the inability to park on the street and a previous discussion regarding visitor parking. He believed that currently they did not have a good understanding of where visitors would park. Commissioner Gross asked about snow removal for the street and where the snow would be pushed to. Mr. Kelleher replied that the plan is to have flat roofs on the homes and capture the snow melt. The plan for street snow removal is to push the snow down to the end

by the retaining walls. Commissioner Gross suggested that some of the existing owners in that location would be opposed to that plan.

Director Eddington understood that the road was built with that plan in mind and it would accommodate snow storage. Commissioner Wintzer commented on the problems that have occurred and he thought the plan should be reconfigured.

Commissioner Savage echoed the comments about responding to the questions raised at two previous meetings. He also thought a site visit would be beneficial the next time this item is scheduled before the Planning Commission. It would be helpful and appropriate to talk through some of the issues on location.

Commissioner Strachan recalled from a previous discussion that one of the "gives" to the City was contribution of some portion of the sales proceeds to the Park City Foundation. He pointed out that it was a benefit to the Park City Foundation but not the City. It would also be tax deductible for the applicant. Commissioner Strachan was not sure that could be portrayed as a "give". It also puts the Planning Commission in the position of showing favoritism to the Park City Foundation over a number of other non-profits that could use the contribution just as much, if not more. Commissioner Strachan recommended that the applicant rethink that position. Mr. Kelleher clarified that the thought was do offer a benefit that was more community-wide instead of specifically for the government. He would think it. Mr. Kelleher pointed out that the Park City Foundation disperses money to various charities. Commissioner Strachan was familiar with the organization, but he still thought it showed favoritism over other non-profits. Commissioner Wintzer noted that the determination is made by the City Council. He agreed with Commissioner Strachan, but the decision is not made by the Planning Commission.

Mr. Kelleher thanked the Planning Commission for their feedback. They would use their comments to move this project in the right direction. Mr. Kelleher commented on the sustainability elements. He noted that they recently commissioned Heliocentric to construct a model incorporating solar elements that would generate electricity at or close to current Rocky Mountain Power rates, and would share the energy between the entire neighborhood. Mr. Kelleher provided a handout from Heliocentric and requested feedback from the Planning Commission at the next meeting. Commissioner Wintzer noted that a geo-thermal heating system does not work with single family house. However, with the common parking structure it might be possible to utilize geo-thermal heating. He believed this was an opportunity to tie the entire neighborhood together.

Chair Worel opened the public hearing.

Ruth Meintsma a resident at 305 Woodside, heard from their comments that the Planning Commission favors the underground parking but they are concerned about setting precedent. She showed how another developer could possibly do the same thing at the 315 subdivision that the Commissioners reviewed two weeks ago. In that situation there was a lot and a half on Park Avenue and two lots in conjunction on Woodside. She stated that if the developer decided to do underground parking in that situation where the access was on Park Avenue, the two lots on Woodside would have no garages on the street level. They would have living space and no driveways. It would take those driveways and the cars off the streets. Ms. Meintsma stated that a

driveway on the street, particularly on the downhill side of Woodside and other steep streets, cuts off humanity. There is no living space there. People do not have cocktails or barbeque in their driveway. It cuts off complete interaction with people on those downhill lots. Ms. Meintsma stated that if the two Woodside lots were developed without driveways because the access was on Park Avenue and underground, it would be a completely different neighborhood. There would be living space on the upper level where there is usually a garage, so it would be valuable to the structures themselves. It would also enhance the neighborhood to have decks or some type of outside living on the upper level. Ms. Meintsma remarked that if a developer wanted to replicate underground parking for this project, she believed it would be a positive benefit. However, one drawback would be traffic on Park Avenue and that would have to be addressed.

Ms. Meintsma commented on the discussion regarding across valley views. She has seen the across valley view taken so many times where an architect would present the view that was more advantageous to what he was creating instead of showing the greatest impact. Ms. Meintsma thought the across valley view should specifically say, "Where the view of the proposed structure has the greatest impact or where the proposed structure is most visible."

Brooks Jacobson, stated that he purchased his home on Ontario Avenue a long time ago and he has spent several years living there. Mr. Jacobson disagreed with the vacation of Fourth Street. Open space in Old Town is important and it keeps getting tighter and tighter. The remaining areas should be protected. He was generally in favor of the proposed development; recognizing it needed to be tweaked. Mr. Jacobson stated that Ontario Avenue was one of the most subpar streets in town. Putting additional traffic down Ontario should be avoided at all costs. In looking at the development and assuming that the underground parking is accessed off of McHenry, he asked if there was a way that the new McHenry could entice vehicles to go down Rossi Hill towards Deer Valley Drive. He felt that was better than allowing those 9 homes plus the other three at the end to head down the old rail cut and make the turn onto Ontario Avenue. Mr. Jacobson stated that he has no parking for his home at 416 Ontario Avenue. It is a beautiful, Old town look; but at some point he is going to need parking. He asked about the possibility for him and two neighbors to have three available parking in the underground structure for this development.

Jack Fenton a resident on Ontario, supports the project and he likes various aspects of the proposal. He concurred with the comments about keeping Fourth Street. Giving away any land for a small low income apartment only benefits one individual who might bring one additional car and two dogs. A small one-bedroom apartment would not benefit the City as a whole, and the open space is far more valuable. Mr. Fenton thought the idea of moving traffic down Rossi Hill drive instead of Ontario Avenue is a great idea. As he looks at the rendering of the development, if the access came out at the corner of Rossi Hill Drive and McHenry or Echo Spur, Rossi Hill would be the thing you would see through your windshield. The street is narrow and it would be difficult to make a hard right-hand turn and head towards Ontario Avenue. He believed the natural flow of traffic would be to place the access where cars would come out and head down Rossi Hill Drive. Mr. Fenton believed Mr. Kelleher was heading in the right direction with his development concept.

Mary Wintzer, a resident at 320 McHenry, concurred with the sentiments regarding the vacation of Fourth Street because open space is important in Old Town. If the Commissioners decide to encourage the traffic down Rossi Hill, she asked that they think ahead and consider the very

dangerous hairpin turn. She suggested that they talk to the City Engineer about widening that turn or doing something to make it safer, particularly if there would be additional traffic using that road. Ms. Wintzer emphasized the importance of making sure the development provides visitor parking. She could easily see that people would park where McHenry meets Rossi Hill drive and walk up to the development. Ms. Wintzer encouraged the Planning Commission to give careful consideration to the roads to avoid traffic jams and parking issues. They also need to consider issues related to plowing.

Chair Worel closed the public hearing.

Planner Astorga recommended that the Planning Commission continue this item to a date uncertain to allow the Staff and the applicant time to respond to the items outlined in the discussion this evening.

MOTION: Commissioner Strachan moved to CONTINUE the plat amendment application on 496 McHenry to a date uncertain. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission adjourned the regular meeting and moved into Work Session. That discussion can be found in the Work Session Minutes dated February 27, 2013.

The Park City Planning Commission meeting adjourned at 9:40 p.m.

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