

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 27, 2014

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

=====

REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

August 13, 2014

MOTION: Commissioner Phillips moved to APPROVE the minutes of August 13, 2014 as written. Commissioner Campbell seconded the motion.

VOTE: The motion passed. Commissioners Strachan and Joyce abstained since they were absent from the August 13th meeting.

PUBLIC INPUT

Mary Wintzer, a resident at 320 McHenry stated that she is part owner of the Iron Horse District, one of the two largest stakeholders in the BoPa area. Ms. Wintzer noted that she had to leave town after the special meeting on August 6th and this was the first opportunity she had to publicly thank the Planning Commission for the thoughtful questions they asked regarding the Bonanza Park Plan. She has been asking those same questions for three years. Ms. Wintzer believed much of the process has been lacking. She called her partners, the Wolf Family, who own the Sports Authority building, and they said they have never received notification about Bonanza. Ms. Wintzer remarked that by typing in Bonanza Park Redevelopment on YouTube you can see the very first presentation that

Mark Fischer put on in 2010. She thought it would be a good spring board for the new Commissioners to understand the genesis of the plan and how it started.

Ms. Wintzer noted that the LMC states that the purpose of the Planning Commission is to act as a non-political long-range planning body for the City. She commended the Commissioners for carrying out that role at the special meeting and for not yielding to the pressure from the consultants. The citizens depend on the Planning Commission as part of a check and balance system and it gives the citizens a second set of ears so they might be heard. As a citizen, Ms. Wintzer was grateful that all the Commissioners wanted to have a thorough understanding before the Plan is passed. It is important to achieve the very best plan possible because it will impact this community as no other project has done. Ms. Wintzer thanked the Commissioners for their time and for serving on the Planning Commission.

Russ Coburn, the managing partner of Jan's and White Pine stated that he was previously a banker in the community with Silver King State Bank. Mr. Coburn stated that he had not been notified about BoPa at all. After spending the last 18 months refinancing the Park Avenue Building with an SBA loan, as well as being a past SBA officer, he was certain that it would be impossible for people in this community to obtain loans for that area.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington recalled a previous discussion regarding drop box. That conversation occurred prior to the Commissioners having iPads, and he wanted to know if the Commissioners would prefer to download the packet from drop box.

Commissioner Joyce thought drop box would be a little easier, but he did not want to create additional work for the Staff. Commissioner Strachan suggested that the Staff could put a drop box link in the email for the Commissioners who wanted to use drop box. Director Eddington stated that going forward the Staff report packet would be available online and in the drop box.

Commissioner Strachan wanted to know why Jan's and the Wolf's were not noticed on BoPa. Director Eddington was unsure. He noted that when they started the formal outreach 18 months ago they noticed every property owner on the Summit County property tax website. If someone is part of an HOA or a condo complex the notice sometimes goes to the President of the HOA or the building contact person. That is one reason why notices are not received. Commissioner Strachan thought a larger problem was that Scott Polite, the consultant, specifically said that they had reached out to all the businesses. He noted that the Wolf property and Jan's are two prominent buildings. Director Eddington would

follow through to see why they were not on the property tax list. However, aside from the property tax list the Planning Department also utilized e-notify and every email address from every public hearing.

Commissioner Strachan thought the property owners in that realm would benefit more by a personal visit or a phone call, as opposed to electronic notifications.

Commissioner Stuart stated that these were major stakeholders. Anything less than a phone calls to help people understand what could happen with their property was an inadequate effort. Chair Worel concurred.

Commissioner Strachan remarked that if the stakeholders are not adequately informed they could start expressing their anger, which would delay the time line for finishing Form Based Code.

Chair Worel noted that her concern throughout the entire process was that the major stakeholders have not been at the table. She did not want it to be a big surprise when a plan is suddenly approved. She thought the special meeting regarding Form Based Code on September 16 would be a good time to redo the notifications and make sure everyone is included.

Director Eddington reminded the Planning Commission of the special meeting on Tuesday, September 16th at 5:30. Commissioner Joyce stated that he was unable to attend that meeting.

WORK SESSION

Discussion regarding shoring and remediation bonds

Director Eddington reported that the during the discussion on the application for 166 Ridge Avenue the Planning Commission had raised issues regarding bonds and whether or not they should be required on Steep Slopes. George Reid with the Building Department was here this evening to explain the current process of how bonding and shoring plans are carried out through the Building Department.

Assistant City Attorney McLean noted that two issues were raised by the Planning Commission during the 166 Ridge Avenue discussion. The first had to do with construction mitigation and how the Building Department protects the community when building occurs on very steep slopes. The second issued related to remediation bonds and whether or not it was appropriate when construction required cuts in large slopes.

George Reid provided a brief overview of how the steep cuts and other issues are addressed. He stated that shoring plans are required as part of the permitting process if it exceeds a 2:1 slope. That also applies to cuts close to an adjoining property line. The shoring plans must be designed by a geo-technical engineer. If the plans are not satisfactory to the Building Department they are sent back as many times as necessary until the Building Department has a satisfactory shoring plan that ensures that there will not be slippage during construction. The shoring plan is then addressed in the geo-technical report. The Building Department also requires grading and ground cover with 80% germination to make sure there is vegetation to retain the soil. Mr. Reid stated that every project must submit a Construction Mitigation Plan, unless the project is minor in scope such as a small addition or remodel. Erosion control is addressed in the mitigation plan.

Mr. Reid provided the Commissioners with a copy of the mitigation requirements.

Commissioner Strachan asked what the Building Department looks for in a shoring plan. Mr. Reid stated that the process is to go over the engineering to make sure that safety factors are in place and that the shoring would actually work. Each site is different and each shoring plan is site specific. The Building Department makes sure the plan meets all the Code requirements.

Commissioner Strachan asked if the Building Department has ever seen a shoring plan fail. Mr. Reid stated that none have failed to the point of causing any issues. There is always some potential for slight failure; but almost every plan requires observation by the geo-technical engineer. As soon as a slight failure occurs, the geo-technical engineer is called onto the job site and the issue is immediately addressed. Mr. Reid stated that because the soil in Park City is so Rocky, it is conducive to holding the soil in place without any measures, but a shoring plan is still required for certain situations.

Mr. Reid stated that soils reports are required any time they see a 2:1 slope. He commented on situations that would trigger a soils report. He noted that Environmental also gets involved in those situations.

Commissioner Strachan asked if the Building Departments checks the shoring plans for legitimacy. Mr. Reid stated that for the most part the shoring plans submitted is decent plans. Typically, it is the same entity submitting shoring plans. They are familiar with the area and the contractors use the same engineer. They are highly-recommended and the issues are minimal.

Commissioner Stuart stated that since his time on the Planning Commission the Commissioners have seen three situations. One was the Roundabout subdivision, which was an extremely tall excavation. It was a total of 43' but it stepped back 10' at one point;

and it comes very close to adjacent properties at the top end of the cut. Commissioner Stuart noted that the concern was potential sliding and impacts to the adjacent properties at the top of the slope, as well as hazards on the job site. Another situation was less tall but very close to a road right-of-way and has an existing structure on the property. The neighboring property owner attended the public hearing and expressed concern about dirt and rocks potentially falling on to his property. Commissioner Stuart stated that the third situation was the Ridge subdivision application. There is a very large distance from the actual construction site down to the properties along Daly Avenue. Those neighbors were concerned about boulders running down the hill and demolishing their property.

Commissioner Stuart agreed that the shoring plan could address some of the impacts, but in some cases, in addition to the shoring plan, he thought it might be appropriate to have something at the bottom to stop falling rocks. Commissioner Stuart asked if the Building Department has ever considered that. Mr. Reid replied that chain link fencing is used to retain soil, but they have not considered what Commissioner Stuart suggested. Mr. Reid clarified that a subdivision is regulated through the Engineering Department. The Building Department does not get involved with subdivisions until individual lots are ready for construction. He could not speak to the subdivision, but for individual projects the Building Department addresses those issues in the shoring plan to make sure there would be no falling debris. That intent is to avoid that at all cost. The Building Department controls the erosion and falling rocks is some form of erosion, but not to the extent of boulders. Mr. Reid remarked that the shoring plan should address any concerns regarding falling debris.

Commissioner Joyce recalled that another concern raised by the Planning Commission was the fact that the only bond required was the 75 cents per square foot for reseeding. He pointed out that if someone makes a steep cut and for whatever reason walks away from the project and leaves the cut intact, 75 cents per square foot is not enough to cover the cut. Commissioner Joyce asked if any other type of bonding would be a helpful tool to protect against this type of situation.

Mr. Reid stated that he and the Building Official have had that discussion over the past few days and it was something they needed to look into. He agreed that 75 cents per square foot was insignificant. Mr. Reid remarked that he and the Building Official discussed setting up a remediation fund for the rare occasions when the City has to go in and mitigate the site. They believed that might be a better option than requiring a bond for every project where site remediation is not an issue. Another option would be to raise the bond amount. Mr. Reid stated that the discussion was ongoing and no decisions have been made.

Commissioner Stuart remarked that Commissioner Strachan had made a good point several meetings ago when he said they were done with the easy sites and only the difficult sites were left. Commissioner Stuart believed that the usual process going forward was

no longer adequate. The 75 cent per square foot bond to remediate the site was not enough, and consideration should be given to falling debris on very steep sites and how it might affect the adjacent properties.

Chair Worel asked if the Building Department has the authority to increase the bond amount. Assistant City Attorney McLean stated that it was in the Construction Mitigation Section of the Municipal Code. Changing the amount or placing it within the Building Department's purview would require a Code change. Ms. McLean asked Mr. Reid if he thought there should be an additional bond for steep slopes. She also asked for the number of times the City has had to remediate a site.

Mr. Reid stated that in terms of proceeding with the status quo, safeguards are built-in within the International Building Code. The Code requires that adjacent properties, pedestrians, vehicle traffic, etc. must be protected. If the Building Department feels there is a particular concern, they can enact that section of the Code and require some form of barrier to protect from falling debris.

Mr. Reid stated that professionally he would not recommend a bond specifically for steep slopes. Placing a bond on a steep slope that requires engineers and other professionals to be closely involved opens the door for less diligence in getting it right because funds are in place in case it fails.

In terms of addressing abandoned sites, Mr. Reid noted that the Building Department currently requires all fees to be paid upfront whenever excavation or building permits are pulled. He believed that would mitigate a lot of the issues that were present in the last recession. Mr. Reid recalled three or four sites last year that had to be remediated. The City rarely has to remediate an abandoned site that requires re-vegetation.

Commissioner Strachan noted that Mr. Reid had mentioned a remediation fund. He asked how that would be funded. Mr. Reid replied that the idea was still in the preliminary stages of discussion. He was unsure how it would work logistically.

Chair Worel asked if there was anything the Planning Commission could do to help the Building Department from the standpoint of conditions of approval on steep slopes. Mr. Reid stated that as long as the Building Department is aware of their concerns they would make sure all the issues are addressed. Voicing their concerns was the best way to help them do a better job. Chair Worel thanked Mr. Reid and the Building Department for already doing their job well.

Commissioner Phillips asked if it would make a difference if the Planning Commission added a condition of approval requiring a barrier to protect neighboring homes from rolling

rocks. Mr. Reid replied that the Building Department would most likely require a barrier in the shoring plan to be designed to protect from rolling debris. He noted that the geo-tech would look at the size of the material and make an engineering judgment.

Assistant City Attorney asked if Mr. Reid thought Code changes should be made from the Building Department standpoint to deal with building on steep slopes. Mr. Reid could not think of any changes that would benefit the Building Department. He believed the instruments already in place were working well.

Commissioner Stuard hoped Mr. Reid was right. That by having this discussion the Building Department would be extra diligent on steep slope permits and use the provisions in the IBC when necessary. He also encouraged the Building Department to incorporate barriers designed by a geo-tech when appropriate.

900 Round Valley Drive Park City Medical Center/IHC MPD Amendment and Conditional Use Permit for Phase two (2)

Chair Worel disclosed that her office is located within the People's Health Clinic on the IHC campus. She did not believe it would affect her decision if she needed to vote this evening.

Morgan Bush stated that he was the original project manager when the hospital was built in Park City. He was still part of the project team for Phase 2. Mr. Bush introduced Cy Hut, the Hospital Administrator at Park City Medical Center; Dan Kohler, the Director of Facilities for Intermountain Health Care; and Steve Kelly, the project manager for Phase 2.

Planner Whetstone noted that the Staff report contained the Staff analysis and questions for discussion. She stated that it was always anticipated that the hospital would have several phases. This was the second phase and the applicants were proposing to change how they approach the phasing. The proposed change would impact some of the parking phasing, the affordable housing and the uses.

Planner Whetstone reported that the application for the conditional use permit was for an addition to the hospital building for 82,000 square feet of medical support. The second phase was originally going to be more hospital and the support was going to be in the next phase on Lots 6 and 8 of the subdivision plat. The applicants had prepared a presentation that would go into more detail on what they were requesting. Planner Whetstone noted that there would be additional square footage for hospital uses, but Phase 2 would be medical support.

Planner Whetstone outlined two amendments to the MPD. The first is to shift the density allocated on Lots 6 and 8 of the plat to Lot 1, which is the hospital, as shown on Exhibit K in the Staff report. Planner Whetstone noted that the Planning Commission looked at three options in February. The applicant eventually chose Option A, which was an option supported by the Planning Commission. Option A was slightly modified after they worked more with the details. Planner Whetstone reviewed the site plan. She indicated Lot 3, which was the USSA Center for Excellence; Lot 10, the People's Health Clinic and Summit County Health Department Building; and Lot 8, which is currently vacant and has a density of 25,000 square feet of medical support. Lot 7 was the Physicians Holding medical office building. Lot 6 was the other vacant lot that had 25,000 square feet of medical support. Lot 1 was the hospital.

Planner Whetstone stated that the second request related to what would be built in the Second Phase.

Planner Whetstone reviewed the issues for discussion on page 69 of the Staff report.

Mr. Bush stated that the MPD amendment requests moving the density, accelerating the density that would be shifted from Lot 8 and moving up the timing of that density, getting clarification on the affordable housing and the timing of that, parking, and the building height exception. Mr. Bush commented on another request that was omitted from the Staff report. He explained that the architect had identified an opportunity to do additional excavation for storage. The question was whether or not that would be permitted and if it would have to be incorporated within the density allocation. Mr. Bush stated that the intent this evening was to get clarification on the questions raised by the Staff before coming forward with the final proposal for consideration and action by the Planning Commission.

Mr. Bush stated that there was an additional item of information on the affordable housing, but he felt it would be better to address it when they discuss that question. Mr. Bush stated that when they did the ground lease with Summit County, the County assumed the affordable housing obligation for Lot 10. In talking about IHC's future density, the 5.83 unit equivalents were no longer part of their long term obligation. Commissioner Strachan asked where the County intended to put the affordable housing units. Mr. Bush replied that IHC has been in discussions with Summit County and the Peace House about potentially doing something on the IHC site. The discussions are very preliminary but it may be part of what IHC and the County chooses to do to help address affordable housing. There was nothing definitive at this point.

Commissioner Strachan stated that if hypothetically the County decided to put the units right next to the hospital, he wanted to know if that would change the analysis of where the units being discussed this evening should go. Mr. Bush stated that their desire, and he

believed the desire of the City Council, has always been that an institutional type affordable housing solution would make sense on this campus. The problem is that the campus is not good for residential per se, which is why the hospital's affordable housing obligation was incorporated into the Park City Heights subdivision. Mr. Bush remarked that IHC's preference would be to stay consistent with that principle. They were open to affordable housing that is more institutional in nature and would tie with the campus, but they did not envision individual family homes being appropriate on the campus.

Commissioner Strachan understood that one of the issues in the proposal being discussed this evening was whether or not to put that affordable housing on the campus. Mr. Bush explained that when the hospital was originally built, as part of the annexation agreement the Burbidge's, who sold them the property, developed a plan with the City to provide 44.78 units of affordable housing to cover the hospital's affordable housing obligation at full build-out. At the time the medical support was not part of that plan. However, they decided that as long as the hospital is not fully built out, the excess affordable housing from the hospital covers the medical support until the total exceeds 44.78. Mr. Bush calculated that this project when built, in combination with the amount of hospital that is built out, would be 44.1 unit equivalents; slightly under 44.78.

Mr. Bush stated that the question raised by Staff was, as they amend the MPD is it appropriate for both Intermountain Health Care and the City to document how and when the next affordable housing needs to be done before any more construction can occur. Commissioner Strachan believed the how was also part of the where. Mr. Bush replied that it was all open for discussion. He remarked that the intent is to amend the MPD so they all have a clear understanding of how to proceed going forward.

Planner Whetstone suggested that they use the phasing plan that was part of the MPD approved in 2007 as the guiding document because it talks about parking and affordable housing. It would show the changes proposed with the requested amendment. Planner Whetstone noted that the MPD always allowed 300,000 for hospital uses and an additional 50,000 square feet of support of the total 150,000 square feet of support for this MPD. The MPD said that 50,000 square feet of that could be on the hospital and they have completed 18,000 square feet. Planner Whetstone remarked that 25,000 square feet and another 25,000 square feet were built with the MOB and the Public Health. There are still two vacant lots for the remainder of the 50,000 and they would like to put that on the hospital. She pointed out that the acceleration would change the phasing. Planner Whetstone stated that the Staff would like to see a new phasing plan showing how they were bringing in hospital support.

Planner Whetstone outlined the calculated affordable housing units. She would prepare a clear diagram of the affordable housing for the next meeting. She was looking for direction

from the Planning Commission on whether the 44.78 affordable housing units would cover the next phase, even though the phasing plan specified that it was for building the 300,000 square foot hospital.

Commissioner Strachan clarified that the question in the Staff report was whether affordable housing should go on Lots 6 and 8. He stated that “where” is always the key question with affordable housing.

Commissioner Joyce stated that institutional or not, in his opinion it would be a terrible place to live. He had visited the site and tried to imagine what it would like living next to a hospital, office buildings and sports parks, without any conveniences or services or the feel of living in a neighborhood.

Commissioner Campbell thought it might be appropriate for Peace House or something similar where people would live there for a few weeks or months. Commissioner Campbell stated that affordable housing is always talked about but it never seems to materialize. If there are affordable housing requirements for this phase he would like it to be on a strict timetable.

Commissioner Stuard stated that if the density is transferred from Lots 6 and 8 on to Lot 1, and there will be no affordable housing on Lots 6 and 8, he wanted to know what the proposed use would be for Lots 6 and 8 in the future. Mr. Bush replied that currently the lots would be left vacant. He explained that the CT zone allows up to three units of density per acre. In the future they could potentially request a separate amendment to have up to 50,000 square feet of medical support go back on to those sites. Mr. Bush stated that the intention is to keep the campus medical, health, health education, wellness and like uses. To qualify they must keep 80% of the site. The only viable option he could see would be to put the same density back on Lots 6 and 8.

Commissioner Stuard thought it would be better to request an amendment to add 50,000 square feet to Lot 1 now and leave Lots 6 and 8 as is. Mr. Bush replied that medical offices attached to hospitals tend to be more patient friendly. Assumptions were done when they did the original campus, but they are now finding that more physicians would rather be housed in buildings that are physically attached to the hospital. There may be a need in the future for an additional 50,000 square feet of medical support, but that is not for sure. Rather than trying to guess for the future, they preferred to work with the density they know they need now and follow the same process if additional density becomes necessary.

Planner Whetstone asked what Mr. Bush anticipated as a future timeline. Mr. Bush was hesitant to predict a timeline because the growth to date has been faster than what was originally anticipated, which is why they were requesting this amendment.

Commissioner Phillips agreed with the comments made by Commissioner Joyce. He also liked the clustering of the buildings and making it convenient for the patients.

Commissioner Strachan asked if there was enough capacity in Park City Heights for the remaining affordable housing units. Planner Whetstone stated that the City was constructing affordable housing units in Park City Heights but she was unsure of the details. Commissioner Strachan remarked that the balance between affordable housing and non-affordable housing in Park City Heights was argued and debated for years. The intent was to strike the appropriate balance so it would not be exclusively an affordable housing development. He was concerned that if they put more of the affordable housing allocated to this campus into Park City Heights it would disrupt the balance. Commissioner Strachan agreed with Commissioner Joyce but he was unsure how they could keep that balance in place and at the same time tell IHC that space needs to be set aside for affordable housing. He concurred with Commissioner Campbell that the Planning Commissioner needed to tell the applicant where affordable housing should go and specify a timeline. Commissioner Strachan believed the Planning Commission needed to revisit the balances in Park City Heights to make sure that the additional units from Lots 6 and 8 would not disrupt the balance. If the units can go in Park City Heights then the problem is solved. If not, then it becomes a bigger problem and they would need to look for alternative places. If there are no alternatives, the question is what affordable uses the applicant would be comfortable with on Lots 6 and 8.

Mr. Bush stated that from the applicant's standpoint, they have enough affordable housing to cover the current proposal. What they need is to agree on a direction for affordable housing in the MPD amendment. Mr. Bush felt it was less critical to have all the answers and more critical to have some direction.

Commissioner Strachan stated that the applicant needed to work with the Staff on how to divide up the 48 units. Once they determine where to put the units, the Planning Commission could give direction on how to phase them.

Commissioner Campbell requested informal consensus on whether or not the Commissioners could support the density transfer. He thought they needed to be sensitive to the expense incurred by the applicant. He personally supported the shift from Lots 6 and 8 into Lot 1. The hospital is a good neighbor and he thought they should be supported.

Commissioner Strachan was comfortable moving the density to Lot 1.

Mr. Bush stated that after receiving the same direction from the Planning Commission last year, IHC hired their architect VCBO to design the 82,000 square foot building that would be attached to the hospital. The intent was to create a building consistent with the campus.

Commissioner Strachan asked if the building height discussion was incorporated in the presentation this evening. Mr. Bush explained that when the CT zone was created, the height restriction in the CT did not work for the hospital. Exceptions were necessary because for various reasons the ceiling to floor height for a hospital is different than a traditional building. They were requesting that the same exception be granted for this addition. Mr. Bush clarified that the intent was not to build a taller building with more stories above grade. The purpose was to make it look like it was part of the same building. Commissioner Strachan understood that they were not asking for any additional height beyond the height of the current hospital building. Mr. Bush replied that this was correct.

Tanya Davis and Dan Simpson, the project architects, gave a power point presentation. Ms. Davis indicated the three stories of the hospital and the three stories of the proposed addition. Currently there are three levels above grade. The applicants were proposing two levels above grade and one level below grade. It would still be a three-story building and it would not exceed the height on the site. However, it allows them to line up the floor plates for the first and second floor, and bring in an education center that has a ground level entry. She pointed out that the site slopes away at that point approximately 16-feet, which allows them to build into the natural curve of the slope and get an extra story without increasing the height.

Chair Worel asked for the location of the storage area that was referenced earlier. Ms. Davis reviewed a slide showing the basement plan of the education center. She indicated a large room that could be divided into three components. She noted that the floor plan was shown in black and white. The gray color identified the unexcavated area around the building. The yellow color was a proposed possibility that could be used for storage. It would have no egress and it would never be occupied. The storage area would be completely under finished grade. Mr. Kohler, Facilities Director for IHC, noted that the level shown was one level below the main level of the current hospital.

Ms. Davis reviewed the site plan and noted that the light red color was the existing hospital. The new proposed addition was shown in darker red. She indicated the proposed parking around the site to support that addition and how it relates to the ring road and the area of disturbance outlined by the MPD amendment. Mr. Simpson pointed out that the building

would not look any different regardless of whether or not the storage space was built. Ms. Davis noted that the new addition has two entry points.

Ms. Davis reviewed the parking plan showing the different parking areas for specific uses, as well as overflow and staff parking. She clarified that the parking needs for the proposed addition was patient parking driven. Planner Whetstone suggested that the applicants provide a site plan detailing the access from the parking lots to the buildings.

Ms. Davis commented on screening. The applicant would like to put a berm around the edge of the parking on the back side to help screen the parking along that side. Careful attention was given to that side of the building because that view is seen from the entire transportation corridor. Planner Whetstone asked about the location of the future structured parking. Ms. Davis stated that when the actual hospital expansion occurs in the future, increased staff needs would drive the need for increased parking and a parking structure would be appropriate at that point.

Commissioner Joyce stated that in looking at the notes and minutes from the original MPD, there was significant discussion regarding the parking and visibility. From his reading there was a push to consolidate parking to avoid the look of asphalt paved parking everywhere on the site. In the end it was decided that 63% of the parking spaces was supposed to be structured. Commissioner Joyce felt this parking plan clearly builds out the rest of the unstructured parking. He noted that a lot of thought and discussion went into the parking issue as part of the MPD process, but they appeared to be deviating in the second phase by dropping the percentage of structured parking to 14% and building more surface parking. Even with the proposed berm, parking around the side of the new addition and around the back side is very visible from everywhere and there is no way to hide it. Commissioner Joyce believed there would be a lot more visible parking than what was envisioned when the MPD was approved.

Mr. Bush stated that when the original phasing was done, the intention was for the parking structure to be a single major project and tie it with the hospital expansion. As this project is still medical support, they wanted to keep the surface parking. They were seeing more surface parking because the parking from Lots 6 and 8 was being moved to Lot 1. Mr. Bush remarked that the phasing plan has always been to delay the structured parking and build it with the bigger hospital expansion.

Commissioner Joyce stated that the fundamental concept with the agreement of the MPD was to build structured parking to keep from having sprawling parking lots. In his opinion that concept still made sense independent of what uses go on Lots 6 and 8. Commissioner Joyce believed that the more they start consolidating into one spot the more they have to put parking lots further and further away from the buildings. He remarked that

the goal was to have 60% structure parking. They are reaching the point where 86% is unstructured and 14% is structured, which tells him that the parking is way out of whack from the 60% envisioned in the original MPD.

Commissioner Stuard thought it was the ring road and the quality around the ring road that ultimately defines this campus. Whether there is surface parking or structured parking between the ring road and the building would not make much difference. If the parking structure is located within the ring road, it might be more visible from the freeway than surface parking. Commissioner Stuard was more concerned about the quality of the landscape buffer along the ring road in terms of screening whatever type of parking ends up being there.

Commissioner Campbell had hoped they would not get into this kind of detail this evening. Secondly, he agreed with Commissioner Joyce about the level of detail that the previous Planning Commissions went through in the original MPD process. He was not opposed to changing what was done, but there needs to be good reason to do it.

Commissioner Strachan concurred. He also thought there should be more of a pronounced entrance off the back because of the amount of parking in that location. Commissioner Strachan suggested that the applicants look at the concept of a dual entrance.

Commissioner Phillips thought the lower parking in the front ties in with what already exists, and it is a better location for the new area. He could understand why that was being built now. Commissioner Phillips agreed with Commissioner Strachan regarding the entrance.

Commissioner Strachan commented on the parking ratio. He is always open to re-visiting the ratio of four spaces per 1,000 feet, but that is often business driven and it depends on the kind of business. He asked if the applicants believed they would need more or less parking.

Mr. Kohler replied that they typically use four spaces per 1,000 as a guideline for their facilities. Some of their facilities are able to accommodate less parking. They do not see a need for obtaining more. Mr. Kohler stated that especially in this case, if parking is an issue they would obviously entertain less of a requirement per 1,000 to reduce some of the parking, particularly on the back side. Commissioner Strachan thought it was better to mitigate the impact of the surface parking.

Commissioner Joyce had driven by the hospital around 3:00 p.m. and the lot was approximately 70% full. Commissioner Strachan stated that he has seen the lot full, but

the back structured parking is always empty. There is ample parking but people do not always know where to find it.

Chair Worel asked for the percentage of usage as currently built. Mr. Bush stated that it depends on the time of year. During the winter and in July and August it could be 80% to 90% full during the daytime hours. Chair Worel clarified that it was not way overbuilt. Mr. Bush replied that it was not way overbuilt for peak times. However, during the slow times of the year the lot might only be 40% full.

Planner Whetstone understood that the parking for this next phase was necessary for what was being proposed. However, if there was an area where parking could be reduced until there was a demand, she wanted to know how they would phase that. Mr. Kohler identified an area they would look at to reduce the parking. If they could cut that and still accommodate the parking requirements it would lessen the impact and visibility because the other parking is tiered and can be landscaped. Mr. Kohler pointed out that as it extends out over the crown of the hill it becomes more and more visible, which is why they were proposing to screen it with berming. If they could remove 40 stalls from that location and still satisfy the City's requirements, it would also satisfy the hospital's needs.

Planner Whetstone thought it would be helpful to have that analysis. The Commissioners concurred. Commissioner Strachan suggested a happy medium where some of the structured parking and some of the surface parking was built in an early phase. Commissioner Stuard suggested that they make sure the existing structured parking is being used thoroughly before they build more surface parking.

On the building height issue, the Commissioners concurred that the addition should have the same height as the existing building. The Commissioners were comfortable with the subgrade storage as proposed. All the Commissioners supported moving the 50,000 square feet of medical support offices from Lots 6 and 8 to Lot 1.

Regarding trails, Planner Whetstone commented on the community trail that goes out to the Silver Summit area. The trail is paved. Mr. Bush stated that there is a continuous trail from the north end of the campus all the way to the south and connecting into the trails system on the rec property. Chair Worel asked if the trail connects over to the NAC. Commissioner Strachan stated that it did not connect to the NAC but it should.

Mr. Bush explained that IHC had originally agreed to put the trail all the way through. However, when the trail was paved from the rec property up to the hospital, it had a dirt trail the rest of the way. They eventually partnered with the City to pave the rest of the trail so it was all connected. As they developed the site the idea was to have their campus link with the recreation campus and the trails system. It was also consistent with the Wellness

approach at the hospital. Planner Whetstone would speak with the trails people to see what was planned in the trails master plan in terms of providing additional connections to this property. She would provide a better exhibit and prepare an analysis for the next meeting.

Mr. Bush recalled from the MPD discussions that the bigger concern was walking on the campus from the parking to the building rather than to the trail per se. He believed it goes back to the site plan discussion that the architect needed to have for the next meeting.

REGULAR AGENDA – Discussion, public hearing, action.

**1. St. Regis Club Conditional Use Permit – One (1) Year Review
(Application PL-11-01189)**

Planner Kirsten Whetstone reported that the Deer Crest Amenity Club at the St. Regis was approved by the Planning Commission through a conditional use permit on February 23rd, 2011. One of the conditions of approval was to return to the Planning Commission with a one-year review to talk about the use, operation, membership and traffic impacts, as well as any complaints that were received. The minutes from the February 23rd, 2011 meeting were included in the Staff report. The use was new to Park City and Amenity Clubs were added to the Land Management Code prior to the St. Regis approval. The Staff report also contained the action letter with the conditions of approval.

Planner Whetstone noted that Attachment 3 on page 180 of the Staff report was the summary of the uses and the operation membership. The Staff had called the police dispatch and found that there have been no complaints for that address for several years.

Tom Bennett, representing the St. Regis, introduced Michael Zaccaro, the COO for the ownership group, Deer Crest Janna; and Edward Shepard, the General Manager of the Hotel. Mr. Bennett explained that a condition for the one year review was placed because the Deer Crest Amenity Club was the first amenity club approved by the City. The Planning Commission was curious as to the types of impacts that might occur and placed a condition of approval for this review. Mr. Bennett pointed out that the Club has been operating for a couple of years; therefore, the data is more complete and thorough than it would have been after one year.

Mr. Bennett stated that the impacts on the Deer Crest and the Deer Valley community have been minimal. As of the end of July there were 69 memberships in the Club, even though 195 memberships were originally authorized with the CUP. The 195 number was based on the determination of the amount of excess parking at the site on the busiest days of the

year. Mr. Bennett stated that out of the 69 active memberships, 12 are owned by owners of the condominiums at the Saint Regis and 21 are owned by Deer Crest Owners. He pointed out that nearly half of the memberships were owned by people who were already within the Deer Crest gates. Of the remaining memberships, 20 are held by residents in Park City and another 14 were held by people residing in other places in Summit County and Wasatch County. Only two memberships are held by people outside of the region.

Mr. Bennett stated that part of the Club benefits is the right to use the shuttle service provided by the St. Regis. He noted that approximately 45 of the 69 members regularly use the shuttle service for access to and from the St. Regis. On average, four people drive to the Club and use parking every day. Four to six employees work at the Club and with the exception of one or two, the rest are already employed at the Hotel and service the Club as an additional job responsibility.

Mr. Bennett commented on the lack of complaints. He noted that people in that area are not hesitant to complain if there is a problem, but no complaints had been voiced to the hotel staff, the Deer Crest Master Association, or to the City. The use has gone smoothly and it has been a nice amenity for the facility.

Commissioner Strachan referred to the comment that 45 of the members were taking the shuttle and he wanted to know from where. Mr. Bennett believed most of the users live within Deer Crest. It is also used by Park City residents who call for the shuttle rather than drive their car. Commissioner Strachan asked if they knew whether the Club members were parking in the Deer Valley lots. He recalled that the Planning Commission had raised that concern during the approval process. Mr. Bennett stated that there would be no reason to use the Deer Valley lots because there was adequate parking on site. Mr. Shepard remarked that occasionally a new employee gets lost or confused and parks in a Deer Valley lot. When that occurs Deer Valley contacts Deer Crest immediately and the problem is resolved. Commissioner Strachan felt more comfortable knowing that Deer Valley contacts Deer Crest when there is a parking issue.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan asked if there was any reason to think that the trend may change and problems might occur later. Mr. Bennett did not think it would. He noted that a third of the memberships have already been sold. Multiplying that number by three is still less people parking than what was anticipated in the approval.

Commissioner Strachan could see no reason to require another review. Commissioner Stuard agreed that this appeared to be a low key use and there would be nothing more to talk about. The Commissioners concurred.

Assistant City Attorney McLean noted that this was an informational review and no action was required.

2. 166 Ridge Avenue – Steep Slope Conditional Use Permit – King Ridge Estates/Ridge Avenue (Application PL-14-02268)

Planner Christy Alexander reported that this item was discussed by the Planning Commission on July 23, 2014 and was continued to this meeting. On July 23rd the Planning Commission requested that the applicant come back with a construction mitigation plan and the geo-tech report. The Planning Commission also continued the item pending a discussion with the Building Department on whether or not to impose a different type of remediation bond. Another issue was whether or not to impose restrictions on access and the hours for accessing the site.

Planner Alexander stated that the applicant had submitted the construction mitigation plan and the geo-tech report. Both documents were included in the Staff report. The Building Department had provided their opinion on the bond during the work session this evening. The Building Department did not believe it was necessary to impose an additional bond on applicants because the issues are addressed through the Building Department review.

Jonathan DeGray, representing the applicant, was available to answer questions.

Commissioner Strachan referred to page 202 of the Staff report and the picture showing the lot location at the U-turn on Ridge. He asked if the lot stops at Anchor. Mr. DeGray replied that Anchor was actually part of the lot as part of the non-disturbed area. Commissioner Strachan wanted to know how far the lot goes over the hill off to the side of Anchor. Mr. DeGray clarified that the lot stops at the edge of Anchor just before it begins to get really steep.

Chair Worel recalled a discussion at the last meeting about restricting Daly Avenue in terms of accessing the site and appropriate hours. She noted that the Planning Commission had questioned whether it was appropriate to have construction vehicles on Daly Avenue from 7:00 a.m. to 9:00, but she could not find that addressed in the Construction Mitigation Plan. Commissioner Strachan recalled that the Planning Commission had intended to make that decision this evening.

Planner Alexander stated that the Building Department thought it would be better to limit the access to using one road up and the other road down. Mr. DeGray recalled that the Commissioners had talked about using King Road for up and down construction traffic and limiting Ridge to Daly to down only. Mr. DeGray believed the bulk of the construction vehicles would use King Road. He was open to discussion as long as it was reasonable access.

Chair Worel reiterated that she could not find that addressed in the Construction Mitigation Plan. Commissioner Strachan did not believe the Planning Commission had given Mr. DeGray specific direction to be included in the construction mitigation plan.

Commissioner Strachan asked Mr. DeGray what he would anticipate as a reasonable number of loads from excavation. Mr. DeGray stated that due to the steepness of the initial part of the lot off the access road, the excavation is fairly limited on this particular lot. He believed the amount of excavation would be more typical to a low slope or a flat lot. Mr. DeGray assumed the dump trucks would want to use King because Ridge to Daly is very narrow. From the site on Ridge to King is a shorter route. Commissioner Strachan clarified that his concern was the fact that Daly has a lot of children and pedestrians. He was trying to estimate the number of trucks on the road. Mr. DeGray expected the excavation to take approximately one week. The trucks typically run every hour or two.

Commissioner Strachan confirmed that the plan before the Commissioners this evening was the exact same plan they saw previously. Mr. DeGray answered yes.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel opened the public hearing.

Commissioner Joyce thought the primary concern was the steep slope and he believed the Building Department had sufficiently addressed their questions and concerns. He was comfortable restricting the access to up King Road and down Daly Avenue. Commissioner Joyce recalled that the Planning Commission was in favor of the architectural plans at the last meeting and he had no other concerns.

Commissioner Campbell stated that his concerns from the last meeting had been alleviated. However, he stated for the record that he was opposed to putting restrictions on one job site that they would not require for all projects. He questioned whether the Planning Commission had the right to say which roads could be accessed and how. He felt it was a matter to be handled by the police department if safety was an issue.

Commissioner Campbell would support the Planning Commission if they placed the restriction, but it would set a bad precedent. Chair Worel clarified that the Planning Commission has the purview to place the restriction because it is a matter of public safety. Commissioner Campbell thought the restriction was too arbitrary because there were no set parameters for doing so such as truck size and weight.

Commissioner Stuard concurred with the comments made by Commissioner Joyce.

Commissioner Phillips was comfortable with the project. He had checked the site plan to see whether any portion of the lot near the excavation drops off, but he could not see where that would occur on this particular lot. Commissioner Phillips believed the excavation would be minimal compared to what has been hauled from other sites.

Commissioner Strachan was ready to approve the application this evening. He appreciated that Mr. DeGray had provided the requested information. Commissioner Strachan stated that his only concern was the hours of operation. He was uncomfortable with the idea of large dump trucks going down Daly during the times when children are outside playing. Commissioner Strachan recommended restricting the hours of operation for the excavation only to hours when children are in school. Commissioner Phillips agreed with restricting the hours as suggested by Commissioner Strachan. Daly is a narrow street and when he walks it he has to move off the street every time a vehicle passes even if the car is small.

Commissioner Stuard stated that he has always believed the construction hours set by the City were overly lenient. He personally did not think construction should occur anywhere after 7:00 p.m. He pointed out that later construction hours only work during certain times of the year when it stays light. Commissioner Stuard requested that the Planning Commission consider a future discussion on whether the construction hours should be changed.

Commissioner Campbell agreed that the construction hours were too lenient. However, until the hours are changed for everyone he disagreed with imposing a restriction on one applicant.

Commissioner Strachan clarified that he was only talking about restricting hours during the excavation period. Framing and other construction or hauling could occur per the City regulations. He believed that placing a restriction on the excavation hours was reasonable and that public safety concern supports it.

Mr. DeGray stated that instead of restricting hours on Daly during certain periods of the day, he preferred to add a condition stating that during excavation, heavy trucks would be

prohibited down Ridge to Daly, and have all truck traffic use King Road. Commissioner Strachan felt that was a better solution. Mr. DeGray clarified that the restriction would only be for heavy trucks during the period of excavation. Commissioner Strachan answered yes.

Commissioner Strachan revised Condition of Approval #18 to read, "Heavy truck access during excavation shall only be on King Road and Ridge Avenue and never down Daly Avenue." Commissioner Campbell wanted to know who would enforce the condition. Commissioner Strachan replied that it would be the Building Department since they enforce all other conditions of approval.

Planner Alexander noted that the Planning Commission still needed to discuss whether or not to grant the garage height exception because they had deferred their decision to this meeting. Planner Stuard thought there was consensus at the last meeting that all the Commissioners were comfortable with the height exception. The Commissioners concurred.

Commissioner Strachan asked if the height exception was addressed in the current conditions of approval in the draft ordinance. Planner Alexander replied that the height exception would be part of the HDDR review. Director Eddington clarified that he would be approving the height exception based on input from the Planning Commission.

MOTION: Commissioner Joyce moved to APPROVE 166 Ridge Avenue, Steep Slope Conditional Use Permit, King Ridge Estates, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 166 Ridge Avenue

1. The property is located at 166 Ridge Avenue.
2. The property is described as a Lot 1, King Ridge Estates, a portion of Block 75, Millsite Reservation to Park City.
3. The lot is 131.07' in length on the north side, by 99.12' in length on the south side, with a width of 50'; the lot contains 5,899 sf of area. The allowable building footprint is 2,117.3 sf for a lot of this size and the proposed building footprint is 1,624 sf.
4. The Plat states the maximum floor area cannot exceed 3,030 sf; the proposed home

has a floor area of 2,881 sf (excluding a 267 sf garage as the Plat Notes state garages up to 600 sf are not included in the overall floor area).

5. The vacant site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.

6. The property is located in the HRL zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.

7. Access to the property is from Ridge Avenue, an unbuilt right-of-way to be built by the applicant. The lot is a downhill lot. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.

8. The neighborhood is characterized by primarily historic and non-historic single family houses and vacant lots.

9. A Historic District Design Review (HDDR) application was reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The design was found to comply with the Guidelines.

10. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.

11. The driveway is proposed to be a maximum of 13 feet in width and 27 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').

12. The garage does not exceed 18 feet in height above the garage floor.

13. The proposed structure complies with all setbacks.

14. The proposed structure complies with allowable height limits and height envelopes for the HR-L zoning district as the house measures less than 27 feet in height from existing grade, the structure is less than the maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, and the design includes a 10 foot step back at a height slightly below 23 feet.

15. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.

16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood, in particular the pattern of houses on the downhill side of Park Avenue.

17. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines.

18. No lighting has been proposed at this time. Lighting will be reviewed by the Planning Department at the time of the building permit for compliance with the Land Management Code lighting standards.

19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.

20. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at four feet (4') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% or greater slope areas.

22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.

23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.

24. The garage height is 34.5 feet on a downhill lot; garage height may exceed up to 35'

on a downhill lot subject to Planning Director approval.

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

26. The applicant stipulates to the conditions of approval.

Conclusions of Law – 166 Ridge Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 166 Ridge Avenue

1. All Standard Project Conditions shall apply.
2. No Building permit shall be issued until the Plat has been recorded.
3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
4. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation, and shall mitigate the visual effects of the retaining walls. Lawn area shall

be limited in area.

7. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

8. This approval will expire on July 23, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.

10. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.

11. Modified 13-D residential fire sprinklers are required for all new construction on this lot.

12. The garage door shall be a "carriage" style door made of wood.

13. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.

14. Construction waste should be diverted from the landfill and recycled when possible.

15. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

16. Parking is only allowed on the private driveway in front of the garage for 166 Ridge Avenue; parking is prohibited on the private drive (extending from Ridge Avenue).

17. The contractor shall provide and place signage such as Heavy Truck Traffic, etc. along access routes.

18. Heavy truck access during excavation shall only be on King Road and Ridge Avenue and never down Daly Avenue.

19. This approval will expire on August 27, 2015, if a building permit has not been Issued.

3. 15 Anchor Avenue – the 15 Anchor Avenue Subdivision, Subdivision Plat Amendment (Application PL-14-02405)

Planner Anya Grahn noted that 15 Anchor Avenue is also known as 55 Anchor Avenue because it is labeled as 55 on some of the Sanborn Fire Insurance maps. The property includes 11 partial lots. The applicant, Judy Scipione, was proposing to subdivide the property into two legal lots of record. Lot one would be where the historic house is located.

Planner Grahn stated that the house was in dilapidated condition and this was a great opportunity to renovate the house, add an addition and preserve a local landmark. She stated that Anchor Avenue was platted but never built upon, and it is included in a portion of the property.

Planner Grahn reported that in 1996 the Millsite Reservation Subdivision was created, which created Lots 55 and 57. She stated that 15 Anchor Avenue, as well as the other properties off of King Road, are accessible by a private driveway that is secured by an access easement, as well as an emergency access agreement with the City.

Planner Grahn remarked that at the time 55 and 57 King Road were platted and approved, conditions of approval were added to prohibit a duplex or an increase in density to avoid having to increase the parking. A similar condition of approval was added to this application to only allow a single family home on each lot.

Planner Grahn noted that the current setbacks of the historic house were outlined in the Staff report. The current house and the historic shed do not meet the current setback but they are valid complying structures because they are historic. The lot size created by the subdivision is slightly larger than average in the HR-1 District. However, overall the size would be in keeping with the neighborhood. If the applicants decide to build over 1,000 square feet on a slope steeper than 30%, they would have to apply for a Steep Slope CUP.

Commissioner Strachan asked where the footprint of the new lots would be in relation to the steep slopes. Planner Grahn used a site plan to show the location of the addition proposed for the historic house, as well as and the new lot line for Lot 2. She pointed out that based on the lot lines the new house on Lot 2 would have to be a pie shape. Commissioner Strachan understood that the new house might touch on the steep slopes. He assumed the applicant could avoid the Steep Slope CUP process by making the footprint slightly smaller.

David White, the architect, stated that the proposed lot line dividing the two lots would be five feet to the right of the historic house and parallel to the wall of the historic house. Mr. White reviewed the proposed site schematics and explained the formula he used to determine the footprint. He noted that the allowable footprint for Lot 1 was 1984.96 square feet. The preliminary proposal for Lot 1 was 1731 square feet, which was less than what is allowed. The allowable footprint for Lot 2 is 1728.26 square feet and the preliminary proposed footprint for Lot 2 was 1613 square feet.

Chair Worel asked if the footprint would cross steep slopes for the house. Mr. White stated only the driveway would cross the steep slope on Lot 2. It would be possible to propose a bridge from the driveway to the house rather than disturbing the slope.

Planner Grahn reported that the applicant had not yet submitted a Historic District Design Review application. Everything at this point was just a preliminary proposal.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Joyce had visited the site and he believed building on Lot 2 would be a challenge. He was comfortable with the requested subdivision.

Commissioner Strachan thought the lot was ready for infill.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for 15 Anchor Avenue plat amendment, according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance attached to the Staff report. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 15 Anchor Avenue

1. The property is located at 15 Anchor Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting combine Lots 47, 48, 49, 50, 51, 54, 55, 56, 57, 58, 59, and 60 of the Amended Plat of the Park City Survey into two (2) legal lots of record.
3. The plat amendment is necessary in order for the applicant to move forward with a Historic District Design Review (HDDR) application for the purpose of renovating the historic house and adding an addition.
4. The amended plat will create two (2) new lots that measure 5,367.5 sf (Lot 1) and 4,435.8 sf (Lot 2) in size. Minimum lot size in the HR-1 zone is 1,870 sf.
5. The site is identified as “Landmark” on the City’s Historic Sites Inventory (HSI). The existing house was in poor, deteriorated condition as documented on the 2009 Historic Sites Inventory.
6. The historic shed structure encroached over the east property line and into the neighboring property. The structure would not be permitted to be relocated on the property unless the relocation meets the criteria outlined in LMC 15-11-13.
7. The renovation of the house will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process. At this time, no HDDR application has been submitted to the Planning Department in order to renovate the house and add a small addition.
8. The maximum allowed building footprint allowed on Lot 1 is 1,985.0 square feet and on Lot 2 is 1,728.6 square feet. The applicant intends to construct a new rear addition and renovate the historic structure on Lot 1. A new single family house will be constructed on Lot 2.
9. This plat amendment will create two (2) legal lots of record that are slightly larger than adjacent properties in the HR-1 District, but remain comparable in size to the neighborhood overall.
10. The historic house and shed have a front and rear yard setback of 0 feet, a north side yard setback of 5 feet, and a south side yard setback of 4 feet. Historic structures that do not comply with building setbacks are valid complying structures.

11. New additions to the rear of the historic home require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

12. Any new development on Lot 2 of the 15 Anchor Avenue Subdivision will be required to meet the current setbacks, footprint, and height restrictions as required by the HR-1 District.

13. On June 16, 2014, the applicant applied for a plat amendment. The application was deemed complete on June 19, 2014.

14. In 1985, Park City Municipal Corporation entered into an Agreement to Provide Emergency Access with the owners of lots in Block 75 of the Park City Survey. The agreement stipulated that the property owners would widen the width of the access easement agreement to sixteen feet (16') and pave an area at least twelve feet (12') in width within the easement in order to accommodate emergency vehicles.

15. There is an existing easement between the applicant and Anchor Development allowing the applicant to access her property via a private driveway extending approximately 185 feet from the north property line of 55 King Road to the built King Road and measuring sixteen feet (16') in width. The paved driveway built within the easement is twelve feet (12') in width.

16. In 1996, City Council approved the 55-57 King Road Plat Amendment which created the adjacent lots at 55 and 57 King Road. This plat amendment included provisions negating the further subdivision and/or the development of additional units beyond the two (2) units for that subdivision to ensure that the private driveway and limited access were not further burdened by increased development

17. The applicant has reviewed and agreed to the Conditions of Approval.

Conclusions of Law – 15 Anchor Avenue

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

3. Neither the public nor any person will be materially injured by the proposed plat amendment.

4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 15 Anchor Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
 2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
 4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
 5. The addition of a plat note specifying that further subdivision and/or the development of additional units beyond the two (2) single family houses on Lots 1 and 2 shall be prohibited.
 6. The plat shall contain a note referencing the 2008 access agreement for the private driveway.
 7. The applicant shall change the addresses of Lots 1 and 2 of the 15 Anchor Avenue Subdivision to the satisfaction of the City Engineer and the addresses shall be identified on the plat prior to plat recordation.
 8. An encroachment agreement for the historic shed is recommended.
4. **Round Valley Park City Annexation and Zoning Map Amendment – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR4E and Sections 2 and 3, T2SR4E East of US 40 and North of SR 248. Park City Municipal is the applicant. The requested zoning is Recreation Open Space (1,262 acres) and**

LI, Limited Industrial (2 acres). The property is primarily City owned open space encumbered with conservation easements, with the exception of two 1 acre City-owned, non-encumbered parcels, and includes the 120 acres Osguthorpe conservation easement area. (Application PL-13-01857)

Planner Whetstone reviewed the application for approximately 1368 acres of almost exclusively open space areas purchased by the City. Most of the properties have conservation easements and deed restrictions. The properties are owned by Park City but they are located in unincorporated Summit County. Planner Whetstone noted that the annexation petition was submitted by Park City Municipal as the property owner.

Planner Whetstone stated that the first step of an annexation is to take the petition to the City Council, and that was done March 21st, 2013. The City Council accepted the petition and proper noticing was done. During the three week noticing period the Planning Department received no protests and; therefore, a hearing with the Boundary Commission was not necessary. The next step was to notice all the affected property owners, which includes all the special improvement districts and any municipalities and counties that might be affected. No comments were heard during that noticing period. Planner Whetstone remarked that in February 2014 the Staff brought this petition to the Planning Commission for discussion. The proposed zone is the ROS, Recreation Open Space. Planner Whetstone noted that the red lines on the site plan identified the existing trails. A 121 acres is still owned by the Osguthorpe Family Trust, and the City has a conservation easement on the property that allows for recreation use in the winter. The 121 acres is zoned agriculture and has an agricultural use that would continue. An agreement in the annexation indicates that the only water rights would be on that property.

Planner Whetstone reported that the current zoning is rural residential which allows a density of one unit per 20 acres; or one unit per 40 acres on Sensitive Lands. The Hillside Stewardship, which is primarily the Osguthorpe property or property on other hillsides is one unit per 30 acres for developable and one unit per 40 for sensitive.

Planner Whetstone stated that the requested zoning was ROS, which the Planning Department agreed with. She noted that the Planning Staff would work with the City Attorney to attach all of the recorded deed restrictions and conversation easements to the annexation agreement for easy reference.

Planner Whetstone presented an exhibit showing the existing zoning, the proposed zoning and the surrounding zoning. She indicated the northern area and the southern area with an area of City in between with 250' feet along Highway 248 in the frontage protection zone. Planner Whetstone indicated two one-acre parcels known as the Gordo parcels. The Planning Commission held a site visit in June to look at those two parcels. Other than

the UDOT parcels, the Gordo parcels are the only parcels that do not have a deed restriction. The Gordo parcels were purchased for the purpose of land banking the property to allow time for the City Council to discuss the best potential for the land, which may include open space, affordable housing or additional area needed for current operations on City land for uses such as recreational and/or public works support. Those uses are consistent with the ROS zone. The City, as the petitioner, was requesting Light Industrial Zoning for those parcels. The Staff was hesitant to support Light Industrial zoning and recommended that those two parcels be zoned ROS as well.

The Staff would make it clear in the annexation that if the City were to submit a proposal for public works or other support use, it would not be considered open space in the same way as the rest of the property that is zoned ROS. Planner Whetstone noted that the additional redlines in the annexation agreement was intended to make the difference in ROS zone uses more clear.

Planner Whetstone noted that an annexation requires a report to address all the specific criteria for reviewing an annexation. The Staff had conducted a review and believes the proposed annexation complies with all the requirements of an annexation. The Staff requested that the Planning Commission discuss the proposed zoning as outlined on page 339 of the Staff report. The Staff recommended that the Planning Commission review the annexation petition and the report, conduct a public hearing and consider forwarding a positive recommendation to the City Council in accordance with the draft ordinance.

Heinrich Deters, representing Park City Municipal Corp. as the petitioner, thanked the Planning Commission for attending the site visit in June. Mr. Deters stated that he is the Trails Coordinator and he does trails, open space, walkability and property for the City. He introduced Roger McClain with the Water Department. Mr. Deters noted that Mr. McClain would provide insight on some of their needs, as well as recent experiences and issues the City has had with limitations on Public Works facilities.

Mr. Deter noted that the Staff report contained a report from the former City Manager, Tom Bakaly, regarding the purchase of the Gordo parcels. Mr. Deters stated that as the City grows it will be necessary to look at that property for various options, including affordable housing and public facilities and services.

Mr. Deters stated that when the City made the application, they looked at the parcels and proposed Light Industrial with the intent of clarity and transparency for the public. They wanted it clear that these parcels were owned by the City but it would not be open space. Mr. Deters understood that the Planning Commission had concerns with LI zoning along the entry corridor. He believed the Planning Staff had done a good job of proposing recreational open space because it meets the goals of the entry corridor uses and it

acknowledges that it is a conditional use is required for a public facility greater than 600 square feet.

Mr. Deters stated that the City was requesting additional language through the annexation agreement that was provided to the Staff this evening. He asked that the Planning Commission allow time for the City Legal Department to review that language before it is adopted by the City Council.

Mr. Deters commented on the needs of essential public facilities that need to be addressed. Roger McClain, with the Water Department, stated that Public Works was in the initial stages of a facility plan and moving forward as far as actual Public Works needs, size, site locations, etc. Nothing specific has been laid out and it will be a thorough process of programming and discussions with the Planning Department, the Planning Commission and the City Council to work through the issues. Mr. McClain remarked that it was important to preserve the available sites and make sure they were still on the table. This came to light during the paving operations utilizing the North 40 and conflicts that were encountered with the neighborhood when they tried to make it a staging area. Mr. McClain noted that it became apparent that they needed to be careful in how they address snow removal, paving, water operations, etc. Part of the process will be working through the issues and looking at the outcome. He pointed out that it is important to have good facilities for first responders in an emergency situation. Mr. McClain looked forward to many future conversations.

Mr. Deters stated that an item that comes up frequently for the Gordo parcels is the relocation of the Recycling Center. He noted that there have been discussions but nothing has been decided.

Commissioner Strachan asked if the City was considering any other parcels within the annexation area to apply for a CUP, or if it would only be the Gordo parcels. Mr. Deters replied that it was just the Gordo parcels.

Mr. Deters stated that another issue he would like the Planning Commission to address was the conservation easement on the Osguthorpe parcel. Agricultural uses currently take place on that property and if the parcel is zoned ROS it would become an existing non-conforming use. He believed people like the different agricultural uses in open space. Commissioner Strachan asked if the existing use was the alfalfa field. Mr. Deters answered yes. Commissioner Strachan questioned why that would be non-conforming with the ROS zone. Planner Whetstone explained that conservation is an allowed use and agriculture is a conditional use.

Commissioner Strachan asked if the Land of Oz was a conservation activity. Mr. Deters stated that Land of Oz was part of the conservation agreement as a recreational use. Mr. Deters explained that when they determined the allowed uses on that parcel recreation was called out. However, in looking at the values of the easement it was agricultural. He stated that part of the agreement with the Osguthorpe's was to make sure significant public benefit was associated with the open space purchase.

Assistant City Attorney McLean believed the distinction is that it is a conditional use under the zone. Agriculture is allowed under the conservation easement that was bought for it, but under the ROS zone, agriculture requires a CUP. The use can continue as an existing non-conforming use.

Commissioner Strachan asked if the Planning Commission was being asked to grandfather the use. Mr. Deters answered yes. Ms. McLean felt it was likely that the applicant would come in after the fact for a CUP in order to make it conforming. Commissioner Strachan asked if Osguthorpe or the City would be the applicant. He was told that it would be Osguthorpe since he is the landowner.

Mr. Deters asked if it would be over-stepping to address the issue in the annexation agreement. Assistant City Attorney replied that it could not be included in the annexation agreement.

Commissioner Strachan was concerned that Osguthorpe could apply for a different kind of CUP. Mr. Deters stated that the easement governs the use of the property. Therefore, the easement strips the development right from the property. Commissioner Strachan did not believe there was any advantage for Osguthorpe to go through the CUP process and pay the fees if he could continue the use as existing non-conforming.

Assistant City Attorney clarified that she misunderstood and thought they were talking about it was the City-owned parcel and not the one owned by Osguthorpe. She agreed that Osguthorpe would probably not apply for a CUP if he owns the land.

Commissioner Stuard understood that all the concerns expressed regarding the space for adequate public facilities had been targeted on the south parcel. He could not understand why they would not zone the north parcel POS rather than ROS. Mr. Deters noted that currently the only City parcel zoned POS was next to the NAC. He stated that most of the open space parcels within the City boundaries are zoned ROS. ROS is consistent with the recreation and open space bond that was used to purchase the land. It is also consistent with all the conservation easements as recreational uses. Mr. Deters believed ROS zoning best fits the spirits of the parcels at the moment.

Commissioner Stuard clarified that he was most concerned with some of the conditional uses of the ROS zone for the north parcel, specifically a golf course. Assistant City Attorney McLean pointed out that under the Code, if an applicant or a petitioner from the annexation asks for either ROS or POS, the LMC 15-8-3(E) states that a request for ROS is not subject to Planning Commission review. Under the Code, the Planning Commission does not have the ability to change a request from ROS.

Planner Whetstone asked if Mr. Deters knew the conservation easements well enough to say whether a golf course would be allowed on the north parcel. Mr. Deters stated that passive recreation is the terminology in most of the conservation easements. Even the deed restrictions on the parcels call out specifically certain recreation that is passive, as opposed to uses such as amusement parks, etc. He was unsure whether the language specifically calls out a golf course, but he thought it did. Mr. Deters stated that the existing encumbrances of the property remove those possibilities.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Stuard stated that the golf course on the north parcel was his primary concern and he was prepared to move forward.

Commissioner Phillips stated that he was still undecided and needed to be swayed on the Gordo parcel. He was uncomfortable limiting the possibilities for the City with ROS zoning, but he was also uncomfortable with LI zoning in the event that the City may sell the property. It would be difficult to downsize the zoning if that occurred.

Director Eddington clarified that whether it was Light Industrial or Recreation Open Space, a municipal facility would still require a conditional use permit. He pointed out that ROS zoning would provide protection from private possibilities. Commissioner Phillips asked if the Recycling Center could be located there. Director Eddington answered yes, noting that a 501C3 is municipal facilities. Commissioner Phillips was satisfied with the explanation and felt more comfortable about making a decision.

Planner Whetstone noted that the LMC does not have a good definition for essential public municipal facilities services. Part of the future LMC updates would be to draft a clear definition. With the current wording, the Staff was comfortable that a Recycling Center in the ROS zone could be considered for a conditional use permit.

Commissioner Strachan had no concerns. He always believed that ROS was the proper zoning.

Commission Campbell understood that the applicant was requesting LI zoning for the Gordo parcels but the Staff was recommending ROS zoning. Mr. Deters clarified that the applicant agreed with the Planning Staff because ROS was the best way to approach the concerns of the Planning Commission. Mr. Deters believed the next step would be to work through the subdivision process for those small parcels. Commissioner Campbell favored the idea of the same zoning on all the parcels and he liked the idea of the City following the same rules as everyone else.

Commissioner Joyce was pleased that the zoning moved from LI to ROS and he was comfortable moving forward. Commissioner Joyce wanted to know who owns the RD property. Director Eddington stated that it was City-owned property. Commissioner Joyce asked why that property would not be zoned ROS in conjunction with the annexation parcels. Mr. Deters explained that the RD zoned parcels are referred to as the Bango-Whartley parcels. It was a deal from the 1990's and the property was annexed after the City purchased the property. It was originally an affordable housing project and he was unsure how the City got involved. However, the City purchased those parcels as well as the current site of the Water Treatment Plant. Mr. Deters stated that part of the purchase agreement included development parcels and park parcels. When the annexation went through the property was zone RD. He assumed that no one has ever looked at changing it.

Assistant City Attorney noted that the item this evening was the annexation and the associated zoning. She suggested that the Planning Commission could direct the Staff to look at the history of those parcels and provide a report regarding the zoning and how the property was acquired.

Commissioner Joyce understood that it was not part of this discussion. However, he keeps hearing about how the City needs the two Gordo parcels; but no one is paying attention to the property right next to it that is six times larger. He thought there appeared to be a disconnection. Commissioner Joyce was interested in hearing the background and having an answer. In his opinion it should be zoned ROS to be consistent with everything else they were doing in that area unless there was a compelling reason to leave it RD.

Assistant City Attorney McLean noted that the Annexation Agreement needed to be reviewed as part of their recommendation to the City Council this evening. Planner Whetstone stated that the City Council would take final action on the Annexation Agreement. The Staff had added additional language and the applicant had not had the opportunity to review it.

Mr. Deters clarified that he had just received the additional language before the meeting stated. He requested that the Planning Commission wait to take action until he could review the document with their attorney.

Planner Whetstone preferred that the Planning Commission take action this evening to avoid having it come back at another meeting.

Chair Worel asked if the Legal Department had reviewed the new language. Assistant City Attorney McLean explained that she had reviewed the language and believed it reflects the annexation being proposed. However, the applicant, represented by City Staff, needed to speak directly with their legal group. Ms. McLean clarified that she looks at it from a regulatory standpoint and the attorney representing the petitioner needs to review it from their standpoint. She suggested that Mr. Deters could review the document prior to the September 24th meeting and if he requested changes to the annexation agreement, it would be placed on the agenda for the September 24th meeting. If no there were changes the recommendation would go to the City Council.

Mr. Deter stated that as representative of the applicant, he was more comfortable with asking for a Continuance this evening to make sure everyone agreed with the additional language before the Planning Commission forwards a recommendation.

MOTION: Commissioner Strachan moved to CONTINUE the Round Valley Park City Annexation and Zoning Map amendment to September 24, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

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

Approved by Planning Commission: _____