

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
June 25, 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; Anya Grahn, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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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

June 11, 2014

Commissioner Stuard referred to page 20 of the Staff report, page 13 of the minutes, last paragraph, second line, and changed planned view to correctly read **plan** view.

Commissioner Stuard referred to page 21 of the Staff report, page 14 of the minutes, second line from the top, and changed The Tom Bennett to correctly read, **Tom Bennett**.

Commissioner Gross referred to page 8 of the Staff report, page one of the minutes under Roll Call and changed Chair Pro Tem Savage to correctly read, **Chair Pro Tem Gross**.

MOTION: Commissioner Joyce moved to APPROVE the minutes of June 25, 2014 as amended. Commissioner Gross seconded the motion.

VOTE: The motion passed. Commissioner Strachan abstained since he was absent from the June 11th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reported that the City was looking into providing iPads to the Planning Commissioners for their meetings, similar to how the City Council conducts their meetings. A manager's report would be given to the City Council the following evening in hopes of getting the request finalized. Director Eddington stated that if the City Council approves the request, it would be in the form of a stipend. In order to purchase the iPads prior to the end of this fiscal year, the Commissioners would be asked to purchase their own iPad based on certain specification prior to June 30th, and they would be reimbursed through a stipend. They would be asked to purchase an iPad, a protective cover and insurance per the City's requirement.

Commissioner Joyce asked if the Planning Department would discontinue the paper Staff reports once all the Commissioners have iPads. Director Eddington replied that the intent was to stop printing paper Staff reports unless there was a special request.

Director Eddington would notify the Commissioners as soon as the City Council makes a decision since they only have a few days to purchase the iPads before June 30th.

Chair Worel stated that she would be absent from the July 9th Planning Commission meeting. Commissioner Gross would Chair the meeting.

CONTINUATIONS(S) – Public hearing and continue to date specified.

1. 1604 and 1608 Deer Valley Drive – Plat Amendment
(Application PL-14-02344)

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

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 1604 and 1608 Deer Valley Drive plat amendment to July 9, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 1310 Lowell Avenue – Amendment to Master Planned Development
(Application PL-13-02136)

Planner Astorga reported that the applicant, PCMR, was uncertain whether they would be ready to come back to the Planning Commission on July 9th, or whether to continue to July 23rd. He was still waiting to hear from PCMR and recommended that the Planning Commission continue the two items for 1310 Lowell Avenue to July 9th, 2014 as noticed on the agenda.

Planner Astorga asked the members of the public to give him their email addresses so he could notify them when he confirms the exact date it would be coming back to the Planning Commission.

Planner Astorga reported that he had received several letters of public comment after the Staff report was prepared. He asked if the Commissioners wanted copies of the letters this evening, or if they preferred to wait until the letters were included in the next Staff report. The Commissioners preferred to have the letters as part of the packet.

Chair Worel opened the public hearing.

Perry Martin, representing the Snow Flower Homeowners' Associations 1 and 2, read a letter from the Associations regarding the proposed Woodward Building. He requested that Planner Astorga include his letter in the next packet with the other public comment letters.

Mr. Martin noted that the letter was addressed to the Park City Planning Commission and City Council, and he thanked them for giving him the opportunity to speak on behalf of the owners at Snow Flower Condominiums, consisting of 142 members between the two Associations. The Snow Flower project is adjacent to the Park City Mountain Resort terrain park and the winter halfpipe. While Snow Flower has had a wonderful relationship with PCMR over the 30+ years of their existence, they strongly oppose any facility that removes valuable existing parking and does not have simultaneous replacement on site. Nearly every weekend and on holidays during the winter, the Snow Flower complex is inundated with overflow cars. They do not have the facilities or the streets to handle the parking. In addition, it seems premature and unwise to take any action on the parking issue before the mediation of the dispute between PCMR and Talisker is resolved. The Homeowners Associations in conjunction with others, strongly urge the Planning Commission to withhold any and all permits that would further entangle rather than help resolve this unfortunate dispute. The Associations encourage the City to help resolve the issue that is outstanding with PCMR and Talisker, by considering the common interest of its citizens, its visitors, its businesses, and a large segment of the local economy. Public statements describing the dismantling and isolation of the PCMR base area points to hundreds of millions of dollars in losses to the local economy in the short-term. Longer term losses are incalculable. They feel the need to remind the Commission and the

Council that according to the Judge's most recent ruling, the City and its economy shall be considered a party in this dispute and deserves to have consideration in any resolution. For this reason, the Snow Flower Homeowners' Associations strongly oppose the issuance of any permits designed to change the existing nature of the Park City Mountain base area until the pending litigation is resolved.

Diane Thompson, read a letter from the Board of Directors at the Lodge at Mountain Village, which is also adjacent to the parking area where Woodward is proposed. The Lodge at Mountain Village includes over 115 residential and commercial owners. The letter was a compilation of their concerns about Woodward Park City. As currently designed, Woodward Park City parallels the north side of the Lodge. They have general and specific concerns and will address each concern in depth as the planning process evolved. Most of the unit owners believe Woodward Park City would be an asset to Park City, however, many issues must be addressed and resolved before the Lodge would endorse and support Woodward Park City. The letter outlined their general concerns. Number 1 – parking is a huge problem at the base of the ski hill not only because of the number of spaces but also for safety issues. The planned upper parking lot garage must be built before or concurrently with Woodward and must be open before Woodward opens in order for the Lodge to support the project. Replacing parking with the Woodward building or remote parking with a shuttle was not supported. Number 2 – the pedestrian walkway needs to be addressed. It is hazardous for skiers to be using crosswalks through traffic and the Lodge supports the pedestrian walkway as a solution to reduce potential accidents. Number 3 – Cityscape. A resounding portion of the Park City Cityscape is seen as visitors head eastward on Lower Avenue admiring the gables on the Lodge and the backdrop of the skihill. This scene serves as a landmark to guide guests and other tourist about the City. As currently designed, Woodward terminates this Cityscape. The Cityscape is as important to the ski businesses and the Lodge occupancy as the mining town theme is to the Main Street atmosphere and businesses. Number 4 – Architectural merits. The mining town is historically significant to Park City and this theme should be preserved. As shown, Woodward has a butler building commercial look that does not compliment the architecture of the area. Ms. Thompson outlined specific concerns. As currently designed, the mass, placement and proximity of Woodward obliterates the Cityscape that guides guests to the Lodge and converts the entrance drive into the guest reception and departure area to that of a service alley, which would greatly hurt the Lodge's guest experience and potentially reduce occupancy and City tax revenue. As designed, Woodward's loading area and garbage zone face the Lodge's guest entrance. The approach to the Lodge entrance area needs to be pristine, open and inviting to Park City guests. Planting trees and having doors on Woodward's refuse area does not accomplish this, nor does it solve other concerns such as noise, odor and congestion. Access to the Lodge's loading dock at the northwest corner of the building would be cut off. It is unclear from the plans whether access to the ski hill from their ski locker on the west

side of the Lodge would be cut off. Ms. Thompson pointed out other areas of the Lodge that could be affected by Woodward. Other specific concerns that would be addressed later include density, noise, snow removal, signage, public restrooms, delivery and emergency vehicle access, lighting, landscaping, handicap access, security, impacts on ingress and egress of the current parking structure, parking for oversized vehicles, contractor access, and sidewalks for pedestrian flow. Ms. Thompson stated that the Board of Directors of the Lodge at Mountain Village intend to address details of all their concerns at future planning meetings with PCMR and municipal staff as the planning process continues. Two of their committee member have met with PCMR to discuss concerns, and are hopeful that future meeting will be mutually beneficial to both parties and the City.

Rob Slettom spoke on behalf of the Marsac Mill Manor and Silver Mill House Condominium Association located at the base of the Park City Mountain Resort, consisting of 30 residential units and over 30,000 square feet of commercial space and has been there since PCMR was developed. Mr. Slettom stated that the Condominium Association has had a great relationship with PCMR over the years and he thanked their Staff and representatives for the meetings they held over the past six months. The Condominium Association believes Woodward is a good project overall; however, at the June 11th meeting Jim Doilney, one of the Board of Directors, read a letter outlining their concerns regarding the potential loss of parking. Mr. Slettom assumed the Commissioners had copies of the letter and he would not take time to reiterate. The letter was also fairly quoted in the Park Record. Mr. Slettom noted that after careful review, the Homeowners Association had presented a letter to the Planning Commission in April and again on June 11th. He read one of the key paragraphs from the June 11th letter. "We would again reiterate our request from our April 22nd, 2014 letter to the Planning Commissioners. Increase the overall resort center parking to accommodate both existing uses and the proposed additional use proposed by Camp Woodward. Given the peak parking challenges, which will be further exacerbated by the proposed Camp Woodward development and 'equal trade strategy' is not sufficient. We request the project to provide adequate provision of parking alternatives during construction for the temporary loss of 238 parking spaces." Mr. Slettom read a letter from Terry Whitney, the general manager and owner of the Snow Flower Property Management Company, "Although I support the idea of the Woodward project and developing training camps, I feel it is imperative that the City approves the installation of the parking structure before or simultaneously during the building of the Woodward project. We cannot afford to lose valuable parking spots when outlining properties are already feeling the pressure of the overflow on nearly every weekend during the winter season. It has previously been mentioned that the overflow was only a couple of days out of the winter, which is not the case." Mr. Slettom stated that as the President of Identity Properties, he manages a number of projects and properties around the base of the Resort, and he concurs with Terry Whitney. He has seen

numerous times on Three Kings Drive where the police have ticketed up to 35-40 cars for illegal parking. Mr. Slettom stated that reducing the parking makes no sense and it was unacceptable for Woodward to take away the existing property. He believed the letters from other HOAs represented similar thoughts.

Rhonda Sideris, with Park City Lodging spoke on behalf of the Edelweiss HOA and Snow Crest. She clarified that neither of these HOAs opposed the Woodward project; however, they suffer greatly from overflow parking on a regular basis. Last year the police were called because of an altercation when they tried to have a car towed. Ms. Sideris emphasized that the parking needed to be increased rather than decreased. At this point in time, that was the only request from Edelweiss and Snow Crest.

Chair Worel closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE 1310 Lowell Avenue – Amendment to Master Planned Development to July 9, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

3. 1310 Lowell Avenue – Conditional Use Permit
(Application PL-13-02135)

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

MOTION: Commissioner Phillips moved to CONTINUE 1310 Lowell Avenue – Conditional Use Permit to July 9, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

4. 1851 Little Kate Road Dority Springs Subdivision– Plat Amendment
(Application PL-12-01733)

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

MOTION: Commissioner Phillips moved to CONTINUE 1851 Little Kate Road, Dority Springs Subdivision – Plat Amendment to July 9, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

5. 333 Main Street – The Parkite Condominiums Record of Survey Plat for a Commercial Unit (Application PL-14-02302)

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

MOTION: Commissioner Phillips moved to CONTINUE 333 Main Street, the Parkite Condominiums Record of Survey Plat for a Commercial Unit to July 9, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

NOTE: Prior to adjourning the regular meeting, the Planning Commission was informed that PCMR was requesting a continuance to July 23rd rather than July 9th. Commissioner Phillips amended his motions to reflect the change.

AMENDED MOTION: Commissioner Phillips moved to CONTINUE 1310 Lowell Avenue – Amendment to Master Planned Development to July 23, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

AMENDED MOTION: Commissioner Phillips moved to CONTINUE 1310 Lowell Avenue – Conditional Use Permit to July 23, 2014. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

1. 1201 Norfolk Avenue, Nirvana at Old Town Subdivision – Plat Amendment (Application PL-14-02298)

The applicant withdrew this application.

2. 3840 Rising Star Lane – Plat Amendment (Application PL-14-02371)

The applicant withdrew this application.

3. 257 McHenry Avenue Plat Amendment (Application PL-14-02338)

Planner Anya Grahn reviewed the application for a plat amendment to combine all of lot 17 and portions of Lots 16 and 18 of Block 60 of the amended plat of the Park City survey. The site is designated as significant on the Historic Sites Inventory. She provided a copy of the HSI form showing photos of what the structure looked like before it was deconstructed.

Planner Grahn reported that in the Spring of 2013 the Building Department issued a Notice and Order due to the dilapidated condition of the building. The Staff worked closely with the applicant and determined that the structure needed to be removed due to hazardous conditions. A Historic District Design Review application to deconstruct the building was approved in November 2013. A financial guarantee was placed that requires the building to be reconstructed within two years. The building is no longer on the site and the site has been cleared.

Planner Grahn noted that the applicant was requesting the plat amendment in order to move forward with reconstructing the historic structure with an addition. Planner Grahn commented on two previous plat amendments. The first one in 2003 was closed due to inactivity. While the Staff was referencing those documents they realized that the survey at that time had included the built McHenry Avenue as part of the applicant's ownership of the property. The Staff worked with the trust company and Alliance Engineering had provided a letter stating that the applicant never owned the built McHenry Avenue.

Planner Grahn stated that in 2005 the applicant submitted another plat amendment application which was approved by the City Council. At that time the City Engineer required the applicant to dedicate ten feet of their portion of the property as part of the right of way from McHenry Avenue, making it ten feet on the opposite side of the built road. The owner disagreed with the requirement and the plat was never recorded. Planner Grahn explained that the 2005 ordinance dedicated a portion of the built McHenry Avenue right-of-way, as well as a remnant of Lot 16. That triangular portion was included in the 264 Ontario Avenue Subdivision that was approved last year. It also approved the relocation of the building. Currently, the LMC states that the Planning Director and the Chief Building Official must find unique conditions for relocating a historic building on the site. That determination has not yet been made for this project in terms of the reconstruction.

Planner Grahn noted that there was also a question of ownership regarding the parcel lot on the west side of McHenry Avenue that was included in the previous plat amendment. She pointed out that Exhibit B in the Staff report shows a current survey. Currently, the driveway encroaches over the unbuilt Third Street right-of-way and on to platted McHenry

Avenue. This access easement was shown on the survey; however, there is no current encroachment because the house had encroached on the Virginia Mining Claim. If the applicant were to reconstruct the house in the same location, he would need to enter into an encroachment agreement with the City, since the City owns the Virginia Mining Claim.

Planner Grahn stated that conditions of approval were included to address some of the issues. Condition #5 requires the regular 10' snow storage easement along built McHenry Avenue. Condition #6 requires that the applicant enter into an encroachment agreement with the City Engineer to have the driveway over the unbuilt Third Street right-of-way. Condition #7 says that any interest in the built McHenry Avenue has to be conveyed to the City as public right-of-way.

The staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for this plat amendment.

David White, the project architect representing the applicant, reminded the Planning Commission that before the existing historic building was taken down it was fully photographed, measured and documented, and it would be reconstructed exactly as it was historically built.

Commissioner Joyce stated that this was the first case he has seen where there was such a significant difference between platted Ontario Avenue and Ontario Avenue. He believed this issue would continue to come up as people develop different properties. He asked if there was an effort to resolve the issue one time versus piecemeal. Director Eddington stated that currently everything was either an encroachment or an easement and the Staff tries to resolve it with every plat. They have taken proactive measures in certain problem areas, but they have not devised an overall program to replat everyone's property. Director Eddington suggested that it might be something they could work on with the City Engineer. However, until the properties are replatted, they were comfortably protected by the prescriptive easements and/or the approved replats. He agreed that they would continue to see this issue throughout Old Town.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan noted that the prior 2005 plat application required a condition approval of ten feet on McHenry. He asked why that would not apply to this plat amendment. Planner Grahn stated that instead of just asking for the typical 10-foot snow

storage easement, the former City Engineer had required an additional 10-feet to be included. She noted that the current City Engineer does easements instead of transferring property ownership. Commissioner Strachan clarified that for this plat amendment it would be an easement as opposed to a dedication. Planner Grahn replied that this was correct.

Commissioner Strachan questioned the language in Condition #6, "...any interest the applicant may have in built McHenry will be conveyed." He pointed out that they either do or they don't. Assistant City Attorney McLean stated that the Staff had the same question when they saw that discrepancy. They decided that if there is an interest, they wanted to make sure that the underlying portion of the street goes to the City. However, if there is no interest, there would be nothing to give. The Staff drafted the condition as a precaution to make sure the street would be dedicated if there was an interest.

Commissioner Joyce understood that the decision was not made as to whether or not the house could be moved to a different location. If it is determined that the house could not be moved, he wanted to know if there would be encroachment issues if the house were reconstructed in the same location. Director Eddington replied that those were some of the circumstances being considered. He and the Chief Building Official were trying to finalize that issue in a final decision. Commissioner Joyce asked if there was anything the Planning Commission should be looking at before making their decision to approve, in the event that the house would be rebuilt in the existing location. Director Eddington stated that it would end up being an encroachment agreement between the two owners and that would not affect the approval.

Commissioner Strachan pointed out that two previous plat amendments were approved with the house in the existing location. Commissioner Joyce pointed out that that the unique conditions requirement for moving the house was more recent. Commissioner Strachan concurred.

MOTION: Commissioner Stuard moved to forward a POSITIVE recommendation to the City Council to approve the 257 McHenry Avenue subdivision plat amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 357 McHenry Avenue

1. The property is located at 257 McHenry Avenue within the Historic Residential Low Density (HRL) Zoning District.

2. The applicants are requesting to combine all of Lot 17 and portions of Lots 16 and 18 of Block 60 of the Amended Plat of the Park City Survey.
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 reconstructing the historic house and adding an addition.
4. The amended plat will create one new 4,891.75 square foot lot. Minimum lot size in the HRL zone is 3,750 sf.
5. The site is identified as "Significant" on the City's Historic Sites Inventory (HSI).
6. The Building Department issued a Notice and Order due to the dangerous condition of the building on May 14, 2013. The applicant submitted a Historic District Design Review (HDDR) to deconstruct the historic structure on September 5, 2013. The Planning Department approved this application on November 7, 2013, with a condition of approval that a new HDDR application would be submitted in order to reconstruct the historic house. A financial guarantee was recorded with Summit County on January 2, 2014, and provided the applicant two (2) years in which to reconstruct the historic building.
7. The historic structure encroached over the east property line and into the City-owned Virginia Mining Claim open space. The reconstructed structure would not be permitted to be relocated on the property unless the relocation meets the criteria outlined in LMC 15-11-13.
8. The reconstruction 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 reconstruct the house and add a small addition. A steep slope CUP will be required should the applicant build over 1,000 square feet upon any existing slope of 30% or greater.
9. The maximum allowed building footprint allowed on the lot is 1,858.0 square feet. The applicant intends to construct a new rear addition and reconstruct the historic structure.
10. The amendment of one (1) full and two (2) partial Old Town lots would be smaller than the average size of lot combinations along McHenry Avenue and is in keeping with the traditional size of development on this street and in this neighborhood.
11. New additions to the rear of the historic home require adherence to current setbacks as required in the HRL 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. On April 30, 2014, the applicant applied for a plat amendment. The application was deemed complete on May 15, 2014.

13. The existing built McHenry Avenue bisects Lot 16 and forms the western edge of the property.

14. Finding of Fact #6 of Ordinance 05-50 stated that the applicant proposes to dedicate the lot area covered by existing built McHenry Avenue and an additional 10 feet of width measured from the easterly edge of the McHenry Avenue pavement to the City as a public right-of-way. According to High Country Title, the deed and title do not show that the applicant ever owned property that included the built McHenry Avenue or lands to the west of the built McHenry Avenue.

15. Finding of Fact #7 of Ordinance 05-50 stated that any interest the applicant may have in the small remnant portion of Lot 16 located west of the existing built McHenry Avenue will be conveyed to the City for public right-of-way. This portion of McHenry Avenue transferred ownership and was included in the 264 Ontario Avenue Subdivision, recorded in 2013.

16. Ordinance 05-50 was approved by City Council on August 18, 2005; however, the plat amendment was never recorded.

Conclusions of Law – 257 McHenry 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 – 257 McHenry 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. A 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along the built McHenry Avenue and shall be shown on the plat.
 6. The applicant must enter into an Encroachment Agreement with the City Engineer for the portion of the driveway that is located within the platted 3rd Street right-of-way.
 7. Any interest the applicant may have in the built McHenry Avenue will be conveyed to the City for public right-of-way.
4. **1897 Prospector Avenue – for mixed-use building for Park City Lodging and four residential units on Lot 25a of Parking Lot F of the amended Prospector Square Subdivision Plat** (Application PL-14-02307)

Planner Whetstone reviewed the request for a conditional use permit for residential uses in the General Commercial Zone located at 1897 Prospector Avenue. She stated that residential uses are a conditional use in the General Commercial Zone. The rest of the proposed uses for this building are allowed uses. Planner Whetstone noted that in 2002 the LMC was amended to make residential uses a conditional use. At that time so many condominiums were being built that the amount of General Commercial land was diminishing. The decision was made to make residential development a conditional use so they could be reviewed on a case by case basis. Planner Whetstone stated that for this application the proposed residential is basically for employee housing units on the third

floor that are associated with the uses on the first and second floors, primarily for Park City Lodging Company. She understood that some retail space may or may not be associated with Park City Lodging.

Planner Whetstone stated that the Staff analyzed the residential uses against the 15 criteria for a conditional use permit as outlined on page 98 of the Staff report. In terms of traffic, Planner Whetstone noted that this was a planned area and there are times when the intersections are congested. The lot is existing, and the plat to move this lot from the previous location near the rail trail to the current location did not increase the number of lots. That plat was approved by the City Council but it has not yet been recorded. Planner Whetstone stated that the parking in Prospector Square has been planned and calculated out in those parking lots, and all the lots are shared. The Staff reviewed the application to make sure the building meets all the GC requirements in terms of height and setbacks, and there is an assumption that all the parking lots can accommodate the parking. She noted that different parking analyses showed that there was enough parking but it is not necessarily in the same location as the uses, or some of the lots are being used for uses that are not occurring in that area.

Planner Whetstone stated that the Staff had considered traffic, circulation and parking and believed there were no unmitigated impacts, particularly for the four residential units. She pointed out that the units would be a live/work situation, which would further reduce the parking impacts.

The Staff concluded that the impacts were mitigated for this proposal and recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit for the residential uses at 1897 Prospector.

Steve Schueler, representing the applicant, stated that this project did exactly what the City was trying to replicate elsewhere in Prospector in terms of mixing uses. The difference was that they were doing it through the conditional use process rather than Form Based Code.

Chair Worel noted that the floor plan provided did not show a kitchen in the units. Planner Whetstone stated that there were four units and a total of six bedrooms. Each unit would have two bedrooms, a bath and a kitchen and living room.

Chair Worel asked if the employees using the units would be Park City Lodging employees. Rhonda Sideris, the owner and applicant, stated that first and foremost it would be for the Park City Lodging employees. Her smallest properties are the ones her employees currently live in and they pay to live there.

Commissioner Stuard noted that the building face on the street moves back and forth quite a bit. He asked if it would cantilever over the sidewalk at any point. Mr. Schueler answered no.

Assistant City Attorney McLean asked if the ADA parking spots mentioned in the Findings of Fact were included with the existing parking and what was calculated as part of the parking lots. Planner Whetstone replied that it primarily related to the subdivision. These particular lots in Prospector Square are zero lot line built and they are not required to provide parking because of the parking in parking lots F and G. Planner Whetstone explained that in the plat amendment the Planning Commission saw a month ago, the old lot 25 was moved in order to break up the parking. The parking that was under Lot 25A has been moved over. It was the same with 25B. However, the parking in Lot 25B would remain under the building. It is surface parking and the building will be on stilts. Some of the lost spaces were recovered with the parking under Lot 26B. She recalled that there would be a net increase of 11 spaces with the plat amendment, regardless of the uses.

Director Eddington understood that the number of parking spaces remained the same with the previous plat amendment. Planner Whetstone replied that it increased by 11 spaces. She explained that the increase was not a result of this conditional use permit. It resulted from the reconfiguration of the lots and the parking.

Commissioner Stuard noted that the height limit was 35-feet in the zone and the building is three stories. He estimated that the roof over the deck was another 8 to 10 feet of height, as well as the stairwell projection to reach it. He asked if that was part of the height exception allowed for pitched roofs. Planner Whetstone stated that if the roof is pitched it would be an exception. However, if the roof is not pitched the roof would have to meet the 35-foot requirement. Commissioner Stuard thought it appeared to be higher than 35-feet, and it was most obvious in the southwest corner perspective drawing which showed essentially four stories of height. Planner Whetstone agreed. She stated that the building height requirement would be addressed with the building permit.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Gross noted that there did not appear to be open space and he asked if the requirement was met through the overall plan for Prospector. Planner Whetstone replied that it was an already platted lot and open space was not an issue. Commissioner Gross pointed out the reference to the green roof. He recalled a previous discussion last year

regarding green roofs and asked if the City had defined a green roof. Planner Whetstone stated that the Code definition is a planted roof, but there are no other restrictions. Commissioner Gross clarified that the green roof was being proposed by the applicant and that it was not a City requirement. Planner Whetstone answered yes. She explained that if this was a master planned development similar to the Green co-housing project, there would be a discussion on how much of the green roof could be counted as open space. However, that was not the case with this application. The green roof is provided as an outdoor area for the residential use.

Ms. Sideris stated that the green roof was also planned to be a co-op garden for all the Staff and not just the ones who live there.

Commissioner Gross noted that Ms. Sideris has been working on this project for a number of years and he was excited that she was finally able to move forward.

Commissioner Joyce was pleased that they were starting to mix residential with business uses. Commissioner Strachan concurred.

Commissioner Phillips had questions regarding parking. He had visited the site earlier in the day and watched as a car parked in Stall #1 by the road. It was a small compact car and it still extended from the front of the stall back a few feet from the existing curb. In looking at the shift in the curb in the proposed plan, he assumed approximately five feet was getting shifted from what exists in Stall #1, and he could not visualize a car actually fitting there. Commissioner Phillips asked for the required size of a parking stall. Planner Whetstone replied that exterior stalls are 9' wide x 18' long. Commissioner Phillips stated that when he measured out the existing stall with his feet, it measured 17' long. If the sidewalk is 3' wide, the cut would be 5' out of the 17', which would make it a 12' deep stall.

Commissioner Phillips then went to the other side of the parking lot where the same shift was proposed, and he thought Stalls #54, 48, 42 and 1 would be extremely tight. If he were to park his truck in Stall #1, it would block half the driveway. Commissioner Phillips had concerns and he wanted to make sure that parking would not be an issue.

Steve Schueler noted that the entire parking lot was being reconfigured. Some of the existing parking has been cut off by the adjacent parking lot in the condo units and they intend to recapture that space. He reviewed a drawing to show the reconfiguration. Mr. Schueler stated that all the parking stalls were proposed to be 18' long. Commissioner Phillips wanted to make sure that what was shown on the drawing was actual and that they would all fit. Mr. Schueler replied that the parking had been calculated to fit.

Director Eddington informed Commissioner Phillips that at the time of building plan review the Staff measures for accuracy to make sure the parking requirement is met and that the building is the size and scale that was proposed. Director Eddington stated that the Staff was working with them on the other side of the parking lot to make sure there is a division acceptable to both property owners.

Planner Whetstone indicated that there was a difference in grade between the two parking lots that would have to be resolved. Parking lot F would be completely regraded and restriped. She noted that a condition of approval states that the a certificate of occupancy for the building will not be issued until Park Lot F has been completely reconfigured, paved and striped, which includes the paving of the old lots.

Commissioner Stuard asked for the minimum section across the double-loaded drive aisle. Planner Whetstone replied that it was 18' x 24' x 18'. Commissioner Stuard asked if that needed to be stipulated in the conditions of approval or if would automatically be addressed through design review. Planner Whetstone stated that it would be reviewed by the Planning Department and the City Engineer with the building permit.

Ms. Sideris understood that Prospector Square Condos would rectify the encroachment on to Parking lot F as part of their construction. She believed it was a condition of that approval.

MOTION: Commissioner Stuard moved to APPROVE the conditional use permit for residential uses within amended Lot 25A of the Gigaplat replat located at 1897 Prospector Avenue, based upon the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report dated June 25th, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1897 Prospector Avenue

1. The subject property is located at 1897 Prospector Avenue.
2. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision overlay.
3. Residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission.

4. Retail, property management businesses, and offices are allowed use in the GC zone. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision overlay.

5. The building consists of a total of 7,800 sf and the proposed FAR is 1.58. The first floor business is 2,192 sf and first floor retail is 663 sf. Second floor office is 2,100 sf and third floor residential is a total of 2,816 sf for the four units.

6. Six (6) parking spaces are required for the residential uses on the third floor and 15 parking spaces area required for the property management/retail/office space (an allowed use) on the first and second floors. All parking within Prospector Square is shared and upon completion of reconfigured Parking Lot F, an additional 11 parking spaces will be available within Parking Lot F of the Prospector Square Property Owner Association. Office uses on the third floor would require 9 parking spaces, which is 3 (three) more than the residential uses require.

7. The internal vehicular and pedestrian circulation system will be enhanced with the proposal by providing access to the building directly from pedestrian sidewalks and by breaking up the vastness of the parking lot.

8. No outdoor storage of goods or mechanical equipment is proposed. The overhead doors for the property management business are located on the south side of the building away and are not visible for the public right-of-way.

9. There are no significant traffic impacts associated with the proposed uses as build out of these platted lots is anticipated. The residential uses on the third floor result in less traffic and parking demand, and at opposite times of the day, than office uses on the third floor would create. Office and retail uses do not require a CUP.

10. Any additional utility capacity, in terms of fire flows, will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. .

11. The proposed development will not interfere with access routes for emergency vehicles.

12. No signs are proposed at this time.

13. Exterior lighting will be reviewed at the time of the building permit review.
14. The proposal exists within the Park City Soil Ordinance Boundary.
15. The findings in the Analysis section of this report are incorporated herein.
16. The development is located in a FEMA Flood Zone X.

Conclusions of Law – 1897 Prospector Avenue

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)];
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The Applicant complies with all requirements of the LMC;
4. The Use is consistent with the Park City General Plan, as conditioned; and
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1897 Prospector Avenue

1. All standard conditions of project approval shall apply to this project.
2. All signs associated with the use of the property must comply with the City's Sign Code and require a sign permit by the Planning Department prior to installation.
3. No outdoor storage of goods or mechanical equipment is allowed on-site.
4. A drainage plan must be submitted and approved by the City Engineer.
5. Review and approval of the utility plans, to ensure adequate fire flows for the building, is required prior to issuance of a building permit.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.

7. Prior to building permit issuance the Building Height will be verified for compliance with the GC zone height of 35'.

5. **Land Management Code Amendments related to:**

1. Appeals (LMC Chapter 15-1-18)
2. Completion Guarantees (LMC Chapter 15-7.2)
3. Design Guidelines regarding Exterior Materials (LMC Chapter 15-5.5)
4. Definitions (LMC Chapter 15)
5. GC and LI regarding animal services (Continued to July 9th).

Appeals (LMC Chapter 15-1-18)

Planner Whetstone reported that redlines were in the Staff report and the Ordinance was a draft. The redlined pages from the LMC would be attached to the final Ordinance when it goes to the City Council.

Planner Whetstone noted that the proposed amendment addressed an appeal process for City development that is reviewed by the Historic Preservation Board regarding design guidelines. The amendment adds the ability for the City Council to recommend that final action by the HPB can be appealed to the Board of Adjustment. Projects other than City development would go to the Courts. Planner Whetstone noted that there was similar language for Planning Commission items on City projects or City interest in a project. An appeal of that decision would go to a special review Board as opposed to going to the City Council. The LMC was amended a few years ago to include that appeal process.

Planner Whetstone explained that per this amendment, final action on Historic District Design Reviews is taken by the Planning Director. If the applicant or somebody in good standing chose to appeal a design review, it would go to the Historic Preservation Board. If the applicant or somebody in good standing does not agree with the HPB decision, it would then go to the Courts. Planner Whetstone noted that the appeal process previously sent an appeal of the HPB decision to the Board of Adjustment, but that allowed two appeals within the City. They were legally informed that a second appeal is required to go through the District Court to avoid the process of double administrative appeal. The Code was adjusted to reflect that requirement.

Planner Whetstone stated that in cases of City development, the proposed language would state that the Council, as the applicant, could choose to go to the Board of Adjustment. Planner Whetstone read the proposed language, "Final action by the Historic Preservation Board regarding design guidelines for historic district sites involving City development may

be appealed to the Board of Adjustment at the City Council's request. The Board of adjustment would have the same scope of review as the HPB."

Assistant City Attorney McLean suggested that the language should be clarified to reflect that an appeal would only go to the Board of Adjustment if the Historic Preservation Board had participated in the design review of the project. She used the current Library project as an example. At the request of the City Council, the HPB reviewed the Library project and provided input and comments to the Council.

Chair Worel did not think the proposed language was consistent with previous changes. Planner Whetstone stated that the language was not drafted by the Staff. She had received the language in an email from the Legal Department and she was willing to make changes.

Commissioner Strachan could not understand the process as written. Director Eddington agreed that the language needed to be revised. He suggested the possibility of a continuance to allow the Staff time to rewrite the language. He believed the language was confusing and it should be clarified. As written it sounded like a double appeal. Commissioner Strachan highly recommended a continuance.

Assistant City Attorney McLean stated that the Historic Preservation Board, at the direction of the City Council, may participate in the design review of any City-owned projects located within the designated Historic District. If the HPB participates in the design review of a City-owned project, they would not be able to sit as the Appellate Board on that project. Director Eddington thought the language was written with that intent, but it was not clear. In those cases the automatic appeal body would be the Board of Adjustment. If the BOA decision is disputed, it would be appealed to the District Court.

Director Eddington reiterated his suggestion for a continuance. Planner Whetstone noted that the item was scheduled for action this evening and noticed for the July 10th City Council meeting. She preferred to take the time to draft the language this evening and move forward.

Commissioner Strachan recommended that the Planning Commission move to the other proposed amendments on the agenda; and if time permits, Planner Whetstone and Ms. McLean could draft revised language for the Planning Commission to review and consider whether or not to take action this evening. The Commissioners concurred.

Completion Guarantees (LMC Chapter 15-7.2)

Planner Whetstone noted that per a change in the State law, Chapter 1 was recently amended regarding how much of the maintenance guarantee the City could retain for the warranty period. She stated that the language in Chapter 7 under the Subdivision Ordinance conflicts with the language that was recently amended. The City Engineer recommended removing the redlined language shown on page 124 of the Staff report and replacing it with the language on page 123 of the Staff report. The new language on page 123 under Maintenance of Improvements, was taken directly from the State Code.

Commissioner Strachan pointed out that if the language came directly from the State Code the Planning Commission did not have the ability to change it.

MOTION: Commissioner Strachan moved to APPROVE the amendments to Title 15, Chapter 7, Section 15-7-2 regarding Warranty Guarantees as drafted in the Staff report on pages 123 and 124. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Design Guidelines regarding Exterior Materials (LMC Chapter 16-5.5)

Planner Whetstone reported that on June 11th, the Planning Commission held a work session discussion regarding the inclusion of vinyl siding material in the list of siding materials that are exempt from the LMC. A specific exemption would allow the Planning Director to look at vinyl siding on a case by case basis and determine whether to allow these products based on certain parameters and surrounding structures. Planner Whetstone noted that currently the Exemption says, "aluminum siding, including soffits and fascia, and synthetic stone products may be permitted upon approval by the Planning Director on structures when such structures are located in an area predominantly developed with that." Planner Whetstone remarked that it ends up pertaining primarily to Prospector Village, Park Meadows and Prospector Park.

Planner Whetstone stated that there was a request for vinyl siding and she understood from Planner Boehm that during the work session the Planning Commission wanted to bring it back for a public hearing and to propose the LMC amendment to allow vinyl siding on a case by case basis. If the Planning Commission chooses to add specific language, the Staff recommended including more qualitative information, as reflected in the second part of the redline on page 123 of the Staff report, which states, "Vinyl products shall have a minimum thickness of .042 inches for siding and .05 inches for soffits and fascia. A moisture barrier and insulation shall be included with any vinyl application. Custom trim with a wider reveal shall be incorporated. Vinyl products shall also be subject to aesthetic analysis to ensure compatibility with existing structures in the surrounding neighborhood."

The proposed language would give the Staff a standard of review to make sure it is the better product. Planner Whetstone noted that the same standards apply to aluminum.

Commissioner Joyce recalled that the Planning Commission had talked about eliminating the need for an LMC amendment every time a product is improved. He asked if this could be addressed somewhere other than in the LMC to give the Staff latitude to consider new and improved products as they evolve. Director Eddington stated that the LMC was the correct place because there are no design guidelines for Prospector and similar areas. However, he noted that the discussion at the last meeting was to also look at a holistic opportunity for design guidelines for the City in the future that are more applicable to individual neighborhoods. He agreed that the LMC was not the most effective way to do design review for the neighborhoods, but currently it is the only resource where the public can obtain the information to know what is or is not permitted.

Commissioner Campbell stated that in addition to including the word "vinyl" to the language, he would also recommend adding "or other siding..." to give the Staff more latitude in the future without coming back to the Planning Commission. Commissioner Stuard thought that was the direction at the last meeting. The Commissioners concurred.

Director Eddington stated that the Staff had erred more on the side of caution, but they could add "or other siding" if the Planning Commission wanted to include it. Commissioner Campbell preferred to say, "Aluminum, vinyl or other siding materials".

Commissioner Campbell thought the Staff recommended language on page 123 of the Staff report was too specific. He thought the standards regarding thickness, moisture barrier and insulation should be left up to the building department and not specified in the LMC. Director Eddington replied that it comes down to plan check. The building permit application is reviewed by the Planning Department. He believed the standards as written was an effort to specify qualitative measures with regard to how they can promote the length and durability of vinyl siding. The Staff had researched Best Practices and this was recommended as a minimum standard for good vinyl siding applications.

Commissioner Campbell was comfortable saying that the Building Code as adopted by the State requires a moisture barrier and insulation, whether it's part of the siding or inside of the wall. The wall system would need to have both of those on new construction. Commissioner Campbell believed that putting too much specificity in the LMC was heading in the wrong direction. He questioned the reason for adding, "custom trim with a wider reveal." Director Eddington stated that the applicants have recommended that, as well as some of the Commissioners. The research noted that it tends to look less stock supply. Director Eddington believed the Staff could still require the moisture barrier if that was

removed from the language and he thought it was addressed in the International Building Code. However, he would like to at least provide minimum standards without being overly arbitrary. Commissioner Campbell felt that the words "custom trim" implied that someone would have to trim made specifically for their house completely different than any other. He thought "custom" was a dangerous word. Commissioner Stuard agreed. Director Eddington recommended removing the word "custom" and just say, "Trim with a wider reveal."

Commissioner Stuard liked the fact that the standards would ensure the use of higher quality material. He asked how they could generally include that in the language without being too specific.

Commissioner Joyce stated that he drove around the neighborhoods before the last meeting to see how the siding materials have changed. He thought being too general leads to the debate of what is good enough. He commented on different standards that are recommended as the minimum in various places by various people. Everyone has a different opinion on what constitutes the "good siding".

Commissioner Campbell asked Ben Martin to provide his thoughts since he had researched vinyl siding in depth for his home before requesting that the LMC be revised to consider vinyl as an acceptable material.

Ben Martin stated that the vinyl he was proposing was .042" in thickness. He noted that they were planning to put up 3-1/2" vinyl trim that was not stock. He would not consider it custom, but it is not stocked in building supply stores. Commissioner Campbell pointed out that the trim may be stocked in the stores next year, which is why he preferred to leave it out completely. Mr. Martin agreed that less specific language would be best.

Director Eddington was comfortable removing the word "custom" and taking out the reference to "moisture barrier". However, he requested that they leave the rest of the language. He noted that good, better, best was an interesting concept, depending on where you stand. Commissioner Campbell questioned the reason for "wider reveal" because modern homes in Park City are being built without any trim. Director Eddington noted that some trim is required with vinyl siding to cap it at the end. Typically a wider reveal is considered a better look. He clarified that trim with a wider reveal is not required for the other siding products.

Chair Worel clarified that the language would read, "Trim with a wider reveal would be incorporated." Director Eddington was comfortable with that language. Director Eddington stated that if these were guidelines they could be more qualitative. However, given that it was part of the LMC, he believed that some explicit information was necessary. He also

thought it was better for the applicant to know what to expect. Commissioner Campbell understood the situation, and he only requested that they leave it as general as possible.

Mr. Martin recalled that Commissioner Joyce had made a comment at the last meeting about the additives in vinyl siding for UV protection, etc. He thought that would be a valuable requirement for the Staff to consider when making a decision on vinyl siding.

Planner Whetstone read the revised language per the discussion”

“Vinyl products shall have a minimum thickness of .042 inches for siding and .05 inches for soffits and fascia. Trim with a wider reveal shall be incorporated. Vinyl products shall also be subject to aesthetic analysis to ensure compatibility with existing structures in the surrounding neighborhood and to ensure use of a higher quality material.”

She also revised the existing LMC language to say, Aluminum, vinyl and other siding materials, including soffits and fascia, and synthetic stone products may be permitted upon approval by the Planning Director....”

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for the Amendments to the Land Management Code to Title 15, Chapter 5, Section 15-5-5 regarding vinyl siding subject to the amendments to the amendments, which have been inserted in the revised language on pages 122 and 123 of the Staff report. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

Definitions (LMC Chapter 15) GC and LI regarding animal services

Planner Whetstone noted that the Staff recommended that the Definitions and the GC and LI zones regarding animal services be continued to July 9th. They had been removed from the ordinance that was before the Planning Commission this evening. Planner Whetstone explained that both items address animal services and the Staff was still working on the definitions, as well as the allowed versus conditional use language that was previously discussed.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the LMC Amendments to Chapter 2.18, 2.19 and Chapter 15, Definitions, to July 9, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Campbell clarified for the public that the Planning Commission had only forwarded a positive recommendation to the City Council regarding the use of vinyl. The LMC would not actually be changed until the City Council votes on their recommendation. The amendment needed to be approved before anyone could pull a building permit to use vinyl. Planner Whetstone noted that it was scheduled before the City Council on June 17th.

Appeals (LMC Chapter 15-1-18) – Continued Discussion

The Planning Commission took a short break to allow Planner Whetstone and Assistant City Attorney McLean the opportunity to draft appropriate language to reflect the correct appeal process.

The meeting was resumed.

Assistant City Attorney McLean remarked that it was a difficult situation because of the apparent conflict of interest if the HPB reviews a City project. Therefore, she put it under Staff because it is an appeal of the Staff decision. She explained that if it is a City-owned project which the HPB participated in the design review, then such appeal shall go to the Board of Adjustment and it would have the same scope of review as the HPB. In that case the BOA would be substituting for the HPB in the appeal process.

Planner Whetstone noted that the language was previously placed under the Historic Preservation Board Section of 15-1-18, and it was moved to (A) Appeals of Staff under 15-1-18. The revised language read:

STAFF. Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board as described in 15-11-12(E) unless the Historic Preservation Board participated in the Design Review of a City-owned project pursuant to 15-11-6, in which case any appeal of the decision shall be reviewed by the Board of Adjustment . The Board of Adjustment in such an appeal will have the same scope of authority and standard of review as the Historic Preservation Board would have in such an appeal. All appeals must be filed with the Planning Department within ten (10) days of Final Action.

Assistant City Attorney noted that language was also changed under Burden of Proof. The revised language read:

The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land Use authority erred. Except for appeals to the Board of Adjustment, the appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. Except in the case of appeals to the Board of Adjustment regarding Design Guidelines for the Historic Districts and Historic Sites, involving City owned projects, appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority below.

Ms. McLean explained that typically when the Board of Adjustment hears appeals, they are the only body that reviews an appeal for correctness. However, in the case indicated in the revised language, the BOA would review the appeal de novo.

Assistant City Attorney stated that the next revision was under Stay of Approval Pending Review of Appeal. She noted that currently the Code stays an approval only from the Planning Commission to the City Council. If someone appeals a Planning Commission approved CUP, that approval is stayed until the City Council makes its decision. The issue was raised recently that it should be applicable across the board for all appeals. Ms. McLean could not understand why it would only apply to appeals of Planning Commission decisions to City Council and she thought the rule should apply to all Boards. However, once the appeal goes to District Court, explicit language in the LMC says that the approval is not stayed. The appellant would then have to request a stay from the District Court.

The language was revised as follows:

Upon the filing of an appeal, any approval granted under this Chapter will be suspended until the appeal body pursuant to this Section 15-1-18 has acted on the appeal.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Amendments to Title 15, LMC Section 15-1-18 regarding appeals, as amended in the revised language in Section 15-1-18. Commissioner Phillips seconded the motion.

Commissioner Stuard asked to abstain from the vote. Assistant City Attorney McLean informed him that as a Commissioner he had an obligation to vote and he could not abstain.

Commissioner Stuard stated for the record that he was uncomfortable with the idea of making small word changes moments before voting. He believed these were primarily

legal procedures that have little to do with the role of the Planning Commission. Commissioner Stuard would have preferred a continuance to give the Staff and the Planning Commission time to make sure it was absolutely correct. He thought it would have been better to send the City Council a positive recommendation when the Staff was 100% sure it was correct. Chair Worel concurred.

VOTE: The motion passed unanimously.

The Planning Commission was informed that PCMR, the applicant for 1310 Lowell Avenue, was requesting a continuance date of July 23rd rather than July 9th. The amended motions to reflect that request are found under the CONTINUATIONS Section of the minutes.

Park City Planning Commission meeting adjourned at 7:25 p.m.

Approved by Planning Commission: _____