

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

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Jack Thomas, Brooke Hontz, Stewart Gross, Adam Strachan, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Planning Manager, Kayla Sintz; Anya Grahn, Planner, Kirsten Whetstone, Planner; Francisco Astorga, Planner; Polly Samuels-McLean, Assistant City Attorney; Mark Harrington, City Attorney

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The Planning Commission met in work session prior to the regular meeting to discuss an amendment to the Sign Code. The discussion can be found in the Work Session Minutes dated October 9, 2013.

REGULAR MEETING

ROLL CALL

Vice-Chair Thomas called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Worel and Savage who were excused.

ADOPTION OF MINUTES

September 25, 2013

Commissioner Hontz corrected the Work Session Minutes to remove her name from the list of attendees because she was absent from that meeting.

MOTION: Commissioner Gross moved to APPROVE the minutes of September 25, 2013 as amended. Commissioner Wintzer seconded the motion.

VOTE: The motion passed. Commissioners Strachan and Hontz abstained from the vote.

Realizing that the Planning Commission lacked a quorum with the two abstentions, the minutes were continued to the next meeting.

MOTION: Commissioner Gross moved to TABLE approval of the minutes to the next meeting. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington confirmed that due to the Thanksgiving Holiday and the General Plan schedule, the November Planning Commission meetings would be held on the first and third Wednesdays, November 6 and 20th. He verified that the Commissioners would have a quorum on those dates.

CONTINUATION(S) – Public Hearing and continuation to date specified.

1. 331 McHenry Avenue – Appeal of Staff’s Determination

Vice-Chair Thomas opened the public hearing. There were no comments. Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Wintzer moved to moved to CONTINUE 331 McHenry Avenue to October 23, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Assistant City Attorney McLean pointed out that Commissioner Wintzer would be recusing himself from the 331 McHenry Avenue Appeal and; therefore, should not have made the motion or voted. She recommended a new motion.

MOTION: Commissioner Gross moved to CONTINUE 331 McHenry Avenue to October 23, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed. Commissioner Wintzer was recused.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. General Plan – Natural Setting

Commissioner Wintzer commented on a conversation at the last meeting about getting updates from the previous meeting within two weeks, so the Commissioners could recall what changes were made before moving on to the next section. Commissioner Wintzer thought their request was clear and it was reflected in the Minutes. The update was not provided for this meeting and he was uncomfortable moving forward without knowing whether their previous comments and changes were incorporated in the information provided for the current discussion.

Director Eddington stated that the Staff had a recap of the first discussion related to Sense of Community; however, it was not ready for this meeting. The Commissioners could expect to receive the update in an email. The goals would be laid out as recommended by the Planning Commission for review at the next meeting. Commissioner Wintzer wanted to know how they could make the process more orderly to make it easier to track their changes and make sure it is accurate.

Director Eddington agreed that it was difficult with the tight schedule. At the next meeting the Planning Commission would review all the edits up to this point before they move on to the next core value, which is historic character.

Commissioner Wintzer noted that the Strategy section of the General Plan in the Staff report was missing every other page. Commissioner Hontz stated that the page numbers were in sequence but one page did not correlate with the next.

Vice-Chair Thomas recommended that the Planning Commission go through the first part up to page 80 where the pages were accurate, take public input; and continue the discussion from that point since neither the Planning Commission nor the public had the correct information. The Commissioners concurred.

Commissioner Hontz read from page 63 of the Staff report, "Individual comments provided independently without consensus from the task force have not been incorporated." She asked if that was only in reference to the work that was done during the summer. She understood that the purpose of the task force was to get consensus from each group and it would be incorporated. She used a map as one example where the task force had identified that the labeling was not accurate with what it was representing. There was consensus in the task force on what would be appropriate labeling. Commissioner Hontz wanted to know what the sentence on page 63 actually meant. Vice-Chair Thomas stated that if they were meeting in small groups of two or three people like they have been, there may not be consensus of the entire Planning Commission.

Director Eddington explained that the comments made in the small groups were incorporated as redlines. Individual comments or comments where there was no consensus were not included; however, some of those were being addressed in the policy statements on pages 63, 64 and 65. Vice-Chair Thomas clarified that the individual groups were two to three people.

City Attorney Harrington pointed out that the graphics edits had not yet been done. The mapping would come later.

City Attorney Harrington stated that the objective was to focus the discussion on some of the policy issues for a particular goal set, and then move page by page as time permitted.

Director Eddington referred to page 64 of the Staff report and the four policy questions with regard to Natural Setting.

Goal 4 Item 1

Director Eddington noted that Item 1 under Goal 4 talks about Principle 4D, "Minimize further land disturbance and conversation of the remaining undisturbed land areas to development." He explained that the Principle recommends that the very passive open spaces remain as passive open spaces without structures. The challenges are based on the need for parking, restrooms, shade structures and/or other recreation amenities. The Staff believes that not impacting the heart of those open space areas is a good idea. A trailhead, parking and a sign at the trail entrance might be appropriate, but beyond that the recommendation was for no structures in the open space.

Commissioner Hontz supported the recommendation. She assumed it included the removal of the second sentence, "Development means construction of a building, structures or roads", and asked if that would be defined somewhere else in the document. Director Eddington stated that it was shown on page 64 for reference purposes only.

Commissioner Wintzer asked why the sentence was being removed from 4D on page 69 of the Staff report. Director Eddington replied that it was recommended by the Task Force. He could not recall whether it was because it was stated earlier in the Chapter and it was redundant or because the LMC defines development. Commissioner Strachan recalled that it was because the LMC defines it.

Commissioner Hontz reiterated her previous comment about having major concerns with open space for Federal Lands and the open space in critical areas. She thought they supported this goal and she wanted to have future conversations specific to what those represent. Commissioner Hontz supported Goal 4.

Commissioner Gross also supported Goal 4.

Vice-Chair Thomas stated that his only concern was where and how many when they talk about implementing parking areas and trailheads and restrooms. Director Eddington replied that it would depend on where the trailhead starts and whether there is municipal parking nearby. Vice-Chair Thomas was concerned that the parking generated for the trailheads could be substantial and create impacts.

City Attorney Harrington stated that most of this was implemented through one of two ways. One is contractually through the open space acquisition program where there are open space easements or deed restrictions that govern the permitted uses. He remarked that the new COSAC is much more in tune with the prioritization of recreation and conservation values. Moving forward they should have a good balance. As implemented through the LMC, the development that triggers certain reviews as defined by the LMC for these open area. Mr. Harrington stated that there are different types of open space and some of the areas are internal open spaces and others are zoned open space or PUD or MPD open space. What is allowed would still be implemented through the LMC as a conditional use in those use areas and they would have the ability to make sure they were correctly mitigating the impacts.

Vice-Chair Thomas supported Goal 4, but where it says, "shall not be permitted to interrupt, intrude or detract from the open space", he suggested that they also consider the impacts to neighbors. He thought restrooms, parking, and shade structures should be site specific and not impact a neighborhood.

Commissioner Wintzer supported Goal 4. He stated that the biggest financial winners of open space are those who are adjacent to them; but they are also the people who are most affected. Commissioner Wintzer remarked that before the City purchases open space they should designate the trailheads locations and make sure they understand what they are doing and the potential. Commissioner Wintzer recommended that if they intend to go through an open space acquisition it should be planned out before they pass the bond.

Commissioner Strachan agreed with Goal 4; however, he would modify it slightly because they should not encourage parking near trailheads. It goes against the general philosophy to minimize the appearance and use of cars. Commissioner Wintzer agreed. He thought they needed to post no parking signs on the roads. Commissioner Wintzer stated that another problem is that more trailhead users come from Salt Lake City and other areas around the County, and those people arrive in cars. He was unsure how they could address the parking problem. Commissioner Strachan thought they should take a hard approach and eliminate parking at trailheads. If people come from Salt Lake to use the trails, they should be corralled to park in places that can handle it. Parking should not occur in the neighborhoods and they should not be encouraging the extra traffic that the trailheads generate through the neighborhoods.

Commissioner Hontz stated that as an alternate member of COSAC, they cover many of these issues in the committee meetings. If the Commissioners have strong feelings about parking at trailheads, they should expand the existing language because none of those issues are addressed in the current General Plan. Commissioner Hontz remarked that most of the COSAC members are passionate about trailhead parking. She suggested that the Planning Commission make a recommendation to Staff and make sure the language is added. COSAC changes all the time and it was currently advocating a much different direction.

Vice-Chair Thomas did not agree with the notion of the impact to neighborhoods and natural setting created from parking. Commissioner Strachan remarked that the discussion this evening should focus on the language in 4D and whether it should remain or be eliminated. He thought the language should remain. Commissioner Strachan pointed out that like everything else in the General Plan, it is open to interpretation. The language does not specify no parking and the General Plan should not be that specific.

Commissioner Hontz agreed that the General Plan should not be specific, but in her opinion, Goal 4 did not put forth their ideas. Commissioner Strachan was fine with that because the General Plan should not be specific. It should be left to COSAC and the City Trails Staff to work it out. Commissioner Gross stated that as a member of COSAC he had not heard the same sentiment that Commissioner Hontz heard from the committee.

Director Eddington offered to draft language about minimizing trailheads, specifically related to their effect on neighborhoods. Commissioner Wintzer thought it was important to have restrooms.

Vice-Chair Thomas thought Principle 4D was accurate. The issue was the challenges they face in implementing their concerns. Commissioner Strachan thought they should first look at the final language for the General Plan. He could see no reason to change Principle 4D from the way it was written. City Attorney Harrington referred to a previous comment by Commissioner Savage about not kicking the can. The language was drafted and being implemented with the intent to allow ancillary parking facilities at trailheads; and it was meant to prohibit development, as defined by the LMC, which is something different. If the Planning Commission wanted to further restrict development on open space areas, they should include that language so the City Council could either agree or disagree with it. Commissioner Wintzer suggested adding 4(E) that would minimize the impacts of cars at trailheads and discourages people to drive through a neighborhood. Commissioner Strachan suggested that they add "including trailhead parking" at the end of the sentence. Commissioner Gross stated that in COSAC meetings regarding

qualities of the easements, etc., he never heard that the goal was to have parking and bathrooms everywhere. There are certain areas where COSAC would like the ability to have those amenities, and he believed there were areas where it would be appropriate. Commissioner Gross was not opposed to adding language that limited the capabilities. Commissioner Strachan pointed out that the General Plan is not a mandatory document and no one is bound to the language. Commissioner Wintzer remarked that the language suggests minimizing the parking but it does not prohibit parking. He favored adding, "including trailhead parking", as suggested by Commissioner Strachan. Commissioner Gross thought they should also add language to address neighborhood traffic.

Commissioner Strachan revised Principle 4D to read, "Minimize further land disturbance and conversion of remaining undisturbed land areas to development, **including trailhead parking to minimize the effects on neighborhoods.**"

Goal 4, Item 2

Director Eddington noted that Item 2 talks about the difference in open space, primarily natural open space which is more passive, versus more recreation based open space. Passive open space would be conservation and sensitive lands. Recreation open space would be ski runs, golf course, etc. The Staff believed that different goals should be applied to the different kinds of open spaces. The challenges moving forward were to define the different kinds of open space and creating specific definitions. The Staff has been working with Summit Lands Conservancy and others on how to define the passive open spaces versus recreation open spaces.

Commissioner Hontz stated that COSAC was currently going through that exercise and she suggested that they utilize their work. She recommended that they add a chapter or subsection that only talks about open space because it requires so much information both visually and with attached support material. Commissioner Hontz supported Item 2, but her question was how it could be done quickly. Vice-Chair Thomas had the same concerns.

Director Eddington asked if Commissioner Hontz was concerned that protecting open space via conservation easements and deed restrictions was not enough protection on the open space. Commissioner Hontz clarified that she was specifically referring to the map on page 69 of the Staff report where the green area was identified as protected areas. She knows what can and cannot be done on some of those parcels and she would not deem them to be passive. Commissioner Hontz recalled that she previously said that the map should be one that the City has already developed showing which parcels were deed restricted and/or had a conservation easement. Director Eddington clarified that the green areas were the deed restricted and conservation easement properties. He asked if Commissioner Hontz was suggesting that they break it out into deed restrictions and conservation easement. Commissioner Hontz thought it could just be defined.

Commissioner Wintzer commented on the problems he has with most of the maps being on an 8-1/2 x 11 sheet. He suggested that the map identify one or two open space areas to help orient people. Commissioner Hontz stated that the GIS Department had done this ten years ago when she was on COSAC and there was a map that had the different layers of open space. She was certain that someone in the City had the ability to provide an updated map.

Commissioner Hontz thought “critical area” should be defined because it means different things to different people. Director Eddington explained that critical area was defined by the Bowen Collins Natural Resource Inventory with regard to wildlife, and the Staff would include that explanation in a definition. Director Eddington stated that the Staff would define protected areas via conservation easements and deed restrictions in a clear definition.

Commissioner Wintzer suggested that once the General Plan is in electronic form, it would be helpful to have a link to each map.

Goal 5, Item 3

Director Eddington read Goal 5, “Should the City incorporate maximum house sizes for each zoning district.” He stated that currently they have parameters of setbacks, height limitations and footprints in the Historic District that limits house size. Goal 5 talks about whether or not it is a viable endeavor to put a maximum square footage on houses in each district. If someone wanted to exceed the new maximum that is put on for the entire house and build up to the parameters that are currently in place, they would have to observe different home efficiency standards, energy standards, etc. Director Eddington noted that this discussion was raised at a number of neighborhood meetings during the General Plan Outreach. It was also raised in discussions relative to the historic district in terms of energy efficiency.

Vice-Chair Thomas was unsure how they could address this issue because each subdivision has a different set of plat notes and a different way of measuring square footage. Director Eddington stated that it would end up being a type of FAR that would be incorporated into different zoning districts to set the overall gross square footage of a house. They would not be able to look at CC&Rs and it would be based strictly on the zoning district. Commissioner Gross asked if there was a sweet spot number they were trying to achieve. Director Eddington reiterated that it would depend on the zoning district so there was no sweet spot. He agreed that this was a difficult and complex issue to integrate into zoning and implement.

Commissioner Wintzer asked if this would be for mass and scale or energy efficiency. Director Eddington replied that it was both. It incentivizes smaller mass and scale by utilizing better energy practices. Commissioner Wintzer stated that if the issue was mass and scale, they would only be asking someone to build a more efficient larger home. If they set a maximum size of 5,000 square feet and made the house a zero footprint, it would result in a 10,000 square foot home. That scenario would defeat the purpose of addressing mass and scale. A larger more efficient home would still use the same amount of energy.

Director Eddington stated that the goal would not allow for larger homes that what could currently be built. It would go through every zoning district and establish a new FAR that is well within the current zoning parameters. If someone wants to build beyond what is currently allowed, they would have to utilize better energy methodology.

City Attorney Harrington suggested that they could change the goal to a more evaluated action item because the City has a long history of utilization, primarily related to mass and scale, through the subdivision CUP or an MPD. He offered to change the language to, “Analyze past

effectiveness of utilization of maximum house sizes for mass and scale, with the additional goal of utilizing a tool for energy efficiency and sustainability.” That language would leave the implementation to future conditions of approval on a case by case determination.

Director Eddington thought it could be worded as suggested by Mr. Harrington, or it could be worded to say, “Explore opportunities to incentivize new energy efficiencies for housing.” Vice-Chair Thomas remarked that incentivizing implies giving more square footage. Commissioner Strachan agreed and recommended that the wording be more explicit. He remarked that the concern, and what the Visioning exercises showed, was that the residents believe the homes are getting larger and larger and they do not like it. That was the uniform opinion of everyone. Commissioner Strachan thought the General Plan should say that there is concern in the community that the house sizes are growing larger, and that the community, the City Council and the Planning Commission should look at ways to decrease home sizes. Commissioner Wintzer noted that the current General Plan addresses that issue, but it is specific to Old Town.

Vice-Chair Thomas stated that from his professional experience, people will pay to get the size of home they want. Commissioner Strachan agreed; however, the General Plan was not the place to restrict house size. That should be done through the LMC. The General Plan should instruct the Planning Commission to change the LMC to implement smaller house sizes.

Director Eddington offered language, “Explore opportunities to reduce house sizes via environmental regulations.” The Commissioners thought environmental should be taken out of the language if the intent is to reduce the house size. Commissioner Strachan did not believe a large environmentally sensitive home was any better for the environment than a smaller inefficient home.

Commissioner Hontz noted that later this evening they would be discussing LMC changes. She believes driveways and window wells are major items that effect home size and the Staff was not recommending that those be changed. Commissioner Strachan felt it was a matter of whether or not the Planning Commission was willing to change the LMC. Commissioner Hontz remarked that when they have the LMC discussion this evening, those two changes would implement the reduction in house size that they were looking for.

Vice-Chair Thomas pointed out that the LMC agenda item was scheduled for a public hearing and they should wait until then to have that discussion.

Director Eddington reiterated that the Staff would rewrite the language to explore opportunities to reduce mass and scale, house sizes, and structural sizes. Commissioner Strachan clarified that the language should not include contingencies. The language should be generic in the direction for smaller houses, and leave it to the LMC or the Staff to derive ways to make the houses smaller. The Commissioners concurred. Commissioner Wintzer suggested that the Staff consider the language in the current General Plan for the Historic Districts.

Goal 5, Item 4

Director Eddington noted that Item 4 addresses carbon footprint and the citywide goal to try to reduce the increase of the carbon footprint and/or reduce the carbon footprint. This item takes into account the balance of tourist economy versus the goal of sustainability. Recognizing that tourism is the primary economy, there is a significant carbon footprint resulting from people

driving from the airport in Salt Lake, larger homes, and a significant amount of lodging. By definition the carbon footprint tends to be high. He requested discussion on mitigating measures and transportation opportunities to get people out of their cars. The Staff recommended supporting the tourist economy and at the same time look at funding additional mitigating opportunities.

Commissioner Gross was concerned that the City would not be in a position of funding. He thought the funding would come from the Federal government and the State in terms of incentivizing transportation alternatives. Commissioner Hontz understood that the City Council recently agreed to an interlocal with Summit County and Wasatch County to fund this type of study. Director Eddington explained that the City agreed to a regional commitment. Commissioner Hontz understood it was a financial commitment, as well as meeting specific goals. Director believed this issue goes beyond that agreement. The question was whether Park City would propose opportunities for alternative modes of transportation locally.

Commissioner Wintzer stated that his concern with funding is the need to increase the use to support the funding, and that means bringing more people into town. If the goal is to have less traffic but the only way to pay for the alternative is to bring in more people to pay for it, they end up going in a circle. He was unsure whether a blanket statement would reduce traffic and the carbon footprint. He was skeptical about this being the right approach. Director Eddington replied that his concern was the balance between sustainability and the tourist economy, which is an ongoing challenge.

Commissioner Strachan agreed with the statement as written. Vice-Chair Thomas thought it begged for more study. They were assuming that light rail would reduce the impact on the community. However, in some cases light rail increases traffic and density and it does not resolve congestion or reduce the traffic impacts. Widening roads encourages more traffic and people still bring their cars or arrive by shuttle. Vice-Chair Thomas supported the idea of transit within the community, but he was unsure if mass transit was the right approach and it required more study before the City should consider funding it. Director Eddington clarified that the reference to locally actually means the region of Snyderville, Summit and Park City. Vice-Chair Thomas pointed out that being a regional hub Park City would grow and that would impact the core values, particularly of small town.

Director Eddington remarked that it was not recommending that Park City would grow. It is 66% built out and the challenging traffic they experience now would only get worse. The question was whether Park City could accommodate future traffic on the existing road system. There is a general commitment for not supporting widening the roads. However, if the roads are not widened, the traffic would eventually get worse. Director Eddington asked if they should consider an alternative mode or simply not address it.

Vice-Chair referred to the core value of small town and asked if wider roads or mass transit were their only options. He thought they could incentivize other aspects. He believed the notion of mass transit in the region would make Park City a larger town and incentivizes growth.

City Attorney Harrington suggested that the Planning Commission should either agree to redefine the goal or reject it outright. The language was aimed at sustainability and integrity. The policy question was whether or not air travel and visitation should be measured as part of the carbon footprint; or whether they were only mitigating the internal environmental impacts.

They need to decide the true vision of the City. Mr. Harrington thought the issue exemplifies the bigger question of whether they were aligning General Plan development and neighborhood goals with a budget philosophy, and with a sustainability philosophy. He suggested that they re-characterize it in that mode in order to ask the right questions in terms of the broader impact of the transportation policy on the small town vision. Mr. Harrington revised the language to read, "To better align transportation and sustainability goals with the four core values." The Commissioners were comfortable with the language change.

The Planning Commission reviewed the natural setting goals beginning on page 66 of the Staff report. Commissioner Hontz clarified that anything identified in red were either proposed changes or additions. Director Eddington replied that this was correct. The language in blue identified the areas for policy discussion.

Commissioner Gross indicated a typo on page 67, and noted that integrated was incorrectly spelled and it should be "integrated". Commissioner Gross referred to page 70, and thought the third line in 4.2 did not read right. He suggested revising the language to say "...identify appropriate areas for increased density."

Commissioner Wintzer asked what ADA stood for in 4.5. Director Eddington replied that it was the Annexation Declaration Area. Commissioner Strachan recalled that Commissioner Worel had requested a glossary of terms and abbreviations. Director Eddington stated that the Staff had started a list but it was not yet complete. They were trying to spell out the abbreviations and he asked the Planning Commission to point them out.

Commissioner Wintzer understood that the mention of TDRs in 4.2 were TDRs within the City. However, he thought one of the goals should be for the County to start developing receiving zones. Commissioner Hontz recalled a suggestion to add a strategy related to educating the Staff and the public on the TDR policy. Commissioner Strachan stated that he was on the same task force with Commission Hontz when that was suggested.

Planning Manager Sintz asked if the language in 4.19 addressed the request. Commissioner Hontz preferred language that specifically calls out TDRs. City Attorney Harrington thought the education language could be included in 4.3. Commissioner Strachan suggested putting something on the application form that directs the applicant to inquire about TDRs.

Commissioner Wintzer asked Director Eddington to explain 4.3 on page 71. Director Eddington stated that it was already addressed in the definitions of open space and he suggested removing the language. Commissioner Wintzer asked why the Staff was removing the language to encourage public involvement in 4.20. Director Eddington stated that it was recommended by the task force. Mr. Harrington believed it was removed because it was repetitive with the language in Strategy 4.18. The Commissioners thought it was sufficiently covered in 4.18.

Page 72 – Goal 5. Commissioner Strachan recalled that the task force had issues with the graph on page 72 and thought it should be deleted. Director Eddington noted that the graph was prepared by the Sustainability Department based on a group in Denver. If they follow the red line on the graph they could meet the target defined by the initiative. Utilizing reduction in energy use, energy supply and carbon offsets are methodologies to achieve the red line. He would work with the Sustainability Department to better explain the graph.

Commissioner Wintzer referred to 5.8 on page 74 and noted that they continue to talk about energy efficient construction, but they do not count heated driveways in the calculation. He felt it was time to address outdoor fireplaces and the fact that all the driveways are being heated. Commissioner Strachan suggested that they make it a separate City implementation strategy with language stating that the City should explore ways to discourage heated driveways and other wasteful uses of energy.

Vice-Chair Thomas was not comfortable being too specific with the language because someone could find a way around it. To address the issue, Director Eddington stated that the Staff would add a new strategy that looked at ways to disallow heated driveways and other exterior energy uses.

Commissioner Hontz questioned the reference to night sky ordinance in 5.14. Since Park City did not have a night sky ordinance it would be difficult to enforce. City Attorney Harrington noted that the Lighting Code has night sky provisions. Commissioner Hontz concurred; however, it is not a night sky ordinance. Her issue with 5.14 was the inability to enforce an ordinance that does not exist. She thought the language should be revised to read, "Improve visibility of night sky through review and implementation of the night sky provisions." Assistant City Attorney McLean pointed out that the City has restrictions on night sky as part of the lighting Code. That is why the field lights shut off at 10:00. Commissioner Hontz reiterated that 5.14 calls out enforcement of the night sky ordinance. She preferred to call it enforcement of the current night lighting standards. Mr. Harrington point out that night sky was not capitalized and it was meant to be a general reference, but he was not opposed to rewording the language. Commissioner Strachan recommended revising the language to read, "Improve visibility of night sky through enforcement of the **existing light ordinance and potential enactment of a night sky ordinance.**" Commissioner Hontz was comfortable with that language.

Commissioner Hontz referred to 5.15 and stated that with new development she would like to make sure the project provides enough parking and enough places for recycling and garbage. She did not favor the language in 5.15 as written. Commissioner Wintzer thought the language should simply say to encourage providing recycling areas. It would not specify in parking areas but the developer would have the option to reduce the parking to accommodate recycling. Commissioner Strachan recalled that the parking code requirement constrained everyone and developers were using every inch of space to meet the parking requirement at the expense of recycling, open space, and setbacks. He thought the language in 5.15 made sense for that reason. City Attorney Harrington offered the language, "To adopt flexible site design standards that encourage recycling, including in parking areas."

Vice-Chair Thomas opened the public hearing.

There were no comments.

Vice-Chair Thomas closed the public hearing.

NOTE: Due to recording equipment failure the remainder of the minutes were prepared from written notes and the Staff report.

**2. 115 Sampson Avenue Subdivision – Plat Amendment
(Application PL-13-02035)**

Planner Anya Grahn reviewed the application for a plat amendment for 115 Sampson Avenue to combine all of Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, and 55 of Block 78 of the Park City Survey. An existing historic home on the property is identified as Significant on the City's Historic Sites Inventory and straddles the lot lines between Lots 6,7,53, and 54. There are two accessory sheds that were not identified as historic located on Lot 6, and a third non-historic shed is located on Lot 53.

Planner Grahn reported that an active Notice and Order to Repair and Vacate the building was issued by the Building Department on October 13, 2010, at which time the Planning Department approved a plan to mothball the building; however, the Building Department was forced to issue a second Notice and Order on the structure on April 10, 2013 due to its deteriorating and hazardous condition. On May 1, 2013, the applicant submitted a Pre-Historic Design Review application. The Design Review Team met with the applicant's representative to discuss the potential re-development of the property. At that time the applicant expressed an interest in reconstructing the building and adding a small addition. Planner Grahn noted that since that time there has been no communication from the applicant or the applicant's representative to review construction plans. Planner Grahn stated that the historic structure is in significant disrepair and would likely qualify for panelization or reconstruction. The site may be cleared following the recording of a preservation plan and securing a financial guarantee for the reconstruction of the historic structure to satisfy the Notice and Order; however; no reconstruction may occur prior to the recording of the plat amendment to eliminate the interior lot lines.

Planner Grahn stated that the plat amendment application was submitted on August 15, 2013. The application was deemed complete on August 28, 2013. Per the LMC, the Planning Director made a determination on the allowed setbacks due to the unusual lot configuration. A table contained on page 104 of the Staff report outlined the determined setbacks. Based on the setbacks determined by the Planning Director, the overall building pad of the site would be approximately 3,330 square feet. Based on the building footprint formula, the allowable footprint will be 2,496.28. Given the 831.7 square feet footprint of the house, the lot could accommodate a 1,664.58 square feet addition if the sheds were removed. If the sheds are not removed an 1,440.58 addition could be constructed. Any addition to the historic structure would require approval through the HDDR to ensure that it complies with the 2009 Design Guidelines. In addition, if the applicant wishes to add an addition to the house they would likely be required to submit a steep slope CUP application due to the steepness of the existing grade.

Planner Grahn stated that the placement of the house on the lot and its orientation would limit the size of the addition since the new structure would have to be located to the west of the historic structure. She noted that the façade of the structure faces east towards town rather than west towards Sampson Avenue. Planner Grahn noted that the southeast corner of Lot 52 contains a portion of Sampson Avenue. The portion that includes the street would be dedicated to the City during this plat amendment.

The Staff believed there was good cause for the application. Combining the lots would allow the property owner to move forward with site improvements, which include stabilizing and repairing or reconstructing the historic house. The plat amendment is necessary in order for the applicant

to utilize future plans. If left unplatted, the property would remain in its current condition. Planner Grahn reiterated that the plat amendment would also resolve the issue of the historic structure straddling interior lot lines. The plat would not cause undo harm on any adjacent property owner because the proposal meets the requirements of the LMC and all future development would be reviewed for compliance with Building and LMC requirements. Planner Grahn stated that by approving the plat the City would gain one 10' snow storage easement along Sampson Avenue, as well as a street dedication for the portion of Lot 51 that contains Sampson Avenue.

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

Steve Schueler, representing the applicant, clarified that he was under the impression that the owner intended to sell the lot; however, he learned this evening that Jonathan DeGray was working on construction plans for the applicant.

Commissioner Hontz asked if there was a right-of-way on the road that the house faced. Planner Grahn was unsure.

Vice-Chair Thomas opened the public hearing.

Debbie Schneckloth, a neighbor, noted that the Staff report indicated that the property was located in the HR-1 zone and that was an error. It is actually located in the HRL zone. Ms. Schneckloth questioned why, if the house faces Norfolk Avenue, it did not have a Norfolk address. She noted that the current owner also owns property on Norfolk Avenue. Ms. Schneckloth suggested that the Norfolk lot be used to access 115 Sampson Avenue to take some of the pressure off of Sampson Avenue, since the road was already deteriorating from the amount of traffic. She also thought the Planning Commission should request that the house be re-oriented to have a Norfolk address. Ms. Schneckloth thought page 106 of the Staff report should be corrected to accurately state that the portions of Sampson Avenue that would be dedicated to the City would be the southeast corner of Lot 51 and the northeast corner of Lot 52. She felt that clarification was important.

Ms. Schneckloth asked how wide of a portion would be dedicated to the City. Mr. Schueler replied that it would be 8-9 feet. Ms. Schneckloth noted that Sampson Avenue is 13 feet wide. Ms. Schneckloth commented on snow storage and asked about the snow storage along Sampson. Planner Grahn stated that it would be a 10' snow storage easement. Ms. Schneckloth noted that the City owns Utah Avenue and she asked if that could be used for snow storage instead of Sampson. She stated that the existing frontage along Sampson Avenue is sorely needed and she asked that it be retained.

Vice-Chair Thomas closed the public hearing.

Commissioner Hontz noted that the change to HRL zoning needed to be corrected throughout the Staff report and the Staff needed to come back with a clean Staff report. Commissioner Hontz pointed out that access has always been on Sampson Avenue and people use the stairway to the south. She understood that originally there was only one stairway with a plank

into the back of the house; however, a rift between property owners resulted in two sets of stairs.

Commissioner Hontz agreed with Ms. Schneckloth on the condition of Sampson Avenue and she believed it was currently a public health, safety, welfare issue. The road can no longer carry the burden related to nightly rental, snow removal, etc. She requested a condition of approval to put parking for 115 Sampson somewhere else. Commissioner Hontz also recalled that the Planning Commission had requested that the Staff analysis be done on compatible structures in terms of size and plats, rather than an average size analysis. She wanted the analysis redone.

Commissioner Hontz requested that Condition of Approval #4 regarding 13-D sprinklers be revised. She corrected Condition #5 to indicate a 10' snow storage "easement" rather than easements plural. Commissioner Hontz noted that Condition #5 needed to be revised to indicate that portions of Lots 51 and 52 would be dedicated to the City.

Commissioner Wintzer believed the same issues they addressed with 30 Sampson Avenue applied to 115 Sampson. The only difference is that 115 is a downhill lot. He was concerned about approving something that would create a hardship situation for the applicant. He preferred to send this back to the Staff to draft appropriate conditions of approval to avoid a hardship situation that would require going before the Board of Adjustment. Commissioner Wintzer was not prepared to move forward this evening until the issues could be addressed. He also agreed with the idea of adding a condition of approval to address the parking needs.

Commissioner Strachan concurred with his fellow Commissioners. He thought they should continue this item until the Staff report could be revised. Commissioner Strachan suggested a site visit to make sure they were not on the verge of creating a plat amendment that would be the final straw for the neighborhood and what the road could bear. Vice-Chair Thomas concurred.

MOTION: Commissioner Wintzer moved to CONTINUE 115 Sampson Avenue plat amendment to November 6, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

**3. 1134 Lowell Avenue – Steep Slope Conditional Use Permit
(Application PL-13-02012)**

Planner Whetstone handed out public input she had received from Jim and Elaine Howells, 1130 Lowell Avenue.

Planner Whetstone reviewed the application for a Steep Slope Conditional Use permit for a new single-family home containing 2,163 square feet, excluding the 367 square foot single car garage, on a vacant 1,875 square foot lot located at 1134 Lowell Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of 30% or greater. The property is located in the HR-1 District. The CUP request is for construction of a new single-family dwelling on a platted lot of record. The lot is a standard 25' x 75' Old Town lot and contains 1,875 square feet of lot area. The site is a downhill lot on the east side of Lowell Avenue.

Planner Whetstone noted that because the total proposed structure is greater than 1,000 square feet and construction is proposed on an area of the lot that has a 30% or greater slope, the applicant is required to file a steep slope conditional use permit application, which requires a review by the Planning Commission.

Planner Whetstone noted that the lot is a vacant platted lot with grasses and very little vegetation, and located between two existing non-historic single family homes. The lot is accessed from Lowell Avenue.

Planner Whetstone presented slides of existing structures along the street. She noted that there are no historic structures on Lowell Avenue.

A Historic District Design Review application was reviewed concurrently with this application and the Staff found it to be in compliance with the Design Guidelines for Historic Districts and Historic Sites that was adopted in 2009. The final home design was included as Exhibit A in the Staff report.

Planner Whetstone reviewed the Staff analysis contained in the Staff report. The proposed house complies with the setbacks, building footprint and building height requirements of the HR-1 zone. The third story includes horizontal stepping of ten feet from the lower façade as required by the LMC.

Planner Whetstone reviewed the criteria for construction on a steep slope as outlined in the Staff report and explained why the Staff found that the application met all the criteria.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 1134 Lowell Avenue based on the findings of fact, conclusions of law and conditions of approval contained in the Staff report.

John Sparano, the project architect, reviewed the plans for the proposed house. It is a contemporary design on a small lot. Mr. Sparano stated that the design was based on the desire to balance the need for light and privacy. He commented on how the house was designed to fit within the context of the slope, neighboring structures and the existing vegetation. He believed the house was smaller in scale and mass than the surrounding structures and the visual impacts were mitigated. Design impacts were mitigated with stepping, minimized excavation and a low profile green roof. The garage door is located 28 feet from the edge of street. The proposed driveway has a slope of less than 5.5%. The driveway was designed to minimize grading and to reduce the overall building scale.

Commissioner Gross had concerns with the vegetated roof system and asked if there was a mechanism to keep it maintained. The architect stated that the owner was under contract with a company to maintain the vegetation. Director Eddington remarked that the Planning Commission could add a condition of approval to require maintenance of the vegetated roof.

Vice-Chair Thomas opened the public hearing.

Steve Parker thought it was a nice project and he hoped the Planning Commission would approve it.

Vice-Chair Thomas closed the public hearing.

Commissioner Wintzer stated that Planner Whetstone had prepared a great Staff report and had given a great presentation; however, both failed to mention compatibility. The proposed design and building form has never been done in Old Town and there are no design guidelines for flat roofs. Based on the visual analysis, the home did not relate to the streetscape. He liked the design but he had a hard time finding compatibility because it was not the standard for Old Town.

Commissioner Wintzer was frustrated that the Planning Commission was not given the opportunity to discuss flat roofs in Old Town and to set parameters before they had to review a project. This project did not meet Code and until the Code changes he could not justify approving this type of design in Old Town.

Commissioner Strachan agreed. He referred to the purpose statements of the HR-1 District and explained why the proposed project did not fit in terms of compatibility in style and design. He personally liked the design but the Code did not embrace it. Like Commissioner Wintzer, until the Code changes he could not support this type of design in Old Town.

Commissioner Hontz struggled with Purpose Statement C on page 118 of the Staff report. She believed the Code was clear about maintaining compatibility. That principle should not be abandoned before they move forward with the green roof discussion.

Vice-Chair Thomas stated that he struggles with the idea that new in Old Town diminishes the character of the historic. In his opinion, trying to make something new look old diminishes the historic. Vice-Chair Thomas liked the contemporary design. The downhill façade had a minimal, low profile shift, and the stepping eliminated the wall effect that is present on many of the existing structures on the street.

Planning Manager Sintz wanted to know which elements of the design the Commissioners opposed. She noted that the Staff felt strongly that this was a great example of a structure that could be pulled into the historic district as new era. Planning Manager Sintz reviewed various reasons why the Staff found the design to be compatible and why they believe it met the Code.

Director Eddington understood that it was a compatibility issue and that there were challenges with contemporary design. However, the 2009 LMC amendments made changes to the Code that looked for opportunities for contemporary structures and moving into a new era.

Vice-Chair Thomas thought there was a commonality between the forms and he believed there was a need to respect this moment in time. He pointed out that the roof was lower and the applicant was not requesting a height exception. He liked the concept and movement of the structure and how they handled mitigation. Vice-Chair Thomas agreed that the current Code allows the opportunity for new evolution on a project by project basis. He also felt that flat roofs have a logical place in Park City.

Commissioner Wintzer agreed with the Staff and Vice-Chair Thomas. However, the problem was making it fit the Code. The flat roof discussion has been ignored and that was unfortunate, because otherwise this project could be approved. He reiterated his unwillingness to approve

flat roofs until they are governed by guidelines. He was adamant about changing the Code before any approvals.

Planner Whetstone referred to Criteria 6 – Building Form and Scale, and pointed out how the building was designed to meet the criteria and why the Staff believed it met the requirements of the LMC. Director Eddington pointed out that flat roofs are allowed both by the Land Management Code and the Design Guidelines.

Commissioner Hontz referred to the cross canyon rendering on page 139 of the Staff report as a way to look at compatibility with the neighborhood. She agreed with Vice-Chair Thomas that the form and scale of the structure was suitable and looked better than most of the other structures on the street.

Commissioner Gross was not opposed to the structure but he still had concerns with maintaining the green roof. Director Eddington suggested that the green roof could be subject to the landscaping requirements. Commissioner Hontz stated that if the Planning Commission voted this evening, she suggested that they direct the Staff to add a condition of approval #15 to address irrigation and maintenance of the green roof. She also recommended that the condition include some type of review or update to the Planning Commission in one or two years to ensure that the green roof was being maintained in accordance with the landscaping requirements.

Vice-Chair Thomas supported the project and he believed it was allowed by Code.

MOTION: Commissioner Thomas moved to APPROVE the Steep Slope Conditional Use Permit for 1134 Lowell Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval with the direction to Staff to draft language regarding the green roof. Commissioner Gross seconded the motion.

VOTE: The motion passed 3-2. Commissioners Strachan and Wintzer voted against the motion.

Findings of Fact – 1134 Lowell Avenue

1. The property is located at 1134 Lowell Avenue.
2. The property is described as Lot 27, Block 27 of the Snyder's Addition to the Park City Survey. The lot is a standard 25' by 75' "Old Town" lot and contains 1,875 sf of lot area. The allowable building footprint is 844 sf for a lot of this size.
3. The site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
4. The property is located in the HR-1 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.
5. Access to the property is from Lowell Avenue, a public street. The lot is a downhill lot.
6. 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.

7. The neighborhood is characterized by primarily non-historic single family and duplex houses. There are historic structures on Empire Avenue, the street to the east of Lowell Avenue.
8. 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.
9. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.
10. There are no encroachments onto the Lot and there are no structures or wall on the Lot that encroach onto neighboring Lots.
11. The proposed design is for a three (3) story, single family dwelling consisting of 2,171 square feet of living area (excludes the approximately 247 sf single car garage) with a proposed building footprint of 840 sf.
12. The driveway is proposed to be a maximum of 12 feet in width and 28 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 of nine feet (9') and height of nine feet (9').
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with allowable height limits and height envelopes for the HR-1 zoning as the three (3) story house measuring less than 25 feet in height from existing grade and the design includes a 10 foot step back on the third (3rd) story.
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. Though modern, the architectural style is a contemporary interpretation and complements the scale of historic buildings in Park City. 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 Lowell Avenue.
17. The structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. 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 and is consistent with the pattern established on the downhill side of Lowell Avenue.
18. No lighting has been proposed at this time. Lighting will be reviewed 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% 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 proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade and the highest portion is less than 27' from existing grade. Portions of the house are less than 25' in height.
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 – 1134 Lowell Avenue

1. The Steep Slope CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The Steep Slope 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 – 1134 Lowell Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. 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.
4. 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.
5. 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. Lawn area shall be limited in area.
6. 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. The shoring plan shall take into consideration protection of the historic structure to the north.
7. This approval will expire on October 9, 2014, 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.
8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design. The upper level rear façade shall be articulated and setback from the lower level façade by a minimum of ten feet, with a minimum setback to the rear property line of twenty feet, according to

requirements of the Land Management Code in effect at the time of building permit issuance.

9. 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.
10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
11. 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.
12. The Building permit application plans shall provide complete details regarding the Green Roof, including construction, plantings, irrigation, water-proofing, and maintenance. Maintenance of the green roof shall be in compliance with the City's municipal weed ordinance. Construction of the green roof shall be consistent with best management practices and current research regarding green roofs and green infrastructure.
13. Construction waste should be diverted from the landfill and recycled when possible.
14. 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.
15. Two years post installation/planting, a review of the green roof shall be conducted by the Planning Staff and presented to the Planning Commission. The review shall confirm compliance with Condition #12 and if non-compliance is found the roof shall be replanted and a further review shall be conducted within one year and presented to the Commission. The landscape guarantee that is posted with the Building permit shall not be released until the two year review is conducted and the roof is found to comply with the Condition #12 and the City's Landscape Ordinance in terms of germination, plant coverage and weed control.

4. **Park City Heights – Pre-Master Planned Development and Amendment to Master Planned Development (Application PL-13-02009 & PL-13-02010)**

Planner Whetstone handed out proposed changes to the Findings of Fact, Conclusions of Law and Conditions of Approval annotated to indicate the primary changes and whether Staff agreed with the change or was requesting discussion.

Planner Whetstone reviewed the request for amendments to the approved Park City Heights Master Planned Development, as well as corresponding amendments to the Preliminary plat and Ordinance that was approved at the time of the Park City Heights MPD. Corresponding Exhibits, A, B and D were contained in the Staff report.

Planner Whetstone reported that due to the discovery of mine waste on the property, the applicant was proposing to the State as part of the voluntary cleanup program, to remediate the soil on site by creating a lined and capped repository on the eastern side of the property along the US 40 Frontage road. This repository necessitates various amendments to the approved Master Planned Development and Phase 1 subdivision plat. The amendments also create changes to the overall preliminary plat and minor changes to the Park City Heights Design Guidelines, included in the Staff report as Exhibit 1, regarding setbacks and lot sizes for the small lot detached Park Homes.

Planner Whetstone summarized the major amendments as outlined on page 156 of the Staff report. The changes would be to: 1) relocate lots on the eastern portion of the subdivision to accommodate a soil repository on the property; 2) relocate twelve lots on the western portion to be lower and further away from the western ridge area; 3) relocate 20 townhouses, the Park Homes, to the west of the main entrance and closer to the proximity of the park; 4) move the community gardens away from the proposed repository; 5) reduce the neighborhood park area from 3.55 acres to 2.70 acres and propose additional park area on the east side of the main road. The open space would be redesigned to be more useable and more integrated into the small lot residential area; 6) delete future neighborhood commercial parcels I and J, as well as the future stacked flat pad site at the northeast entrance, and replace with 35 attainable units as small lot Park Homes". There would be no increase in the approved density or number of units; 7) change entrance road slightly to accommodate changed lot locations with no access proposed to the US 40 Frontage road; 8) request for a one-year extension of the MPD approval, and to amend the Development agreement accordingly; 9) request to change language of Finding #1e, 1o, and Condition #56 regarding Green Building to be consistent with the Annexation Agreement; and 10) provide for possible future access to the adjacent parcel to the south.

Planner Whetstone noted that the Staff did not recommend changing the approved condition requiring LEED Silver and requested input from the Planning Commission. The Staff also requested that the Planning Commission discuss the proposal to delete Condition #45 regarding parcels I and J. Parcels I and J are identified on the preliminary subdivision plat as potential future support commercial and/or child care center or similar uses. However, this area can accommodate lots displaced by the soil repository and provide certainty on what would be built along Richardson Flat Road.

Planner Whetstone reported that on January 24, 2013 the City Council approved a one-year extension of the approved Park City Heights Phase I subdivision plat. Following a work session on June 26, 2013 with the Planning Commission, the applicant submitted an application requesting amendments to the MPD, including an extension to the MPD, as well as an application for a second extension of the plat approval pending the outcome of the MPD amendments.

The Staff recommended that the Planning Commission discuss the proposed amendments and extension to the approved Park City Heights MPD and subdivision plat, conduct a public hearing and consider approving the proposed MPD amendments and extension based on the revised Park City Heights MPD Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. The proposed changes were identified in red or blue

Chris Gamvroulas, representing the applicant, introduced Spencer White, the applicant's representative, Ben Hathaway, Legal Counsel for the applicant, Amy Finlay, with IHI environmental, and Brad Mackey.

Spencer White provided a color-coded handout showing the surface soil and excavation removal areas based on soils testing by the soils consultant.

Amy Finlay provided a brief background of her experience dealing with environmental issues, as well as that of IHI Environmental. She noted that Ivory Development approached her firm in the

Spring of 2012 and asked them to help with State process for voluntary cleanup. Ms. Finlay explained the condition of the site and what exactly needed to be done to remediate the soil and add a repository on site. After going through the process they were approved by the State Voluntary Cleanup Program. She commended Ivory Development for taking the proper steps to clean up the Park City Heights development area.

Spencer White stated that the proposed location shown was the only potential location for the repository. He clarified that the proposal would not increase the density at all, and that future density Parcels I and J would be removed. The overall concept of a mix of housing types would remain, with the affordable units still integrated into the overall development. The key elements of the MPD would remain, although they would be modified. The Design Guidelines would continue to apply for all housing types, with additional language added for the new concept housing type called "small lot Park Homes"

Mr. White reviewed the major changes that would occur that resulted in a request to amend the MPD. He remarked that Ivory Development continues to keep up with changing standards, as demonstrated by the voluntary cleanup.

Commissioner Hontz believed this was a better site plan; however, she felt it was important to note that the northwest cul-de-sac would be moved further down and that the majority of the roads would be higher up. Mr. White replied that this was correct.

Mr. White reviewed the major changes that would occur that resulted in the request to amend the MPD. He remarked that Ivory Development continues to keep up with changing standards, as demonstrated by the voluntary cleanup. Mr. White noted that the open space with the park would be reduced in size but the amenities would remain the same. The amount of open space for the project would remain the same. The community gardens would remain but they would be relocated farther from the repository and adjacent to the new larger park area east of the main entry road. A large open playing field would be created on the north end of the capped and landscaped repository. A wider open space corridor between the neighborhood park and the playing field connects the parks and the open space areas. Mr. White explained the revised Park Homes concept that was proposed for the northern area of the subdivision in a layout that better accommodates the concept of front porches and side or rear garages. He noted that the entrance roads were slightly changed to accommodate the changed lot locations; however, the grid street system and walkability is maintained. New lot configuration and street layout provides snow storage areas and space for utility corridors. The revised plan provides platted lots for all 79 affordable units, eight of which were previously undefined as a possible stacked flat or multi-unit building. Those units were now included in the MPD site plan and preliminary plat as part of Phase I.

Mr. White stated that eliminating Parcels I and J provides area for the affordable units that were conceptually proposed as possible stacked flats in the northeast corner and allows the area to accommodate the lots displaced by the soil repository. It also provides certainty on what will be built along Richardson Flat Road. Mr. White pointed out that an amended MPD would require some changes to the Design Guidelines.

Mr. White indicated an area to the south where the Fire District requested that an access easement be granted to the adjacent property to provide two points of access in the event that the adjacent property was developed.

Mr. White stated that the applicant had met with the City Engineer, Public Works and the Sewer District and everyone supported the proposed request.

Brad Mackey presented a new small lot concept that was developed and designed for Park City Heights. It was modeled after a development in Colorado and the units were a hybrid between an alley load and a townhome product. He explained three different floor plans. The first was an 800 square foot unit; the second a 1700 square foot unit; and the third had a master bedroom on the main level and 2 bedrooms on the upper floor, for a total of 1800 square feet. The streetscape was all front doors and no garages. The garages were in the back and accessed from alleys. Mr. Mackey remarked that the concept was based on the need for yard space and each unit was designed to have a private fenced back yard.

Vice-Chair Thomas opened the public hearing.

Kraig Moyes, spoke as an individual member of the Recreation Advisory Board and a real estate broker. He was pleased with the opportunity to have another park in the area. As a real estate broker, he has a number of people looking for attainable housing and they have waited a long time for projects like Park City Heights.

Vice-Chair Thomas closed the public hearing.

Commissioner Wintzer agreed that this was a better site plan. However, based on the number of issues he recommended that the Planning Commission and the applicant prioritize two or three main issues to focus on this evening that would allow the applicant to move forwards with the remediation process. He was prepared to give a head nod on the site plan and to provide comments and concerns that could be addressed at the next meeting. Commissioner Wintzer needed more time to study the specific house plans and to carefully review the changes to the Design Guidelines. Since it has been a while since the MPD was approved, he requested a refresher course on the different house types for the next meeting. Commissioner Wintzer thought they should focus on the site plan, the park area, and the open space this evening.

Commissioner Wintzer had a problem with the lack of daycare on site if Parcels I and J were eliminated. He asked if it was possible to expand the clubhouse to accommodate a community daycare to reduce the traffic. Mr. White stated that they could expand the clubhouse but it would reduce more of the park area. Commissioner Wintzer thought a daycare was more important than a community garden. Commissioner Thomas and Hontz concurred.

Commissioner Strachan incorporated his comments from the previous meetings of the original approval that the Park City Heights project did not meet the General Plan. His opinion had not changed and he still believed the project did not comply. Commissioner Strachan was still unsure whether or not he would vote to approve the Amended MPD. However, he agreed that the proposed changes resulted in a better site plan. Commissioner Strachan thought the repository should be usable space. As a kid growing up he played on top of covered contaminated soils with less oversight than the current remediated process. He was not opposed to using that area as a playground.

Commissioner Gross stated that he was not on the Planning Commissioner during the first approval process. However, he thought the current proposal looked reasonable it fits well on

the site.

Commissioner Hontz referred to added language to Finding #9 on page 166 of the Staff report and asked why an access easement was necessary to allow the parcel to the south to have two ingress/egress points from Richardson Flat Road. Mr. White replied that the Fire District did not want to land lock the property. Commissioner Hontz stated that she would not be comfortable with the access easement unless that property was annexed into the City. She recommended adding a condition of approval to require annexation prior to granting an easement.

Commissioner Hontz referred to Condition of Approval #25 on page 173 of the Staff report, which referenced a Geotechnical Study for the Park City Heights Development. She recommended adding language to Condition #25 that requires evidence of the latest soils study and the actual name of the report.

Commissioner Hontz referred to Condition #43 on page 175 and suggested that they enhance the condition to reference where the wildlife report can be found. Commissioner Hontz referred to Conditions #49 and #55 on page 176 of the Staff report.

Commissioner Hontz was opposed to any amenity that allows kids to play on top of the repository. She referred to Condition #59 on page 177 of the Staff Report and asked if the repository could be used for snow storage. Ms. Finley replied that snow storage could be accommodated to the north of the repository area. Mr. White stated that the detention basin could possibly be used for snow storage. Regarding Condition #63 on page 178, Commissioner Hontz reiterated her earlier comment that she would only be comfortable with the easement if the south parcel was annexed into the City. She wanted to make sure a separate condition was added to address the annexation requirement.

Commissioner Hontz thought it was important to inform the public and the residents about the soils remediation by posting a small sign, similar to a trailhead sign. Mr. Gamvroulas stated that the HOA and CC&R documents would have that disclosure. Ms. Finley noted that Ivory Homes voluntarily assumed the cleanup process and they would be given a Certificate of Completion to provide to the HOA. Commissioner Hontz did not believe a brochure or a disclosure in the CC&Rs was enough. She felt that posting a small sign was a better way to disclose the information.

Mr. Hathaway, legal counsel for the applicant, stated that the purpose of the voluntary clean up was to remediate the soils issue. Ivory Homes would comply with all the disclosure requirements and he did not believe it was necessary to post a sign. Commissioner Wintzer did not agree with posting signs and felt the disclosure procedure was sufficient. Mr. Hathaway pointed out that the sole purpose of the process was to clean up the site and make it safer.

Vice-Chair Thomas had no objections to the lot configuration as shown. In looking at the topo, he thought the drainage swell needed further explanation.

Vice-Chair Thomas referred to the language in blue on pages 160 and 161 of the Staff report regarding Green Building or LEED Silver, and the applicants request to use the language in the Annexation Agreement instead of the language that was approved by the Planning Commission in Finding #1(e) and Condition #56. The applicants were asking to replace the original language

with the language in blue. The Commission concurred that the language in the Annexation Agreement allowed the condition to provide a certain level of Green Building to evolve as the standards evolve. The Commission concurred that Finding of Fact 1e. could be amended to include the language from the Annexation Agreement. The Commission agreed that restricting the language to "LEED Silver" did not allow the project to keep up with the Green Building standards as they evolve.

The Commissioners were opposed to heated driveways. Mr. White indicated that they discussed requiring off-sets to heated driveways, such as additional solar panels, consistent with Condition #49 of the MPD.

The Commissioners and Staff point out findings of fact and conditions of approval that may need to be modified due to the amended plat layout and requested changes. Such as Condition #43 regarding wildlife report update, Condition #55 regarding limits of disturbance and retaining walls for streets, Condition #24 regarding the new soils report, and Condition #59 regarding snow storage restrictions on the actual repository. The applicant stated that some conditions have been address by the revised plat, such as Condition #24 regarding the trail access between Lots 89 and 90. Planner Whetstone commented that Condition #56, which refers to lot numbers of the preliminary plat by Ensign Engineering could be updated to match the new preliminary plat.

The Staff and applicants discussed a schedule for future meetings to keep the process moving forward.

MOTION: Commissioner Strachan moved to CONTINUE the proposed Park City Heights MPD amendments and extension to November 6, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

5. **Land Management Code – Amendments to Sections 15-2.104, 15-2.1-5, 15-2.2-4, 15-2.2-5, 15-2.3-5, 15-2.3-6, 15-2.16-5(L), 15-2.16-5(M) & 15-2.16-6 regarding existing historic structures and building height in the HRL, HR-1, HR-2 and RC Districts (Application PL-12-02070)**

Planner Astorga reported that the Planning Commission originally discussed the definition of a story during a work session in August 2012. During a Planning Commission meeting in September 2012, the Staff recommended reviewed the interpretation of a story as currently defined in the Land Management Code. At that time the Planning Commission had concerns related to the current building height parameters and how they applied to split-level concepts. It was interpreted that a three story split-level, per the current LMC definition of a story, would qualify as multiple stories adding up to six. The Staff had introduced an additional regulation which was based on the internal height of a structure measured from the lowest floor level to the highest roof form. The Staff offered to work with different scenarios and come back to the Planning Commission with alternatives.

Planner Astorga stated that during the September 2012 meeting the Planning Commission forwarded several items to the City Council for review and possible adoption. However, the Commissioner continued the proposed amendments regarding building height measurement

and story definition to a later date, and requested additional information. On January 9, 2013 the Planning Department discussed with the Planning Commission specific scenarios regarding Building Height in the Historic Residential Districts (HRL, HR-1 & HR-2) relating to downhill lots. Another group of scenarios regarding uphill lots was presented on February 13, 2013. Planner Astorga noted that the January and February work session discussions were based on the current building height parameters outlined on page 260 of the Staff report.

Planner Astorga noted that currently the LMC defines a story as:

The vertical measurement between floors taken from finish floor to finish floor. For the top most story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof structure.

Planner Astorga stated that there is no maximum or minimum number of feet for a story or a wall plate. The height of a structure is simply measured from existing grade, not to exceed twenty-seven feet. After analyzing the impacts of split-levels and multiple split-levels concepts on a standard lot of record, the Staff proposed adding provisions to the LMC related to Building Height which would limit the split-level concept so a project would not contain multiple numbers of splits stepping up or down the hillside.

Planner Astorga referred to the proposed amendment language in red on page 263 of the Staff report. He noted that the amendment deals with the alternate language to replace the maximum three-stories and does not replace the maximum height of 27' measured from existing grade. The proposed language reads:

A structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plan to the point of the highest wall top plat that supports the ceiling joists or roof rafters.

The Staff also recommended adding clarifying language to the ten foot 10' minimum horizontal step. Planner Astorga noted that the current code does not indicate where the step back takes place on a vertical plane. The Staff found that the added language in red at the bottom of page 263 clarifies where the horizontal step should occur. The proposed language reads:

The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing grade. Architectural features that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty-five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic sites and Historic Districts.

Planner Astorga presented a number of exhibits to show what could occur under the exiting Code and with the proposed changes.

The Staff proposed language under Roof Pitch to clarify green roofs. "A green roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 foot pitch." The Staff proposed adding a provision reflected in red on page 265 of the Staff report. Proposed provision clarifies the required roof pitch for green roofs, as well as adding a specific parameter of measurement. The proposed language reads:

(1) A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same structure. A structure containing a flat roof shall have a maximum height of thirty feet (30') measured from the lowest floor plane to the highest point of the roof including parapets, railings, or similar features.

The Planning Commission discussed split levels and whether or not to place a cap on the number of levels. Planner Astorga noted that when the discussions started in August of 2012 the Planning Commission said they would allow a cap. They needed to let the Staff know if they had changed their minds. He noted that there would be less excavation under the new scenario.

The Commissioners discussed footprint. Commissioner Strachan remarked that the footprint discussion trickles down to plat amendments. Planner Astorga noted that last year three applications proposed the split level concept and none required a plat amendment. Commissioner Strachan remarked that the standard 75' x 25' lot was no longer an issue because of plat amendments.

The Planning Commission discussed window wells that become bedroom space. The Commissioners generally did not like the idea of window wells and thought they should be minimized or restricted. Window wells encourage more livable space which generates more people and more traffic. Planner Whetstone pointed out that the Planning Commission wanted like to encourage more families in Old Town, and families require additional living space.

Vice-Chair Thomas opened the public hearing.

Steve Parker stated that he has a child and he would love to live in Old Town. Mr. Parker suggested that instead of limiting everything the Planning Commission should find better ways to design and create better spaces.

Vice-Chair Thomas closed the public hearing.

The Commissioners were not prepared to forward the proposed amendments to the City Council this evening. They requested that the Staff come back with more information on driveways, restrictions on window wells, particularly in setbacks, and footprint analysis. Vice-Chair Thomas referred to the language on page 263 proposing a 35' maximum height. He thought that should be reduced to 33' in the back and 27' in the front.

Commissioner Wintzer stated that this was a good opportunity to address flat roofs and requested that the Staff come back with language to start the discussion. He suggested the possibility of allowing a percentage of a structure to be a flat roof. Director Eddington noted that flat roofs are already addressed in the Design Guidelines. Commissioner Wintzer pointed out that the Planning Commission needed to have a conversation regarding flat green roofs in Old Town because the Design Guidelines are not in their purview. Vice-Chair Thomas agreed.

Commissioner Strachan thought the Planning Commission should forward the amendments they could agree on and discuss the rest at a later meeting. He was comfortable with the proposed horizontal stepping language on page 263.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council to amend the LMC for the HRL, HR-1, HR-2 & RC Districts with the proposed language at the bottom of page 263 of the Staff report for a horizontal step at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing grade. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council to amend the LMC for the HRL, HR-1, HR-2 & RC District with the proposed language at the top of page 263 of the Staff report, with a revision to change the maximum height from 35 feet to 33 feet at the rear. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Strachan referred to the proposed language on page 265. He was comfortable with the second sentence but he thought the first sentence should be part of the green roof discussion.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council to amend the LMC for the HRL, HR-1, HR-2 & RC District with the second sentence of the proposed language on page 265 of the Staff report regarding the 30' maximum height for a flat roof. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 11:45 p.m.

Approved by Planning Commission: _____