PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 25, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Stewart Gross, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Kayla Sintz, Planning Manager; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Christy Alexander, 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. That discussion can be found in the Work Session Minutes dated September 25, 2013.

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Hontz, Strachan and Savage who were excused.

ADOPTION OF MINUTES

September 11, 2013

Commissioner Wintzer referred to page 72 of the Staff report, page 6 of the minutes, 5th paragraph, 5th line, and the sentence "… the number of people who drive to the junction to buy sheets and towels to take to Deer Valley". He clarified that he was talking about a commercial laundromat and corrected the sentence to read, "…the number of people who drive to the junction **to launder sheets and towels** to take to Deer Valley", to accurately reflect the intent of his comment regarding light industrial uses.

Commissioner Thomas referred to page 73, page 7 of the minutes, 6th paragraph, and corrected "…south into Wasatch County looking down hear the Brighton Estates…" to read, "…**near** the Brighton Estates…"

Commissioner Gross referred to page 76 of the Staff report, page 10 of the minutes and noted that his name was written as Steward Gross and should be corrected to read **Stewart Gross.**

MOTION: Commissioner Wintzer moved to APPROVE the minutes of September 11, 2013 as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed. Chair Worel abstained since she was absent from the September 11th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Gross referred to the 2519 Lucky John Drive replat item on the agenda and disclosed that he is a neighbor and a stakeholder in the area. He had not received public notice on this plat amendment and it would not affect his ability to hear the item this evening.

Commissioner Wintzer remarked that in talking about the Carl Winters School and the High School during work session, he felt it was important to note that the community had lost David Chaplin, who spent much of his career teaching there.

Director Thomas Eddington reported that the Planning Commission typically holds one meeting in November due to the Thanksgiving holiday. However, due to the lengthy agendas and the General Plan schedule, he asked if the Planning Commission would be available to meet on the First and Third Wednesdays in November, which would be November 6th and 20th. The Commissioners in attendance were comfortable changing the schedule. The Staff would follow up with the three absent Commissioners.

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

1. Park City Heights – Pre-Master Planned Development and Amendment to Master Planned Development. (Application PL-13-01992 and PL-13-03010)

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

MOTION: Commissioner Thomas moved to CONTINUE the Park City Heights Pre-MPD and Amendment to Master Planned Development to October 9, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

1. 1255 Park Avenue, Park City Library – Pre-Master Planned Development (Application PL-13-01992)

Planner Anya Grahn requested that the Planning Commission review the Park City Library Pre-Master Plan Development located at 1255 Park Avenue and determine whether the concept plan and proposed use comply with the General Plan and the goals.

During Work Session the applicant provided an overview of how a 21st Century library creates community spaces, conference rooms. It is about expanding the library and improving accommodations and improving the entry sequence and encouraging greater use of public transportation.

Planner Grahn noted that pages 84 through 85 of the Staff report outlined the goals of the current General Plan and how this application had met those goals. The Staff also analyzed the application based on the goals set forth in the new General Plan.

Commissioner Thomas remarked that since the new General Plan was still in the process of evolving and being modified, and it was not yet adopted, it was not pertinent to review the application under the new General Plan. He recommended that they remove that section. Commissioner Gross concurred.

Assistant City Attorney McLean stated that from a legal perspective, even though the Commissioners were relying on the existing General Plan, it would be changing. Therefore, if the Planning Commission has an issue regarding compliance with the new General Plan, it would be appropriate to raise the issue, particularly at this point in the process. Commissioner Thomas understood the legal perspective; however, the General Plan process was not completed and he was uncomfortable making that comparative analysis because it would add confusion.

Planner Grahn stated that if there was consensus to remove reference to the new General Plan, they suggested that they remove Finding of Fact 13, which talks about compliance with the drafted General Plan.

Commissioner Wintzer commented on uses and requested a note on the plat about exterior uses not sprawling into neighborhoods. They need to somehow acknowledge the need for a connection between the neighborhoods. Assistant City Attorney McLean stated that unless it was linked to the General Plan goals, it would be addressed with the MPD. Ms. McLean clarified that the main concept of the pre-MPD is compliance with the General Plan. However, it is appropriate to give initial feedback to make sure the concept is one the applicant should pursue.

Steve Brown representing the applicant, stated that time barriers would be placed as opposed to architectural barriers. Commissioner Wintzer clarified that he was talking about issues such as live music after 10:00 p.m. Mr. Brown stated that the applicant would respond in that vein.

Commissioner Gross referred to page 84 of the Staff report and the sentence stating that the applicant intends to continue to utilize the additional 72 parking spaces at the Mawhinney parking directly east of the Library as overflow parking. He wanted to make sure that would be a reality and that there would not be conflicts. Planner Grahn stated that the Staff report incorrectly stated 72 parking spaces. She believed the actual number was closer to 48 spaces, and she would confirm that number. She apologized for the mistake in her calculation. Commissioner Gross stated that regardless of the actual number, his concern was making sure that the parking spaces would remain as parking over the duration of the Library and its associated uses in the future.

Matt Twombly, representing the applicant, explained that building those spaces was a condition of the original MPD. He assumed it could be conditioned again to retain the spaces for the Library overflow. Director Eddington stated that it would be part of the MPD amendment. Commissioner Gross reiterated that his concern was to make sure it remained as parking as opposed to being developed.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to ratify the Findings for the pre-MPD application at 1255 Park Avenue, the Park City Library that it initially complies with the General Plan for a Master Planned Development, consistent with the Findings of Fact and Conclusions of Law as modified to remove Finding of Fact #13. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1255 Park Avenue

1. The property is located at 1255 Park Avenue in the Recreation Commercial (RC) District.

2. The Planning Department received a plat amendment application on June 14, 2013, in order to combine the north half of Lot 5, all of Lots 6 through 12, the south half of Lot 13 and all of Lots 23 through 44 of Block 6 of the Snyders Addition as well as Lots 1 through 44 of Block 7 and the vacated Woodside Avenue. Upon recordation of the plat, this property will be known as the Carl Winters School Subdivision, and is 3.56 acres in size.

3. There is a Master Planned Development from 1992 for the property; however, the changes purposed to the concept and density justify review of the entire master plan and development agreement by the Planning Commission. The library will be expanded by approximately 2,400 square feet in order to meet the demands of a twenty-first century library. These demands include a café as well as other meeting and conference rooms. A new terrace will also be created on the north elevation of the structure, adjacent to the park. In addition to these community gathering spaces, the library will temporarily house the Park City Senior Center.

4. The applicant submitted a pre-MPD application on July 19, 2013; the application was deemed complete on August 16, 2013.

5. The Park City Library contains approximately 48,721 square feet and was originally approved through two (2) MPDs in 1990 and 1992, as well as a Conditional Use Permit in 1992 to permit a Public and Quasi-Public Institution, the library. An

amendment to the Conditional Use Permit will be processed concurrently with the Master Planned Development.

6. Access is from Park Avenue, with a secondary entrance along 12th Street.

7. A finding of compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use Permit. Compliance with applicable criteria outlined in the Land Management Code, including the RC District and the Master Planned Development requirement (LMC-Chapter 6) is necessary prior to approval of the Master Planned Development.

8. Planning Commission action for General Plan compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. Final site plan and building design are part of the Conditional Use Permit and Master Planned Development review. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.

9. Staff finds that the proposal complies with Goal 1 of the General Plan in that it preserves the mountain resort and historic character of Park City. The proposal to expand the Library will be modest in scale and ensure the continued use of the historic Landmark Carl Winters School. The new structure will complement the existing historic building, complying with the Design Guidelines for Historic Sites.

10. Staff finds that the proposal complies with Goal 3 of the General Plan in that it maintains the high quality of public services and facilities. The City will continue to provide excellence in public services and community facilities by providing additional space for the transformation of the Park City Library into a twenty-first century library and community center.

11. Staff finds that the proposal complies with Goal 5 of the General Plan in that it maintains the unique identity and character of an historic community. The rehabilitation of the structure and the new addition will maintain the health and use of the site as a community center and library. Moreover, the new addition must comply with the Design Guidelines and be simple in design, modest in scale and height, and have simple features reflective of our Mining Era architecture and complementary to the formality of the existing historic structure.

12. Staff finds that the proposal complies with Goal 10 of the General Plan in that it supports the existing integrated transportation system to meet the needs of our visitors and residents. The improved entry sequence will encourage greater use of Planning Commission - September 25, 2013 Page 88 of 302public transit, walkability, and biking to the library. The project is on the bus line and
within walking distance of Main Street.

13. The discussion in the Analysis section is incorporated herein.

Conclusions of Law – 1255 Park Avenue

1. The pre-application submittal complies with the Land Management Code, Section 15-6-4(B) Pre-Application Public Meeting and Determination of Compliance.

2. The proposed Master Planned Development concept initially complies with the Park City General Plan.

2. Second Amended Stag Lodge Phase IV, 8200 Royal Street Unit 52 – Amendment to Record of Survey (Application PL-13-02025)

Planner Christy Alexander reviewed the application amended plat the existing Stag Lodge record of survey plat for Unit 52, which is a detached single-family unit. The request is to identify additional basement and sub-basement area beneath the home. The area is currently listed as common area because it is not listed as private or limited common on the plat. The owner would like to make the area private and create a basement, which would increase the square footage of the unit by 1,718 sf. Planner Alexander noted that the plat was previously amended for Units 44, 45, 45, 50, 51 and 52 in 2002 and recorded in 2003. At that time 3,180 square feet was added to each of those units in the vacant area.

Planner Alexander noted that the plat amendment would not increase the footprint of the unit and additional parking would not be required. The height and setbacks would remain the same.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the amendment to the record of survey.

Bruce Baird, representing the applicant and the HOA, noted that this same request was approved last year for two other units. It is a strange function of having space below the unit that is somehow considered common area in the deep dirt. The area does not count as an extra unit and it does not require additional parking. Mr. Baird thanked the Staff for processing this application quickly, which could allow his client the opportunity to get some work done before Deer Valley shuts down construction for the year. Mr. Baird reiterated that this was a routine application and he was prepared to answer questions.

Commissioner Gross asked if the amended would affect the height from the ground floor to the top. Director Eddington replied that height is based on the structure and not the use. Therefore, it would not affect the height. Commissioner Gross asked if the additional square footage would have the ability to be leased out separately. Mr. Baird replied that it was not intended to be a lock-out. Given the layout of the building it would be nearly impossible to set it up as a lockout.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council on the Second Amended Stag Lodge Phase IV plat for Unit 52 based on the Findings of Fact, Conclusions of Law and Conditions of approval as found in the draft ordinance. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Stag Lodge, Phase IV

1. The property is located at 8200 Royal Street East, Unit 52.

2. The property is located within the Estate (E) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).

3. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size.

4. The Deer Valley MPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the Deer Valley MPD. A total of 52 units are allowed per the Eleventh Amended Deer Valley MPD and 52 units exist within the Stag Lodge parcel. The Stag Lodge parcels are all included in the 11th Amended Deer Valley Master plan and are not developed using the LMC unit equivalent formula.

5. Stag Lodge Phase IV plat was approved by City Council on March 5, 1992 and recorded at Summit County on July 30, 1992. Stag Lodge Phase IV plat, consisting of Units 44, 45, 46, 50, 51, & 52, was first amended on June 6, 2002 and recorded at the County on January 22, 2003. The first amendment added private area to Units 45, 46, 50, 51, & 52 and increased them to 3,180 sf.

6. On August 16, 2013, a complete application was submitted to the Planning Department for an amendment to the Stag Lodge Phase IV record of survey plat for Unit 52.

7. The plat amendment identifies additional basement area for Unit 52 as private area for this unit. The area is currently considered common area because it is not designated as either private or limited common on the plats.

8. The additional basement area is located within the existing building footprint and crawl space area and there is no increase in the footprint for this building.

9. Unit 52 contains 3,180 sf of private area. If approved, the private area of Unit 52 increases by 1,718 sf. Approval of the basement area as private area would increase Unit 52 to 4,898 sf.

10. As a detached unit, the parking requirement is 2 spaces per unit. The unit has an attached two car garage. The plat amendment does not increase the parking requirements for this unit.

11.Unit 52 was constructed in 1985. Building permits were issued by the Building Department for the work. At the time of initial construction, the subject basement areas were partially excavated, unfinished crawl space, with unpaved floors.

12.The HOA voted unanimously for approval to convert common to private space

13.The findings in the analysis section are incorporated herein.

Conclusions of Law – Stag Lodge, Phase IV

1. There is good cause for this amendment to the record of survey.

2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.

3. The amended record of survey plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.

4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.

5. Approval of the record of survey amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Stag Lodge, Phase IV

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey plat for compliance with State law, the Land Management Code, the recorded plats, and the conditions of approval, prior to recordation of the amended plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment 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. All conditions of approval of the Stag Lodge Condominium record of survey plats as amended shall continue to apply.

4. The plat shall be recorded at Summit County as a condition precedent to issuance of

certificates of occupancy for the interior basement finish work.

3. Ontario Park Subdivision, 463 & 475 Ontario Avenue – Plat Amendment (Application PL-13-02019)

Planner Alexander reviewed the application for a plat amendment at 463 and 475 Ontario Avenue. Jeremy Pack, the owner, was requesting to combine the two lots.

Planner Alexander reported that in 1993, the previous owner, Joe Rush, owned Lot 19 as well as Lots 13 and 14 behind it on Marsac. Mr. Rush had wanted to build single family homes on Lots 13 and 14; however, with the diagonal of Marsac Avenue going across his property, Mr. Rush did not have enough area with the setbacks to build the home he wanted. Since Mr. Rush owned both of the properties he was granted a lot line adjustment, which made Lot 19 a substandard lot. At the time, Mr. Rush agreed to a deed restriction on Lot 19 which states, "The Grantor restricts construction on this lot alone. Construction can only occur with another lot adjacent to the property used for construction."

Planner Alexander noted that Joe Rush eventually sold the property and Jeremy Pack was the current owner. Due to the deed restriction, a single family home could not be built on the lot unless Lot 19 is combined with an adjacent lot. Mr. Pack was requesting to combine the lots together to build one single-family home. Because the lot would be larger, he could build a larger single-family home than what he could on the smaller lot. However, the setbacks would be increased on the larger lot. The applicant would be limited to a single family home because there is not enough square footage to build a duplex.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 463 & 475 Ontario Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Chair Worel opened the public hearing.

Bonnie Peretti stated that she knows Old Town quite well and she wanted to know the maximum square footage if the lots were combined.

Director Eddington noted that page 112 of the Staff report identifies the maximum footprint as 1,486 square feet. He pointed out that three stories is allowed in the zone.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the 463 & 475 Ontario Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of approval as found in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 463 & 475 Ontario Avenue

1. The property is located at 463 & 475 Ontario Avenue and consists of two “Old Town” lots, namely Lots 19 and 20, Block 55, of the amended Park City Survey.

2. The property is located within the Historic Residential (HR-1) zoning district.

3. The property has frontage on Ontario Avenue and the combined lot contains 3,650 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.

4. Single family homes are an allowed use in the HR-1 zone.

5. On August 6, 2013, the owner submitted an application for a plat amendment to combine the two lots into one lot of record for a new single family house.

6. The application was deemed complete on August 30, 2013.

7. The property has frontage on and access from Ontario Avenue.

8. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.

9. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.

10.The proposed plat amendment does not create any new non-complying or nonconforming situations.

11.The maximum building footprint allowed for Lot One is 1,486 square feet per the HR-1 LMC requirements and based on the lot size.

12.The plat amendment secures public snow storage easements across the frontage of the lot.

13.In 1994, a lot line adjustment was done combining 100 square feet of Lot 19 with Lot

14. Therefore, by itself, the remainder of Lot 19 is substandard.

Conclusions of Law – 463 & 475 Ontario

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 – 463 & 475 Ontario

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lot.

4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
5. Modified 13-D sprinklers will be required for new construction as required 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.

6. A 10 foot wide public snow storage easement is required along the frontage of the lot with Ontario Avenue and shall be shown on the plat.

4. Second Amended 2519 Lucky John Drive Replat – Plat Amendment (Application PL-13-01980)

Planner Whetstone reviewed the application for a plat amendment to re-establish a line that recreates Lots 30 and 31 of the Holiday Ranchette Subdivision. In 1999 an Administrative lot line adjustment removed the lot line between the two lots and created a single lot of record. The new owners would like to re-establish these two lots within the Holiday Ranchette Subdivision. Each lot is approximately 42,560 square feet, which is similar to the lots in the Holiday Ranchette Subdivision.

The Staff believes there is good cause for the application. The proposed subdivision re-establishes the two lot configuration as platted. It would not increase the original overall density of the

subdivision. All of the original drainage and utility easements were preserved in the previous amendments.

Planner Whetstone stated that the proposal meets the requirements of the Land Management Code and all future development would be reviewed for compliance with the Building and Land Management Code requirements. The Staff had recommended Condition of Approval #7 which requires the primary access to come off of Lucky John Drive to protect the new sidewalk that was constructed as a safe route along Holiday Ranch Loop. It would be a note recorded on the plat.

Planner Whetstone had received public input from several neighbors primarily related to various noticing requirements. She stated that the Staff had met the noticing requirements for a plat amendment by posting a sign on the property and sending letters to individual properties within 300 feet 14 days prior to this meeting. It was also legally published in the paper. Planner Whetstone noted that this item was continued at the last meeting because the required noticing had not been done.

Planner Whetstone added Condition of Approval #8 that would be a note on the plat. The Condition would read, "Existing grade for future development on Lot 31 shall be the grade that existed prior to construction of the garage." She understood that previous grading had raised the grade. The grade should be returned to the grade that existed prior to constructing the garage and the regarding that occurred at that time." Planner Whetstone noted that the survey with the original grade was on file in the Planning Department.

Planner Whetstone reported that the Planning Staff had done an analysis of this proposal and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the Lucky John plat amendment in accordance with the findings of fact, conclusions of law and conditions of approval found in the draft ordinance with the addition of Condition #8.

Steve Schueler with Alliance Engineering, representing the applicant, stated that he was unaware of the owner's intention with respect to the lot, but he presumed that they planned to sell it.

Commissioner Gross commented on the primary access being limited to off of Lucky John Drive. He recalled past discussion about TDRs and increasing densities in areas such as Park Meadows, and he wanted to make sure they were not creating an opportunity for this applicant or a future applicant to re-subdivide the lot again. He noted that the HOA has it designated as preserved open space. Commissioner Gross referred to page 128 of the Staff report and stated out of 100 lots, two lots are slightly under an acre and the rest of the lots are over an acre. Fifty lots are two acres or more. He believed that established the type of neighborhood that Holiday Ranchette is, and he felt it was important to maintain that consistency.

Commissioner Gross stated that as a single-family development it should rest on its own merits, have its own driveways, the respective easements that have been established with the homeowners and the covenants that are within the property.

Chair Worel opened the public hearing.

Steve Swanson submitted a handout of diagrams showing the prior condition, the as-built condition, and the split lot option to help support his comments. Mr. Swanson remarked that many of the neighbors do not understand the process and he has done his best to help them understand the role of the Planning Commission and the Staff. Mr. Swanson addressed the idea of re-discovering a line that represents the demarcation between the original lots 30 and 31. He stated that it may be true to some extent, but to cover it up and then to have it magically sold back is worrisome. Mr. Swanson remarked that the lots have not existed since the plat amendment was recorded in 1999. He believed they were talking about a re-subdivision of an existing lot, and regardless of the size it was in their neighborhood. He thought the bar should be set higher than the original because there is now existing hard construction and other improvements on this lot, the 2519 Lucky John replat.

Mr. Swanson remarked that the subject property and how it has development over time is important in terms of its relation to the neighborhood, Lucky John Drive itself, and in the context of the review and approval process operative at the time in the Holiday Ranch HOA CC&Rs. He recognized that the City has no obligation to enforce the CC&Rs.

Mr. Swanson reviewed the diagram of the prior condition site plan, which showed the two lots, 30 and 31, as they existed in 1999 with a HR plat overlay. He indicated a two-story residence that was built within the building pad, a driveway to the north, and an accessory building pad that could accommodate a garage, barn, etc, directly to the west. Mr. Swanson stated that at that point the approved and constructed projects meet the HOA requirements and the requirements of the CC&Rs. There were also no inconsistencies with respect to the LMC regarding single-family dwellings for orderly development, protected neighborhood character, and property values conserved. Mr. Swanson stated that he likes to reference the Municipal Code because it is important to understand that the City has broad authority in subdivisions in terms of review approval and purview. The LMC and the General Plan is all the City has. Mr. Swanson cited specific sections in the LMC to show the consistency between the LMC and the CC&Rs.

Mr. Swanson reviewed the as-built site plan diagram. He stated that the 1999 replat removed the center line and the subdivision is established. The Cummings were the owners at the time and they purchased both lots with a structure on one lot. Mr. Swanson noted that the owner received a variance to build a larger accessory structure than what the building pad would accommodate. The pad did not meet their needs so they purchased the adjacent lot and did the replat to combine the lots. Mr. Swanson explained that his graphic was intended to show the relationship and how it has changed in terms of how open space is viewed and the types of uses on parcels. He stated that the variance process that was affected at the time with the HOA architectural committee and the full knowledge of the HOA Board would have resulted in a larger garage being built to the north and it was placed within the building pad that was allotted to the second lot for a main building. Mr. Swanson remarked that in reality the owner was forever vacating the pad to the west. That change was shown on his diagram. He noted that the strip in between was open space. He remarked that the owner was also granted a variance to realign the entry drive and take a portion of the open space side yard. That was shown as a hatched area on the diagram. Mr. Swanson stated that based on the CC&Rs, a portion would have to remain open with no structures and no hard surfaces.

Mr. Swanson clarified that it was the HOA architectural committee and not the City who granted the variance. He explained that the hatched area was given back to the owner to utilize as a driveway surface for the single-family use with the approved accessory building at the new location. Mr. Swanson stated that it is routine and common for the HOA to work with the owners within the confines of the charter and the CC&Rs. He pointed out that the garage was raised up three to four feet from grade. Mr. Swanson remarked that there were still no conflicts or inconsistencies between the CC&Rs and the Land Management Code.

Mr. Swanson reviewed the slit option diagram. He stated that if the replat is successful and the two lots are re-created, it would create immediate non-conformances with respect to the Holiday Ranch CC&Rs and the LMC. Mr. Swanson outlined the non-conforming aspects. He stated that if the building is allowed to remain it would be under the minimum that is acceptable under the CC&Rs. The side yard open space is in conflict because hard drive surfaces would be needed to access the two parcels. A common driveway would create a conflict and a potential hardship for one or both owners. Mr. Swanson believed that it violated the LMC because the required three-foot landscape setback would no longer exist on either property, contrary to the Side Yard Exception 15-2-11H-8 of the LMC.

Mr. Swanson stated that orderly development was in question since the applicant is apparently not required to do anything to mitigate, and could initiate legal cross easements for the drive access. The owner could market, sell or hold these properties as he is equally entitled to now, but with the new underlying land being recorded as two lots. Mr. Swanson stated that the neighbors have seen firsthand what has happened to this property in a year's time. He presented a photo of what the property looked like a few years ago. It was meticulously maintained. The owner after the Cummings' recognized the value of the property and the neighborhood and was eager to contribute.

Mr. Swanson presented a photo showing the condition of the property in July 2013. He noted that the current owner took a disinterested stance on this property. Based on public record, he understood that the owner had leveraged the property and had no interest in contributing to the neighborhood or interacting with the neighbors and the HOA. Mr. Swanson believed it was only a question of solving the building addition to the existing garage, which creates an architectural problem for the HOA. He thought it was obvious that the house and garage go together. Mr. Swanson stated that there were too many negatives and unknowns to take a chance on this application. Because of the non-enforcement of CC&Rs clause and the City's broad powers, the HOA is left with created hardship and non-conformances on other issues that should have been dealt with first. He asked that the Planning Commission not take the Holiday Ranch neighbors down that path. Just because something can be done does not mean it should be done. He stated that the neighborhood is 80% full-time residents and many families. The property is inherently valuable because it has open view sheds and wildlife habitat corridors, as well as a strong and beautiful street presence.

Mr. Swanson believed the application should be rejected on its face and a recommendation to the City Council to deny this action. Short of this, he would ask the Planning Commission to continue in order to consider additional conditions of approval, one of which would be the signature and approval of the surrounding neighbors and owners.

Chair Worel asked Mr. Swanson if his comments were made on behalf of himself as an individual or on behalf of the HOA. Mr. Swanson replied that he spoke on behalf of himself as a resident.

Eric Lee, Legal Counsel for the Holiday Ranch HOA. Mr. Lee believed the City had the opportunity to keep the two parties out of litigation. He understood that the City had a policy of not enforcing CC&Rs; however, the CCRs in this case prohibited re-subdividing lots. As demonstrated by Mr. Swanson a quid pro quo negotiation was engaged fourteen years ago that resulted in the lot line adjustment. He stated that there may be room for negotiation now, but the Nevada Limited Liability Company that owns this property has not approached the Homeowners Association despite communication from him requesting communication on this issue. They have not approached the HOA for approval to re-subdivide the lot, despite the fact that the CC&Rs require that approval, or on anything other matter. It is an absentee owner. If they are willing to communicate with the HOA there may be the potential to work something out. If not, it would end up in litigation.

Mr. Lee requested that the Planning Commission do what was administratively done in 1999 when the City considered the neighborhood's position and obtained neighborhood consent for the lot line adjustment in 1999. His position was that the owner should not be bothering the City with this issue until they receive permission from the HOA. Mr. Lee believed a negative recommendation to the City Council would allow the owner and the HOA to try and work together.

Mr. Lee stated that forwarding a negative recommendation or deferring consideration of this application would serve another purpose. The declaration for the subdivision also precludes altering any improvements or landscaping without prior written approval from the architectural committee. He pointed out that a re-subdivision would require the lot owner to alter improvements in landscaping. If the Planning Commission forwards a positive recommendation and the City ultimately allows this re-subdivision, the City would be creating a hardship argument for this owner to take to the HOA, and it changes the balance in an unfair way.

After reading the Staff report, Mr. Lee had concerns with Findings of Fact #6 which states that, "There is an existing home on Lot 30 that was built within the required setback areas and is considered a non-conforming structure." He was unclear on the meaning and asked for clarification. However, if it means that subdividing the lot would create a setback problem, the Planning Commission needs to consider that issue.

Planner Whetstone noted that word "non-conforming" was an error in the Finding because the structure is conforming and the house on Lot 30 meets the setbacks. Mr. Lee clarified that if the subdivision occurred the home on Lot 30 would be at least 12 feet from the side yard. Planner Whetstone replied that this was correct.

Mr. Lee understood that if the subdivision was allowed, an accessory structure would exist on Lot 31. As pointed out in the Staff report, accessory structures are allowed in this District as long as the setback requirements. However, in his reading of the Code, an accessory structure is not allowed without a primary structure. Mr. Lee stated that creating the subdivision would create a lot with an accessory structure without a primary structure. The City would create that situation if the subdivision was approved.

Mary Olszewski, a resident of Holiday Ranch, thanked the Planning Commission for the job the do for the City. She stated the CC&Rs is their bible that has been enforced for 37 years. It is something they do not ignore. She stated that in standing by the CC&Rs they improve their neighborhood and contribute to the City. Ms. Olszewski remarked that historically they have a relationship with the City in that plans and designs are reviewed by the architectural committee and suggestions are made, and the plans ultimately come to the City for approval. She stated that in 1999 the Cummings came to the HOA and submitted a formal application and received letters for a variance from all the neighbors. In this instance they have been circumvented as a Board in the Holiday Ranch. A formal application was not made and no letters for a variance have been submitted from the applicant. Ms. Olszewski stated that the 1999 decision was predicated on this being one lot and a desire to help the homeowner. It seems whimsical that a homeowner can combine lots and then divide lots and leave the neighbors with a set of problems after they did their best to make everything work in the neighborhood. Mr. Olszewski stated that if the applicant is allowed to circumvent the Board, the HOA and the letters of acceptance, it weakens the CC&Rs and makes the Board moot in the neighborhood. She asked the Planning Commission to consider that in making their decision. The stronger the CC&Rs, the more valuable the property is and the greater contribution it makes to the City.

Mary Wintzer, a resident at 320 McHenry, disclosed that she is married to Planning Commissioner Charlie Wintzer. Ms. Wintzer realized that the Planning Commission was in a predicament with the policy of not being able to enforce the CC&Rs. As an Old Town resident she has spoken for years about the neighborhoods in Old Town that are being injured and how they are unable to get help from the City Council and enforcement from the Planning Commission. Ms. Wintzer noted that later this evening the Planning Commission would be discussing the General Plan and Sense of Community. She stated that what has been occurring in Old Town is now hitting Holiday Ranch. This community of full time-residents was asking the City to help uphold their sense of community. Ms. Wintzer remarked that if helping these citizens was not within their purview this evening, the Planning Commission needed to find a way to bring this into the discussion. She compared it to the domino effect. What has been happening in Old Town was now rippling to Holiday Ranch to Prospector and Thaynes, as a result of not paying attention to Sense of Community and what Park City means. Ms. Wintzer suggested that the Planning Commission and the City Council figure out a way of maintaining the sense of community the citizens were asking for.

Tracy Sheinberg, a neighbor, stated that when the current owner went to purchase the property, the real estate agent specifically told him that he could not split the lot. She was bothered by the fact that the owner had that information before he purchased the lot. She was also concerned because the owner has never lived in Park City and she assumed they did not plan to live there. They have never been a part of the community, yet they want to do something that is not allowed and would affect the neighborhood. As a neighbor, Ms. Sheinberg was concerned because the owner has let the property go into disarray. The driveway and the fence were falling apart and no one is taking care of the property. The owner now wants to split the lot and sell it as two lots. No one knows who the owner is because they never talked to the neighbors or met with the HOA. Ms. Sheinberg understood that there was no legal standing, but she thought the Planning Commission should take those factors into consideration because as a neighborhood they do care what happens to the houses and properties in their neighborhood.

Bonnie Peretti stated that she lives in the neighborhood in a home across the street and she was involved when the lots were combined under the assumption that they would not be separate. She was concerned with the term accessory apartment. Ms. Peretti noted that the owners have to refer to all accessory structures as a barn, even though some of the barns look like garages. Accessory structures were meant to accommodate horses at one point, and even now it still has to have the feeling of a barn. Accessory structures are not allowed to be rented or lived in. Ms. Peretti remarked that if the lots are split one lot would have a structure that is not a home. She wanted to know how the City could guarantee that the structure would stay under the terms of the CC&Rs. If they allow the lots to be divided they need to protect the neighbors. Ms. Peretti felt it was best to keep the property as one lot in the way everyone understood it would be.

Peter Marsh echoed the comments of the previous speakers who have been his neighbors for 25 years. Mr. Marsh stated that he was involved in the 1999 discussions and he was available to answer any questions the Commissioners might have regarding the combinations of the lots, or any questions for the HOA as the HOA spokesperson.

Chair Worel closed the public hearing.

Mr. Schueler pointed out that the definitions of the CC&Rs of the HOA states that there should be no subdivision of lots. However, the lots referred to are the lots that were in the original platted subdivision. He clarified that the applicant was only asking to re-create the lots that existed when the subdivision was recorded as a plat in 1974. Mr. Schueler remarked that the applicant was not seeking an active proposal for development of the property at this time. He was certain that when there is a proposal, the applicant would come before the HOA and comply with the CC&Rs.

Planner Whetstone referred to comments regarding the 3' side setback of landscaping between the driveways. She noted that it could be considered a shared driveway, which is allowed; but without knowing that for certain she recommended adding Condition of Approval #9 stating that, "The driveway and landscaping must be modified to meet the 3' side yard setback prior to recordation of the plat."

Assistant City Attorney McLean emphasized that the City does not enforce CC&Rs. The Planning Commission purview is to apply the Land Management Code to the application before them. Even if the LMC is in direct conflict with the CC&Rs, the Planning Commission is tasked with applying the Land Management Code and not additional private covenants. Litigation can be a way to enforce the CC&Rs but that would be between the HOA and the applicant. The City must abide by the Land Management Code.

Commissioner Thomas understood that the Homeowners Association was registered with the City and signatures from the HOA are required when building plans are submitted. Assistant City Attorney McLean explained that the City is required to notify the HOA when building plans are submitted.

Assistant City Attorney McLean clarified that in 1999 and currently, an administrative lot line adjustment requires the consent of the neighbors, but the only purpose is to alleviate the need for

having a public hearing before the Planning Commission. If the neighbors had not consented in 1999 the request for a lot line adjustment would have come to the Planning Commission.

Commissioner Wintzer stated that it is one thing to enforce the Code and another thing to ensure neighborhoods, and he was unsure how they could do both in this situation. Subdividing this property would create a non-conforming use, not of the LMC but of the CC&Rs. The structure that would be left is not an accessory building and is not large enough to meet requirements of the CC&Rs for a house. Commissioner Wintzer did not believe the Planning Commission had the legal means to stop the lot subdivision.
Commissioner Thomas concurred with Commissioner Wintzer. Often times they run into the decision-making process of having to abide by the Code even when they do not like the solution. Unfortunately, the CC&Rs and the HOA guidelines and rules are not the responsibility of the Planning Commission. Their responsibility is the LMC and the General Plan and from time to time they have to make decisions that impact people and neighborhoods. The Commissioners do not like that solution but it is the law and they are held accountable to the law.

Commissioner Gross was concerned that allowing the subdivision would be setting up the neighbors and the homeowners for future litigation and other issues because of the accessory structure and the driveway. He referred to LMC Section 15-7-3(b)-2 – Private Provisions, which talks about the provisions of the easement, covenants or private agreements or restrictions impose obligations more restrictive or a higher standard than the requirements of these regulations or the conditions of the Planning Commission, City Council or municipality approving a subdivision or enforcing these regulations and such provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Based on that language, Commissioner Gross believed that if the Homeowners Association had a stronger will to have the neighborhood a certain way than the City or the City Council, then the operative word is private rights and that should be respected per Section 15-7-(b)-2.

Assistant City Attorney McLean stated that if the LMC was more restrictive that the CC&Rs, the more restrictive would apply. However, if it is a private agreement and it is not reflected on the plat, the City would not enforce it. It is up to the HOA to enforce their provisions if they are more restrictive than the LMC.

Commissioner Wintzer asked for clarification on the side yard setback in the zone and what was permitted in the setback. Planner Whetstone replied that per the LMC the side yard setback is 12' and it allows patios, decks, chimneys, window wells, roof overhangs and driveways. Commissioner Wintzer asked if the driveways could go to the property line. Director Eddington stated that driveways could be 3' from the property line or 1' from the property line if it is deemed as assistance to help a car back in or out. Commissioner Wintzer was concerned that allowing the subdivision would create something that would not meet Code.

MOTION: Commissioner Wintzer moved to CONTINUE this item to a date uncertain until the applicant submits a site plan showing how the setbacks and driveways would comply with Code, and they would also have to submit their plans to the Homeowners Association. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

5. 70 Chambers Avenue – Steep Slope Conditional Use Permit (Application PL-13-01939)

Planner Whetstone reviewed the request for a steep slope conditional use permit located at 70 Chambers Avenue. The property is Lot 1 of the Qualls two-lot subdivision that was approved in 2004. Each lot was 4,125 square feet in area. There is an existing historic home on one of the lots and the lot at 70 Chambers Avenue has remained vacant since that time. Planner Whetstone stated that because the 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 was required to submit an application for a steep slope conditional permit.

The Staff had conducted an analysis of the proposal and the result of their analysis was contained on page 155 of the Staff report. Planner Whetstone noted that additional criteria specific to a steep slope conditional use permit was outlined on page 156 and 157 of the Staff report. Based on their analysis, the Staff determined that there were no unmitigated impacts with the proposal. Planner Whetstone remarked that the proposal has evolved over the past six month and the Staff was still working with the applicant regarding the design.

Planner Whetstone presented slides from various views to orient the Planning Commission to the property. The Staff had prepared conditions of approval to address mitigation issues.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 70 Chambers Avenue based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Darren Rothstein, the applicant, stated that he chose an architect who has designed projects in Park City in an effort to keep the process flowing. Mr. Rothstein noted that the square footage, setbacks and other design elements were below the maximum allowed. He pointed out that he could have built a duplex or a larger home than what was proposed, but he stayed within the footprint. The First floor footprint is 1600 square feet. As it moves up the hill the structure steps down to 1400 square feet on the second floor and 1100 square feet on the top floor. There is less excavation and very little retaining is required. Most of the retaining walls are four feet or smaller. Mr. Rothstein stated that the driveway is a 5% slope and matches grade, which reduces the overall scale of the building. The garage is set back 20' from the lot line and a single car garage is proposed.

Mr. Rothstein stated that a portion of the roof hits the maximum, but the majority of the roof is under height. The mid-span is 20' which is seven feet below the maximum.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Gross understood that the Planning Commission was not approving architectural elements this evening, but he commented on the 10' step with the deck above and the chimney. Commissioner Wintzer noted that page 176 of the Staff report showed the 10' setback and the relation to the deck and chimney. Planning Manager asked if the chimney encroached into the 10' setback. Commissioner Gross thought it appeared to encroach three feet into the setback.

Planner Whetstone stated that the façade of the building is at the 10' setback and the chimney steps forward. Mr. Rothstein did not believe the chimney encroached on the setback. Commissioner Gross thought the center line of the chimney was to the edge of the building. Commissioner Wintzer pointed out that the building steps back as required by the LMC.

The Commissioners and the Staff reviewed various drawings to determine whether or not the chimney encroached into the setback.

Commissioner Wintzer asked if the Code allowed the chimney to encroach into the 10' setback. Director Eddington stated that there was not an exception in the Code, but nothing in the Code disallowed the exception. Commissioner Wintzer thought it stepped back 10', came out 2' and then went back to 10' and he was comfortable with it. Commissioner Gross thought the stepping broke up the mass.

Assistant City Attorney McLean read from the Code, Chapter 2.2-5(a), in the HR1 Zone, "A structure may have a maximum of three stories." Chapter 2.205(b), "A ten foot minimum horizontal step on the downhill façade is required for the third story of a structure, unless the first story is located completely under finished grade of all sides of the structure. On a structure in which the first story is located completely under finished grade, a side or rear entrance into a garage that is not visible from the front of the façade, or is too far away, is allowed." Commissioner Gross clarified that the chimney is two feet to the front of the wall. Ms. McLean read the definition of a façade, "The exterior of the building located above ground and generally visible from other points of view."

Commissioner Thomas clarified that on the third story the façade of the building shifts two feet into the 10' setback. Based on the LMC, the third story is not ten feet and; therefore, the fireplace elevation did not meet Code. Commissioner Thomas asked if the Code has a height exception for fireplaces. Director Eddington stated that there is a side yard setback exception for those, but not in the front yard.

Commissioner Thomas believed the façade did not continually step back on the story and that was a violation of the Code. In looking at the drawing, Commissioner Wintzer noted that the fireplace inside the house meets Code and the fireplace outside comes out 2' into the setback.

Assistant City Attorney McLean re-read the language from Chapter 2.2-5(a) and (b). She stated that in this case, because the garage is on the front façade the last portion of the language would not apply. Therefore, the horizontal step is required for the third story of the structure. Ms. McLean suggested that the Planning Commission also look at the side area on the north side of the structure that has a 6' setback, which may also not comply with Code. Director Eddington noted that there

are also exceptions in the HR-1 for side yards that allow for bay windows and chimneys two feet into the side yard. He pointed out that the language for the front yard is not that clear.

Commissioner Thomas thought the Code was clear about the minimum 10' setback. The only portion that does not step back is the outdoor fireplace. The stairway is below the third story and that portion is at a different elevation.

Commissioner Wintzer thought there could be a workable solution. He suggested that the Planning Commission could add a condition of approval requiring the fireplace to be within the 10' setback, and allow the applicant to work with his architect to meet the condition. Mr. Rothstein preferred to have the opportunity to work it out with his architect rather than delay a decision and have to come back to the Planning Commission.

Commissioner Wintzer added Condition of Approval #15, "The fireplace will meet the 10' setback."

MOTION: Commissioner Wintzer moved to APPROVE the Steep Slope CUP for 70 Chambers Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report and as amended. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 70 Chambers Avenue

1. The property is located at 70 Chambers Avenue.

2. The property is within the Historic Residential (HR-1) District and is subject to all requirements of the Land Management Code and the 2009 Design Guidelines for Historic Districts and Sites.

3. The property is described as Lot 1 of the Qualls 2 Lot Subdivision, recorded at Summit County on December 15, 2004. The lot is undeveloped and contains 4,125 square feet of lot area.

4. The site is not listed as a historically significant site as defined in the Park City Historic Sites Inventory.

5. 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. On August 16, 2013, the design was found to comply with the Design Guidelines and the second notice was sent to adjacent property owners.

6. The lot is an undeveloped lot containing grasses and shrubs, including chokecherry, sage, and clusters of oak the property. There are no encroachments onto the Lot and there are no structures or wall on the Lot that encroach onto neighboring Lots. There is evidence of a small wooden coop structure from old wooden boards. There

are no foundations.

7. There is an existing significant historic structure on the adjacent Lot 2. Lot 2 is also 4,125 square feet in size.

8. Minimum lot size for a single family lot in the HR-1 zone is 1,875 square feet. Minimum lot size for a duplex in the HR-1 zone is 3,750 square feet.

9. The proposed design is for a three story, single family dwelling consisting of 2,989 square feet of living area (excludes 336 sf single car garage). A second code required parking space is proposed on the driveway in front of the garage on the property. The driveway is proposed to be a maximum of 12' in width and a minimum length of 20' to accommodate one code required space. The garage door complies with the maximum width of nine (9') feet.

10. The maximum allowed footprint for a 4,125 sf lot is 1,636 square feet and the proposed design includes a footprint of 1,608 square feet. By comparison, an overall building footprint of 844 square feet is allowed for a standard 1,875 square foot lot.

11. The proposed home includes three (3) stories. The third story steps back from the lower stories by a minimum of ten feet (10'). The first floor is not excavated fully beneath the upper floor.

12. 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. There are no houses or platted lots located to the south of this lot.

13. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at 4' (four) feet 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.

14. The site design, stepping of the building mass, increased horizontal 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.

15. The design includes setback variations, increased setbacks, decreased maximum building footprint, and lower building heights for portions of the structure.

16. The stepped foundation decreases the total volume of the structure because the entire footprint is not excavated on each floor. The foundation steps, not to increase the volume but to decrease the amount of excavation and to minimize the exterior wall heights as measured from final grade. The proposed massing 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.

17. The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty-seven feet (27') in height.

18. This property owner will need to extend power to the site subject to a final utility plan to be approved by the City Engineer and applicable utility providers prior to issuance of a building permit for the house.

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

20. The applicant stipulates to the conditions of approval.

Conclusions of Law – 70 Chambers Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).

2. The CUP, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 70 Chambers 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. The CMP shall include language regarding the method of protecting the historic house to the north from damage.

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. No building permits shall be issued until all utilities are proven that they can be extended to the site.

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. Because of the proximity to the intersection of Marsac and Chambers the driveway must be located in a manner to not encroach on the intersection site triangles.

6. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.

7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the 2009 Design Guidelines for Historic Districts and Historic Sites.

8. 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.

9. Soil shall be tested and if required, a soil remediation shall be complete prior to issuance of a building permit for the house.

10. This approval will expire on September 25, 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.

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

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

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

14. 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.

15. The fireplace will meet the 10-foot setback.

6. <u>Land Management Code – Amendments to Chapter 2.4 (HRM)</u>

(Application PL-12-02070)

Planner Francisco Astorga reported that this was a legislative item regarding LMC amendments to the HRM District, specifically for the open space requirement for multi-unit dwellings, as well as the current exception for historic sites through a conditional use permit, and the Sullivan Access Road criteria. The Planning Commission held a public hearing and discussed these amendments one September 11th, at which time the Planning Commission directed the Staff to prepare a two-dimensional diagram showing the specifics of the HRM District. The Commissioners were provided with 11" x 17" copies of the diagram.

Planner Astorga handed out an email he received from Clark Baron for the record. Mr. Baron was out of the Country and could not attend this evening.

Planner Astorga stated that the HRM District consists of 73 sites. He noted that Condos were identified as one site. Planner Astorga reported that of the 73 sites 27 are historic, four sites are vacant, and 19 of the sites have current access to Sullivan Road. Two historic sites have possible access to Sullivan Road. Planner Astorga noted that the minimum lot area for a multi-unit building is 5,625 square feet. There are 35 eligible multi-unit sites, with or without a structure. Seven sites that are eligible for a multi-unit building are historic. Three historic sites eligible for a multi-unit building have possible access to Sullivan road. Only one vacant site that would be eligible for a multi-unit building would meet the criteria.

Planner Astorga stated that the first criteria for open space is to be consistent with the MPD requirement of 30%. He explained that the only reason for proposing this concept in the HRM District was due to the proximity to City Park and the park at the Library. The Staff had conducted an analysis and every lot is less than a quarter of a mile from either of the two parks. The Staff identified that the neighborhood is served by these two open spaces, which justifies the 30% requirement.

Planner Astorga was prepared to answer questions related to significant open space found within setbacks. He had prepared a few scenarios if the Planning Commission was interested in seeing them.

Planner Astorga reiterated that the first component of the LMC Amendment was to reduce the open space requirement from 60% to 30%. He pointed out that the regulation started with the amendments to the LMC in 2009. Due to the economy and other issues, the recent application for the Greenpark Co-housing located at 1450 and 1460 Park Avenue was the only request for a multi-unit building from 2009 to 2013.

Chair Worel asked Planner Astorga to review the scenarios he had prepared. Planner Astorga noted that the first scenario focused on a lot that met the minimum 5,625 square foot lot size for a multi-unit building. The lot would be exactly 75' x 75'. If only the area within the setback is counted the open space would be 56%. Planner Astorga presented a scenario of 1353 Park Avenue, which is the largest lot within the District at approximately 141' in width and 150' deep, or half an acre. He noted that the larger the lot, the larger percentage of open space. There is no correlation between the setback and the open space requirement since open space is simply a function of a percentage,

while the setbacks will always remain 10' at the front, 10' on the sides and 10' on the rear. Therefore, on the larger lot, the setback area that would count as open space would be 69%. The third scenario was a vacant lot within the District, which is approximately 6700 square feet. The open space requirement on the setback area was 49%. The last scenario was based on the average lot size eligible for the multi-unit building which equates to .24 of an acre or approximately 10,500 square feet. The open space requirement in the setback area would be approximately 43%.

Planner Astorga noted that the second proposed amendment would add language as outlined on page 207 of the Staff report. This amendment relates to the medium density district where multiple buildings are allowed within the same lot. A current provision states that the Planning Commission may reduce setbacks to additions to historic structures identified on the Historic Sites Inventory. The intent is to alleviate some of the pressures of having to meet the standard setbacks, and still achieve some type of separation of the historic structure.

Planner Astorga stated that this LMC Amendment in the HRM would affect the 27 historic sites found within the District. However, of those 27 sites only seven qualify for a multi-unit building because of the minimum lot size. Planner Astorga emphasized that the intent is to achieve greater separation between the new building and the historic structure. The Planning Commission would have to review the criteria for compatibility in terms of mass, scale, form, volume, etc. He did not believe it would be appropriate to dictate a prescriptive number on a specific separation, but instead be part of the dialogue and the discussion between the proposal and the regulation.

The third proposed amendment pertained to the Sullivan Road access, specifically for affordable housing. The intent is to come up with an incentive for creating affordable housing units within the community. The Staff recommended adding a provision indicating that whenever an application comes in that proposes 50% or more deed restricted affordable housing units per the current Code, the access of Sullivan Road may be exempt. Planner Astorga noted that 19 sites have current access to Sullivan Road. Some of those sites are currently owned by the City and would have to follow that same regulation.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

In response to the email from Clark Baron, Commissioner Thomas disclosed that he has no financial interest in any property in this neighborhood.

Chair Worel opened the public hearing.

Jane Crane, a resident in the Struggler condominiums, found it unbelievable that changes were being proposed to change the LMC for the whole lower section of Old Town Park City for the two properties next door to the Struggler. Ms. Crane believed it would change the look of the lower part of Old Town if they allow all the properties identified for multi-unit housing. Increasing the number of people in additional units would increase the busyness of Old Town. It would decrease the parking and snow storage areas. It would not preserve or enhance Old Town Park City as it exists. Ms.

Crane referred to Planner Astorga's comments about the lack of applications due to the economy; however, when the boom comes in the future all of this property would be open to have multi-units that would decrease the flow of the town. The entire community would be adversely affected by the changes proposed to accommodate one project.

Ms. Crane asked if all the properties on Sullivan have backyards. She did not understand the backyard section of the Code if the backyard is a parking structure. The Code requires 5 feet in the backyard, but the backyard access would be the parking structure along Sullivan Avenue.

Planner Astorga stated that the minimum rear yard setback for a multi-unit building is actually 10-feet. However, the Code allows for access off Sullivan Road if specific criteria is met. Ms. Crane pointed out that if the units that were pointed out have access to Sullivan, those units have no back yard.

Dan Moss remarked that they were talking about changes and amendments, but they were really talking about compromises and exceptions to the historic Code that was put into place. Talking about things such as open space and setbacks leads to an increase in density and parking problems. Mr. Moss believed this would be a disservice to those who complied with the Code by now exempting others from the same requirements. He stated that all housing, affordable housing or otherwise, should meet the Code for the protection and greater good of all. They should not sacrifice the historic Code for the benefit of specific developments, and it would establish a dangerous precedent for years to come. He commented on the number of properties that would have the ability to latch on to these same compromises and exceptions to the rule. It would build on itself and have a gradual deteriorating effect on the fabric of Old Town.

Mr. Moss was disappointed that Commissioner Hontz was not in attendance because she had good vision on the suggestion to decrease the open space. He read from previous minutes, "Commissioner Hontz believed the points she outlined shows that the proposed change do not support any of the community ideals, and it would erode what they have worked hard to put into place. She could see this policy change causing problems for the City in terms of how the process was initiated and moved forward." He asked the Planning Commission to consider her thoughts and insights as they consider their decision this evening. Mr. Moss believed they had gone from an attitude of glaring non-compliance to an attitude of what they can do to push this along, all at a time when they have seen no changes brought to bear from any developer.

Brooks Robinson, Senior Transportation Planner for the City and formerly in the Planning Department, had read the Staff reports and the minutes from previous meetings. However, he did not recall reading any discussion about the Sullivan Road access regulations and how they came about. Mr. Robinson clarified that he was not for or against the amendment, and his intent was only to provide background information on Sullivan Road.

Mr. Robinson stated that leading up to the Olympics and in the midst of a hot real estate market the City was concerned with the increase in the development and re-development of properties that bordered both Park Avenue and Sullivan Road, particularly at a secondary or primary and sole access coming off of Sullivan Road. Mr. Robinson remarked that the current regulations in the Code were put in place not to prevent any development, but to direct access from Park Avenue

since all the properties bordered Park Avenue. The big question of why is that Sullivan services the City Park. With kids, park events and other activities, it was important to have slower speeds and less traffic. They did not want additional traffic that was serving other properties that could have access off of Park Avenue. For that reason, the criteria listed in the Code was put into place.

Mr. Robinson stated that an important consideration is that from 13th Street North Sullivan Road is a park road and not a dedicated public right-of-way. As a park road it could be closed for any number of reasons. Therefore, primary or sole access coming off of Sullivan Road was discouraged at that time. He recalled that the access needed to be pre-existing and additional public benefits needed to be met. Mr. Robinson remarked that the with the current application that the LMC amendments allude to, those two properties currently have vehicular access on Park Avenue.

Assistant City Attorney McLean asked if Mr. Robinson was speaking on behalf of Public Works or as an individual. Mr. Robinson stated that he was speaking as an individual providing background information.

Craig Elliott, with the Elliott Work Group, complimented the Staff on a great report and the data that was requested was clear and easy to understand. Mr. Elliott added additional information into the data stream. He felt it was important to understand and compare two different places in town. Mr. Elliott noted that a traditional Old Town lot was 25' x 75' and 1875 square feet. A footprint is 844 square feet and a driveway is 180 square feet. The lot average is 1,024 square feet. The open space on a traditional Old Town lot is 45.4% open space, all basically being within the setbacks of the lot, and a little of that might be within the building boundary. Mr. Elliott thought it was important to understand what everyone thinks Old Town is and how it is set up. Mr. Elliott stated that he was not familiar enough with the statics of the entire HRM zone, but in the zone between 7-11 and the Miners Hospital there are five historic houses and multi-family projects with 11 buildings with over 50 units. Of those existing multi-unit structures, all of them are non-compliant structures and do not meet the criteria in the current Code. Mr. Elliott understood there was concerns about the potential of blowing out the existing multi-units projects, but it was highly unlikely because they could never be replaced with the open space that is required. The existing sites are all within the flood zone so the height of the building moves up several feet from the ground, which limits the height of the total structure to two habitable stories. Mr. Elliott believed it was very unlikely that someone would have an incentive to tear down the existing multi-unit, multi-ownership projects and rebuild them. However, if they did, they might build single family units, and the open space would still be 45% in that zone. Mr. Elliott thought it was important to understand the comparisons to the current discussion and how it would affect it.

Chair Worel closed the public hearing.

Commissioner Thomas thought it would be more palatable to reduce open space requirements and setbacks if they could ensure getting more deed restricted units in the zone. He suggested that they also tie 50% deed restricted housing to the 30% reduction in open space amendment.

Assistant City Attorney McLean suggested that the language could be revised to read, "In cases of development of existing sites where more than 50% is deed restricted affordable housing, the minimum open space shall be thirty percent (30%)."

Commissioner Thomas suggested that they also include 50% deed restricted housing to the second amendment regarding the Exception. Planner Astorga pointed out that the Planning Commission already had the ability to grant the exception for an addition to a historic structure. Planning Manager Sintz explained that the concept of the amendment is to achieve greater separation from a historic structure versus actually adding on to a historic structure. Commissioner Thomas stated that he was more comfortable with the first amendment because he was unsure how the second amendment would play out as proposed. Planner Astorga noted that the second proposed amendment would affect seven historic sites.

Director Eddington referred to page 206 and the amendment regarding open space. He asked if the opportunity to include 50% deed restricted affordable housing was the primary concern, or whether the amendment should read, "In cases of redevelopment of existing historic sites inventory properties the minimum open space could be 30%." Commissioner Thomas thought both were important.

Planning Manager Sintz clarified that two of the purpose statements for the HRM is to encourage rehabilitation of existing historic structures and encourage affordable housing. She stated that tying the exceptions back to the purpose statements strengthens the intent of the HRM zone.

In an effort to wrap historic and affordable housing into the first amendment regarding open space, Director Eddington recommended the following language, "In cases of redevelopment of existing historic sites on the historic sites inventory and contain 50% deed restricted affordable housing, the minimum open space requirement shall be 30%".
The Commissioners were comfortable with the revised language.

Commissioner Gross referred to the second amendment regarding exceptions and thought it would read better if they rearranged the word to read, "For additions to historic buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards:" The Commissioners were comfortable with the revision.

Planner Whetstone referred to page 209 of the Staff report, the Neighborhood Mandatory Elements Criteria. She noted that the proposed amendment states that the criteria does not apply if the development consists of at least 50% affordable housing. Planner Whetstone clarified that there was a requirement for a design review under the Historic District Design Guidelines in the RM zone. Now that the entire area is zoned HRM, she thought that saying the criteria does not apply could also be saying that the developer would not have to comply with the design guidelines.

Planner Astorga recommended that they remove Item 3 because it was no longer necessary, since the design review is required under the zoning. Planner Whetstone pointed out that Item 6 should also be removed for the same reason. The Commissioners were comfortable striking Item 3 on page 209 and Item 6 on page 210. The remaining items would be renumbered.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation for the LMC Amendments to the HRM District as modified and edited during the discussion this evening. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Wintzer reiterated his previous request for the Staff to type the changes into a Word document as they are being discussed so the Commissioners could read it on their monitors to see exactly what they said before making a motion.

7. General Plan – Sense of Community

Commissioner Wintzer asked if there was a way for the Planning Commission to review the changes that were made during each General Plan meeting prior to the next General Plan meeting so the Planning Commission could keep current on each topic. If the Commissioners could not see the changes until the end of the document, they would have to back and read each set of minutes to piece the changes together. Director Eddington stated that the Staff would have to made the revisions within four days in order to have it in the Staff report for the next Planning Commission meeting. He suggested that the changes be included in the Staff report for the second meeting following the discussion on a specific topic.

Commissioner Gross suggested a one-page summary of the changes and discussion of the meeting.

Commissioner Thomas stated that if the Planning Commission has issues with a policy in one section that affects cascading items in the General Plan, it is important to have the ability to track those issues when they discuss the other sections. Making decisions without understanding the consequences could be difficult as it trickles through the entire document. He thought Commissioner Wintzer's request would help with that aspect.

Director Eddington believed the Staff could commit to a two week turnaround for providing the changes to the General Plan from each meeting. City Attorney Harrington thought the request was a good idea. However, the downside was unilateral document control since only a few people are skilled in the program to do the edits. It would create a prioritization crunch for the Staff and they would have to rely on their input in terms of practical turnaround. Mr. Harrington favored Commissioner Gross' suggestion to capture a quick punch list of items and have the Task Force meet within 72 hours to see where they was or was not consensus to proceed with specific redlines, as opposed to having the changes sit on someone's desk while others are trying to recollect the sentiment of the discussion.

Commissioner Wintzer recognized that the comments were open to interpretation and whether it was a suggestion by one Commissioner or a consensus of the majority. Mr. Harrington pointed out they have solid recaps at the end of each item to make that determination. He noted that the Staff always intended an incremental review of the changes prior to bringing back the entire document. He thought it could be done through review and confirmation. If something was interpreted wrong it would come back to the Planning Commission for further discussion and clarification. Mr.

Harrington suggested that they look at the first redline at the next meeting and try to prepare an action punch list from this meeting for the subcommittee.

Chair Worel asked at what point they address typos and grammatical errors. Director Eddington noted that most of those changes were identified in the Task Force meetings. He pointed out that the Commissioners did not have a corrected document.

Goal 7 – Creative Diversity of Housing Opportunities

Commissioner Thomas questioned Item 23 on page 240 of the Staff report which talks about adjusting nightly rental restrictions - eliminate or expand. Planning Manager Sintz remarked that it could also remain the same. Commissioner Gross thought the certain districts should be called out to know where nightly rentals are allowed.

Commissioner Thomas thought a diversity of housing types related more to permanent housing or work force housing. He asked how nightly rentals would equate. Planning Manager Sintz noted that Goal 7 states, "A diversity of housing opportunities to accommodate changing use of residents." She asked if there was a strong desire to maintain primary resident ownership and occupancy in the existing neighborhoods, or whether there was a desire to expand nightly rentals into other areas. She pointed out that it came up as a policy question because there was no consensus during the joint meeting with the City Council.

Commissioner Gross was concerned that nightly rentals would impact the livability of the permanent residents. Commissioner Wintzer stated that nightly rentals ruined Old Town. Commissioner Thomas believed that nightly rentals conflicted with the idea diverse housing.

City Attorney Harrington read Goal 7.4 on page 247 of the Staff report, "Focus nightly rental within Resort Neighborhoods." He interpreted that as a contraction of the current Code by saying that nightly rentals should only be allowed in Resort Neighborhoods. They would then need to define the Resort Neighborhoods. Commissioner Wintzer noted that Old Town would be defined as a Resort Neighborhood because it is currently 60% nightly rental. Mr. Harrington stated that the Planning Commission could clarify whether to stay with the status quo or make a different determination. Commissioner Wintzer was opposed to putting nightly rentals in neighborhoods, regardless of the neighborhood.

Director clarified that for Goal 7.4 the Planning Commission wanted a better understanding and definition of Resort Neighborhoods, which would include places such as Deer Valley and PCMR. The Planning Commission did not want to direct nightly rentals into Park Meadow and Old Town type neighborhoods. The Commissioners concurred. Commissioner Wintzer pointed out that this issue was a conflict between the Planning Commission and the City Council because the Council approved several nightly rental requests that were denied by the Planning Commission. He felt strongly that the two groups needed to find some agreement and be consistent.

Director Eddington understood that the Planning Commission was recommended that they contract the areas where nightly rental is allowed. He was told that this was correct. Commissioner Gross stated that the neighborhoods needed to be specified.

Commissioner Wintzer asked for clarification on Item 24 on page 240 of the Staff report. Mr. Harrington explained that often times RDA and re-development authorities are known for doing new projects on blighted vacant lots. The question for the Task Force was whether there should be some guiding language relative to the Lower Park RDA regarding incentivizing turnover and re-development in the residential area in terms of grants to redo aging existing stock without it being a complete new project. He noted that one task force member said no and others favored general flexibility.

Director Eddington referred to Item 7.7 on page 248 of the Staff report and stated that when they went to the Task Force, the idea was that if they were going to use any City or RDA funds for retrofit, it would be for new housing opportunities, which would be geared more towards affordable/medium. Commissioner Wintzer wanted to make sure that "new housing" would not preclude an existing historic structure from becoming affordable housing.

Commissioner Thomas read Item 26 on page 240 of the Staff report, "Can some opportunities in counties be win/win regarding their economic development and not just PC
pushing the problem on them". Commissioner Thomas asked if they were talking about transferred density into the community from the County.

City Attorney Harrington thought the question was whether there was a way to identify guidance towards situations where they would otherwise get pushback from either Wasatch or Summit County and make them a win/win for the County. Commissioner Thomas thought the intent of the goal was clear in the win/win aspect. Chair Worel noted that opportunities were identified in Item 8.9 on page 252 of the Staff report. Commissioner Thomas asked if the policy recommended establishing more workforce housing in Wasatch and Summit County. Director Eddington did not believe it was specifically focused on work force housing, but it identifies the opportunity to collaborate with the Counties and establish the right location for both parties.

Commissioner Thomas noted that Charles Buki had said that putting workforce affordable housing within the community rather than outside of the community would reduce congestion, traffic and other issues that came out of Visioning. He questioned whether Goal 8.9 was consistent with the visioning goals. He wanted to make sure they understood the consequence of moving workforce housing out of town. Commissioner Wintzer concurred. He suggested that the Staff strengthen the language to reflect what they really want.

City Attorney Harrington preferred that they affirmatively state the priority. He recommended leaving the first sentence of Item 26, and added, "However, the primary goal shall remain to have inclusive affordable housing within the Community". Commissioner Wintzer believed the goal was to have affordable housing next to the services it needs to eliminate the use of a car. For example, Redstone might be a good fit for affordable housing, but it would not work at Jordanelle. Commissioner Thomas pointed out that the success of affordable housing would also depend on where the residents work. He thought the issue was more complex. Mr. Harrington suggested that they articulate the goal in terms of minimizing trips. He drafted language to state, "Primary within community and in a location that minimizes trip generation." Commissioner Wintzer thought it should be clear that affordable housing would be for the local work force. Park City would not be

creating affordable housing for someone who works in Salt Lake. Commissioner Thomas believed that would be difficult to control, particularly if someone working in Park City loses their job and finds work in Salt Lake.

Director Eddington stated that the Staff would expand on the language. He clarified that the primary goal was inclusive affordable housing in the community for the Park City work force. Whether in the County or the City, affordable housing should be located near commercial centers or mixed use nodes. Director Eddington stated that they would also tie this goal to the related transportation goals.

Goal 8 – Workforce Housing.

Commissioner Thomas referred to Item 8.5 on page 251 of the Staff report, "Adopt a streamlined review processes for project that contain a high percentage of affordable housing. He asked for clarification of streamlined process. Commissioner Wintzer did not understand why they would streamline the process because the same questions need to be answered on all applications. He was concerned about giving applicants the perception that if their project would be approved immediately if they provide additional affordable housing. Mr. Harrington agreed that all projects should be reviewed in the same manner, including City projects. However, the goal as written implies that high density affordable housing outweighs the full planning process. If that is not their value, it should be removed. The Commissioners did not think any project should be streamlined and that the language should be stricken.

Commissioner Wintzer referred to Item 27 on page 240 of the Staff report, "Different standards/fees for affordable housing project? If on-site?" He stated that fees could be reduced for projects that exceed the affordable housing requirement. However, fees should not be reduced for projects that meet the affordable housing requirement in the Code.

Commissioner Gross referred to the language for Goal 8 on page 249 of the Staff report and felt it was unnecessary to include that Park City ranked much worse than 237 other jurisdictions on the availability of quality affordable housing and housing options. Director Eddington stated that the National Citizens Survey was a random sampling of communities.

Commissioner Gross suggested that they leave the first sentence, "The lack of housing opportunities has a negative impact upon our sense of community", and remove the reference to the National Citizens Survey. The language would then pick up at, "When a community no long has housing options for its core workforce such as…." He also suggested changing "and beyond" to "and others".

Director Eddington noted that National Citizens Survey is referenced in other parts of the document. He noted that typically Park City fairs well with NCS and it is used as a baseline to identify areas where issues need to be addressed. He stated that affordable housing and water quality were their worst rankings. Director Eddington clarified that the language regarding the NCS would be left in this goal since favorable NCS rankings were included throughout the document. Commissioner Gross was comfortable with the language after hearing the explanation. The Staff would replace "and beyond" with "and others" as suggested.

Goal 9 – Parks and Recreation

Chair Worel remarked that Goals 9 and 10 were very similar and she asked if they could be combined. Commissioner Wintzer thought Goals 9 and 10 were different because one looks at local park and recreation uses and the other addresses tourist attractions. Director Eddington stated that Goal 9 was originally written as amenities for residents and Goal 10 was written as an economic recreational offering for visitors. He noted that "and visitors" was added to the end of the caption of Goal 9 at the request of the Task Force. The Staff had tried to keep the two separate. The Planning Commission could correct it. Commissioner Wintzer saw it as two revenue sources. One was a local source and the other a tourist source. He thought they should be kept separate.

Chair Worel liked the redlined language at the beginning of Goal 9 to add inclusionary text that welcomes all residents and visitors to use the facilities, regardless of population. However, she suggested that they say, "regardless of ethnicity" rather than population.

Goal 10 – Park City shall provide world-class recreation and public infrastructure to host local, regional, national and international events.

Commissioner Wintzer read the language on page 259 of the Staff report, "Park city needs to be a year-round attraction with more events and activities." He noted that the comment was made by one resident during the 2009 Community Visioning. Since it was the sentiment of only one person he did not think it should be stated as a community goal.

Director Eddington asked if they wanted language to add more events in the shoulder seasons. Commissioner Wintzer was uncomfortable putting that type of a blanket statement in the General Plan. Commissioner Gross recalled from the conversation that the intent was to make sure Park City had the right facilities to accommodate the events and entice people to Park City.

City Attorney Harrington stated that the core issue was that the prior General Plan directed an expansion of the year-round tourist economy and the goal to have increased world-class resort activity. He believed the policy question was whether or not they had approached the threshold of carrying capacity, or if they still wanted an active goal to attract more. The choice was to contract, keep the status quo and adapt, or continue to expand. It was noted that Item 10.6 states, "To collaborate with local hosts to attract additional national and international sporting events year-round."

Commissioner Thomas thought both the quote by the resident and 10.6 should be left in the document because both were consistent with the broader cross-section of the City Council and the Planning Commission.

Goal 11 – Tourism

Commissioner Wintzer could not see a purpose for Item 11.1 regarding MPDs within the two primary resorts. Director stated that it might be the understanding that there are two resorts with two outdated MPDs. This would allow the opportunity for the resorts to come back to readdress market

issues and look at amendments to the MPD. He thought it was something the City should encourage given the change in economic cycles. Commissioner Wintzer was not opposed to the intent but he felt the language as written implies that "flexibility" means the resorts can do whatever they want.

Commissioner Gross recalled having this discussion when PCMR planned to come in at the end of the summer to possibly open up the MPD. Director Eddington stated that the Planning Commission had the discussion in November 2011 with Charles Buki and again more recently. That was the reason for including 11.1 in the General Plan.

Goal 12 – Foster diversity of jobs

Chair Worel noted that the first paragraph of the language on page 265 of the Staff report was verbatim from page 244.

Commissioner Wintzer stated that when he first read draft General Plan he had made a note that Goal 12 was about how not to keep Park City Park City. Director Eddington pointed out that this goal talks about the diversification of the economy, recognizing that the resorts "butter their bread". This was something discussed with the task force and with individuals. What is available for the children of Park City after they return from college was the issue that led to Goal 12. That type of diversity and new employment opportunities would not occur at the expense of the resorts, but should it be proactively encouraged. Commissioner Thomas felt it was already beginning to happen.

Commissioner Gross commented on Item 36 on page 240 of the Staff report, to discourage national commercial retail chains. He did not believe that national chains are bad for communities because they offer stability. He felt the bigger issue was the need for a national chain to comply with the regulations of the City. Director Eddington stated that national chains were discussed on two occasions and there was concern that allowing national chains would not be keeping Park City Park City. Commissioner Gross asked if it could legally be blanketed with that statement because national could mean many things.

City Attorney Harrington stated that they could write language in the affirmative of what they want and why to discourage it, and then articulate the activity and the presence they do not want. Most communities have done that through the size of retail space and predatory business operations. Commissioner Wintzer noted that Roots is a national chain in Park City, as well as a few others. Commissioner Gross felt the issue was that national chains have their own building design and logos for recognition and identification. Director Eddington stated that the Planning Commission already has the ability to control design. If a national chain wants to locate in Park City, they should be willing to comply with the guidelines.

Chair Worel read 12D, "Discourage national commercial retail chains on Main Street and the negative impacts of big box and national chains on the unique Park City experience." Commissioner Wintzer named some of the national chains stores currently on Main Street that fit with the tourist industry. Director Eddington noted that Walgreens and McDonald's have expressed an interest in coming to Park City and he expected the Planning Commission would see more retail chains.

Commissioner Thomas was not opposed to certain retail chains as long as the scale and the exterior elements were consistent with the historic character of Park City.

Chair Worel thought they needed to be careful to keep the national chains from pushing out the local businesses.

Commissioner Gross thought the photo of the Silver King Coffee building should be removed from page 267 because it did not represent what they expect for Park City.

Commissioner Thomas thought Item 12.3 on page 267 was too specific by naming Bonanza Park. He felt that was inappropriate in a General Plan. Director Eddington explained that the strategy was talking about taking advantage of tax increment financing and reutilizing funds back into the District. Commissioner Gross suggested replacing the word "recycle" with "utilize" increased tax revenues. Director Eddington agreed with the change. He noted that it was appropriate to identify Bonanza Park by name because Lower Park and the resorts are called out in other portions of the document.

Goal 13 – Park City continues to grow as an arts and culture hub

Commissioner Gross had concerns with Item 39 on page 240 of the Staff report, "consider food trucks and carts." Director Eddington stated that several people have asked why food carts could not be brought in late at night because all the restaurants on Main Street are closed before the bars close. Commissioner Wintzer thought they could be allowed for special events.. City Attorney Harrington stated that restricting food cars and beverage trucks to special events would be the status quo.

Goal 14 – Living within limits

Chair Worel asked for clarification on Item 14.3 on page 273 of the Staff report. Commissioner Gross agreed that it was difficult to understand the wording. Mr. Harrington recalled that 14.3 was a comment by Councilwoman Liza Simpson. Director Eddington revised the language, "Assess the impacts of additional development during the review of annexations. Public services should be…." He noted that the Staff would wordsmith the full language.

Commissioner Gross has concerns with the wording on 14.7. Commissioner Wintzer noted that the language refers to carrying capacities and every traffic study says that it works. He believed the City needed to establish the standards for carrying capacity and what level of streets. Commissioner Gross agreed.

Commissioner Thomas asked where they would address the creative aspects of sense of community as opposed to just the technical aspects. Sense of community merges the technical aspects and the creative aspects of the community. Without the creative aspects they end up with a soulless and boring community. Mr. Harrington stated that it was difficult to do in Utah because the conditional use permit State Statute is technically driven in terms of the mitigation aspects. The burden shifts to the City to demonstrate on the record the technical components. Mr. Harrington thought the best approach was to incentive it as opposed to prohibiting fundamental rights. The

fundamental fairness issue is that someone should be able to pick up the regulation and understand what they can or cannot do. The subjective component is a judgment that cannot be predicted. The skill is how to translate some of those into objective deliverables.

Commissioner Wintzer returned to 13.5 which promotes local music by encouraging the creation of music festivals. He felt they needed to specify that outside music cannot compete with quiet dining in a restaurant.

Commissioner Gross referred to page 278 and suggested that instead of spelling out Seven Eleven, that they use the chain logo 7-Eleven.

Chair Worel asked if the new General Plan would mention the award from Outside Magazine. Director Eddington thought Chair Worel made a good point and the Staff would include it.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

The Park City Planning Commission meeting adjourned at 10:35 p.m.

Approved by Planning Commission: _____