

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 11, 2013

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Thomas, Brooke Hontz, Stewart Gross, Charlie Wintzer

EX OFFICIO:

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

=====

REGULAR MEETING

ROLL CALL

Vice-Chair Thomas called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except for Commissioners Savage, Strachan and Worel. With four members the Planning Commission had a quorum to conduct business.

ADOPTION OF MINUTES

August 28, 2013

MOTION: Commissioner Gross moved to APPROVE the Minutes of August 28, 2013 as written. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reported that Matt Evans completed his contract with the City at the end of August and he had moved on. He welcomed Christy Alexander and Ryan Wassum to the Planning Department.

Director Eddington reminded the Commissioners that the City Tour was scheduled for Wednesday through Sunday of the following week. He noted that some of the Planning Department Staff would be out of the office on those days.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **510 Payday Drive – Plat Amendment**
(Application #PL-13-01945)

Planner Kirsten Whetstone reviewed the request for a subdivision plat for the first four lots of the subdivision called Thaynes Creek Ranch Estates, which is the first phase of the Richards Annexation and the preliminary plat that was approved earlier this year with the annexation.

Planner Whetstone handed out a revised exhibit. She noted that the plat and the plat notes were the same. The only difference was a change in the barn location.

Planner Whetstone noted that the application was a request for approval of the final subdivision for the first phase of the Thaynes Creek Ranch Estates consisting of four single family lots on four acre lots. The lots are accessed off of a private street that accesses off of the north side of Payday Drive located off of SR224 at the north part of town. Lots 1, 3 and 4 have frontage on Payday Drive. Lots 1, 2 and 3 also have frontage on Country Lane, formerly known as Richards Court.

Planner Whetstone reported that the Richards annexation was approved earlier this year for the 13.75 acre parcel. The zoning is single family. This request was the first phase of the subdivision. The Staff had conducted an analysis of the land use and density. The maximum building footprints were identified on the plat. The larger lots, Lots 1 and 2, back up to the City Open space with a building footprint of 4150 square feet. The smaller lots on Payday Drive have a footprint of 3900 square feet. Planner Whetstone stated that language in the CC&Rs require that the second story can be no larger than 60% of the main level. That requirement was memorialized as a plat note since the City does not enforce CC&Rs. The maximum footprints were also included as a plat note.

Planner Whetstone stated that the barns are consistent with preliminary plat with a 1300 square foot footprint on the larger lots. She noted that the Fire District had requested a plat note limiting the size of the barn to restrict the internal floor area of the barns to 1200 square feet. She clarified that the size of the barns remained the same, but the applicant was proposing to place them in a different location. Planner Whetstone noted that the 1200 square foot limitation was based on meeting the Fire Code. She noted that the maximum building footprint was to be determined at the time of the final plat as discussed during the preliminary plat process. The maximum limits of disturbance area had been identified in plat notes with the maximum irrigated area for Lots 1 and 2 at 16,000 square feet. The maximum irrigated area for Lots 3 and 4 was 10,000 square feet. The total area that could be disturbed, including all irrigated landscaping, barns, patios, hardscape, driveway, and building footprint for Lots 1 and 2 was 45% of the lot area and 75% of the lot area for Lots 3 and 4. Planner Whetstone noted that the plat requires an extension of the sidewalk on the north side of Payday over to Iron Canyon Drive to provide access to the Park. Affordable housing is required to be satisfied prior to issuance of the first certificate of occupancy. That has been identified in the Annexation Agreement as .9 AUEs and it would be resolved with the Housing Authority.

Planner Whetstone remarked that additional items that were requirements of the annexation agreement were memorialized and transferred from the conditions of approval in the draft ordinance.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the four lot final subdivision plat of the Thaynes Creek Ranch Estates Phase One, based on the findings of fact, conclusions of law and

conditions of approval outlined in the draft ordinance, with an additional condition of approval regarding the maximum interior area of a barn.

Steve Schueller with Alliance Engineering stated that the applicant was comfortable with the square footage that Planner Whetstone reported. However, they questioned whether it made sense to formalize the barn location on the plat without knowing the architecture for individual residents. Mr. Schueller understood that the barn needs to be 75' feet away from an existing residence, and he believed that restriction was sufficient to address any future development and impacts to the existing neighborhood; as opposed to formalizing a location on the plat.

Vice-Chair Thomas asked if Mr. Schueller was suggesting a flexible envelope. Frank Richards, the applicant, replied that he would like a flexible envelope. Planner Whetstone explained that it was moved further north in an effort to address the concerns of a potential lot owner of Lot 2. He expressed a desire to move the envelope to the north so he could utilize his common access easement between Lots 2 and 6. If that occurred, he would not need an additional driveway back to the barn.

Mr. Richards acknowledged that it was the preference of the potential owner of Lot 2. However, there was not a potential buyer for Lot 1 and he was uncomfortable restricting a future buyer from putting his house and barn where he wanted. Mr. Richards agreed with the building envelopes, but he did not agree with telling a property owner where he had to locate his house on his lot because it affects the marketability. He noted that the lots are 1.25 acres and the structures could be located in a number of different locations on the lot. Mr. Richards requested that the Planning Commission allow some flexibility for locating the barn and the house as long as it stays within the building envelope.

Commissioner Wintzer asked if a building envelope was identified on the plan. Mr. Schueller replied that there was not a house envelope at this time. Vice-Chair Thomas pointed out that there were setbacks and the no-build zone with regard to the house, as well as a 75' separation between the house and the barn.

Commissioner Wintzer referred to the conditions of approval from the January 9th meeting, which stated that the Planning Commission would identify building locations, barn locations, utility locations and the location of driveways and service roads to barns. He understood that would all be approved on the plot plan; however, the applicant was asking that those locations not be identified. Planner Whetstone stated that Lots 3 and 4 were relatively small and there was a standard setback that was no longer being identified. Instead, they were identifying the maximum building footprint and a maximum disturbance area, and leaving the location to the applicant. On Lots 1 and 2 the 80' no-build zone was identified and they attempted to identify the barn location until Lot 2 requested that it be moved further to the north. The Staff thought the barn on Lot 1 should also be located on the north property line. Planner Whetstone clarified that there was not an identified building pad on the lots.

Commissioner Wintzer reiterated that the annexation was approved with a condition of approval stating that it would all be identified on the final plat. Planner Whetstone stated that the Staff could go back and do that, but they did not believe it was necessary since there were no wetlands.

Commissioner Wintzer stated that his only concern was that without a topo he was unable to determine whether or not the buildings would be located in the middle of a view corridor. He would not care about location if he could be certain that placement of the buildings would not affect the view corridor. Planner Whetstone recalled that the Planning Commission wanted the buildings as close to the private driveway as possible. She noted that the Staff report identifies maximum widths and lengths to get the houses as close to the private driveway as possible. The 80' no-build zone is the buffer area that was agreed to at the time of the preliminary. Planner Whetstone clarified that it was not a requirement and the Planning Commission left it open to discussion at the final plat process.

Commissioner Hontz noted that page 22 of the Staff report references historical and cultural resources. If the wetlands were delineated, she thought a cultural resources study was a requirement of the permitting process. Mr. Richards stated that a cultural study had already been done. Planner Whetstone stated that the Planning Department had a copy of the study. Mr. Richards pointed out that there were no wetlands on Lots 1, 2, 3, and 4. The remaining two lots have wetlands.

Vice-Chair Thomas opened the public hearing.

There were not comments.

Vice-Chair Thomas closed the public hearing.

Vice-Chair Thomas was comfortable having a flexible bubble for the barn location because it allows for better design. He thought the no-build zone and the separation between the barn and the houses were sufficient.

In response to Commissioner Wintzer, Director Eddington pointed out that the conditions of approval for the annexation indicated a building pad for the barn, but not for the house. If the Planning Commission chooses to allow more flexibility, they need to be clear that it was based on a review of Condition #14 of the annexation approval.

Commissioner Wintzer asked if the conditions were approved by the Planning Commission or the City Council. Director Eddington replied that the conditions were ultimately approved by the City Council and recorded. Commissioner Wintzer clarified that his comment was taken from the Planning Commission minutes and their approval. Director Eddington noted that the condition in the Planning Commission minutes indicated a building pad. However, the conditions in the ordinance that were recorded after the City Council approval did not include the building pad. It was possible that it was changed at the City Council level.

Vice-Chair Thomas reiterated his preference to allow flexibility for locating the buildings. With the restrictions on length and width of the driveway, the house would be pulled closer to the street. He believed flexibility would allow for a better custom designed project.

Vice-Chair understood that Mr. Richards had contemplated combining Lots 3 and 4. Mr. Richards replied that it was originally talked about, but Lot 3 was sold and the owner only wanted a half acre. The lot combination was no longer necessary.

Planner Whetstone read plat note 4, "In the event that lots 3 and 4 are combined, the maximum building footprint allowed shall be consistent with the maximum building footprint of Lots 1 and 2." Vice-Chair Thomas suggested that they strike that clause. Assistant City Attorney McLean recommended that the language be left in to address a future possibility. Vice-Chair Thomas stated that if the language is left, he wanted to address the issue of what typically happens when lots are combined and how they reduce the footprint proportionately from 2.0 to 1.5. Planner Whetstone agreed that it was 150% of the average footprint of the two lots. Vice-Chair Thomas pointed out that combining the lots would require a separate plat amendment and it would be addressed at that time. Commissioners Gross and Wintzer concurred.

Commissioner Hontz referred to page 28 of the Staff report, Finding of Fact #12, and revised the last sentence to read, "Only one single family homes **is permitted to be** constructed on each of Lots 3 and 4." She believed the language change was more consistent with the first sentence.

Commissioner Hontz referred to page 29, Condition of Approval #11, and suggested that they strike the last sentence, "Barns shall not be used for human occupation" because it was stated as Condition #19. She suggested that they leave Condition #19 as written and remove the redundant language from Condition 11.

Commissioner Hontz could not recall the number of conditions that were also plat notes and requested that they be identified all together in one place. She believed it would be easier for an owner or buyer to have a better understanding if the plat note conditions were together.

Commissioner Hontz referred to the last sentence of Condition of Approval #17 related to affordable housing. She was concerned about having a bedroom within a house designated as an affordable housing unit. She understood it would need to be approved by the Housing Authority, but was uncomfortable with the language. Vice-Chair Thomas pointed out that the sentence specifies 810 square feet. He did not share Commissioner Hontz's concern based on the specified square footage and approval by the Housing Authority. Commissioner Gross agreed that a room within a house would not be 810 square feet. Condition #17 was not changed.

Commissioner Hontz referred to page 31, Condition of Approval #26. She thought it was incorrect to say **maximum house building footprint**. The Condition was changed to read, "Lots 1 and 2 are restricted to a maximum building footprint of 4,150 s.f. for the **house and garage**. Lots 3 and 4 are restricted to a maximum building footprint of 3,900 s.f, **for the house and garage**. Barn footprints are restricted to maximum of 1,300 s.f.

Commissioner Hontz added Condition of Approval #29 to state that due to fire flows required by the Park City Fire District, no more than 1200 square feet of interior area may be allowed within the barns. Commissioner Gross thought the condition should specify "per fire standards" so it always complies with the Fire District.

Commissioner Hontz added Condition of Approval #30 to address Commissioner Wintzer's concern. Because of the no-build area she was comfortable with allows flexibility for locating the barns on either of the lots. However, she wanted to add language stating that the desired outcome was reduced road area and preservation of the view corridor from SR224. Commissioner Hontz thought the language should be soft as opposed to a hard standard because it would be subjective. Vice-Chair Thomas thought the issue was already addressed sufficiently without adding a new condition. Commissioner Hontz thought they should modify the condition where it was addressed to allow for flexibility. Vice-Chair Thomas clarified that a fixed barn location is not a necessity and it should be a flexible square footage as long as it meets the setbacks and required separations.

Planner Whetstone recommended that the language on page 20 of the Staff report under Access should become Condition of Approval #31. She read from page 20. "Each lot is allowed a maximum driveway width of 15 feet measured at the property line with Payday Drive or Country Lane. Each driveway may widen as it approaches the garage. Overall driveway lengths shall be minimized to the greatest extent possible in order to locate building pads for Lots 1 and 2 as far west as possible. Driveway lengths for Lots 3 and 4 shall be consistent with the driveway lengths of lots in the surrounding neighborhood." Commissioner Hontz believed the language as a condition of approval would address all the issues regarding flexibility. Vice-Chair Thomas concurred.

Mr. Richards stated that the lots are set back nearly 1,000 feet from the road. The adjoining properties come within 200 feet of the road. Driving into Park City, the homes along Payday Drive that were built several years ago are not visible because of the trees and foliage that were planted in the rear property line. He preferred to require the owners to plant trees if the Planning Commission had concerns about visibility in the entry corridor. Mr. Richards stated that he was confused because when he started this project and wanted large lots with a farm feeling, there was positive support for having livestock moving around in the area. He was now hearing concerns about having barns for horses and livestock where anyone could see it. He would be more comfortable requiring trees and landscaping than telling someone where they have to specifically locate their home and barn. Mr. Richards thought the lots would be minimally visible from the highway.

Vice Chair Thomas thought that adding the additional criteria from the language on page 20 was appropriate. It would allow the needed flexibility by not specifically locating the building pads.

Planner Whetstone asked for clarification on the language for Condition #30. Commissioner Hontz remarked that Condition #30 should cancel out Condition #14 in the annexation approval by saying that they were not specifically identifying locations for the items stated in Condition #14 of the annexation approval. Condition of Approval #31 would allow flexibility for the barn location. Condition of Approval #32 should say that the Planning Commission was allowing flexibility of the barn location because it was shown on the plat.

Director Eddington drafted language for Condition #30 to read, "...that allows flexibility with regard to barn location not being held to a building pad."

MOTION: Commissioner Hontz moved to forward a POSITIVE recommendation to the City Council for 510 Payday Drive based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Mr. Richards had questions regarding the size of the Barn as recommended by Scott McAdams with the Fire District. Planner Whetstone stated that she would get clarification from Scott McAdams, and if Mr. Richards still had an issue with it he could bring it up to the City Council when they review the plat amendment.

Findings of Fact – 510 Payday Drive

1. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224.
2. The property was annexed into Park City with the Richards/PCMC Annexation approved by the City Council on January 31, 2013 and recorded at Summit County on April 12, 2013.
3. The property is zoned Single Family (SF).
4. Access to the property is from Payday Drive at the existing driveway to the Richard's property.
5. On January 31, 2013, concurrent with the Annexation, the City Council reviewed and approved a preliminary subdivision plat for a total of seven single family lots and one common lot for the riding arena. The proposed phase one plat is consistent with the preliminary subdivision plat and consists of four (4) lots.
6. The property is not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of the plat is within the Park City Soils Ordinance boundary.
7. No non-conforming conditions are created by the subdivision.
8. The subdivision complies with the Land Management Code regarding final subdivision plats, including SF zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
9. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; and 5) preservation of natural amenities and features, have been addressed through the Annexation and subdivision plat review process as required by the Land Management Code.
10. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
11. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation determined at the time of the annexation is 15% of 6 new units or 0.9 AUE (810 sf). Affordable housing shall be provided on-site according to requirements of the Housing Resolution 20-07, unless payment of fees in lieu is approved by the Park City Housing Authority. Additional requirements regarding affordable housing are stated in the Annexation Agreement.

Fees in lieu of providing affordable dwelling units are subject to the dollar amounts established by the Housing Authority and in effect at the time of submittal of building permits or as required by the Housing Authority. The affordable housing obligation shall be satisfied prior to issuance of the first certificate of occupancy for new construction within the subdivision.

12. Land uses proposed in the first phase subdivision include a total of four (4) single family lots. Only one single family home and one barn are permitted to be constructed on each of Lots 1 and 2. Only one single family home is permitted to be constructed on each of Lots 3 and 4.
13. Per the Land Management Code, a maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan.
14. The PCMC Parcel that is adjoining Lots 1 and 2, allows only those uses permitted by the Deed of Conservation Easement.
15. Lots 3 and 4 may be combined into one lot of record, allowing a maximum of 2 horses on the combined lot, subject to the LMC Section 15-2.11-6 Maximum House Size and Setbacks on Combined Lots and any conditions of approval of a plat amendment to combine the lots prior to issuance of a building permit.
16. The subdivision plat is consistent with the purpose statements of the SF zone. The SF zone does not allow nightly rental uses and restricting this use is consistent with the character of the surrounding neighborhood.
17. Areas of wetlands and irrigation ditches, and any required setbacks from these areas for the private road were identified during the annexation.
18. The proposed subdivision is outside the City's Soils Ordinance District.
19. Wetlands are protected by language in the LMC and Annexation Agreement requiring building pad locations, setbacks, and requirements for protection of sensitive lands during construction. There are no delineated wetlands on Lots 1-4.
20. There is good cause for this subdivision plat in that it creates legal lots of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides access easements for adjacent property; provides a no build area (80' setback) for protection of the City's Open Space, and is consistent with the approved the Richards/PCMC Annexation Agreement and preliminary subdivision plat.
21. The findings in the Analysis section are incorporated herein.

Conclusions of Law – 510 Payday Drive

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Richards/PCMC Annexation Agreement approved by the City Council on January 31, 2013.
4. The subdivision is consistent with the Richards/PCMC preliminary plat approved by the City Council on January 31, 2013.

5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 510 Payday Drive

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County on or prior to the date that is one year from the final City Council approval. If recordation has not occurred within this extended timeframe, the plat amendment approval will be void, unless a complete application requesting a further extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Conditions of approval of the Richards/PCMC Annexation, as stated in the Annexation Agreement, continue to apply.
4. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
5. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
6. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, per the Annexation Agreement.
7. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and conditions of the Annexation Agreement prior to building permit issuance.
8. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals, amounting to 125% of the value of all required public improvements shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards prior to release of this guarantee. The twenty-five percent shall be held by the City through the warranty period and until such improvements are accepted by the City.
9. All standard project conditions shall apply.
10. Recordation of a final subdivision plat is a requirement prior to issuance of building permits.
11. The final subdivision plat shall include plat notes stating that the maximum density of the first phase subdivision is four (4) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision.
12. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.
13. Fencing shall be consistent through-out the subdivision. A fencing plan shall be submitted with each building permit application to allow Staff to review all fencing for consistency through-out the subdivision and to review impacts of fencing on wildlife movement through

the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods.

14. Construction of a five foot wide public side walk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required to provide connectivity to Rotary Park. The sidewalk and all required public improvements, including landscaping of the public right-of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new house on these lots.
15. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. Excavated materials shall remain on site to the greatest extent possible and shall be addressed with the grading plan.
16. A note shall be included on the final subdivision plat requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
17. The application is subject to the City's Affordable Housing Resolution 20-07 and as further described in the Annexation Agreement. The affordable housing obligation shall be provided on the property, unless otherwise approved by the Park City Housing Authority with payment of fees in-lieu. If the affordable housing unit is provided within the subdivision, the unit will not count against the maximum allowed density. The affordable housing obligation shall be satisfied prior to issuance of the first certificate of occupancy for new construction. Provision of an affordable housing unit within an existing house may be allowed, subject to approval by the Park City Housing Authority to satisfy the required 0.9 AUE (810 sf).
18. A note shall be added to the final subdivision plat stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within an identified building pad on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.
19. A note shall be added to the final subdivision plat indicated that barns may not be used for human occupation.
20. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat and shall be noted on the plat prior to recordation.
21. The existing recorded easement, providing access to Payday Drive for an adjacent property to the northwest of the existing Richards house, is identified on the proposed plat. Because the easement falls short of connecting to Payday Drive, the proposed plat shall identify an access easement to join up with the Payday Drive public ROW, or a separate extension of the existing easement shall be recorded at Summit County and the recording information shall be memorialized on the plat prior to recordation.
22. Prior to recordation of a final subdivision plat a historic reconnaissance survey shall be conducted by the applicant in conformance with the City's Historic Preservation Chapter 11 of the Land Management Code and a certification letter regarding any historic resources shall be submitted to the City. Any discovered historical or cultural resources will be added to the City's Historic Sites Inventory and designated as either "Significant" or "Landmark" according to the criteria as listed in LMC Chapter 11.
23. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots as further described in the Annexation Agreement.

24. A note shall be included on the plat prior to recordation indicating that a lot line adjustment application will be allowed to combine Lots 3 and 4 into one lot of record if desired by the lot owner(s). The lot combination will be subject to the LMC Section 15-2.11-6 Maximum House Size and Setbacks on Combined Lots.
25. Modified 13-D residential fire sprinklers are required for all new construction as required by the Chief Building Official.
26. Lots 1 and 2 are restricted to a maximum building footprint of 4,150 sf, for the house and garage. Lots 3 and 4 are restricted to a maximum building footprint of 3,900 sf, for the house and garage. Barn footprints are restricted to a maximum of 1,300 sf.
27. Maximum irrigated area for finished landscape (excluding pasture areas irrigated with private irrigation shares) is 16,000 sf for Lots 1 and 2 and 10,000 sf for Lots 3 and 4. All landscaping shall comply with LMC Section 15-5-5 (M). Trees, such as cottonwoods, willows, aspens, and fruit trees may be planted in the pasture areas provided they are irrigated only with private irrigation shares.
28. Maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for Lots 1 and 2 is restricted to a maximum of 45% of the Lot Area and for Lots 3 and 4 this LOD area is restricted to a maximum of 75% of the Lot Area. Area necessary for utility installation is excluded from the maximum LOD area calculation and if within the pasture areas shall be re-vegetated with like pasture vegetation.
29. Due to Fire Flow requirements the maximum interior floor area for barns on Lots 1 and 2 is limited to 1,200 square feet.
30. Building footprint locations for the houses and barns on Lots 1 and 2 are flexible, however the location shall minimize visibility of the houses and barns from SR 224 entry corridor. Houses shall maintain, at a minimum, the required setbacks from all barns. A photographic visual analysis of the proposed houses, as viewed from a minimum of three locations along the SR 224 entry corridor between the Olympic Loop art work and Payday Drive, shall be submitted with the building permit application.
31. Each lot is allowed a maximum driveway width of fifteen feet, measured at the property line with Payday Drive or Country Lane. Each driveway may widen as it approaches the garage. Overall driveway lengths shall be minimized to the greatest extent possible in order to locate building pads for Lots 1 and 2 as far west as possible. Driveway lengths for Lots 3 and 4 shall be consistent with driveway lengths of lots in the surrounding neighborhood.

**2. 2519 Lucky John Drive – Plat Amendment
(Application PL-13-01980)**

The Staff requested that this item be continued to September 25, 2013.

Vice-Chair Thomas opened the public hearing.

There were no comments.

Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Gross moved to CONTINUE 2519 Lucky John Drive to September 25, 2013. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

**3. 489 McHenry Avenue – Ratification of Findings
(Application #PL-12-01689)**

Planner Astorga reported that on July 31, 2013 the Planning Commission directed the Staff to prepare findings of fact and conclusions of law for a negative recommendation for Lots 17, 18, and 19 Echo Spur Development replat. The Planning Commission was being asked to ratify the findings of fact and conclusion of law this evening. The Staff report included all Staff reports, supplemental Staff reports and minutes from previous meetings.

The applicant, Leeto Tlou had questions regarding the findings of fact. He noted that Finding #17 states that, "The retaining wall for Echo Spur Drive is very noticeable from the Deer Valley roundabout and looks extremely tall." He asked whether that was actually a finding of fact or an opinion.

Commissioner Hontz understood that the intent was to build the case for the visual impact on the ridgeline. Assistant City Attorney McLean stated that it under a finding of fact and the language was in the appropriate place as a finding.

Mr. Tlou indicated on the number of statements regarding the visual impact of the proposal, particularly from Deer Valley Drive. If the concern is the size and scope of the house, comparing those with the houses above and behind his lots, he did not understand why there was a concern with his proposal versus the existing houses.

Assistant City Attorney McLean informed Mr. Tlou that the purpose this evening was to ratify the findings and conclusions on the motion to forward a negative recommendation. She requested that he address his comments to the actual findings and conclusions for ratification. Mr. Tlou replied that he was only trying to get clarification, but he understood if this was not the appropriate forum. Planning Manager Sintz pointed out that Mr. Tlou would have the opportunity to make his comments and state his concerns at the City Council level.

Vice-Chair Thomas opened the public hearing.

There were no comments.

Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Hontz moved to forward a NEGATIVE recommendation to the City Council for Lots 17, 18, 19 Echo Spur Development Replat Amendment located at approximately 49 McHenry Avenue, based on the Findings of Fact and Conclusions of Law as outlined in the Staff report.

Vice-Chair Thomas stated that he was not present for the July 31st meeting; however, he had read the Staff report and the minutes in detail and he felt comfortable voting this evening. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 489 McHenry

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.
6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The Planning Commission has expressed major concerns with access over platted Fifth Street (formerly Third Street).
13. Platted Fifth Street has not been built and the City does not plat to build this a road.
14. When the road and utilities were built in 2009, the topography was slightly altered.

15. The highest point on the site is six feet (6') higher than the October 2006 survey.

16. The improvements and the conditions regarding the road have not been dedicated to the City.

17. The retaining wall for Echo Spur Drive is very noticeable from the Deer Valley Roundabout and looks extremely tall.

18. There is a private land settlement agreement related to lots in this vicinity that could potentially affect access or the relationship with the site.

19. The site is located on a ridgeline.

20. According to LMC § 15-7.3-2 (D), ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City.

21. There are concerns regarding vantage points because the site is very abrupt looking from the roundabout.

22. Without understanding the private land settlement agreement, it would be difficult to take look at these lots which would set a precedent for five to six lots leading up to this development.

23. The impacts of the neighborhood and the surrounding area are not understood.

24. There is not good cause to approve the proposed plat amendment.

25. The purpose statements of the HR-1 are not met; specifically:

(A). Preserve present land Uses and character of the Historic residential Areas of Park City;

(B). encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;

(E). Development parameters that are consistent with the General Plan policies for Historic core.

26. According to LMC section 15-7.3-1(D) the Planning Commission has the right to require larger set backs on a lot on a ridge line.

27. The proposed plat amendment request does not comply with the following General Plan (GP) statements:

a. The historic downtown area, an attraction for visitors and residents, has been well maintained, but the scale of new development threatens to detract from the charm of Main Street. (GP page 3).

b. New development, both commercial and residential, should be modest in scale and utilize historic and natural building materials. New structures should blend in with the landscape. (GP page 5).

c. Preserve an attractive, healthy environment with clean air and natural landscape. To preserve the natural views of the mountains and meadows, new development should not be allowed on ridges, but rather focused between the middle of the base of hills and in other less visible areas. New development should retain the maximum possible amount of natural vegetation, to screen the structures and preserve the natural quality of the landscape. (GP page 6).

d. Broad vistas across ridge lines hillsides and meadows give the town an open feeling, uninterrupted by obtrusive development. Trees and vegetation on the hillsides and mountain slopes maintain the town's link with nature..... (GP page 12).

e. Direct development to the "tow" of slopes, preserving the ridge tops, meadows and visible hillsides. (General Plan page 20).

f. Require new development to be more compatible with the historic scale of the surrounding area. (GP page 55).

g. Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights, and floors area ratios. (GP page 56).

h. Development to the toe of slopes, preserving the ridge tops, meadows, and visible hillsides. (GP page 57).

i. Encourage future hillside development that it is clustered at the base of the hills and stays off ridge lines within the Historic District. (General Plan page 148).

28. The intent of the General Plan is to protect ridge lines.

29. The LMC defines a ridge line area as the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.

30. The proposed development sits on a ridgeline and the site meets the definition of a ridgeline.

31. New development should not be allowed on ridges.

32. Ridges in Old Town should not be jeopardized.

33. This ridge is the entrance corridor to Old Town and Deer Valley.
34. The proposed house would be extremely visible from Deer Valley Drive and the roundabout.
35. The General Plan does not address the Sensitive Lands Overlay, but it does address ridgelines.
36. The subtle ridgelines are the only ridgelines left, which are being threatened when built upon.
37. The topographic map shows the site is clearly on a ridgeline.
38. Exhibit A, topographic map from the July 31, 2013 staff report does a great job indicating the ridgelines.
39. As the property gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.
40. No increase in minimum setbacks or a reduction in height was proposed by the Applicant to mitigate the impacts on the ridgeline.

Conclusions of Law – 489 McHenry

1. The proposed plat amendment is not consistent with the Park City Land Management Code and applicable State Law regarding lot combinations.
2. The public will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment does adversely affect health, safety, and welfare of the citizens of Park City.
4. There is Good Cause to deny the proposed plat amendment as the plat does cause undo harm on adjacent property owners because the proposal does not meet the requirements of the Land Management Code.

4. Land Management Code – Amendments to Chapter 2.4 (HRM)

Planner Francisco Astorga handed out public input from Clark Baron that he had received that day. He apologized for not being able to forward the electronic version to the Commissioners earlier in the day.

Planner Astorga reviewed the request to have the Planning Commission review the proposed amendments to the Land Management Code, specifically changes to the Historic Resident

Medium Density District (HRM). The Staff finds the changes to be appropriate in the District. Planner Astorga noted that the changes were introduced to the Planning Commission at a work session discussion on July 31, 2013. At that time the majority of the Planning Commission did not respond favorably to the proposed changes. Understanding that the proposed changes are critical to the future development of the HRM District, the Staff was reintroducing the LMC changes again this evening.

Planner Astorga referred to page 233 of the Staff report and noted that the first change related to Section 15-2.4-5, Special Requirements for Multi-unit Buildings, where the language specifies the front yard, rear yard and side yard requirements for a multi-unit building, which is a structure with more than four units. Planner Astorga noted that the open space requirement for this type of use is 60% open space. The Staff recommends changing the Code to be consistent with the language of the MPD, where in redevelopment areas the open space requirement is reduced to 30%.

Planner Astorga explained that the Staff believes this specific change is appropriate because of the proximity of the entire neighborhood to City Park, and how those opportunities for open space are directly within the neighborhood. The Staff had also done additional research and found that there were limited sites in the District with the capability to house a multi-unit building. Planner Astorga reported that a multi-unit building is a conditional use and the size of the lot yields the number of allowed units. The minimum lot area for a four-plex multi-unit building is 5,625 square feet. Very few lots within the HRM District could accommodate a four-plex.

Planner Astorga referred to page 234 of the Staff report and noted that the second proposed amendment related to the Exception in the Code in Section 15-2.4-6, Existing Historic Structures, which indicates that for Historic Structures, the Planning Commission may reduce the minimum setbacks through the conditional use permit process for additions to historic structures. In the HRM District, multiple buildings are allowed on one lot. Therefore, the location of the newer buildings which are not attached to historic structures are limited because of the building envelope; the area of the lot minus the setback. The Staff finds that by allowing new construction to encroach on to the front, side, rear, or rear setbacks would allow for better separation between the historic structure and new construction. Through the compatibility analysis reviewed by the Planning Commission and through the CUP criteria, the Staff believed they could determine an appropriate number for encroachment into the side yard setback.

Planner Astorga referred to page 237 and the proposed revision related to the limited access off Sullivan Road. The Staff found it appropriate to have an incentive within this District for affordable housing. The Code revision would state, "When the Development consists of fifty percent (50%) or more deed restricted Affordable Housing Units, the requirements for the access off Sullivan Road would not apply to that specific site."

Planner Astorga stated that the Staff could provide the actual number of lots that would have access off Sullivan Road. He pointed out that it would be specifically for affordable housing units.

Planner Astorga disclosed that the proposed revision would positively affect the Green Park

Cohousing conditional use permit. The Staff was prepared to answer any questions related to compliance with the General Plan or the other community values from the 2009 Visioning results.

The Staff recommended that the Planning Commission review the proposed amendments to the Land Management Code for Chapter 2.4, Historic Residential Medium Density, conduct a public hearing, and forward a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

Vice-Chair Thomas asked if Planner Astorga had a map of the HRM zone. Planner Astorga stated that he had created a map earlier today. Because the map was difficult to see on the monitors, the Planning Commission and the public gathered around the table to review a printed copy of the map. Planner Astorga outlined the boundaries of the HRM District. He identified the historic structures that would apply for the second proposed amendment, which would give the Planning Commission the authority to reduce the minimum setbacks. Planner Astorga pointed out where Sullivan Road begins and ends in the HRM District. Planner Astorga pointed out the lots that could qualify for the proposed changes. The remaining lots already have multi-units structures or the lots are not large enough to accommodate a multi-unit building.

Planner Astorga reported that there were a total of 24 historic sites within the HRM District; ten are Landmark sites and 14 are Significant sites.

Planning Manager Sintz remarked that under the Draft Ordinance 13-23, the HRM is now allowed to have MPDs. Therefore, the existing language indicating open space for redevelopment being reduced from 60% to 30% would only be allowed if someone came in with an MPD application. She noted that the ordinance was previously approved by the Planning Commission.

Vice-Chair Thomas opened the public hearing. He clarified that all comments should be general to the amendments proposed for the HRM District and not to a specific project.

Clark Baron, a resident at the Struggler Condominiums, stated that he has provided input at previous meetings regarding a particular project. He understood that they were not talking about that project this evening; however, in his experience, it is not good policy to make Code changes to benefit a specific project or a specific developer. He believed that was the direction they were going with the proposed amendments and he was uncomfortable with that thought. Mr. Baron stated that the City owns a piece of property that has been discounted significantly for sale. He noted that the project as designed did not meet the Code and the City is now trying to change the Code so a particular project could be approved. Mr. Baron felt the density in the area was already significant and he did not believe the project was a good choice for the property. To negate an entire section of the Code on mandatory neighborhood housing elements is not right. Mr. Baron commented on the amount of snow in Park City and noted that reducing the amount of open space also reduces the space for snow storage and other important elements and that would create additional problems.

Mr. Baron emphasized that it was bad public policy to make Code changes to benefit one

particular project, and from his perspective it appears to be an in-house job. He asked the Planning Commission to forward a negative recommendation to the City Council for the proposed changes because it is not good public policy and it would not benefit the citizens of Park City. Mr. Baron also thought it was inappropriate to negate large sections of the Code for the benefit of putting in affordable housing. They should not ignore the historic nature of the historic properties by putting in high density housing next to them. He thought they should maintain the green space and the historic character of the area.

Dan Mauss stated that his comments pertained to the proposed changes in general. He remarked that there is little developable land left in the Historic District this was not the time to be compromising the standards that previous Councils and Commissions worked so hard to establish over the years. He felt it was important now more than ever to hold to those values. Mr. Mauss did not believe they should snub the efforts of the City fathers who gave their all to assure a great future in Park City. He thought they should heed the lessons that were learned by those crafting the decisions years ago and embrace their wisdom and honor their vision for what they saw in moving the City forward. Mr. Mauss stated that cherry picking the elements of the Code they like and tossing aside the elements that hinder the progression of a specific development is shortsighted and establishes a dangerous precedent.

Mr. Mauss that those in the Struggler Condominiums have watched the City grow in a way they love. The consistency in the way they apply the Codes and the guidelines is what makes the City great. Exceptions and compromises create holes in what would otherwise be a consistently great city. Every project needs to stand on its own and meet the established criteria. It should not count on exceptions, changes and compromises to make their idea work. Mr. Mauss did not believe the proposed changes have a place in this area of town because it would compromise the Historic District and the gateway to the City.

Stu Johnson objected to the proposal to reduce the amount of open space in that area because it is the Gateway to the Historic District and an introduction to Old Town in general. Even if some of the lots would not allow for a four-plex, it could allow for a decent amount of expansion on to the existing structures. Mr. Johnson thought the green space between buildings creates an inviting feel into town. Also, he has lived in the east where houses come up to the roadway and it makes it feel dark and claustrophobic. He was concerned that allowing houses to encroach into the setbacks would create the same feeling. There is also an increased fire hazard when the houses are set closer together. Mr. Johnson echoed Mr. Baron's comment regarding snow removal.

Kaisi Baron, a full-time resident of the Struggler condos, requested that the Planning Commission not reduce the green space. The historic feel in the neighborhood is nice and charming and she enjoys how it looks living there.

Vice-Chair Thomas closed the public hearing.

Vice-Chair Thomas explained that periodically the City revises the Land Management Code when it is apparent that a change is needed. It occurred in the Historic Districts for the Steep Slope criteria a number of years ago when the City saw a transformation in Historic Old Town

that began to dominate the historic community with overly large homes. The City modified the Steep Slope criteria and changed the Code to protect the Historic District. Vice-Chair Thomas felt this was an appropriate time to examine this neighbor as well.

Vice-Chair Thomas noted that he had missed the work session in July, but he personally supports the idea of more affordable housing and some degree of flexibility.

Commissioner Hontz stated that in her profession she often looks at Codes to determine when it should change and how it benefits the community and/or the applicants. However, not every Code change proposed should be approved. She felt it was worthwhile to have the dialogue and she appreciates the public who attend multiple meetings to express their comments.

Commissioner Hontz recalled a lengthy discussion at the work session about open space and MPDs. She understood that moving forward, if someone were to propose an MPD in the HRM District, the open space could be reduced to 30%. She asked if that was correct or if it would be reduced to 30% as part of the give and take of an MPD application. Planning Manager Sintz recalled that for a redevelopment the open space starts at 30%. Commissioner Hontz asked Planner Astorga to check the LMC for clarification.

Commissioner Hontz stated that during the July work session she had not supported the proposed changes and nothing presented this evening had changed her mind in terms of how it impacts the community and particularly the Historic District. Commissioner Hontz noted that a lively piece of the MPD discussion was that if the MPD in redevelopment only allows 30%, they needed to look at changing it. She might be willing to go to 30% with the caveat that the mandatory setbacks are not counted as part of the 30% open space. Without that caveat, she would not support the reduction in open space. She agreed that this was the gateway to the Historic District and the initial impression people have of the Historic District. Commissioner Hontz noted that the issue was a matter of feet. Going from a 3' setback to a 5' setback would make a major difference in terms of how the project looks and feels, as well as affecting the neighborhood and the livability of the neighborhood.

Commissioner Hontz stated that affordable housing is discussed at nearly every meeting and it is important to figure out how it would work in Park City. She did not believe the proposed changes would do anything to help promote or address the problem. Commissioner Hontz believes that affordable housing is an important component that the City needed to address.

Commissioner Hontz remarked on the four community ideals that came out of visioning; community, natural setting, small town and historic character. She thought the proposed changes erode all four of the ideals in some way. Reducing the amount of open space and livability of the project erodes the fabric of how people interact from the street or Sullivan Road with the properties. Commissioner Hontz stated that she struggles with any change that erodes what they are supposed to continually look at to see if it fits within the four levers.

Commissioner Hontz thought the Staff report and the map were well done and actually helped indicate the potential impacts that would be caused by the revisions. She pointed out that nearly 100 properties would fall under the proposed changes and would allow structures to go bigger

and have less open space and narrower setbacks.

Commissioner Hontz commented on the Sullivan Road access. She understood how it could be supported as a good idea if it was specifically related to affordable housing. However, the rule was put into place to keep from expanding the look and feel of additional parking alongside of the Park. Commissioner Hontz believed that even with affordable housing they should not try to eradicate and re-create the rule. The Code regulation was put in place to stop devolving the Park and she did not think they should take it in the opposite direction.

Commissioner Wintzer concurred with Commissioner Hontz. He pointed out that there are no CC&Rs in Old Town. The Planning Commission and the LMC are the only protection the Old Town residents have. Speaking as an Old Town resident who has gone through major changes in his neighborhood, it is difficult when you do not have a vote on whether or not to change the rules in your zone. The Code changes are presented and the Planning Commission votes on them. Commissioner Wintzer appreciates the position that affordable housing is in and they need to find a way to work with it. However, he did not believe that changing the Code in this particular location would make it easier. After looking at the map he could see four or five properties that could potentially grow into large projects and he did not think the proposed changes for setbacks and reduced open space were the right application. Commissioner Wintzer was concerned that it could eventually push into the other zones.

Commissioner Gross clarified that a portion of the area was part of the Lower Park Avenue RDA. Planner Astorga replied that this was correct. Commissioner Gross was pleased to see a resolution to Sullivan Road in terms of it not really being a road. He did not believe 30% was enough open space, noting his previous comment about not having allowances for green roofs and other elements. Commissioner Gross thought there could be some resolution between 30% and 50%. He believed it was important to have affordable units along one of the few walkable areas of town that is accessible to services, transit, recreation and workforce. It was also important to find places to bring in additional density to help with the vision of the City moving forward.

Vice-Chair Thomas thought it was important to have an affordable housing component in the community and this was an opportunity to evolve the Code to do so. Vice-Chair Thomas suggested that if a project contains at least 50% of affordable housing the open space could be reduced to 30%. He asked if the Commissioners would find the reduction palatable if 50% of the project was affordable housing. Planning Manager Sintz asked if they would feel more comfortable restricting it to properties that only fronted the Park. It would recognize adjacent open space amenities offered by the Park for the same criteria.

Director Eddington clarified that the Staff proposal to reduce open space in this area was due to General Plan discussions regarding open space, potential infill opportunities and affordable housing. He stated that this particular area was the residential medium density zone within the Historic District and the entry corridor to town. The idea was that if a property is within walking distance to the Park, which is most of the HRM zone, that was the Planning Best Practice and why the 30% reduction was recommended. If the Planning Commission wanted to restrict it further, they could limit it to properties directly adjacent to the Park. He thought that would be an

appropriate compromise.

Commissioner Gross recalled a discussion nearly a year ago when they went through the variations of houses abutting each other and the psychological perspective from the pedestrian standpoint. He thought this was critical towards making Park Avenue a continuation of the walkable City. Commissioner Gross was interested in resolving the issue so they could move forward with projects in the area and enhance density in the appropriate places.

Commissioner Wintzer stated that if the Planning Commission chose to move forward, he would need to see how the other properties would be affected, including the parking lot. Commissioner Wintzer remarked that the larger the property, the lesser percentage of setbacks could be open space. He was not comfortable moving forward without first having a study of the adjacent properties and what they would look like if they were developed. He clarified that the study should include the City properties. Commissioner Wintzer felt it was important to properly look at the entire neighborhood. He would be more willing to support the proposed changes if all the criteria had 50% affordable housing.

Director Eddington suggested that the Staff could take the five or more properties adjacent to the Park on Sullivan Road and look at the size and the setbacks. He pointed out that the setbacks would not change on Park Avenue because of the historic structures. The only front setback that would change would be the Sullivan Road driveway. Director Eddington noted that it would preserve the Park Avenue right-of-way and protects the historic fabric, and at the same time separate the historic structures from the new building and push them closer to the Sullivan driveway road parking lot. He believed they could begin to look at the building envelopes and the setback and guesstimate what 30% versus 60% open space would look like. Director Eddington emphasized that it would only be a guesstimate. He noted that most of the existing buildings along Park Avenue do not meet 60% open space. Director Eddington explained that the Code was amended to include the requirements for Sullivan Road in 2006 after most of the existing development had already occurred. Planner Astorga pointed out that the ordinance that approved the special requirements for multi-unit buildings was adopted in 2009.

Planning Manager Sintz asked how many lots that would be restricted to fronting Sullivan Road also have historic structures. Planner Astorga answered two, which was the Green Park Cohousing site at 1450-1460 Park Avenue. He explained that there were a number of historic structures but none of them meet the minimum requirement of 1.3 of an acre for a four-plex. Planning Manager Sintz stated that another restriction could be to tie it to community visioning of historic preservation.

Commissioner Hontz stated that after the last meeting she was under the assumption that most of the Commissioners either questioned the setback change or were uncomfortable with it. She expected to see more clarification this evening rather than just a reiteration of the same language. She offered to provide a number of assumptions to conduct an analysis. Planning Manager Sintz believed it came down to give/gets. The question is whether they find that affordable housing projects are worthwhile, whether this is an appropriate location, and whether

they should incentivize people who preserve historic structures. Commissioner Hontz replied that all the Commissioners want affordable housing, but everyone knows that the existing affordable housing cannot be purchased. She was hesitant to change the Code for something that may not be able to be built or sold. Commissioner Hontz felt it was irresponsible not to talk about a holistic view.

Vice-Chair Thomas noted that the Planning Commission could move to approve, deny or continue. If they chose to continue this item, the Planning Commission needed to give clear direction to the Staff. He asked if the Staff could provide a diagram that would help bring clarity to the issue. Director Eddington requested direction from the Planning Commission relative to modeling from 60% to 30% open space. He understood that they would be taking away some of the green space and pushing people into the use of City Park.

Commissioner Hontz asked if the side yard setback would literally go from 3-foot to 5-foot. She did not understand what a 30% reduction in open space would do to the square footage. Commissioner Wintzer understood that the setbacks would not change. Director Eddington replied that the setback would only change if the building had to be pushed back from the historic structure towards Sullivan Avenue. The front yard setbacks that face Park Avenue would not change.

Planner Astorga clarified that the Code required setbacks for multi-unit buildings were 10-foot side yard, 10-foot rear yard, 20-foot front yard, or 25-feet for a front facing garage. The setbacks are standard for all multi-unit buildings. The Staff was not proposing to change any of the other requirements. Commissioner Hontz stated that she was not suggesting that any of the setbacks would be decreased; however, in some cases the setbacks could result in the entire 30% open space. The question was whether the Commissioners were comfortable with that going down the street. Vice-Chair Thomas replied that it would not necessarily replicate going down the street because it would depend on an individual parcel.

MOTION: Commissioner Gross moved to forward a POSITIVE recommendation to the City Council to modify the LMC Amendments to Chapter 2.4, Historic Residential Medium Density, per the ordinance presented in Exhibit A.

The motion failed for lack of a second.

Commissioner Wintzer preferred to continue the item with direction to Staff to use the map to identify every property that would be affected by the proposed changes. If it is only one property he would be more inclined to accept the change. Commissioner Wintzer was uncomfortable making a decision without seeing all the properties to understand the implications.

Planning Manager Sintz asked if the direction included historic structures. Commissioner Wintzer clarified that it would include any property that would be affected if the Code was changed. It would include historic structures, the ones that front Sullivan Road and open space. Planner Astorga asked if the lots with existing multi-unit structures should be included in the analysis. Commissioner Wintzer stated that most of the existing multi-unit structures were built in the 1970's and 1980's and he believed they would eventually be re-developed. He would like

the analysis to include those properties so he could see what would occur with redevelopment.

Vice-Chair Thomas asked if the Staff could prepare the requested diagram and analysis by the next meeting. Planner Astorga answered yes.

MOTION: Commissioner Wintzer moved to CONTINUE the LMC Amendments to Chapter 2.4 to the September 25th meeting, with direction to Staff to identify all the properties that would be affected by the proposed changes on a 2-dimensional diagram. Vice-Chair Thomas seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission adjourned the regular meeting and moved into work session to discuss the General Plan Task Force recommendations for Small Town. That discussion can be found in the Work Session Minutes dated September 11, 2013.

The Park City Planning Commission meeting adjourned at 9:20 p.m.

Approved by Planning Commission: _____