

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JULY 10, 2013

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Jack Thomas, Brooke Hontz, Stewart Gross, Mick Savage, Charlie Wintzer

EX OFFICIO:

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

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REGULAR MEETING

**ROLL CALL**

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

**ADOPTION OF MINUTES**

June 26, 2013

Two Commissioners had been recused on certain items and could not vote on the minutes. Therefore, the Planning Commission did not have a quorum and adoption of the minutes was continued to the next meeting.

MOTION: Commissioner Hontz moved to CONTINUE the minutes of June 26, 2013 to the next meeting. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously. .

**Public Input**

Jim Tedford remarked that the LMC amendments for Section 15-16 that were scheduled before the City Council the next evening were very encouraging. However, he recalled a previous discussion and changes related to open space and asked for the status of the open space amendments.

Director Eddington remarked that the Staff was request to re-examine the definitions for open space and match the definitions in the General Plan. The Planning Commissioner would be addressing the open space amendments at a later date.

Mr. Tedford commented on two proposed changes to Section 15-11- Pre-application Conference and 15-12 - Additional Duties, which he had submitted in a letter in January and again in May. At that time he requested that the Planning Commission initiate the proposed changes, which they are allowed to do per Code based on a citizen request. He asked for the status of his submitted proposed changes.

Director Eddington noted that the Staff had analyzed the changes Mr. Tedford proposed in his letter. Based on direction from the Planning Commission, the Staff simplified some of the initial recommended language for MPDs; however, Mr. Tedford's proposal was not incorporated into the language that was forwarded to the City Council. Director Eddington believed the language could be revised as they look at the MPD in detail with regard to open space. Mr. Tedford noted that his request was not about open space. Director Eddington replied that open space was only one of a number of amendments that would come back to the Planning Commission.

Mr. Tedford clarified his proposal addressed Section 15-11, Historic Preservation and the cause that deals with exceptions and how "each application shall comply with all design guidelines for historic district and historic sites unless..." and in his letter he had redlined what he thought should be eliminated. The next proposed change was to Section 15-11 – Additional Duties where he proposed revising the language to read, "The Historic Preservation Board at the direction of the City Council may participate in the design review of any project located within the Historic Zones." He noted that it was a change from "...review of any City-owned projects..."

Mr. Tedford requested to be notified when the Planning Commission would be discussing the two proposed changes so he would have the opportunity to explain his rationale.

Director Eddington noted that Section 15-11, the HPB section of the LMC, was not advertised because the Staff had not proposed changes to that section. He believed Mr. Tedford had tied his comments to the MPD discussion that was occurring at the time. The Staff would include it with the next round of LMC discussions and properly notice it. Director Eddington explained that currently the HPB sits as an appeal body. If they were to get involved in design review on private projects the City would have to change its procedure, which would require significant changes to Section 15-11, the HPB.

Director Eddington offered to make sure Mr. Tedford was noticed when that discussion takes place. He anticipated that it would be several months before the Planning Commission would see any changes to the LMC because they were currently working on Form Based Code and the General Plan.

Mr. Tedford commented on the proposed General Plan that was posted on the website. He was very familiar with the old General Plan and he was not convinced the new General Plan was quite as strong. Mr. Tedford referred to Goal 15, Principle 15(b), Maintain contacts and scale of local historic districts with compatible infill development. He believed that was very good for what already exists and what they wanted to maintain. However, in terms of new projects, compatibility needed to be stressed.

Mr. Tedford referred to Goal 16, Principle 16(d) Limit uses within the first story of buildings along the frontage of the commercial district for visitors and to invite the passing pedestrian. He thought that goal was a little late but he liked the fact that it was addressed in the General Plan.

Mr. Tedford read from Goal 15 – Planning Strategies 15-7, “ Periodically renew newly constructed infill projects for suitability and compatibility of infill development within the Districts. Identify issues that threaten the aesthetic experience of the District and refine the design guidelines and/or LMC based on findings. The aesthetic experience would be measured from the pedestrian experience at the street frontage. Also, site design and architecture should be analyzed and reviewed.” Mr. Tedford felt the language implied that they would look back to see what mistakes they made and eliminate them. However, based on his interpretation of the language it would be too late.

Vice-Chair Thomas informed Mr. Tedford that the Staff and Planning Commission were going through the proposed General Plan and carefully reading the document. He appreciated Mr. Tedford’s comments and encouraged him to stay involved.

Commissioner Wintzer asked Mr. Tedford to clarify his comment about the new General Plan not being as strong as the old General Plan. Mr. Tedford was unsure if his comment was accurate. He just wanted to make sure that compatibility with what exists is clearly stressed in the new General Plan. Vice-Chair Thomas understood that Mr. Tedford would like to see the compatibility component strengthened.

Director Eddington stated that the intent of that particular goal was to tie the General Plan to the Historic District Design Guidelines where a review is done every two years to see if something needs to be tweaked or strengthened in terms of compatibility and design to keep the two documents the same and living documents.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Vice-Chair Thomas disclosed that he would be recusing himself from the Lot 21-32 Echo Spur – 9 Lot Subdivision, and he had communicated with Staff his intent not to participate.

Director Eddington commented on a question at the last meeting regarding terms that would be expiring in July. He had told the Commissioners that the City Council intended to keep all the Commissioners in place until the end of the year, which was a de facto result of the joint meeting when they talked about taking Form Based Code, the General Plan and Bonanza Park to the end of the year. Director Eddington felt that he had misspoken. The Mayor eluded to it but nothing was formalized. To clarify the issue, the Staff would present a short report to the City Council within the next two weeks to see if the Council was interested in delaying new appointments and continuing the sitting Commissioners to the end of the year.

Commissioner Hontz asked for the date of the next General Plan meeting for their group. Commissioner Gross replied that a meeting was held today and Mick filled in for Adam. Director Eddington recalled that Commissioner Hontz was scheduled for a meeting the following Monday or Tuesday.

Commissioner Hontz noted that Katie Cattan was responsible for sending out emails to interested citizens who had requested to be notified on the General Plan and Bonanza Park. Since Katie was no longer with the Planning Department she wanted to make sure those emails continued. Director Eddington stated that he would work with Kayla Sintz to continue the notification emails to the citizens.

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

1. Land Management Code – Amendments to Section 15-1-21 Notice Matrix, Chapter 2.24, Chapter 9, and Chapter 15.

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

MOTION: Commissioner Wintzer moved to CONTINUE the LMC amendments to July 31, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**REGULAR AGENDA** – Discussion, public hearing, action.

Planner Astorga noted that the applicants for Lots 21-32, Echo Spur Subdivision were notified that Commissioner Strachan would not be in attendance and since Commissioner Thomas would be recused they would not have a quorum to discuss the project. The Staff later found out that there would be a quorum but they were unable to reach the applicant. Planner Astorga requested that the Planning Commission continue the item to another meeting.

1. **305 Park Avenue – Plat Amendment**  
**(Application PL-13-01912)**

Planner Anya Grahn reviewed the application for a plat amendment at 305 Park Avenue. A historic significant home straddles the interior lot line between two Old Town parcels. A fire in the building in 1957 and 1968 had taken down the second story. In September of 1990 the applicants requested a variance to restore the structure to its historic form based on photographs and documentation. At that time the Board of Adjustment passed three separate variances. One was a one-foot encroachment in to the required three foot north sideyard setback to accommodate a two-car parking pad. The second was a 1'3" encroachment into the required ten foot rear yard setback in order to accommodate a stairwell that was necessary to access the second floor of the building. The third was a five-foot variance. At that time the allowed building height was 33-feet tall, but in order to restore the house to its original, they needed to build to 38-feet.

Planner Grahn reported that in April 2013 the applicants submitted an HDDR pre-application and met with the Design Review Team to talk about adding a garage and possibly changing the deck in the back of the property. Planner Grahn presented slides showing the setbacks and where the building encroaches over them.

The Staff has been working with the applicants to determine whether or not a garage could be accommodated. There was an issue about footprint if nothing on the lot changes, and there is a height restriction. Planner Grahn pointed out that it was a challenging situation but before they could move forward with any plans they needed to remove the interior lot line. Planner Grahn clarified that this was not a steep slope lot.

Vice-Chair Thomas opened the public hearing.

There were no comments.

Vice-Chair Thomas closed the public hearing.

Commissioner Gross was comfortable with the request and felt that it was very straightforward.

Commissioner Hontz agreed that the request was straightforward in terms of removing the interior lot line. However, she believed that the slide presented demonstrates that in its existing form there is nowhere that it does not exceed the standards of the current Code. Commissioner Hontz remarked that it was a fantastic structure and very large for a historic structure. She thought it was interesting that history could not verify what the house originally looked like and that in 1990 the BOA, for good reason, allowed the encroachments. Commissioner Hontz felt that approval of this plat amendment without considering the impacts on the neighborhood would trigger the next step of a garage or deck and allow it to become more non-compliant and not meet the purpose statement of the LMC. While she supports improving historic structures, she struggled with furthering the negative impacts with the trigger of the plat amendment.

Commissioner Hontz suggested that this type of request may be allowed with the purchase of TDRs, recognizing that it is outside of the current requirements. She noted that on every side, whether it be shed, deck, home, stairs, parking pad and the retaining rock wall, everything was already in the setback.

Commissioner Wintzer pointed out that in a plat amendment the Planning Commission could address those concerns through a condition of approval. Commissioner Hontz stated that her struggle was with how much it was non-compliant on every side and all the way to the edge. She believed they would be making an existing problem worse.

Assistant City Attorney McLean clarified that with a historic structure the Code does not call it existing non-complying. It is considered valid complying and the ramifications are different.

Vice-Chair Thomas stated that he had done the Historic Homes Tour and listened to the discussion about the nature of the evolution of the neighborhoods. He noted that this particular street consistently has the largest homes in Park City. Historically those were larger homes and the question is how much of what encroaches is historic. If it is historic, he understood that it would be valid complying. Vice-Chair Thomas was more comfortable with the request after having a broader understanding of the nature of the neighborhood and how it evolved.

Commissioner Wintzer agreed with Commissioner Hontz and he felt there was a dilemma on all sides. He thought they could place a condition on the plat approval to say that any major remodel would come back for a CUP.

Commissioner Hontz noted that on other plat amendments where there have been fence lines or retaining walls or decks, the applicant was required to clean those up with the neighbors. They first need to determine which property it is on, and if it is on the neighbor's property it either needs to be moved or the neighbor gives them a quit claim or an encroachment agreement. She noted that the encroachments also included the City right-of-way by the stairway. Commissioner Hontz was comfortable with Commissioner Wintzer's suggestion for a condition of approval.

Commissioner Savage stated that they have a Planning Department Staff and an HDDR process and if the lot had already been combined the process for any modifications would run through the pre-existing process. He did not want to create constraints on what the applicants could do with their lot as a consequence of needing a lot combination. Commissioner Savage trusted the process that exists with the Planning Department and the HDDR process to vet any plans submitted subsequent to the plat amendment being approved. Commissioner Savage supported the plat amendment as requested.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 305 Park Avenue 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 3-1. Commissioner Hontz voted against the motion.

#### Findings of Fact – 305 Park Avenue

1. The property is located at 305 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The property is shown on the Historic Sites inventory as a "Significant Site" and includes a 3,934 square foot mining-era home constructed in 1895.
3. Currently, the property is two (2) Old Town Lots, Lots 1 and 2 of Block 3.
4. The applicants are requesting to combine two (2) Old Town lots into one Lot.

5. The plat amendment is necessary in order for the applicant to move forward with any future improvements to the structure.
6. The amended plat will create one new 3,934 square foot lot. The existing lots measure 25 feet x 75 feet (1,875 SF); the other measuring approx. 27.15 feet x 75 feet (2,059 SF).
7. The existing historic house straddles Lots 1 and 2 of the Snyder's Addition.
8. The three story structure is thirty-eight feet (38') tall, thus exceeding the twenty-seven feet (27') height limit.
9. On September 4, 1990, the BOA approved a one-foot (1') encroachment into the required three foot (3') required north side setback; a one foot three inch (1'3") encroachment into the required ten foot (10') rear setback, creating a seven and one-half foot setback; and a five foot (5') height variance. The height variance allowed for a structure of 38'. In 1990, the maximum height permitted in the zone was 33'.
10. Any proposed additions to the existing historic home will require a review under the Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
11. The maximum building footprint allowed is 1,801 square feet per the HR-1 LMC requirements. The current footprint square footage is 1,379.8, which would allow a maximum footprint addition of 197 square feet. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 1 and 2.
12. Any new additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

#### Conclusions of Law – 305 Park Avenue

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
2. Neither the public nor any person will be materially injured by the proposed plat



amendment.

3. 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.

4. There is Good Cause to approve the proposed plat amendment as the plat does not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Conditions of Approval – 305 Park Avenue

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

2. The applicant will record the plat amendment at the County within one 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. No building permit for any work that expands the footprint of the home or would first require the approval of an HDDR shall be granted until the plat amendment is recorded with the Summit County Recorder's office.

4. Modified 13-D sprinklers may be required by the Building Official for renovation of the existing structure.

5. A ten foot (10') foot wide public snow storage easement will be provided along the frontage of the property.

**2. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3 and Chapter 2.6 regarding Building Height. (Application PL-13-01889)**

Planner Francisco Astorga remarked that the proposed amendments address development in the HRL, HR-1, HR-2 and the RC zones. The RC zone was included because specific

standards for single-family dwellings and duplexes mirror the same standards that apply for the Historic Residential Districts.

Planner Astorga requested that the Planning Commission discuss the proposed language shown on Attachment 1. If the language needed to be amended, the changes would be included in a recommendation to the City Council in an effort to move forward.

Planner Astorga reported that the proposed amendments were two-fold. The first one related to the Building Height analysis on pages 66-71 of the Staff report. The second amendment related to the Existing Historic Structures Analysis on pages 71-72.

The Staff recommended that the Planning Commission review the proposed amendments to the Land Management Code for Chapter 2 as described in the Staff report, conduct a public hearing, and forward a positive recommendation to the City Council to adopt the ordinance in Exhibit A with any further changes resulting from the discussion.

Vice-Chair Thomas opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, had prepared a presentation showing various heights, stories and roof shapes. She recalled that stepping was an issue because the Code did not read as stepping three stories, and the Planning Commission wanted the ability to apply the Code in a way that stepping would work.

Ms. Meintsma had prepared a series of drawings. The first one had a third story, ten-foot horizontal step at a 27' foot height which was allowed under the current Code. A second drawing presented was not allowed under the current Code. A third visual showed the same mass in the third story and the fourth story, except there was more mass with the allowed structure versus the structure that is currently not allowed.

Commissioner Savage asked if the difference was attributed to the setback requirements in the front. Ms. Meintsma answered yes, because the only way to fit four stories in the 35' interior top plate ceiling height would be if the four stories had 8' ceilings. Vice-Chair Thomas clarified that the floor to floor heights were 9' floor to floor with an 8' ceiling. Ms. Meintsma believed it was in the best interest of the City to allow a structure that would actually have less mass.

Ms. Meintsma had prepared additional drawings to explain what she believed were the positives for allowing stepping and four stories and why the building would have a smaller appearance. She stated that the horizontal lines on four stories has a tendency to chop up the visual and makes it more attractive. Ms. Meintsma remarked that because the height

would be 35' on top plate, it would possibly allow steeper roof pitches, which everyone would like to see, and still maintain the 27' height. She was working on language regarding a half-story to encourage steeper roof lines and more variety in roof pitches.

Ms. Meintsma stated that if stepping is allowed because it remains under the 35' height, the unintended negative of a split level is that the roof tends to create a roller coaster roof that is reminiscent of the ski slope roof. Ms. Meintsma presented a photograph of the structure that triggered the discussion and explained how the roller coaster roof could be mitigated. Ms. Meintsma believed that stepping could create a smaller structure.

Ms. Meintsma outlined the unintended negative flaws in the language proposed for height and roof pitch. She noted that the language talks about primary roof design; however, primary roof design is not defined in the Code, which makes it arbitrary. She believed they needed a definition for primary roof design. Ms. Meintsma reviewed a series of drawings with different heights, roof pitch and design to show some of the flaws resulting from the language. She suggested that "Primary Roof Design" should be changed to "Primary Roof", and the primary roof should be defined as the main roof structure to keep all the pitches at 7:12 to keep the roof from flattening against the 27' height.

Ms. Meintsma referred to language stating that the roof pitch must be a 7:12. She presented drawings showing that the 7:12 pitch were only small portions of the roof that she had marked.

Commissioner Hontz asked if Ms. Meintsma was saying that adding the word "primary" would make it less likely to see the hip roof. Ms. Meintsma believed that the hip roof was on its own regardless of whether or not it is allowed or how much is allowed. Commissioner Hontz clarified that in her interpretation, if the word "primary" is added it would allow someone to identify a secondary roof. Ms. Meintsma stated that a primary roof would be a 7:12 pitch roof; however, if it has a hip on it that would change the visual.

Mr. Meintsma presented an image of a barge rafter roof, which is one of the two rafters that support the roof and projects beyond the gable wall. She found the image as the best example of a gable roof. She was unsure whether it would flatten the roof or accomplish the visual they wanted.

Planner Astorga stated that the challenge in Old Town is that if the roof forms are perpendicular to the street, there is not an issue. The specific project that Ms. Meintsma used in her examples is parallel to the street. He believed it was a 7:12 roof pitch but the issue is that the ridge is parallel to the road and as it comes down, the massing perceived is different from seeing a gable on the street. The designer's intent is to provide additional

headroom, and that is a challenge. However, the City cannot plainly prohibit these types of structures because historically those types of roof forms existed in Old Town. The Staff faces this challenge on a daily basis with the Historic District Design Review.

Commissioner Wintzer used the image of the house identified as hip, and noted that there was no reason for what was done on that house. The roof is under height everywhere and it could have been higher. He thought they could follow Ms. Meintsma's suggestion to make the roof simpler. Ms. Meintsma clarified that she was not implying that it should not have been done. She only questioned it because the 7:12 pitch was small portions and she wanted to know if this was what the Planning Commission wanted, because it did flatten the roof.

Vice-Chair Thomas closed the public hearing.

Vice-Chair Thomas remarked that someone would always do something creative with a roof that is unfamiliar or unfavorable. For that reason he felt it was hard to write a Code that limits every condition and still gives the applicant the opportunity to design what they think is an attractive house.

Planning Manager, Kayla Sintz, stated that the Historic District Guidelines direct the applicants to choose a style. The language proposed reduces the roof pitch in order to be consistent with other types of historic homes, and that means that someone chooses that style of a home with a shallower roof pitch. It does not mean they could choose all the options and put them on to one house. She believed there was a need for a strong statement and direction to an applicant to select one style. The Historic District is simple and it is not about a conglomeration of roof lines. Planning Manager Sintz thought it was an issue of choosing a style of architecture and one with compatibility through design.

Planning Manager Sintz cautioned against a primary roof form definition because people would eventually challenge the definition. She thought the Planning Commission should be cautious about delineating primary versus secondary or taking a stricter stance.

Commissioner Savage applauded Ms. Meintsma for her insight, efforts and continued participation in these important issues for the City. Commissioner Savage believed that the Planning Commission should focus on the exterior of a building and let the applicant focus on the inside. He noted that the City has an HDDR process and Design Guidelines and the Planning Commission should not be concerned with the design. The Planning Department is mandated with the responsibility of making sure the issue of compatibility is being met. Commissioner Savage stated that he would continue to trust in that process until he is given a good reason not trust the process. Commissioner Savage liked what Ms.

Meintsma had done with the volumetrics and he personally felt it was the right way to look at it. Whether it is three stories or four stories inside, both can be accommodated within the same volumetrics and the external appearance would be essential the same or possibly improved with the multiple stories.

Commissioner Savage was unsure as to how they could draft an appropriate definition for a primary roof and what they would call that roof. He was thought it would be difficult to define a primary roof. Commissioner Savage stated that he had not thought about the roller coaster issue Ms. Meintsma had raised and he was unprepared to comment.

Commissioner Wintzer echoed Commissioner Savage regarding his appreciation to Ms. Meintsma. It makes a difference when someone comes in with a different idea. Commissioner Wintzer agreed that the job of the Planning Commission is to focus on the volumetrics, but they are also challenged with making the structure compatible with the neighborhood and the existing structures. Therefore, he believed the Planning Commission should look at design and compatibility. Regarding the issue of flat roofs, he noted that four 9' floor to floor heights would allow four stories and still be within the height limit and the volumetrics would be totally different than if it was filled in. Commissioner Wintzer felt it was important to understand flat roofs and how they relate to structures in Old Town. He recommended that as they discuss heights that they look at structures with flat roofs in mind.

Commissioner Hontz thought they had made progress and she believed they were getting closer. She stated that some of the things affected by height is the amount of excavation, setbacks, and snow shed and that should be considered as they determine the height definition. Commissioner Hontz referred to the drawing on page 69 of the Staff report and noted that 14% driveways are allowed on uphill lots. Drawing a line at 14% and starting the structure at that point, and then drawing a straight line from the top of car, she pointed out the amount of excavation that would be reduced on an uphill lot. In her scenario, Commissioner Hontz noted that the garage elevation would not start until 15 or 20 feet higher. Therefore, the 27' height is 20 feet higher. Commissioner Hontz remarked that this was the type of house they keep seeing built on both uphill and downhill lots. She remarked that that entrance into a structure is not historic and it ruins how people approach structures and the feel of Old Town. Secondly, it is not useful. The first rainfall on the downhill lots in certain places fills the driveways and garages because it is a good place for water to run. On the uphill lot the garages cannot accommodate the height of an SUV and they end up being parked in the driveway. Commissioner Hontz reiterated that it adds to the height and the steepness of these driveways, which is not historic, and they are not useful.

Commissioner Hontz stated that moving the finished floor plane up puts the structure at 20-30 feet taller from the street, and makes it appear to be 80 feet tall. She believed that needed to be a component in their discussion. Commissioner Hontz thought the biggest failure is the fabric that is eroding due to the driveways, as well as the perceived height.

Commissioner Hontz liked Ms. Meintsma's comment about the benefit of less mass with four floors. However, in looking at the 9' foot ceiling structure of the 4<sup>th</sup> floor, they would see more bedrooms and more people, which generates more cars and more impacts. Commissioner Hontz agreed that the Planning Commission does not need to regulate the interior, but they still need to regulate the scale and mass, particularly when the mass is also bedrooms and number of people in an area that cannot accommodate the extra traffic.

Commissioner Hontz stated that based on where they allow people to go up in height, because of the retaining required, the limits of disturbance is the lot line and every piece of vegetation on the entire site is eliminated to accommodate the structure. Commissioner Hontz did not believe the proposed solutions address all the concerns. It is difficult to grow vegetation in Park City and when the removed vegetation is replaced, it will not be the same quality.

Commissioner Hontz stated that another proliferation they see on the uphill and downhill is the manipulation of the Code with window wells allowing habitable space, which results in more massing and additional excavation under the house and to the setbacks. She thought disallowing the 14% driveway might resolve the problem because people could no longer dig out that space.

Commissioner Hontz understood that they were still looking at green roof and roof pitch. She thought they needed to consider that a green roof could turn into a brown roof that is never planted or maintained. They needed to find a way to manage it and require that someone continues to manage it. Vice-Chair Thomas suggested that a green roof could be subject to a landscape plan approved by the Planning Director. Commissioner Hontz clarified that a green roof cannot be considered as setbacks or open space.

Commissioner Gross agreed with most of the comments expressed by his Fellow Commissioners. However, he believed that people should be able to do whatever is allowed within the 35' maximum as long as it complies with the Building Codes. The Planning Commission is tasked with looking at the exterior and making sure the impacts are properly mitigated. Commissioner Gross recalled a previous discussion regarding green roofs and that a landscaping plan needs to be part of the package before receiving the certificate of occupancy permit. He was unsure how the green roof could be monitored over time.

Vice-Chair Thomas believed they were moving in the right direction. The intent was to allow flexibility within the volume to have shifted floor planes and accessing grade. He believed the 35' height helps tighten it up, but a few things still need to be resolved and the green roof is one issue, along with the landscape plan relative to the green roof. Vice-Chair Thomas stated that a flat roof has a bigger visual impact if it is allowed the same 27' height. In many parts of the community if someone chooses to use a flat roof, there is a reduced height associated with the flat roof. He asked if that had been factored into the flat roof discussion.

Planner Astorga replied that flat roofs were only incorporated with regards to green roofs. The Staff analysis is that when the application comes in the applicant needs to demonstrate that it will not cause any additional shade and it would not be taller than a standard gabled roof. Vice-Chair Thomas asked if a standard roof would be allowed to go up to the ridge height with a flat roof. Planner Astorga explained that the applicant would have to demonstrate how the proposed green roof/flat roof fits in a 7:12, 9:12, all within 27' from existing grade. Commissioner Wintzer asked if they could go up as high as 27'. Planner Astorga replied that it could, but it would be breaking on the corners. Therefore, it would have to be reduced until the entire flat roof is down within a standard compliant mass of roof form.

Director Eddington understood that Vice-Chair Thomas was asking whether a flat roof could appear to be a bigger mass because it does not have the sky on the side of the slope. If that was the question, the answer was no. Commissioner Wintzer asked Planner Astorga to bring back some drawings. Planner Astorga was prepared to do drawings this evening to demonstrate how the green fits at a standard gable. Vice-Chair Thomas clarified that the maximum height of the green roof would have to fit within the 7:12 context. Commissioner Savage understood that the higher the roof, the skinnier the building. Planner Astorga replied that this was correct. Commissioner Savage stated that most people want the square footage and that would keep them from building a taller building. Therefore, the footprint trumps the roof. Planner Astorga reiterated that the Staff analysis only applied it to green roofs and not standard flat roofs. Commissioner Wintzer clarified that green roofs was the only thing allowed in Old Town.

Vice-Chair Thomas stated based on his education and experience, mass, form, scale and compatibility are design; and to that extent the Planning Commission is involved in design.

Vice-Chair Thomas thought Commissioner Hontz made an excellent point about the driveways. There needs to be a transition slope from the street to the driveway and based on industry standards, it is a 5% slope up to 20 feet. The City allows 14% and he

questioned how they could get a transition slope into that realm. He believed that issue needed to be addressed because it is impossible to get a car up those driveways without bottoming out. The impact is that people will park on the street.

Commissioner Gross asked why they could not change the 14% slope. Commissioner Hontz replied that it could be changed but it also affects other things, such as height and mass. Vice-Chair Thomas pointed out that 14% slope would be sufficient with a long enough driveway, but there needs to be a transition slope at the curb approaching the street. Summit County has a code requiring driveways to be within 5% for the first 20 feet of the public street. He recognized that 5% was too restrictive for Old Town, but he thought they should factor it down and consider a more reasonable length that would still allow the transition.

Commissioner Savage asked if the driveway issue was a height issue. Vice-Chair Thomas replied that it is connected because it cascades into the lowest finished floor. Commissioner Savage could not understand why they would need to adjust the building height if they control the driveway slope. Vice-Chair Thomas replied that they would exceed the maximum height. Commissioner Hontz stated that if they add the driveway component and control it through some calculation, they would be addressing the height issue. Vice-Chair Thomas stated that if they lower the slope of the driveway and drop the elevation of the driveway it would increase the excavation of the project. He believed there were ramifications that needed further thought and discussion.

Commissioner Savage felt they needed a robust discussion regarding excavation. He thought the issue warranted further dialogue and education. He personally could not understand why they should care about the amount of excavation as long as the footprint was managed. Vice-Chair stated that they care about the amount of excavation because of the impacts created by the number of truck loads of material hauled through the neighborhood. The issue is life safety, as well as the depth of footings and excavation and cuts.

Commissioner Hontz commented on the vegetation removal that occurs with significant excavation, particularly the vegetation that has existed historically for 50 years and is habitat. She pointed out that projects that required significant excavation take longer because of the process. Some projects take years, which is an impact to the neighbor who lives next to the hole in the ground. Commissioner Savage thought those concerns could be addressed through bonding, obligations, and other requirements. He believed that at some level they need to support people's ability to make choices about how they want to develop their property as long as it fits within the guidelines. Commissioner Savage remarked that people should be able to work to the maximum within the LMC, without



feeling that they are getting more than they should get. The maximum should be what they are allowed to do.

Commissioner Wintzer remarked that the real issue is not how much is being excavated, but how many cars and people it takes to maintain the structure for the rest of its life. He noted that several structures on Deer Valley Drive have 15 cars parked in front for a weekend because it is allowed, but it completely impacts how he gets to his house and how people get around town. The owner built what the LMC said they could build, and the end result was a party house with two parking spaces. Commissioner Wintzer stated that in addition to regulating mass and scale, their job is also to regulate and protect the neighborhood and the integrity of the neighborhood. He commented on a house that he believed had excavated 100 feet and has window wells that are probably 12-14 feet high and have bedrooms behind the garage.

Vice-Chair Thomas remarked that window wells could allow someone to create a building area and usable space or living space below grade. He felt it was important to consider the impact of window wells and the intention for having a window well. If the intent is to create natural light and egress for a bedroom, that would be the wrong intention and he would not encourage that type of space.

Commissioner Hontz stated that it is difficult to police and enforce use. By allowing 14% and building to the maximums, she thought they needed to look at whether the maximums are too big. People do not always make good decisions on their use and they tend to do things that are illegal. It generates additional traffic and other things that are not allowed in the community. Commissioner Hontz believed they needed regulations that are easy for everyone to build to and live to so they are not in a constant police state trying to stop people from doing what they are not allowed to do.

Commissioner Savage stated that the Planning Commission has a specific role. A City Councilman attends their meetings and several other organizations within the Park City Municipality have responsibilities for the enactment of legislation and maintenance of that legislature. There are ways to cause people to be appropriately penalized when they abuse the privileges. Commissioner Savage remarked that there was nothing the Planning Commission could do within the Land Management Code to fix the problems that occur in larger homes in terms of overnight rentals and huge parties. However, the City can implement the appropriate Codes and Regulations and taxation rules to ensure that the problem gets minimized and is forced into a more acceptable position. Commissioner Savage felt it was important to make sure they were using the right tools to fix the right problem. He noted that the Planning Commission is not mandated to be the panacea for

all the issues inside Park City. He thought the Planning Commission should focus on their job instead of trying to fix problems outside of their purview.

Commissioner Hontz disagreed. She believed it was 100% design related. Commissioner Wintzer concurred. It is the job of the Planning Commission to find whether something is compatible and fits the Land Management Code. It is also their job to look at neighborhoods and the bigger picture. Commissioner Savage believed it was their job to decide whether an application was compliant with the Land Management Code. Commissioner Wintzer replied that compatibility is addressed in the Land Management Code and the purposes statements talk about compatibility.

Vice-Chair Thomas remarked that the intent of the proposed amendment was to allow flexibility within the footprint of the house for stepping. He thought the general direction they were going with the 35' step was appropriate. Vice-Chair Thomas believed the Planning Commission was willing to consider a maximum slope as a transition slope to a driveway to access the house. In his opinion, it did not make sense to have a 14% grade right from the street curb to the finished floor of the garage. It is not practical and it does not work. It is difficult to get a normal car into a driveway that has a 14% slope without a transition.

Vice-Chair Thomas remarked that the Commissioners had concerns about flat roofs and how they would be planted. He believed they were comfortable with the diagram showing that the height of the roof would come down if it fits within the 7:12 triangle. Commissioner Wintzer asked Planner Astorga do prepare a better diagram for the next meeting.

Vice-Chair Thomas wanted to address the window well. The City Council had opened the window well as a modification to the initial ideas for steep slope. However, it is an issue that that should be looked at again because it creates an unsafe situation as well as other impacts. Commissioner Wintzer thought one alternative would be to define a window well with a specific height requirement.

Planner Astorga pointed out that the Code did not specify a maximum height of a window well. Vice-Chair Thomas agreed and felt it was open to interpretation. He requested clarification regarding window wells.

Planner Astorga understood that Commissioner Wintzer had requested a diagram of the flat roof/green roof and how it fits into a gable roof. Vice-Chair Thomas clarified that the Planning Commission was referring to green roofs and not flat roofs.

Commissioner Hontz referred to the redlined language on page 68 of the Staff report regarding building height. In addition to the items Commissioner Thomas had identified, she asked the Planning Commission to consider removing the language, "finished lowest floor plane." She was concerned that someone could leave the garage floor dirt so it would not be considered a finished floor plan. Commissioner Hontz did not believe the word "finished" made the definition stronger.

Vice-Chair Thomas thought "finished floor" was the elevation of the earth. After further discussion the Commissioners agreed to remove the work "finished" from the sentence. Commissioner Hontz referred to the same paragraph, last sentence, and asked why they were talking about attics as a story. The Commissioners agreed to remove the last sentence.

Commissioner Hontz referred to the second redlined paragraph on page 68 of the Staff report and revised the paragraph to read, "A ten foot minimum horizontal step in the downhill façade is required to take place at a maximum height of 23' from where elevation meets existing grade. An exception is for when the first story is located completely under the finished grade on all sides of the structure. Commissioner Hontz felt it was better to separate what is allowed and what is prohibited for clarity. The Commissioners discussed the revised language and asked Planner Astorga to re-write the language for the next meeting to address some of the issues that were raised. Commissioner Savage requested a visual to help clarify the language.

Vice-Chair Thomas noted that at some point the Planning Commission would have to address separate structures. He believed there would be a tendency for people to pull two buildings apart and have a garage and something else and another structure uphill. The result is the impact of seeing a very tall, large massive structure on lots that are not compatibility with the historic adjacent properties. He asked the Commissioner to begin thinking about how they could approach the issue. He asked the Staff to factor in language that addresses new construction without historic buildings and stops the cascading down the mountainside, regardless of whether the structures are connected.

Planning Manager Sintz stated that in the discussion of whether to define primary roof form and how it is calculated, and because the green roof definition is tied to the primary roof form, she suggested that the Planning Commission direct Staff on how to marry the two together. She offered suggestions on how it could potentially be done. Vice-Chair Thomas was uncomfortable with using a percentage because it becomes mathematical without considering the aesthetics. He suggested that the Staff Architect review primary roof forms and green roofs in terms of their compatibility. Planner Astorga asked if the Commissioners were comfortable with the language as proposed, which added the word

“primary” for clarification. Vice-Chair Thomas was comfortable if the language gives the Staff the ability to look at the design and determine the primary roof and that a smaller roof element on the structure is a lower percentage of area and not a significant dominant roof form. He believed the Planning Commissioner needed to trust the judgment of the Staff

Vice-Chair Thomas recalled from the last meeting that the Planning Commission was comfortable with the 7:12 and 12:12 roof pitch in terms of compatibility in Old Town. However, the proposed language on page 71 of the Staff report provides the caveat of allowing a shallow roof it is more compatible with the historic structure. He thought that was appropriate. Planner Astorga clarified that the process for approval is through the HDDR by the Planning Director.

Commissioner Savage commented on green roofs in the Historic District. He noted that they continually talk about historic precedence and to the best of his knowledge green roofs did not exist in those eras. Commissioner Savage asked if the Historic Preservation Board was willing to integrate green roofs into the design guidelines for renovations of historically significant structures. Planner Astorga replied that the Code already allows a green roof if it is under the required roof pitch. That was added as part of the 2009 amendments. He explained that the intent is to clarify the language in terms of measuring. Commissioner Savage asked how a green roof would impact registering the home on the Historic Register. Planner Astorga stated that green roofs would not be allowed on historic structures. Green roofs would be allowed on new construction in the historic district or on addition to historic structures. He noted that the Code applied specifically to the Historic Residential Districts.

Planner Astorga remarked that several people have asked if they could have a flat roof that is not green but has solar panels. He asked the Planning Commission for input on that scenario. The Commissioners pointed out that the panels would have to be on an angle for sufficient use of the solar. Vice-Chair Thomas stated that solar collectors have been used on various roof pitches and they work in a lot of conditions.

Commissioner Hontz referred to the historic structures analysis on page 71 and the recommendation to add building footprint and building height. She pointed out several negative scenarios that could occur, which was why she did not favor adding the language. rector Eddington pointed out that the language only applies to structures listed on the Historic Sites Inventory. Planning Manager Sintz suggested adding, “designated historic structures.” Commissioner Hontz was still uncomfortable adding building footprint and height. Under the current process the Planning Director makes the determination and she preferred to keep that review process.

Planner Astorga explained that the Staff recommended the change because they recognized that not all of the historic structures would comply with the height parameters in terms of the 10' setback. Commissioner Hontz still preferred to keep the process of review and determination by the Planning Director for all structures. She was willing to consider the possibility of only allowing the change for structures under 1500 square feet. Director Eddington stated that the Staff would look at revising the language to address the concerns.

Commissioner Hontz referred to a news article regarding a \$1 billion deficit the Jordan School District is facing next year because their Planning Department, Planning Commission and City Council approved more density than what they could accommodate for the number of people it generated. Commissioner Hontz pointed out that what the Planning Commission does matters because the number of people in a house affects the amount of traffic on the roads and the number of children in the schools. Vice-Chair Thomas pointed out that the Jordan School District was the best funded school district in the State of Utah. Unfortunately, they lost a lot of their funding due to the transformation Kennecott and how the money was disbursed. He agreed that growth was also a factor, but it is natural to expect some growth to occur. Commissioner Gross thought it was important to plan around growth expectations.

Director Eddington believed the Staff had enough direction to revise the proposed amendments and incorporate their comments. Commissioner Wintzer thought it would be helpful for the Staff to summarize the comments this evening and email it to the Planning Commission for verification and consensus before they make the revisions.

Assistant City Attorney McLean replied that the Staff could send a summary to the Planning Commission, but the Commissioners could only reply and communicate with the Staff. They could not do a "reply all". Vice-Chair Thomas felt a better approach would be for the Commissioners to visit the Planning Department two at a time to meet with the Staff prior to the next meeting. Vice-Chair Thomas thanked Planner Astorga for his patience throughout this process.

MOTION: Commissioner Hontz moved to CONTINUE the Amendments to Chapter 2 to a date uncertain. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

**3. Lots 21-32, Echo Spur – 9 Lot Subdivision  
(Application PL-12-01717)**

Vice-Chair Thomas recused himself and left the room. Commissioner Wintzer assumed the Chair.

Chair Pro Tem Wintzer opened the public hearing. There were no comments. Chair Pro Tem Wintzer closed the public hearing.

Commissioner Wintzer thought it was difficult to consider vacating property without seeing a cost analysis on the property and what the City gets in return. A trade is going on but they have no idea of the values. Commissioner Wintzer remarked that the decision should be based on the fair market value of a lot and the fair market value of what they get in return. If the City Council decides it is worth the money to have the project in the neighborhood he was more than willing to look at it, but not without sufficient information to make the proper recommendation to the City Council.

Commissioner Hontz requested that the Staff update the Staff report to accurately reflect that the applicant did not submit a traffic report. What was submitted was a summary of one day out of the year. She stated that a traffic study is defined by standard language and the Staff report cannot reflect that a traffic study was done when it clearly was not done.

Commissioner Hontz had concerns with the process and she intended to address those concerns when the applicants were present. She did not believe this was an appropriate application. Commissioner Hontz remarked that the traffic analysis should also reference the streets master plan and the actual existing widths of streets, winter conditions, garbage, etc. She pointed out that she has made this request multiple times. Commissioner Hontz requested that the Staff report be updated to not only indicate that these issues were not addressed, but to specify the multiple ways it has been requested.

Chair Pro Tem Wintzer referred to the sections through the floor plan to show that the building fits underground. In looking at the minutes from the previous meeting, he had asked for three sections that showed that dirt went up over it. He could not interpret from the submitted drawings whether it was totally buried or not. He recalled that one of the qualifications was that it would be totally buried.

Commissioner Gross asked if the site plan showed how it connects in with the backs of the neighbors' yards in terms of access. Commissioner Hontz replied that this was a plat amendment and the applicants were overlapping into the next step and submitted things that are not part of the plat amendment but need to be addressed in order for the Planning Commission to make a good decision. If this plat amendment moves forward and is approved, it would be a one-lot subdivision with no right to do the condo plat. That was

part of her concern with the process and why she did not believe it was an appropriate application for a plat amendment without that other piece. It was only a one-lot subdivision. It is not a condo plat, a steep slope CUP, or a CUP for the parking, and it was not appropriate.

Planner Astorga explained that the LMC is not clear as to what should come first. The strategy chosen by the applicant was to do a one-lot combination and then come back for a condominium plat. They had the right to skip this plat amendment application and go directly to the condominium plat. He noted that the parking garage would still require the applicant to apply for a conditional use permit to look at more specific details.

Commissioner Wintzer stated that if the Planning Commission was approving a one-lot subdivision, there needs to be sufficient conditions of approval in case this project fails. He suggested a preliminary lot or concept approval. Commissioner Wintzer was uncomfortable approving a one-lot subdivision without enough conditions to ensure that the City gets what they think they are getting.

Council Member Butwinski asked Assistant City Attorney McLean if the valuation of the land versus what the City gets in return could be included in the recommendation if the Planning Commission chooses to forward a positive recommendation to vacate a street to the developer. Ms. McLean explained that two things control a vacation of right-of-way. One is State Code that provides the finding of good cause; and the second is the resolution by the City Council that lays out what the Council considers good cause and the procedure. Under the State Code, it is strictly a City Council decision. There is no requirement for a Planning Commission recommendation. However, the resolution asks for the Planning Commission to give a recommendation. Based on that, she believed the Planning Commission could make that recommendation.

Council Member Butwinski asked if it should first be a policy decision of whether or not to pursue the vacation, or if they should use the State Code and Municipal Code to determine the appropriate trade-off for the valuation of the property as part of the vacation.

Assistant City Attorney McLean stated that just as a plat amendment is ultimately the decision of the City Council, and it would be the same case with the street vacation. She understood that Council Member Butwinski was asking if the two could be bifurcated to allow the City to discuss the vacation first and then move to the second part. Council Member Butwinski clarified that he was asking if the vacation could be contingent on agreeing to a valuation. Ms. McLean remarked that this was a difficult decision because the subdivision could not occur without the street vacation. She suggested that a better

approach would be to address the two issues as a package, but it would be appropriate to address them separately.

Commissioner Savage thought they were spending a lot of time debating a number of issues that were subject to approval of the vacation. Council Member Butwinski stated that this was an important issue because there may be another vacation on the street. He suggested that the City Council should probably address it in a work session to discuss the issues that have been raised.

Commissioner Savage understood that the Planning Commission has the ability to participate in making a recommendation to the City Council regarding the vacation. However, the City Council decision is not contingent upon that recommendation. Therefore, the City Council could make a determination on the vacation independent of the Planning Commission. Commissioner Savage stated that in his opinion, if it was not highly likely that the street vacation would take place, the Planning Commission should not be spending time and effort on this application.

Council Member Butwinski clarified his comments and explained that the vacation would be contingent upon valuation, which could be requested by either the City Council or the Planning Commission. Ms. McLean stated that usually the developer petitions for the street vacation and outlines specific reasons and benefits for the petition. Valuation can then become part of that process and the City can place contingencies. Based on Commissioner Savage's comment, they could look at the vacation first to see if it is even possible before going through the plat amendment process. The Commissioner concurred.

Chair Pro Tem Wintzer outlined the process for addressing the street vacation as a separate item. Planner Astorga noted that the applicant had requested a continuance to the July 31<sup>st</sup> meeting. However, the Staff advised him that he needed to file a petition for the street vacation through the City Engineer, which was done on Monday of this week. Planner Astorga was unsure if three weeks was sufficient time for the City Council to hold a work session and for the Staff to prepare a Staff report. Ms. McLean stated that if the applicant had filed the petition, the Planning Commission should continue the item to a date uncertain to allow the City Council time to review the petition.

Commissioner Hontz reiterated her request for the applicant to submit the condo plat and additional information before they come back to the Planning Commission. Chair Pro Tem Wintzer agreed that the Staff should meet with the applicant to outline the list of requested items, and the applicant time to meet their request.



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MOTION: Commissioner Savage moved to CONTINUE Lots 21-32, Echo Spur Subdivision to a date uncertain. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

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

Approved by Planning Commission: \_\_\_\_\_