

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 27, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Charlie Wintzer

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

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

Planner Worel moved the Work Session items to the end of the Regular Meeting to allow the applicants the opportunity to leave if they were not interested in sitting through the work session.

ADOPTION OF MINUTES

February 13, 2013

Commissioner Worel referred to page 35 of the Staff report, page 2 of the Work Session minutes, third paragraph, 2nd sentence, and changed the word require to correctly read **required**.

MOTION: Commissioner Gross moved to APPROVE the minutes of February 13, 2013 as corrected. Commissioner Hontz seconded the motion.

VOTE: The motion passed. Commissioner Wintzer abstained since he was absent from the February 13th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Planning Commission about an email they received regarding the Congress for New Urbanism planning conference which would be held in Salt Lake from May 29th – June 2nd. The Planning Staff would be participating. If any of the Commissioners were interested in attending they should contact the Planning Department. Park City would be hosting some local events and the dates and times of those events should have been included in the email. The

Planning Commission could also contact also Anya Grahn for that information. There was a registration fee for the conference and they were looking to see if the City could help supplement the fee.

Director Eddington reported that a new policy has been implemented to notify the Commissioners when new information has been sent to their City email address. This new policy includes all correspondence and not just packets or agendas. Commissioner Wintzer noted that the Staff gave his City email address to the City Sustainability for some reason and he had missed two meetings because his notices were sent to the wrong email. He requested that they make sure his email address is shared between the Sustainability Department and the Planning Department so he remains updated on all matters.

Director Eddington stated that the Planning Commission should have received an email with the date for Camp Training, which is Historic District Design Guideline training. The Camp was scheduled for Friday, June 7th, however, the date may be changed to the following Friday, June 14th. The date has not yet been confirmed and he encouraged the Commissioners to keep both dates open if they were interested in that event. He would notify the Commissioners when the date is finalized.

Chair Worel announced that she would be absent from the next meeting on March 13th and Commissioner Thomas would chair the meeting

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 520 & 522 Park Avenue – Plat Amendment (Application #PL-13-01813)

Planner Francisco Astorga reviewed the application for a plat amendment at 520 Park Avenue, located in the HR-2 District. The request is to combine almost two lots of record, since one does not meet the minimum lot size. He noted that 18 months ago the Planning Commission reviewed this application during a work session. At that time the Planning Commission gave positive comments, after which the applicant took their application to the Board of Adjustment and was granted a variance on the lot that did not meet the minimum lot size so the applicant could build one structure on each lot. However, since that time the applicant discovered that the lot that received the variance could not accommodate a structure. That discovery resulted in the current application for a plat amendment to combine both parcels to construct one single family dwelling.

Planner Astorga noted that a duplex requires a conditional use permit; however, they would encounter the same issues with a duplex because it would not meet the minimum lot size of 3750 square feet without obtaining another variance. The Staff identified that the proposed lot meets the minimum lot size in Old Town, as well as the development standards outlined in the HR-2 District.

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

Hal Timmons, representing the applicant, stated that they are staunch advocates of single family homes, and since 2000 they have built approximately 12 single lot homes. They have wrestled with designs and adherence to some of the issues pertaining to the slope and height of this particular lot. They had difficulty coming up with a livable plan and believed that they could do a better job by constructing one home on two combined lots. Trent Timmons stated that a significant amount of architectural dollars was spent trying to achieve a plan for two homes before they decided to combine the lots.

Commissioner Wintzer asked if these were steep slope lots. Planner Astorga stated that some areas on the lots hit 30%, however, the Staff is unable to make a steep slope determination until they see the exact footprint of the proposed improvements. He believed it was likely that the project would come back before the Planning Commission. Mr. Timmons remarked that the approach would be located on a 30% grade. The home itself would not be. Director Eddington pointed out that the front of the lot appeared to be steep slope, and both access and building requires a Steep Slope CUP.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, noted that this part of town is mostly historic residential and she understood from past discussions that the Planning Commission would like to see it remain that way. She commented on previous scenarios regarding the struggles with building homes up against a commercial back. She recalled that the Planning Commission created an MPD where someone with a lot line on Main that was attached to a lot on Park Avenue could possibly have a zero or reduced back yard setback. It also included the possibility for a single detached garage to make these lots more developable and more appropriate for the neighborhood. Ms. Meintsma remarked that the lots in the proposed plat amendment are not associated with the Main Street lots and, therefore, the rules do not apply. She pointed out that these lots are still difficult to develop because they are on commercial and a 10-foot setback would be extremely unattractive. Even though this is a plat amendment, if there was a struggle with a single on two lots, she asked if it would be possible to consider a reduced rear yard setback similar to the MPD, because it is the same type of lot with the same type of development issues. If it would require a change to the LMC she believed it would be an important change. A reduced back yard setback would make a front yard more attractive and allow for more landscaping, which would be better for the neighborhood. Ms. Meintsma noted that this property was in Subzone A, which was its own area with its own rules. She encouraged the Planning Commission to think of other possibilities and to think outside the box for this important historic area.

Ms. Meintsma noted that the Planning Commission has previously talked about reducing parking requirements. She was unsure whether the Park Avenue resident would be amenable to that because of existing parking problems. However, other situations have had deferred parking where there is single parking on-site and another parking spot on Swede Alley or another location. She believed this was a unique situation and there were a lot of advantages to allowing a single detached garage. Ms. Meintsma remarked that a single lot residence with a setback and a single car garage would be beautiful on that street. The current rules do not allow for that but it would positively add to the area.

Chair Worel closed the public hearing.

Commissioner Wintzer thought it was important pass on Ms. Meintsma's comments to Planner Katie Cattan since she was working on the General Plan for that area. Director Eddington stated that Planners Cattan and Grahn were already talking about single family detached structures and how it plays into the footprint.

Commissioner Gross had visited the site. He suggested parallel parking in front of the driveway to acquire additional parking in front of the structures. Any parking should fit within the lot and a half and be part of the plat. Mr. Timmons stated that the property line is 13 feet back from the curb and there is an 18' setback. In effect, they have a 31' setback that would accommodate the parking Commissioner Gross suggested. Assistant City Attorney McLean remarked that generally the City does not allow parking in the right-of-way for specific homes. Commissioner Gross clarified that he was suggesting additional parking inside the property line and adjacent to the street.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 520 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 520 Park Avenue

1. The property is located at 520 & 522 Park Avenue.
2. The property is identified as Lot 43 & 44, Block 9 of the Park City Survey.
3. The property is located in the Historic Residential (HR-2) District.
4. The proposed lot is 3,704 square feet in size.
5. The minimum lot size within the HR-2 District is 1,875 square feet.
6. The lot width of the proposed lot is fifty feet (50').
7. The minimum lot width within the HR-2 District is twenty-five feet (25').
8. The maximum footprint for a lot this size is 1,504 square feet.
9. The site is currently vacant with the exception of a non-historic shed that encroaches towards the north area of the lot.
10. There are no other violations or non-compliances found on the site.
11. No remnant parcels of land are created with this plat amendment.

12. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 520 Park Avenue

1. There is good cause for this plat amendment as it removes the need for the variance for Lot 43.
2. The plat amendment reduces the potential density at this property from one (1) unit on each lot to one (1) unit on the combined area; therefore, it also reduces the required parking from four (4) spaces to two (2) spaces.
3. The plat amendment dedicates 10' wide public snow storage easements along Park Avenue.
4. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
5. Neither the public nor any person will be materially injured by the proposed plat amendment.
6. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 520 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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal.
4. A 10 foot wide public snow storage easement is required along the frontage of the lot with Park Avenue and shall be shown on the plat.
5. The applicant shall resolve the encroachment of the shed on the 526 Park Avenue by obtaining an encroachment agreement from that neighboring property owner or by removal of the shed encroachment.

**2. 421 Park Avenue – Plat Amendment
(Application PL-13-01797)**

Planner Astorga reviewed the application for a plat amendment to remove two lot lines at 421 Park Avenue. He noted that the request was similar to the previous application at 520 Park Avenue, with the exception of an existing historic house. The historic structure crosses two lot lines. The subject site is two lots of record plus half of Lot 4.

Planner Astorga noted that the applicant has indicated future plans to place an addition; however, because the structure is historic the addition would be limited to the rear of the structure. At this time the Staff had not received specific plans through either a building permit or a Historic District Design Review, and any future work would have to comply with applicable Codes and the Historic District Design Guidelines. Planner Astorga stated that once a proposal is submitted, the Staff would determine whether a Steep Slope CUP would be required.

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

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 421 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 unanimously.

Findings of Fact – 421 Park Avenue

1. The property is located at 421 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 4,650 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is sixty-two feet (62').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing footprint of the structure is 1,066 square feet.

8. The maximum footprint for a lot this size is 1,790 square feet.
9. The current use of the property is a single family dwelling.
10. The existing front yard setback is eleven feet (11').
11. The existing rear yard setback is twenty-two feet (22").
12. The minimum front and rear yard setbacks are ten feet (10')
13. The existing north side yard setback is twelve feet (12').
14. The existing south side yard setback is nine feet (9').
15. The side yard setbacks are five feet (5') minimum, eighteen feet total.
16. There is a historic structure on the site.
17. The Historic Site Inventory lists the site as a Landmark.
18. The historic house sits on two lots lines, which the applicant is proposing to be removed with this application.
19. No remnant parcels of land are created with this plat amendment.
20. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 421 Park Avenue

1. There is good cause for this plat amendment in that the combined lot will remove the lot lines going through the historic structure.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 421 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. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal.
 4. A 10 foot wide public snow storage easement is required along the frontage of the lot with Park Avenue and shall be shown on the plat.
3. **496 McHenry Avenue, Lot 21-32 Echo Spur Subdivision – Plat Amendment (Application PL-12-01717)**

Planner Astorga reported that the Planning Commission previously reviewed this application on January 9, 2013. He noted that since the January meeting the site was posted and noticing letters were sent to property owners within 300 feet in an effort to get the public involved in the process. Planner Astorga had received phone calls and public comments from owners in the neighborhood. Those comments came in after the Staff report was prepared, and they were emailed to the Commissioners today. Hard copies were also provided to the Planning Commission. Planner Astorga also provided copies of an additional exhibit that was submitted by the applicant the day before.

Planner Astorga remarked on the challenge of addressing public comment after the Staff report is drafted. He clarified that the Staff report is available to the Planning Commission the Friday before the Wednesday Planning Commission meeting. Due to limited timing, the Staff also has difficulty reviewing exhibits submitted by the applicant just prior to the meeting.

Planner Astorga stated that during the January 9th discussion the Staff and applicant were asked to address specific items. He noted that this item was scheduled as a public hearing; however, he preferred to treat it as a work session discussion since the Staff was not recommending that the Planning Commission take action this evening. The Staff recommended that the Planning Commission take public input and provide additional direction to the applicant and Staff.

Planner Astorga stated that the first issue addressed in January was the discussion related to use. Since that meeting, the Staff researched a similar project, Parkwood Place, which was approved in 2005-2006. The only difference between the two projects was that Parkwood Place was approved through an MPD; however, the use is not governed by the MPD. The Staff had made a determination that was approved by the Planning Commission and the City Council, to consider an underground garage that would be platted as common with a single family dwelling unit on top of

each of the platted garages. Planner Astorga noted that the Staff had reviewed the information and attached an exhibit to the Staff report showing the approved Parkwood Place condominium plat. The Staff determined that the end result was a single family dwelling.

The Staff had prepared four questions for discussion.

Staff classifies the proposal as single-family dwellings with a common underground garage, which is consistent with the approved Parkwood Place project. Does the Planning Commission concur with this determination.

Commissioner Wintzer stated that typically the ownership goes vertical through a building. With every condominium plat that has an underground parking structure, the parking structure is labeled common area, the building the house sits on is identified as private area, and the space between the buildings which are now called setbacks, are listed as public common area. All the condominium plats were consistent with that layout and he could not find a way to think of this project as anything different than a condominium project based on the layout. Planner Astorga clarified that the Staff agreed that the proposal was a condominium project. The issue was the challenge of the Land Management Code.

Commissioner Wintzer understood the comparison with a project that went through a master planned development, but in reading the minutes, he thought the project was approved in a vacuum because the Planning Commission at the time did not have this discussion. Commissioner Hontz pointed out that Parkwood Place also crossed two zones, which makes it more different than similar. Planner Astorga understood the MPD approval and that the overall project crossed two zones, but he was unsure how that was relative to the use, because one of the zones was the HR-1, where a single family dwelling is an allowed use, a duplex is a conditional use, and a multi-unit building is not allowed. Planner Astorga pointed out that the MPD cannot trump the specific use. The Staff was trying to make the same determination for consistency, while at the same time analyzing the proposed use.

Commissioner Hontz stated that based on the Code language reflected on page 132 of the Staff report, she thought the proposal meets the definition of Attached Building. However, the Code definition for multi-dwelling units on page 131 of the Staff report, "A building containing four or more dwelling units" left the interpretation to the Planning Commission of whether the structure is an Attached Building or Multi-dwelling units.

Planner Astorga stated that interpretation was the reason for this discussion. He noted that a duplex would also be considered an attached building but not a multi-unit structure. The other challenge is that the current definition tends to be antiquated because the City no longer uses party wall agreements that occurred in the 1980's. Instead, the applicant is required to go through a condominium plat amendment for that type of attachment.

Commissioner Wintzer asked how they could say that the project was not a condominium if it requires a condominium plat. Director Eddington replied that a condominium is a form of ownership. The Staff was looking for clarification on the use. He used Snow Creek as an example of a

condominium complex that is typically considered single-family dwelling units, and it was intentionally built that way.

Commissioner Savage wanted to know what difference the use makes. Commissioner Hontz replied that the Planning Commission could not approve a use if it was not allowed in the zone. If the Commissioners determine that it is a multi-unit dwelling, it would not be allowed and the applicant could not move forward with the application. Director Eddington gave examples of various scenarios to demonstrate differences in use. He noted that the Code is unclear on the issue, which makes interpretation difficult.

Commissioner Hontz stated that she could make either interpretation based on the Code definitions for Multi-unit dwelling and an Attached Building.

Commissioner Gross pointed out that the units would be detached with the exception of the underlying parking.

In response to Commissioner Savage, Commissioner Wintzer stated that the use might not make a difference on this particular project. However, it would make a difference if the next project uses this as a precedent and it makes a difference on that project. Commissioner Wintzer liked the application presented, but he was concerned about opening the door without understanding how it would affect future projects. His preference was to have the Planning Department and the Legal Staff find a logical way to do it and let the Planning Commission voice an opinion on their determination.

Planner Astorga noted that the HR-1 District encourages an underground shared parking facility through a conditional use. He asked how they could encourage someone if the Code did not allow it. Director Eddington remarked that the Staff had this discussion among themselves because they knew it would be a challenge. The idea of individual units with parking in front and garages that take up the whole unit is unfortunate in the Historic District on 25' x 75' lots. They like the historic aspect of the smaller lots, but the advent of the car and multiple cars for every single-family dwelling detracts from Old Town. He believed that was foreseen, which is why the Code favors underground parking. The applicant was complying with the Code regarding the parking, but the issue is ownership versus use. When the Staff had this discussion from a planning perspective, their initial determination was a single family use with condo-style ownership. He understood that the Planning Commission may disagree, but the Staff liked the idea of underground parking and how the design preserves the open space and the landscape in the front yard.

Commissioner Savage understood that the real question was whether the connected garages imbue a different style of property. Looking at this from the standpoint of marketing and how the properties would be perceived by the owners, he believed they would be perceived as single family homes. Director Eddington agreed. Commissioner Savage felt that a common parking structure was an attribute of the condominium form of ownership without changing the single family nature of the way the project is being developed.

Director Eddington stated that given the yards and the setbacks of the structures above, it would rightly be perceived as individual single family units. What occurs underground is different, but they could argue that underground parking could not be accomplished if the units were not attached to

the garage. Underground parking for each individual unit would not work without the connection. The Staff believed it was a good solution. Commissioner Savage stated that the garage attached by a tunnel should not be meaningfully different than if it was attached by a street.

Commissioner Gross referred to page 155 of the Staff report and thought the driveway exhibit showed a street next to a street where the units would access their own garages.

Chair Worel clarified that each garage was attached to its own single-family unit and the only way the garage could access the home is through a stairwell that connects the garage to the house above.

Sean Kelleher, representing the applicant, pointed out that there would be a staircase on the side to access the garage on the lower level, in addition to going through the garage through the alleyway. Commissioner Gross clarified that it would be pedestrian access and not vehicular. Mr. Kelleher replied that this was correct.

Commissioner Wintzer asked if it was possible for the Staff to draft a finding with specific reasons for why these are single family homes, and include it in a future Staff report. If the Planning Commission voted to approve, it would be supported by the finding and the reasons for determining the use as a single family home. He was not opposed to this proposal, but reiterated his concern for how it could affect future problems. If the Staff could draft a finding specific to this design, he felt that would help resolve the issue.

Director Eddington thought the Staff could draft findings that were use and design based to address Commissioner Wintzer's concern. Commissioner Savage also wanted the Staff to spend time thinking this through from the point of view of precedence to make sure they were not creating an argument for a future developer to be allowed the same determination. He understood that they could not avoid all possibilities, but it should be given reasonable consideration.

The Commissioners moved to the next discussion item.

Does the Planning Commission concur with this finding related to not counting the footprint of the underground common parking structure through an approved Conditional Use Permit

Planner Astorga noted that this type of development is encouraged in the parking section and in each individual residential district in the Historic District. The issue is that the Code does not specify whether or not the footprint of the underground garage should be counted. However, the Code indicates that if a project goes through an MPD, such as Parkwood Place, language in the MPD section for the HR-1 specifically says that the footprint of these underground common spaces are not counted.

Planner Astorga stated that if the intent is to encourage this type of development to limit pavement and reduce the number of garage doors, including the footprint would discourage applicants from doing this type of underground parking because it would take a significant amount of the footprint and greatly reduce the size of the structure. The Staff was of the opinion that when this section of the Code was written, they included the exception of not counting the footprint of the completely

underground portion of the garage, but they failed to place a provision in the conditional use permit criteria. Planner Astorga asked if the Planning Commission concurred with the Staff.

The Commissioners discussed various points and scenarios for underground parking regarding the footprint. Commissioner Wintzer thought they could achieve a 50% gain in underground square footage if the footprint is not counted. He thought they should give that to the applicant in order to do this project. Commissioner Wintzer also suggested that they vary some of the front yard setbacks to avoid having one common wall that goes down the entire street. He believed the trade off for giving the applicant extra square footage was the benefit of a facade without garage doors.

Commissioner Savage was not opposed to the idea as an incentive, but he was trying to consider the fairness as it relates to a single family dwelling. He thought this question should also be subject to the criteria of thinking it through to make sure they were not creating issues with future projects.

Director Eddington noted that the applicant was proposing to count the bottom level as the first of three stories. Eliminating the third story above also reduces the total square footage. Planner Astorga stated that the Staff was trying to be consistent with the MPD language that only counts the above grade footprint.

Commissioner Hontz concurred with the comments of Commissioners Wintzer and Savage in terms of understanding what they were creating. She stated that the Staff report indicates that the parking structure is completely underground or below grade, and that has to be the existing and the future. She would not want to see the grade suddenly go up and then the parking structure go in. Commissioner Hontz thought house size was a separate issue unrelated to the garage. Under no circumstance would she not consider the garage level a story. She was pleased to hear that it was proposed by the applicant so it would not be an issue.

Director Eddington clarified that there was general consensus among the Planning Commission that the parking structure should not be included in the footprint. Commissioner Strachan stated that he would strictly interpret the language to be the parking area only and not storage area, mechanical rooms, etc. None of that should be included in the definition of an underground parking structure. Commissioner Wintzer agreed and suggested that they be allowed to put storage, mechanical and other uses in the parking structure and use some of the square footage from the upstairs where it becomes a volume issue. Commissioner Strachan was uncomfortable with the precedent that it would set. He clarified that the exception was for a parking structure. It was not an exception for back of house, mechanical and storage. He remarked that every time the Planning Commission has seen an exception to a footprint calculation it has been exploited to the maximum.

Chair Worel asked where the storage and mechanical equipment would be located if not in the parking structure. Commissioner Strachan replied that it would have to be located inside the house.

Director Eddington explained that the house above on the lot line would still meet the footprint setbacks. He assumed that most people want ski and outdoor equipment storage in or near their garage. Director Eddington stated that the Staff could work with the applicant on language with regard to boilers and/or furnaces,; however, another challenge with the site is the issue of solar

panels and other energy equipment in the house. He recommended that they add language allowing for that space when certain sustainability standards are met.

Planner Astorga understood the concern about setting a precedent for the footprint. To address the issue, he skipped to the fourth question for discussion related to process.

Does the Planning Commission concur with this finding of reviewing the CUP for the underground parking garage concurrently with this Plat Amendment request.

Planner Astorga stated that at this stage, the Planning Commission was entertaining the plat amendment filed by the applicant. However, a conditional use permit is required for an underground parking structure. With that in mind, the Staff recommendation was to look at that application first to review floor plans, the site plan, landscaping and cross sections that would help them come up with a better determination of the specific use and how those areas are used in terms of footprint, etc. Planner Astorga stated that in the planning world one could interpret that the use comes first, and once that use is approved, they should entertain the plat amendment. Having more information related to the conditional use permit and how it relates from one structure to the other would help them come up with a better resolution on how to specifically handle the precedent issue.

Planner Astorga asked if the Planning Commission concurred with that finding. The Commissioners agreed.

Commissioner Hontz referred to the minutes from previous meetings provided in the Staff report and noted that the Planning Commission had two work sessions where different Commissioners had highlighted numerous issues and concerns. She felt that the Planning Commission would never reach the point of being comfortable enough with the plat amendment to move forward. Commissioner Hontz intended to review the minutes from previous meetings to recall her questions and concerns. She highly recommended that the applicant also review the minutes to identify the questions that were asked in previous meetings to make sure those were answered if this application did move forward. Commissioner Wintzer concurred. He assumed that no one had read the minutes from the last meeting because his questions had not been addressed in the Staff report. Commissioner Wintzer had restated his questions in writing and submitted it to the Staff this evening.

The next question for discussion was ridgeline development.

Planner Astorga noted that the Staff report cited the specific regulations in terms of the definition of ridgelines and compliance with restrictions due to the character of the land and specific vantage points. A general provision listed on page 125 of the Staff report under General Subdivision requirements states that, "Ridges shall be protected from development, which development will be visible on the skyline from the skyline from the designated vantage points in Park City." Planner Astorga reviewed the vantage points A through listed on page 126 of the Staff report. The only vantage point the Staff found would qualify was (K), across valley view.

Commissioner Savage asked about the criteria used to determine that (K) was the only vantage point. Planner Astorga replied that the development would not be visible from the other vantage points. He pointed out that the Land Management Code does not define across valley view. He presented an exhibit he found on line and explained how he had interpreted across valley view. Without the applicant submitting information to determine whether or not the structures break the skyline, he asked how the Commissioners felt about his interpretation.

Commissioner Wintzer understood that if an applicant has a single platted lot on a ridgeline that has access to a road, the City was obligated to allow the owner to develop the lot. Assistant City Attorney McLean replied that it would be difficult to defend otherwise. Commissioner Wintzer did not believe this particular part of the ridge application mattered because the applicant could build on 9 of the 14 lots without a plat amendment. It would be difficult not to allow the owner to combine the three smaller lots into two lots; therefore, they could end up with 11 houses on the site without a plat amendment. He did not believe they would be increasing the amount of ridgeline encroachment by combining some of the lots, and they would have a better chance of working with less of a ridgeline encroachment. Commissioner Wintzer has consistently felt that these lots were different from the lots further down the hill, where combining the lots could result in a larger structure that might increase the ridgeline encroachment.

Commissioner Strachan remarked that other than the nose of the ridge where the other application on the lots down the hill was pending, the rest of the ridge has already been decimated. It would be hard to make the appropriate findings to say there is a ridgeline when someone had already bulldozed the ridge. He concurred with Commissioner Wintzer.

Commissioner Hontz noted that Planner Astorga had highlighted the restrictions due to the character of the land, which are different when it deals with a ridgeline that comes into play later. It was an important discussion but she recognized that they were limited in their consideration of this site. Chair Wintzer stated that if they decide to move forward on the application, they could address the issue in a finding stating that the ridge was already disturbed before this applicant became involved.

Commissioner Hontz thought the across valley view vantage point still mattered because it was equal to the same elevation from two vantage points. Planner Astorga noted that the across valley view could be from multiple vantage points. Commissioner Strachan stated that if the proposed structures go higher above the retaining wall than the existing structures, there would be ridgeline and across valley view issues because all of the homes would break the skyline. Director Eddington stated that the visual was from across Deer Valley and across Main Street to get a view in that area.

Planner Astorga referred to the comments regarding the questions that were raised at previous meetings, and noted that he and the applicant were available to address those questions this evening.

Commissioner Wintzer stated that based on the conversation of counting the footprint for the parking structure, he wanted the applicant to understand that for lot combinations and subdivisions, the Planning Commission has the ability to reduce the height and setbacks of buildings. He assumed they would have that discussion in terms of the parking garage and other aspects of the

project. Commissioner Wintzer wanted to make sure there would be no height increase and that they would not end up with a wall of eight houses with the same line of sight. He would be looking for variation. Commissioner Wintzer emphasized the importance of making sure that the parking structure would be completely underground. He requested to see one section that runs north and south through the parking structure and at least three sections that go east and west to make sure the parking structure fits underground and is completely buried.

Mr. Kelleher referred to the layout on page 155 of the Staff report and asked what should be added to that basic layout. Commissioner Hontz pointed out that the layout was a plan view and not the cross sections Commissioner Wintzer was requesting. Commissioner Wintzer clarified that he wanted cross sections showing contour lines and dimensions. He noted that cross sections going north and south would show the existing grade of the road and the dirt so he could determine whether the garage fits underground. He also wanted to see three cross sections that run east and west for the same determination.

Commissioner Wintzer also requested a drawing showing the size of the lots because the setbacks are based on the width of the lots. The Planning Commission needed to see a drawing that would be a pre-application for a subdivision. Commissioner Wintzer understood that the applicant was looking for direction and additional information before spending money on plans that may not be approved, but the Commissioners needed to see more detailed drawings before they could make their decision.

Mr. Kelleher stated that if they were to put in the underground structure and start building homes on the way down, the unit size would be up to the individual homeowners. Commissioner Wintzer clarified that the Planning Commission would not approve the parking structure if the applicant could not prove that it would be completely buried. Mr. Kelleher noted that he was referring to the size of homes and not the parking structure. He wanted to make sure he and the Planning Commission had the same understanding in terms of the practical process of how the project would be completed. Mr. Kelleher remarked that the applicant would agree to limit the size of the homes to address the Commissioners' concerns about monstrous homes.

Commissioner Savage understood that the applicant had a design concept in mind for all the homes, and he agreed that individual owners should be able to customize their units, particular inside the home. However, the Planning Commission wanted to look at the project as an integrated whole, and the design concept for each home would be part of this application. When someone decides to purchase the lot, they should have a good idea of the design concept before signing the contract.

Mr. Kelleher understood that if an owner wanted to make his home 200 square feet larger, he would have to come back to the Planning Commission for approval. Commissioner Wintzer explained how the Planning Commission could change the setbacks for each lot, and it would be on the plat. Those would be the types of restrictions that would obligate the buyer.

Commissioner Gross if Commissioner Wintzer was also thinking about setbacks as it relates to the roofs, since they were only going two stories above the parking garage. Commissioner Wintzer thought that was something they could look at further into the process. His intent at this point was to

inform the applicant of what the Planning Commission is permitted to look at with a plat amendment.

Commissioner Wintzer was still opposed to vacating Fourth Street. He personally felt that the only open space left in Old Town were the streets that have not been built on. Everything else was built to the setbacks. Commissioner Wintzer was very concerned about giving up what little open space they have. Commissioner Wintzer did not believe it was in the best interest of the City or the neighborhood to dig up the hillside to extend the Shorty stairs. It would result in the loss of significant vegetation and the extension would only benefit this project. Commissioner Wintzer commented on the six exchanges proposed by the applicant. He believed the only benefit was parking in the City right-of-way; however, the City already has the right-of-way and the parking spaces. The only change would be the pavement. Regarding the benefit of giving away a percentage of the lot sale, Commissioner Wintzer thought the City needed to weigh the value. He pointed out that the City Council, not the Planning Commission, makes the decision to vacate streets. He assumed the street was 30' wide, which makes the value high. Commissioner Wintzer did not believe the affordable unit was a benefit to the City; however, that issue was also the decision of the City Council. Regarding the last item of exchange, in his opinion the triangular property across the street has no value to anyone. Mr. Kelleher clarified that it was only a cleanup issue. Commissioner Wintzer remarked that the six items proposed would not equal the value of one Old Town lot with a good view in a good location.

Commissioner Wintzer did not believe the entrance should be off existing Rossi Hill Drive. He suggested that the applicant find a way to enter the parking structure off of Echo Spur Drive. A driveway at 14% grade popping up onto a street right next to another street creates a safety issue and it is not good planning practice. Commissioner Wintzer thought the project should come through as a CUP, and before they move forward they need to see pre-CUP plans to show what they were looking at, as opposed to blocks on a drawing. Commissioner clarified that these were his personal comments and the other Commissioners may have different opinion.

Mr. Kelleher explained that the intention of the right-of-way vacation was that they would not be allowed to build on it and that the right-of-way would become open space. Mr. Kelleher pointed out that the proposed entrance to the parking appeared to be the most efficient, but he was willing to go back and review other options. Mr. Kelleher asked if it would be better to not vacate the right-of-way and keep the hill where it is and only use it to get underground. Commissioner Wintzer reiterated his previous comment that the project should not be entered from that location. He was open to consideration if the applicant came back with drawings showing that it was doable and how it would look. Commissioner Wintzer thought it would still be problematic to have two streets next to each other.

Planner Astorga was unsure whether the City Engineer would be inclined to approve an underground easement through the right-of-way. That would be an issue for future discussion.

Commissioner Hontz stated that since many of her questions reflected in the previous minutes were the same questions raised by Commissioner Wintzer, she concurred with his comments, particularly related to the right-of-way and access. Commissioner Hontz reiterated her previous questions, and

noted that she was not looking for answers this evening. She preferred to have the answers in writing and an analysis done by the applicant as part of the actual application.

Commissioner Hontz noted that the first two questions related to the actual status of the Echo Spur Road in terms of its relationship and dedication to the City. Her question was reflected in the December 12th minutes included on pages 158 and 159 of the Staff report. Commissioner Hontz wanted to see some discussion on what could be done about Third Street and making sure it never becomes an access point. She believed those were discussions for the City. Also on page 159, the minutes reflected her request for a traffic study. She had concerns that the assumed density shown in the configuration and the standard 12 vehicle trips per trips per day would results in over 108 vehicle trips on that street. The Commissioners had a discussion about substandard and unsafe streets, and as noted by the City Engineer as reflected on pages 159 and 183, Ontario is a substandard street and Rossi Hill can be unsafe in the winter. Commissioner Hontz hoped that the entire Planning Commission would support moving forward with a traffic analysis by a licensed traffic engineer that addresses the concerns of turning radius, amount of traffic, especially in winter, and whether this site could actually support that based on what it would take to get there.

Commissioner Hontz referred to the minutes of January 9th on page 183 of the Staff report where she talks about the stairs, vacating the right-of-way and taking access off of McHenry. She deferred to Commissioner Wintzer's comments and concurred with his points.

Commissioner Wintzer remarked that at one time the applicant had talked about phasing the parking structure, which the Planning Commission opposed because they did not want reliance on the next owner to build the next phase. He understood phasing the houses above the parking but he was still opposed to phasing the parking structure itself.

Chair Worel referred to the minutes of January 9th on page 185 of the Staff report and the comment that the next step would be to involve the neighborhood. She asked if that step had occurred to involve the neighbors. Mr. Kelleher stated that the only contacts he has are people on Ontario and some of the residents at Silver Point. He tried to call a meeting over the Christmas holidays. Another meeting was scheduled for tomorrow, following this meeting, in an effort to get all the neighbors together for informal dialogue. Mr. Kelleher stated that no one was able to attend either meeting. He has been talking with Ernie Campo, the president of the HOA above this project. He believed the email from Mr. Campo indicated that they have had good dialogue. Mr. Kelleher pointed out that the applicant was trying to work out some of the issues with the neighbors.

Planner Astorga stated that neighborhood involvement was the reason for scheduling a public hearing this evening. Planner Astorga reported that he has received phone calls from Ernie Campo, Bill Tew, and others who were unable to attend this evening. They were communicating with Mr. Kelleher as well the Staff.

Commissioner Gross commented on the inability to park on the street and a previous discussion regarding visitor parking. He believed that currently they did not have a good understanding of where visitors would park. Commissioner Gross asked about snow removal for the street and where the snow would be pushed to. Mr. Kelleher replied that the plan is to have flat roofs on the homes and capture the snow melt. The plan for street snow removal is to push the snow down to the end

by the retaining walls. Commissioner Gross suggested that some of the existing owners in that location would be opposed to that plan.

Director Eddington understood that the road was built with that plan in mind and it would accommodate snow storage. Commissioner Wintzer commented on the problems that have occurred and he thought the plan should be reconfigured.

Commissioner Savage echoed the comments about responding to the questions raised at two previous meetings. He also thought a site visit would be beneficial the next time this item is scheduled before the Planning Commission. It would be helpful and appropriate to talk through some of the issues on location.

Commissioner Strachan recalled from a previous discussion that one of the "gives" to the City was contribution of some portion of the sales proceeds to the Park City Foundation. He pointed out that it was a benefit to the Park City Foundation but not the City. It would also be tax deductible for the applicant. Commissioner Strachan was not sure that could be portrayed as a "give". It also puts the Planning Commission in the position of showing favoritism to the Park City Foundation over a number of other non-profits that could use the contribution just as much, if not more. Commissioner Strachan recommended that the applicant rethink that position. Mr. Kelleher clarified that the thought was do offer a benefit that was more community-wide instead of specifically for the government. He would think it. Mr. Kelleher pointed out that the Park City Foundation disperses money to various charities. Commissioner Strachan was familiar with the organization, but he still thought it showed favoritism over other non-profits. Commissioner Wintzer noted that the determination is made by the City Council. He agreed with Commissioner Strachan, but the decision is not made by the Planning Commission.

Mr. Kelleher thanked the Planning Commission for their feedback. They would use their comments to move this project in the right direction. Mr. Kelleher commented on the sustainability elements. He noted that they recently commissioned Heliocentric to construct a model incorporating solar elements that would generate electricity at or close to current Rocky Mountain Power rates, and would share the energy between the entire neighborhood. Mr. Kelleher provided a handout from Heliocentric and requested feedback from the Planning Commission at the next meeting. Commissioner Wintzer noted that a geo-thermal heating system does not work with single family house. However, with the common parking structure it might be possible to utilize geo-thermal heating. He believed this was an opportunity to tie the entire neighborhood together.

Chair Worel opened the public hearing.

Ruth Meintsma a resident at 305 Woodside, heard from their comments that the Planning Commission favors the underground parking but they are concerned about setting precedent. She showed how another developer could possibly do the same thing at the 315 subdivision that the Commissioners reviewed two weeks ago. In that situation there was a lot and a half on Park Avenue and two lots in conjunction on Woodside. She stated that if the developer decided to do underground parking in that situation where the access was on Park Avenue, the two lots on Woodside would have no garages on the street level. They would have living space and no driveways. It would take those driveways and the cars off the streets. Ms. Meintsma stated that a

driveway on the street, particularly on the downhill side of Woodside and other steep streets, cuts off humanity. There is no living space there. People do not have cocktails or barbeque in their driveway. It cuts off complete interaction with people on those downhill lots. Ms. Meintsma stated that if the two Woodside lots were developed without driveways because the access was on Park Avenue and underground, it would be a completely different neighborhood. There would be living space on the upper level where there is usually a garage, so it would be valuable to the structures themselves. It would also enhance the neighborhood to have decks or some type of outside living on the upper level. Ms. Meintsma remarked that if a developer wanted to replicate underground parking for this project, she believed it would be a positive benefit. However, one drawback would be traffic on Park Avenue and that would have to be addressed.

Ms. Meintsma commented on the discussion regarding across valley views. She has seen the across valley view taken so many times where an architect would present the view that was more advantageous to what he was creating instead of showing the greatest impact. Ms. Meintsma thought the across valley view should specifically say, "Where the view of the proposed structure has the greatest impact or where the proposed structure is most visible."

Brooks Jacobson, stated that he purchased his home on Ontario Avenue a long time ago and he has spent several years living there. Mr. Jacobson disagreed with the vacation of Fourth Street. Open space in Old Town is important and it keeps getting tighter and tighter. The remaining areas should be protected. He was generally in favor of the proposed development; recognizing it needed to be tweaked. Mr. Jacobson stated that Ontario Avenue was one of the most subpar streets in town. Putting additional traffic down Ontario should be avoided at all costs. In looking at the development and assuming that the underground parking is accessed off of McHenry, he asked if there was a way that the new McHenry could entice vehicles to go down Rossi Hill towards Deer Valley Drive. He felt that was better than allowing those 9 homes plus the other three at the end to head down the old rail cut and make the turn onto Ontario Avenue. Mr. Jacobson stated that he has no parking for his home at 416 Ontario Avenue. It is a beautiful, Old town look; but at some point he is going to need parking. He asked about the possibility for him and two neighbors to have three available parking in the underground structure for this development.

Jack Fenton a resident on Ontario, supports the project and he likes various aspects of the proposal. He concurred with the comments about keeping Fourth Street. Giving away any land for a small low income apartment only benefits one individual who might bring one additional car and two dogs. A small one-bedroom apartment would not benefit the City as a whole, and the open space is far more valuable. Mr. Fenton thought the idea of moving traffic down Rossi Hill drive instead of Ontario Avenue is a great idea. As he looks at the rendering of the development, if the access came out at the corner of Rossi Hill Drive and McHenry or Echo Spur, Rossi Hill would be the thing you would see through your windshield. The street is narrow and it would be difficult to make a hard right-hand turn and head towards Ontario Avenue. He believed the natural flow of traffic would be to place the access where cars would come out and head down Rossi Hill Drive. Mr. Fenton believed Mr. Kelleher was heading in the right direction with his development concept.

Mary Wintzer, a resident at 320 McHenry, concurred with the sentiments regarding the vacation of Fourth Street because open space is important in Old Town. If the Commissioners decide to encourage the traffic down Rossi Hill, she asked that they think ahead and consider the very

dangerous hairpin turn. She suggested that they talk to the City Engineer about widening that turn or doing something to make it safer, particularly if there would be additional traffic using that road. Ms. Wintzer emphasized the importance of making sure the development provides visitor parking. She could easily see that people would park where McHenry meets Rossi Hill drive and walk up to the development. Ms. Wintzer encouraged the Planning Commission to give careful consideration to the roads to avoid traffic jams and parking issues. They also need to consider issues related to plowing.

Chair Worel closed the public hearing.

Planner Astorga recommended that the Planning Commission continue this item to a date uncertain to allow the Staff and the applicant time to respond to the items outlined in the discussion this evening.

MOTION: Commissioner Strachan moved to CONTINUE the plat amendment application on 496 McHenry to a date uncertain. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission adjourned the regular meeting and moved into Work Session. That discussion can be found in the Work Session Minutes dated February 27, 2013.

The Park City Planning Commission meeting adjourned at 9:40 p.m.

Approved by Planning Commission: _____