

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 28, 2012

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Matt Evans Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

PUBLIC INPUT

Willy Holdman, a gallery owner at 580 Main Street, commented on a sign issue. When he moved into his location in January he made his sign identical to another gallery. After a year an inspector informed him that his sign was in violation of the sign code. The inspector said the Code allowed 6-9 inches above grade and his was 90 inches. Mr. Holdman commented on other signs on Main Street that appear to be in violation and he wanted to know why his sign was singled out. He asked if there was the possibility of having a variance to the Code to keep his existing sign. He spent a lot of money on his sign and it has only been up a year.

Director Eddington was unsure of the specifics regarding Mr. Holdman's sign, and he offered to meet with the Building Department and Mr. Holman to work something out. Director Eddington noted that some existing signs are historic and were grandfathered in under the sign ordinance.

Neal Krasnick, a resident at 1150 Deer Valley Drive, stated that he is aware that the City Council and Planning Commission are always concerned about open space, transportation and public transportation to Big Cottonwood, future electric power needs and other major issues. He stated that a number of people in town have a lot of experience in working with more than one large powerful entity at one time. Mr. Krasnick suggested the possibility of putting a tunnel through to Big Cottonwood Canyon and running an electric subway. He asked the Planning Commission and the City Council to give it some thought even though it was a very unconventional idea.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Planning Commission that a special General Plan meeting was scheduled for December 11th. The next regular meeting would be December 12th.

Director Eddington noted that Patricia Abdullah in the Planning Department had put together information regarding master planned developments for the LMC Amendments, which was a discussion item this evening. Ms. Abdullah had the most knowledge regarding the history of master planned developments and he suggested that the Planning Commission ask any questions related to the Chart she had prepared so she could leave.

CONTINUATION(S) - Public hearing and continue to date specified.

**1. 427 Main Street – Conditional Use Permit
(Application #PL-12-01672)**

Chair Worel opened the public hearing. There were not comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the 427 Main Street CUP to January 9, 2012. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

**2. Richards Parcel - Annexation
(Application #PL-12-01482)**

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

MOTION: Commissioner Strachan moved to CONTINUE the Richards Parcel Annexation to December 12, 2012. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Chair Worel noted that 30 Sampson Avenue – Steep Slope CUP was also requested to be continued.

**3. 30 Sampson Avenue – Steep Slope CUP
(Application #PL-12-01487)**

Chair Worel opened the public hearing. There were not comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the 30 Sampson Avenue – Steep Slope CUP to December 12, 2012. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

QUESTIONS ON TIMELINE AND EVOLUTION OF MPDs IN PARK CITY

Director Eddington stated that Patricia had done a lot of research and pulled a number of old files. As indicated on the chart, the origin of the MPD dates back many years.

Commissioner Hontz referred to the first column on page 258 of the Staff report, HR-1, and asked what for the meaning of A-1. Patricia explained that the A-1 indicates that the Code was amended to allow MPDs in the HR-1 zone, but it is not required. The dashes reference changes in the Code on the dates reflected at the bottom of the page. They should also follow the color.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 2460/2520 Sunny Slopes Drive – Plat Amendment (Application #PL-12-01674)

Planner Francisco Astorga reviewed the request for a plat amendment located at 2460/2520 Sunny Slopes Drive, Gleneagles Subdivision for Lots 12 and 13. As indicated on the exhibits in the Staff report, the Staff learned that in 1993 the property owner filed a lot line adjustment application. However, there was a discrepancy in the plat was never recorded and the Staff was unable to find out why. The owner would now like to go through the plat amendment process to formalize the lot line adjustment previously approved and record the plat.

Planner Astorga noted that the 1993 approval of the lot line adjustment was an administrative approval. An exhibit in the Staff report shows the approval and signature of Rick Lewis, the Community Development Director, at the time. Planner Astorga noted that both lots are currently under the same ownership and the property owner filed the plat amendment to make sure the mylar gets recorded.

Planner Astorga stated that in 1993 a building permit was approved by the City and reflected that a small portion of Lot 12 became part of Lot 13. Both deeds were recorded at the County. The intent is to make sure it reflects what was approved in 1993. The Staff reviewed the criteria for plat amendments and found that it was still in compliance.

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

Commissioner Gross referred to the side setback on Lot 12 and asked if it would allow the structure to come 12 feet closer to the front. Planner Astorga explained that it is a three-sided lot and the front yard setback would follow the road on Sunny Slopes. He noted that per the LMC, setbacks for unusual lot configurations are determined by the Planning Director.

Commissioner Gross clarified that he wanted to make sure the house was properly oriented to the street. Planner Astorga replied that the setbacks still remain at 12-feet for that site.

Commissioner Hontz referred to page 8 of the Staff report, Finding of Fact 18, and asked if the question mark should be removed. Planner Astorga revised the Finding to state, "The plat amendment is consistent with the Gleneagles Subdivision plat." The language in parenthesis with the question mark was for review purposes and should be removed.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 2460 and 2520 Sunny Slopes Drive, according to the revised Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Findings of Fact – 2460/2520 Sunny Slopes Drive

1. The lots are located at 2460 and 2520 Sunny Slopes Drive.
2. The lots are within the RD District.
3. The lots are within the Gleneagles Subdivision.
4. The Gleneagles Subdivision was approved by the City Council in June 1983 and recorded at Summit County in August of the same year.
5. In April 1988 the City issued a building permit for a single-family dwelling on Lot 13, 2520 Sunny Slopes Drive.
6. In May 1993 the City received a subdivision application to "relocate the lot lines of Lots 12 and 13 and issued a building permit for a addition/remodel for Lot 13 crossing over Lot 12, 2460 Sunny Slopes Drive.
7. In June 1993, Rick Lewis, the City's Community Development Director, formally approved the lot line adjustment.
8. In September 1994 a survey was filed at the County (S-1780).
9. A Final Plat was not finalized, executed, or recorded with the County.
10. The property owner requests to go through the plat amendment to formalize the revised plat.

11. The proposed plat amendment does not result in an increase in the number of lots.
12. The proposed plat amendment does not create unbuildable or substandard lots.
13. The proposed lots are consistent with the existing lots in terms of lot area and are not out of character with the neighborhood.
14. The proposed plat amendment does not create an adverse impact on adjacent property owners.
15. The proposed plat amendment does not create any non-complying situations.
16. The existing structure, including the 1993 addition/remodel, complies with the setbacks of the 1993 lot line adjustment.
17. Lot 12R remains buildable vacant.
18. The plat amendment is consistent with the Gleneagles Subdivision plat.

Conclusions of Law – 2460/2520 Sunny Slopes Drive

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
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 – 2460/2520 Sunny Slopes Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the final plat for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the final plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat amendment 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. Any conditions of approval and plat notes and restrictions of the Gleneagles Subdivision shall continue to apply.

**2. 2550 Deer Valley Drive – Plat Amendment
(Application #PL-12-01657)**

Planner Astorga reviewed the application for an amendment to a condominium record of survey at Red Stag Lodge located at 2550 Deer Valley Drive. The request is specifically to convert existing common area attic space into private area for two units; Unit 501 and Unit 502. Both units are on the topmost level where they have the ability to add additional livable, habitable space consisting each of one bathroom and a bedroom. The size of the units was specified in the Staff report.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the Staff report.

Chair Worel opened the public hearing.

Adam Huff of Epic Engineering, representing the applicant, stated that the owners already have the space. It is currently used as storage and they would need to build stairs to access the proposed bedroom and bathroom. To meet Code, a window would be added to each unit. The windows would not be visible from the street; therefore, the appearance of the building would remain unchanged.

Commissioner Hontz referred to page 28 of the Staff report, Condition of Approval #5 and changed the last word MDP to correctly read MPD. Commissioner Hontz pointed out that the Planning Commission was seeing a number of these requests and she wanted to know how the MPD could be updated to avoid tracking conditions of approval for each application that comes through.

Director Eddington stated the Staff has a matrix where they track the number of units and the square footage for that MPD. When an application is approved, the matrix is updated.

Assistant City Attorney McLean asked Planner Astorga to fill in the Exhibit that was left blank in Condition #5. Planner Astorga replied that it should be Exhibit B.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 2550 Deer Valley Drive, in accordance with the Findings of Fact, Conclusions of Law and revised Conditions of Approval as found in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Findings of Fact – 2550 Deer Valley Drive

1. The site is located at 2550 Deer Valley Drive East.
2. The site is located within the Residential District (RD) within the Deer Valley Large-Scale Mater Planned Development (MPD).
3. The Red Stag Lodge (previously Comstock II) MPD/CUP was approved on March 22, 2000.
4. In March 2005 the Planning Commission approved an administrative CUP for a private residence club at 2550 Deer Valley Drive East.
5. The Red Stag Lodge Condominium Plat was approved by the City Council in January 2007 and recorded at Summit County in April 2007.
6. The condo consists of eleven (11) residential condominium units of different sizes ranging from 1,014 to 1,500 square feet.
7. The project also includes seventeen (17) parking spaces located on the parking garage level.
8. Within the private residence club, the condominium also has four (4) support commercial units totaling 1887 square feet.
9. The property is subject to the requirements and restrictions of the Deer Valley Resort 11th Amended and Restated Large Scale MPD.
10. The large scale MPD allows up to 8.5 unit equivalents (UEs) for this development. At 2,000 square feet per residential UD, the total allowable square footage is 17,000.
11. The Deer Valley MPD also indicates up to 11 residential units to be developed at this development.
12. This request converts the attic space above Units 501 and 503, from common into private.
13. The proposed conversions are lofts consisting of an additional bedroom and a bathroom directly above each unit.
14. The additional floor area exists as common space within the attic area and the only exterior change consists to the addition of two (2) windows on the south side of the building.
15. Unit 501 would increase by 458 square feet from 1,500 square feet to a total of 1,958 square feet.

16. Unit 502 would increase by 624 square feet from 1,196 square feet to a total of 1,820 square feet.
17. The total proposed combined increase in residential floor area equates to 1,082 square feet or 0.541 UE.
18. There are currently 15,847 residential square feet or 7.92 UEs on site.
19. The current proposal equates to a grant total of 16,929 square feet or 8.46 UEs.
20. The current Deer Valley MPD allows 8.5 UEs (17,000 square feet) for the Red Stag Lodge.

Conclusions of Law – 2550 Deer Valley Drive

1. There is good cause for this Amendment to the Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Surveys.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 11th Amended and Restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 2550 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of Approval.
2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) 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. All construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit 501 and Unit 502 shall be issued until this amendment to the condominium record of survey is recorded.
4. All conditions of approval of the Deer Valley Resort 11th Amended and Restated Large Scale MPD and the Red Stag Lodge Condominiums Plat shall continue to apply.

5. Exhibit B of the Deer Valley Resort Large Scale MPD shall be updated to reflect the use of 8.46 residential UEs during the next revision of the MPD.

**3. 1400 Deer Valley Drive – Amendment to Record of Survey
(Application # PL-12-01606)**

Planner Astorga reviewed the application for the First Amendment to the Record of Survey to convert a portion of the common area of Unit 1 of the Fawngrove Condominiums Phase I, located at 1400 Deer Valley Drive North. The request involves a small expansion of approximately 128 square feet. Because the Unit was platted, the expansion triggers an amendment to the record of survey to reflect the change.

Planner Astorga noted that Exhibits on pages 56 and 57 of the Staff report showed a photograph of the existing conditions and a rendering submitted by the architect showing that the expansion would follow the same pattern, architecture and materials of the existing site.

The Planning Department had received the proper documentation and letters from the HOA indicating approval of the proposed Amendment to the Record of Survey. Planner Astorga noted that the HOA was essentially a co-applicant since common space was being changed into private area.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the Staff Report.

Art Pasker, the project architect, believed it was a straightforward application. Since the expansion would encroach into common space, each tenant would lose 2 square feet of common space.

Planner Astorga reported that the 128 square foot expansion would not affect parking or any other open space requirements.

Commissioner Wintzer found it remarkable that this was the first plat amendment for the Fawngrove Condominiums. Planner Astorga noted that the second phase did not have a plat amendment but it did have an expandable area where more units were built.

Commissioner Wintzer stated that if this approval opens the door for additional applications, he felt it was important to do it in a cohesive way that would not require a separate Staff report and review for each one. Planner Astorga offered to explore that approach; however, it is difficult to know when an expansion is planned or whether it could even occur in a specific development in Deer Valley. He suggested the possibility of sending letters to the different developments in Deer Valley asking everyone to work together so things are not piecemealed.

Commissioner Gross thought Buildings A, B and C looked like the same configuration. He asked if it was possible that other units would come in with applications and if so, whether a certain number would change the open space and parking requirements. Planner Astorga replied that the

Fawngrove development is different from a development like Red Stag because it does not have a unit equivalent cap. This development has a maximum number of 60 units. As long as it does not take away from parking or open space, all 60 units have the ability to expand.

Mr. Pasker did not believe this expansion would encourage expansions for other units. It is off to the northwest and out of the way, and it is convenient for Unit 1 to come up from the parking area to access their unit. Planner Astorga assumed that the end units would be the only ones that might expand. Mr. Pasker thought it was fairly remote that the end units would expand.

Mr. Pasker noted that 183 letters were sent out and no questions or comments were received.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE Recommendation to the City Council for the Record Survey Amendment for 1400 Deer Valley Drive North, Unit 1, according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Findings of Fact – 1400 Deer Valley Drive

1. Fawngrove Condominiums are located at 1400 Deer Valley Drive North within the Deer Valley Resort Large Scale MPD.
2. The site is within the RD District.
3. The owner of Unit 1 and the Fawngrove HOA request to convert the common space adjacent to Unit 1 to private space.
4. The area conversion is to facilitate the construction/addition to an entry vestibule of approximately 128 square feet to existing condo Unit 1.
5. According to a letter submitted by the HOA in October 2012, the Fawngrove Homeowners' Association voted to approve this amendment to the record of survey request.
6. Fawngrove Condominiums consists of sixty-one (61) residential condominiums built over two phases.
7. The sixty-one (61) units have been previously constructed.
8. The MPD did not approve the project under the unit equivalent formula.

9. The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged.
10. The proposed amendment is preserves the existing natural open space, and limits impacts of development.
11. The proposed amendment preserves the existing natural open space an limits impacts of development.
12. Unit 1 would increase by approximately 128 square feet from 1,966 square feet to a total of 2,094 square feet.
13. The addition does not increase the number of units rather it allows the area of Unit 1 to increase by approximately seven percent (7%).
14. The proposed increase is allowed under the approved MPD.
15. All construction is proposed within the existing building envelope.
16. The minimum front yard within the RD District is twenty (20) feet.
17. The proposed addition is 36.31 feet from the front yard property line.
18. The proposed addition is off an existing shed roof that would meet the maximum height of thirty-three feet (33').
19. The plat identifies that a parking space has been assigned for the use of Unit 1. LMC Section 15-3-6-(A) indicates that a multi-unit dwelling is to have two (2) parking spaces for an apartment/condominium greater than 1,000 square feet and less than 2,500 square feet. The site also contains visitor parking spaces that can be counted towards the additional parking space needed for the requested amendment to the record of survey.

Conclusions of Law – 1400 Deer Valley Drive

1. There is good cause for this Amendment to the Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Surveys.
3. As conditions, the record of survey plat is consistent with the Deer Valley Resort MPD, 11th amended and restated.
4. Neither the public or any person will be materially injured by the proposed record of survey.

5. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1400 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) 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. Construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit 1 shall be issued until this amendment to the condominium record of survey is recorded.
4. All conditions of approval of the Deer Valley Resort 11th Amended and Restated Large Scale MPD and the Fawngrove Condominiums shall continue to apply.

**4. 543 Woodside Avenue – Steep Slope CUP
(Application #PL-12-01507)**

Planner Matthew Evans reviewed the application for a proposed addition to an existing historic Significant Structure located within the HR-1 District. The Planning Commission previously reviewed this application on June 27, 2012. The item was continued to allow the applicant and Staff time to address three issues raised by the Planning Commission. The first issue was that the landscape plan was lacking. The second issue was a request for a comparison that identifies compatibility with historic structures on the street. The third issue was overlooked by Staff and related to the 10' setback requirement for the third story. Planner Evans explained that there were no exemptions to that requirement even though this was a historic structure.

Planner Evans stated that since the June 27th meeting, the applicant had submitted a revised landscape plan. The Staff conducted an analysis of historic homes within a block of the home at 543 Woodside. Also since that time, the applicant had gone before the Board of Adjustment for a variance to the 10' foot setback requirement for the third story. The variance request was granted by the Board of Adjustment, which allowed the applicant to move forward to this point.

Planner Evans stated that the application is a Steep Slope CUP and the applicant was proposing to add a basement level to the existing historic home. The basement level would include a garage and additional living space, as well as a rear addition. Additional proposals to the overall property include interior renovations to the existing home and the existing accessory structure.

Planner Evans stated that the Planning Commission must make findings based on the nine criteria outlined in the Staff report. The Staff had done an analysis of the nine criteria and found no unmitigated impacts associated with this request.

Planner Evans reported that the addition to the home is substantial and more than doubles the size of the home. The existing footprint is 1,072 square feet and the allowed total footprint is 1,519 square feet. The additional footprint proposed is approximately 446 square feet, equaling a total footprint of 1, 518 square feet.

Planner Evans stated that the existing accessory structure was not calculated against the footprint that is allowed. He noted that the applicant applied for and received a plat amendment combining two Old Town lots, which also allowed them to move towards this point. Planner Evans explained that if this Steep Slope CUP is approved, the next step would be approval of the Historic District Design Review.

Planner Evans reiterated that the Staff found no unmitigated impacts related to the nine review criteria. The Staff had drafted 32 findings of fact and 14 conditions of approval. The updated landscape plan was also included in the Staff report.

Commissioner Hontz recalled that on June 27th the structure was indicated as a Landmark Structure, but it was now being referred to as Significant. Planner Evans stated that he had made an error when he initially identified it as a Landmark structure. He clarified that it is shown as a Significant structure on the Historic Sites Inventory.

Jonathan DeGray, the project architect, handed out an alternate square footage matrix that he believed was easier to read. He walked through the square footages because he believed it impacted the Steep Slope criteria. The top matrix, which was the Main House area calculation, was broken down by Levels, Existing, New and Totals. The first column under existing added the main and lower levels, which are the only two existing levels of the house, totaling 2,025 square. The next column, New, identified the amount of square footage gain on each level. Mr. DeGray pointed that there would be 433 square feet on the main floor and 414 on the lower floor. The new living area in the basement would be 752 square feet, which brings the total of new living area in the house to 1599 square feet. Adding 486 square feet for the garage resulted in a gross total of new area of 2,085.

Mr. DeGray felt it was important to note that the bulk of the new square footage was the basement addition of 752 square feet and 486 square feet for the garage. The only new area adding to the volume was the 400 square foot footprint addition spread over two levels for a total of 847 square feet.

Commissioner Strachan noted that the first page of the Staff report showed the existing structure at 2,025 square feet; and the proposed addition would increase the floor area by 2,155 square feet. Commissioner Strachan pointed out that those two numbers total 4,180, which was different from Mr. DeGray's matrix. Mr. DeGray clarified that his numbers were taken directly from the drawings and he was confident that his numbers were accurate.

Continuing with his Matrix, Mr. DeGray stated that the total living area for the house would be 3,624 square feet, which includes the lower level. Adding the garage resulted in a gross of 4,110 square feet.

The second matrix showed the existing and new numbers for the accessory building. Mr. DeGray believed the most telling was the third matrix, which was the area above grade. The total house is above grade with an existing 2,025 square feet. With the new addition the square footage would be 2,872 square feet. He reiterated that only 800 square feet of addition affects the mass and scale of the structure. The rest of the addition is below grade and below the footprint of the existing building, which has little or no impact on the appearance of the building.

Mr. DeGray commented on several items in the Staff report and believed there were a number square footage errors and discrepancies. He referred to the Matrix on page 64 of the Staff report and noted that the existing structure was shown as 1,942 square feet; however, it was actually 2,042 under the analysis paragraph.

Mr. DeGray referred to the matrix that the Staff has provided comparing 14 historic homes in the area. He felt that cherry-picking 14 homes in the area that were not directly associated to the building in terms of setting or mass and scale in the context of the setting was unfair to his client. A more true approach would be to look at not only historic homes but also existing homes directly associated to the setting of this house to get a real picture of its context. Mr. DeGray believed that was the direction and what the Steep Slope CUP criteria was looking for. Nowhere in the criteria could he find where it asks for comparison of historic homes or new homes or any distinction in between. The criteria talks about setting and appropriateness of mass and scale. Mr. DeGray did not think the idea of the matrix was well-founded because it only talks about historic structures that are as far as 15 lots away. In addition, Mr. DeGray found the data provided to be in error. Of the 14 properties, he found seven to be incorrect based on his personal experience with the properties and quizzing other architects involved with those properties. Mr. DeGray cautioned the Planning Commission against drawing any conclusions from the comparison matrix. Using 424 Woodside as an example, Mr. DeGray noted that the square footage was listed as 1,682 square feet. However, he is involved in that project and the actual size is 2,237 square feet of living space. The property at 429 Woodside was listed as 2,401 square feet; but he was aware that the project is actually 3,300 square feet. Mr. DeGray indicated a discrepancy on the square footage for 605 Woodside and noted that it was associated to a larger project that was over 6,000 square feet. He cited errors in the size for 615 Woodside and 633 Woodside.

Mr. DeGray agreed with the Staff assessment that the project complies with the 9 criteria. He read from the first paragraph of the Steep Slope Provision, "Development on Steep Slope must be environmentally sensitive on hillside areas, carefully planned to mitigate adverse effects on neighboring land and improvements, and consistent with the Historic District Guidelines. He believed they had met all that criteria with the project as proposed.

Mr. DeGray reviewed the streetscape on page 91 of the Staff report and stated that in terms of meeting the criteria of Steep Slope CUP, the first photo showed the existing home in its existing context. The second rendition showed a rendering of the proposed building dropped into that same

image. Mr. DeGray pointed out that there was very little change other than bringing back the historic stair and the historic bay window and the garage addition.

Mr. DeGray reiterated that all the criteria had been met and he encouraged the Planning Commission to approve this project.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

Commissioner Hontz referred to the Historic Home Analysis on page 65 of the Staff report and Mr. DeGray's comments about inaccuracies. However, in looking at the purposes of the HR-1 zone, the first point (A), "to preserve the character of historic residential areas in Park City", she referenced back to the table and the significant size difference. Even if some of the square footage numbers were increased to support Mr. DeGray's comments, the size of the home at 543 Woodside would still be dramatic compared to other historic homes. Commissioner Hontz stated that Minutes from meeting in the 1990's shows that this pattern has continued in Park City. Every time they go bigger the compatibility scale increases and the average goes up. This practice continues to facilitate the growth of homes whether or not they are historic.

Commissioner Hontz stated that the Planning Commission is tasked with looking at the Code and the purpose of the zone, and to compare the subject home with other similar historic homes. She agreed that the massing proposed for 543 Woodside would be underground, but it still increases the overall square footage and sets a new precedent to make homes larger.

Commissioner Hontz remarked that 15-2.2-6 of the LMC has a standard for the Planning Commission to follow in terms of the Steep Slope criteria. She was struggling with Criteria 1 which states that the development should be located and designed to reduce visual and environmental impacts. In her opinion, removing the hillside that leads up this home is an environmental impact and it changes the way the house interacts with the street. Regarding Criteria 3, Access, Commissioner Hontz believes a 9.5% average driveway is a steep driveway in Old Town, even though the Code allows up to 14% grade. She struggled with the idea that it would be a sufficient access. Referring to Criteria 4, Terracing, Commissioner Hontz noted that no terracing was proposed. However, the next four sentences indicate four places where terracing would occur. Criteria 5 states that the site design and building footprint must coordinate with the adjacent properties to maximize opportunities for open areas and preservation of natural vegetation to minimize driveway and parking areas and provide variation of the front yard. Commissioner Hontz noted that the site currently provides an amazing variation between things that could no longer be built under the current Code because it is setback and has an existing slope. Commissioner Hontz clarified that her comments represented how she had interpreted the Code differently than what was represented in the Staff report. Therefore, looking at Conclusion of Law #3, it would be hard to approve this request without saying that it would allow creep and that the average size and compatibility would continue to grow in a direction that does not fit with Code.

Commissioner Hontz stated that if her analysis did not align with the other Commissioners, she would recommend that they add a condition of approval to make sure the landscaping is added and maintained.

Commissioner Wintzer referred to the application for 30 Sampson Avenue that was continued this evening. Reading through the Minutes from the 1994 Planning Commission meeting he noted that three Commissioners spoke about creeping scale in this neighborhood, which is the same problem they face today. It started in the 1990's and nothing has been done about it. Commissioner Wintzer concurred with Commissioner Hontz's comments. He disagreed with Mr. DeGray's comments regarding comparison with existing structures because the purpose statement talks about comparing with historic structures. They are trying to preserve the historic structures and the character of the historic town and not newly designed larger structures.

Commissioner Wintzer asked if the building had greater than a 4 foot return to grade as required by Code. Mr. DeGray did not believe that was an issue anywhere in the project. The retaining walls that were added to maintain the historic stairs meet grade at the street. The side walls terrace at 3 feet and the back wall is 4 feet. The garage walls going back into the driveway are the tallest walls. Everything behind the structure meets existing grade.

Commissioner Strachan concurred with the comments made by his fellow Commissioners. He stated that whether or not Mr. DeGray's numbers were correct in terms of the comparison matrix on page 65, the Planning Commission needs to have a Staff report they can rely on. Commissioner Strachan agreed with Commissioner Hontz regarding the terracing discrepancy in Criteria 4, where the first sentence states that there is no terracing, yet later in the paragraph language talks about how other grading and terracing will accommodate the rear addition. Commissioner Strachan commented on the importance of knowing from the Staff report whether or not there is an impact. The language in Criteria 4 was not clear. Commissioner Strachan urged the Staff to make sure the Staff report is clear, otherwise it makes the Planning Commission's job harder than it needs to be. It is imperative that they have clear numbers and clear facts when they make their decision.

Commissioner Strachan agreed with Commissioner Wintzer regarding the ways to analyze compatibility and against which homes. Using Mr. Gray's revised numbers for 424 Woodside, 429 Woodside and 633 Woodside, he noted that those were all 2,000 to 3,000 square foot homes. The one proposed for 543 Main Street would be 4110 square feet.

Commissioner Strachan asked if putting the mass below grade was one way of mitigating visual impact. Mr. DeGray answered yes. The intent is to keep the appearance of the house the same as it currently exists, with the exception of the driveway and the entry steps. Commissioner Strachan believed it was a valiant effort to mitigate the mass, but he thought Mr. DeGray could run into problems with the requirement to preserve the environment under the CUP criteria. Excavating that deep is not an environmentally sensitive way of developing. He was unsure how the two could be balanced, but in his opinion, excavating down was not a valid way of mitigating the visual mass. The valid way would be to reduce the mass, size, scale and bulk as required by the criteria.

Planner Evans commented on the matrix and why his numbers were different from Mr. DeGray's. He only has County records at his disposal. He goes onto the County Website and looks up individual addresses and what the County assesses. If the County is unaware of a remodel or

addition, it does not show up on the County records. Planner Evans clarified that there could be additional square footage to many of the homes that he would be unaware of.

Commissioner Gross thought the before and after elevations looked similar. The question was where to draw a line in the sand for something that has been deficient in the system for 20 years, and whether it starts with this property. Adjoining properties are large structures, but 543 Woodside is unique because is it a Significant historic structure and there is a desperate need to keep the historic nature. Commissioner Gross asked if the applicant needed the accessory structure. Mr. DeGray replied that the accessory building was also a historic structure.

Mr. DeGray spoke to the issue of creep and the philosophical standpoint the Commissioners addressed this evening. For any project that deals with the LMC and the Historic District Guidelines, the notion of creep is never discussed unless they come before the Planning Commission. Projects that do not require Planning Commission review are designed and reviewed by Code. He stated that as designed, the building at 543 Woodside meets every aspect of the Code. It may not meet the philosophical issues raised by the Planning Commission, but those issues are not presented in the Code from the standpoint of the average person looking for guidance and process. This applicant has been through the process with Staff for over a year and the idea of creep has never been raised.

Commissioner Wintzer replied that creep is addressed in the first sentence in the purpose statements of the Code. Regardless of what has happened in the past, he personally felt that was the most important sentence.

MOTION: Commissioner Hontz moved to Deny the Steep Slope Conditional Use Permit for 543 Woodside Avenue based on the analysis provided by the Planning Commission specific to the HR-1 District purpose statements and the Steep Slope CUP criteria, which was also addressed by the Planning Commission, specifically the various criteria mentioned in the discussion.

Commissioner Strachan seconded the motion with the amendment to include that the basis for the motion to deny were the comments made by the Commissioners this evening.

Commissioner Hontz accepted the motion as amended.

VOTE: The motion passed unanimously by all Commissioners present.

Assistant City Attorney McLean stated that the Staff would draft findings for denial for the Planning Commission to ratify at their next meeting to support the vote this evening.

5. **Land Management Code Amendments – Chapter 1-General Provision and Procedures; Chapter 2-Zoning; Chapter 3-Offi Street Parking; Chapter 4-Supplemental Regulations; Chapter 5-Architecture Review; Chapter 6-Master Planned Development; Chapter 9-Non-Conforming Uses and Structures; Chapter 11-Historic Preservation; Chapter 15-Definitions.**
(Application #PL-12-1637)

Chair Worel referred to page 153 of the Staff Report and the Staff recommendation to continue the following items to January 9, 2013.

- The Transfer of Development Rights (Chapter 2)
 - Agricultural uses and restrictions within residential zones (Chapter 2.)
 - Review of Allowed and Conditional Uses in all zoning districts (Chapter 2) -
- Lighting regulations (Chapters 3 and 5)
- Financial guarantee process for public improvements (Chapters 1 and 7)
 - Annexation process regarding timing of ratification of annexation agreements (Chapter 8)
 - Associated definitions to the above items (Chapter 15)

Chair Worel opened the public hearing on the items to be continued.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the proposed changes to Chapters 2, 3, 5, 1, 7, 8 and 15 as outlined on Page 153 of the Staff report to January 9, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Based on the amount of public interest regarding the proposed amendment to Chapter 6, Master Planned Development, Chair Worel recommended that they rearrange the agenda to move that discussion to the next item. The Commissioners concurred.

Planner Whetstone stated that annually the Staff reviews the Land Management Code for Park City to address planning and zoning issues that have come up over the past year or to look at necessary changes for consistency with State Code, the General Plan, Council Goals or the Design Guidelines. The Staff proposes the recommended changes to the Planning Commission for discussion and recommendation to the City Council. A list of 12 issues and topics were outlined on page 154 of the Staff report.

As requested by Chair Worel, Planner Whetstone moved to Item 8, which addressed changes to Chapter 6 regarding MPDs.

8. Clarify purpose and applicability of the Master Planned Development review process in various zones (Chapter 6).

Planner Whetstone reported that the purpose of the proposed amendment is to clarify the review process in various zoning districts, and to establish additional review criteria to address issues that were raised in reviewing other MPDS and in updating the General Plan, such as open space,

building height, landscape requirements, mine hazards and historic mine waste. The intent is to make sure those issues are addressed in any MPD submitted.

Planner Whetstone noted that the first recommended change was the addition of (K) in the purpose statement, "to encourage opportunities for economic diversification within the community." Items A-J currently exist in the purpose statement.

Planner Whetstone referred to Section 15-6-2 of the MPD Chapter – Applicability, and noted that the Section has not been clear. The primary purpose of the amendment is to clarify when an MPD is required, allowed but not required, or not allowed. Planner Whetstone explained that under the current Code, to review a significant project in Park City, particularly in the Historic District, there is not a requirement for a conditional use permit or a master planned development. The process is currently a Staff review of a design application. There is no review by the Planning Commission or additional review criteria other than the design guidelines and the requirements of the HCB zone.

Planner Whetstone noted that under the current Code, MPDS are required for 1) Any residential project larger than ten lots or units; 2) hotel and lodging projects with more than fifteen residential units; 3) any commercial or industrial projects greater than 10,000 square feet of gross floor area; 4) All projects utilizing transfer of Development Rights Development Credits

As a proposed amendment, the Staff had revised #3 to read, "All new Commercial, public, quasi-public or industrial projects greater than 10,000 square feet Gross Floor Area". Planner Whetstone noted that public or quasi-public projects would be museums, recreation facilities, ice-rinks, etc.

The Planning Staff thought the Planning Commission should use the tool they have to review these projects, including requiring open space, sustainable practices, affordable housing. Currently they only have the ability to require affordable housing in an annexation or a master planned development. The Staff felt that any big project, especially in the Historic District, should require the Planning Commission to look all the criteria specific to a Master Planned Development. That was the reason for suggesting that all projects meeting the four mentioned requirements should require an MPD in all zones except the HR1, the HR-2 and HR-L zones. The Staff did not anticipate larger projects in the exempted zones and they would not want to encourage it.

There is the possibility of projects on 10 lots or larger in the other zones and the Planning Commission would want the tools available to review the criteria.

Planner Whetstone noted that existing language was stricken which allowed, but did not require, the MPD process in the HCB, HRC, HR-1, and HR-2 zones, provided the subject property and proposed MPD includes two or more zoning districts. That language was replaced with "Allowed but not required" if a property crosses zones between HR-2, which is Park Avenue, and the HCB. The Staff also felt that it was appropriate to allow an MPD for property that was not part of the original Park City Survey and it is in either the HR-1 or HR-2 zone.

Planner Whetstone noted that the Staff report contained 50+ emails that were received regarding the Kimball Arts Center expansion project. She clarified that an application has not been submitted to the Planning Department and the majority of the Staff has only seen the concept plan that was

made public. Planner Whetstone emphasized that the proposed changes were not being made to accommodate the Kimball Arts Center specifically. However, recognizing that it would be a significant project, the Staff believes that type of project should be reviewed by the Planning Commission. She clarified that allowing an MPD in the HRC zone does not mean that the MPD would be approved.

Commissioner Hontz referred to the Applicability Section on page 171 and asked if the changes identified in red were changes from the last version of the amendments or from the existing Code. Director Eddington replied that it was a change to the existing Code.

Commissioner Hontz understood that the revised language in Section A was only for clarification, and that the only difference in Section A besides cleaned-up language was the addition of Public and Quasi-Public. Planner Whetstone replied that this was correct. Commissioner Hontz clarified that the mechanism under the existing Code would still remain. She referred to Section B, which also clarified the language, and noted that the revised language in B(1) says the same thing as the previous B. However, instead of mixing two zones, her interpretation of the language is that the HR1 or HR2 has to be combined with HRC or HCB in order to do a master planned development. Planner Whetstone replied that this was correct. Commissioner Hontz felt there was a difference between B and 1, but not significant.

Commissioner Hontz referred to B(2) and the added language, "The property is not part of the original Park City Survey or Snyder's Addition" and second part "and the proposed MPD must be for an affordable housing MPD". She understood that to mean that an applicant could not apply for an MPD outside of the Park City Survey or Snyder's Addition unless they apply for affordable housing.

Planner Whetstone thought the first sentence regarding the Park City Survey or Snyder's Addition was redlined incorrectly and should actually be in black. She believed it was existing language in the current Code and she would check to make sure.

Planner Whetstone referred to the Exhibit on page 215 of the Staff report, which correctly revised (2) as, "The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an affordable housing MPD consistent with Section 15-6-7 herein.

Commissioner Hontz clarified that the differences she saw versus what Planner Whetstone read were different and she wanted to make sure she understood them. She believed she had the correct understanding. Director Eddington emphasized that the language was changed for clarification and nothing was added.

Commissioner Hontz believed the significant changes regarding the actual requirements of the MPD started on page 173 of the Staff report. Planner Whetstone noted that the language crossed out in B had said the process was allowed but not required, and it listed the HCB, the HRC the HRC, HR2 and said, "provided the subject property and proposed MPD includes two or more zoning districts." She explained how that language could be interpreted in different ways. Commissioner Hontz did not favor that language for the same reason.

Commissioner Wintzer referred to the added purpose statement on page 171, "Encourage opportunities for economic development", and questioned whether that would start trumping many

of the other purpose statements. He did not want to disregard it as an opportunity, but it was a concern.

Commissioner Gross asked if the language for economic diversification moved away from being a tourist based ski economy. Commissioner Wintzer was concerned that it would be easy for someone to use that particular purpose statement to get their project approved or considered. Commissioner Strachan agreed. With that language, someone could say that their project would create jobs and according to the LMC the project should be approved. Commissioner Strachan thought the language should be deleted.

Director Eddington stated that reading from the purpose statement in 15-6-1, the goal of the section is to result in projects which are inclusive of A-K. There is an "and" after J and before K to make it clear that the purposes statements are fully inclusive and comprehensive.

The Commissioners discussed alternative language. Chair Wintzer pointed out that there are some neighborhoods where they might not want economic opportunities. He thought the language in K conflicted with B, "to ensure neighborhood compatibility". He suggested that they either strike the language or have the Staff come back with different language. Chair Worel remarked that if the purpose in K could be argued under C, "strengthen the resort character of Park City", there was no reason to have K. Commissioner Strachan noted that it could be argued under several of the existing purpose statements. The Commissioners concurred that the language in K should be stricken.

Additional review criteria for all Master Planned Developments, including open space, building height, landscaping, mine hazards and historic mine waste mitigation (Chapter 6).

Planner Whetstone stated that this was the next topic for discussion related to changes to the MPD Section. She referred to page 172, Section 15-5-6(D), Open Space. Under Item 1, Minimum Required, she noted that under the existing language, Master Planned Developments require a minimum of 60% open space with the exception of the GC, the HRC, the HCB and the HR-1 and HR-2 zones. She noted that Light Industrial (LI) and Historic Medium Density (HRM) were added to the language as well as the following language; In these zoning districts the open space requirement is thirty percent (30%). In all zoning districts, if the MPD is a redevelopment of an existing Development or Developments, or if the MPD is an infill site, the minimum Open Space requirement shall be thirty percent (30%).

Planner Whetstone read revised language to the second paragraph, "The Planning Commission during review of the MPD may reduce the Open Space requirement to 20% in exchange for project enhancement in excess of those otherwise required by the LMC...such as Affording Housing, sustainable design and building construction meeting LEED Gold or equivalent".

Language was also added to include restoration of historic structures that are located either on or off the property.

Commissioner Gross asked how many potential areas within the community are subject to a Master Planned Development. Commissioner Wintzer stated that it was all zones except the ones mentioned as exceptions. Planner Whetstone stated that it would also include any new large projects in the Prospector area or the RD zone.

Commissioner Hontz liked the proposal conceptually, but she preferred to that it be less wordy and the language tightened up to avoid potential problems.

Planner Whetstone identified the proposed changes to Item 2, Type of Open Space. The following language was added to the end of the existing paragraph. For redevelopment or infill projects in the GC, HRC, HCB HR-1, HR-2 and LI Districts, publicly accessible plazas and gardens may count toward this Open Space requirement. Fee in lieu for purchase of off-site Open Space may be considered, with the amount to be determined by the Planning Commission, subject to an appraisal, market analysis of the property, and recommendation from the City's Open Space Advisory Committee. Planner Whetstone noted that the current language already identifies specific types of open space. The new language would allow for publicly accessible plazas and gardens to count as open space.

Commissioner Gross asked if publicly accessible would mean the open space is accessible 24/7 or only during specific times. Commissioner Hontz noted that the City ran into that problem in the lower Main Street area in terms of places that are designated as public but are not. This was another area that made sense conceptually, but also had issues. One example would be a gated garden that is designated as open space, but it is only open during the time of events. The question is whether they trust future Planning Commissions to deal with the issue, or if they should deal with it now and define publicly accessible.

Commissioner Wintzer had concerns with the in-lieu fee where someone could pay a fee and not provide open space on site. He believes open space is part of a viable project and he likes the idea of having surprise open spaces through town. Allowing an in-lieu fee to put open space in Round Valley or similar places takes open space away from the community. Commissioner Wintzer felt it was important to keep open space in the neighborhoods.

Planner Whetstone stated that the Commissioners could quantify how much of the required open space must occur on site. Chair Wintzer pointed out that the open space requirement was already reduced to 20%. He thought all 20% should remain on site and the in-lieu fee should be deleted. Commissioner Hontz remarked that an in-lieu fee might be considered for an amazing project, but without knowing that, the unintended consequences are too great. She supported Commissioner Wintzer and thought the in-lieu fee should be eliminated. Commissioner Hontz was not opposed to asking the Staff to rework the percentages and the language. She would like to support publicly accessible plazas and gardens. Commissioner Strachan suggested that they make publicly accessible plazas and gardens a defined term in Chapter 15–Definitions. The Commissioners agreed that was the best solution.

Planner Whetstone noted that the only change to Section 15-6-5(F), Building Height, was under (4); The additional Building Height results in more than the minimum Open Space required and has resulted in the Open Space being more usable and includes publicly accessible Open Space. She noted that Items 1-5 were the requirements for the Planning Commission to consider for increasing height in an MPD.

Planner Whetstone referred to Section 15-6-5(H) - Landscape and Street Scape, and noted that the changes related to Chapter 5, where landscape requirements were added to the overall architectural guidelines. The new language reads, A complete landscape plan to be submitted with an MPD. The landscape plan shall include all softscape and landscape areas on the site. This includes all landscape materials, including foundation plantings, ground cover, lawn areas, driveway and/or parking lots materials. A list of plant materials proposed indicating the botanical name, the common name, the number of proposed plants and their size shall be provided. A license landscape architect will prepare all materials for submittal.

Additional language added native tolerant species. The maximum limit for lawn or turf was changed from 50% to 25% of the area not covered by buildings and other hard surfaces. No more than 75% of the area not covered by Buildings may be irrigated. Language was also added to state, All noxious weeds, as identified by Summit County shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy. See Section 15-5-5-10, Landscaping, for additional requirements.

Director Eddington suggested adding revised the language to say, Areas not covered by Buildings and Structures.

Planner Whetstone noted that a new section was added, 15-6-5(M) – Historic Mine Waste Mitigation. Since review criteria for mine waste mitigation was not currently included in the LMC, new language would read, For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

Planner Whetstone referred to page 175 of the Staff report and Section 15-6-6 – Required Findings and Conclusions of Law for a master planned development. She noted the (N) and (O) were added to address physical mine hazards and historic mine waste. The Staff had revised the language in (M) to read, The MPD as conditioned, incorporates best planning practices for sustainable development, including energy efficient design and construction per the residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of Application, and water conserving landscaping.

Planner Whetstone stated that language was added in Section 15-6.8(G) – Resort Accessory Uses to clarify that the uses are considered typical back of house uses.

Chair Worel opened the public hearing and thanked everyone who took the time to send an email or write a letter. All correspondence was forward to the Planning Commission and it was good to know that there was so much public interest.

Chair Worel reiterated that the Planning Commission was considering proposed changes to the Master Planned Development Sections and no specific project was being reviewed or considered. The Kimball Arts Center has not submitted a formal application.

Jim Tedford handed out a copy of his comments and supporting material.

Jim Tedford stated that he was representing a group of concerned citizens, under the name of Preserve Historic Main Street, and he was speaking against the proposed revisions of Chapter 6 of the Land Management Code regarding Master Planned Developments. Mr. Tedford had attended the City Council Work Session on August 23, 2012 where the Planning Director presented a document to the City Council titled, Old Town Height Discussion-Kimball Arts Center. The work session was scheduled to discuss a proposed addition to the Kimball Arts Center. Mr. Tedford believed that the presentation and the documents were really about convincing the City Council that revising Chapter 6 of the LMC was the best way to accommodate a project application for the proposed Kimball Arts Center Addition. Although the Staff has maintained that the proposed MPD revisions are part of the annual review, most of the MPD revisions were written specifically with the KAC addition in mind.

Mr. Tedford stated that for the last three months Preserve Historic Main Street has been monitoring the process from work session to the meeting this evening. The City Council made it clear in their work session that they have heard considerable concerns from the public regarding the proposed Kimball Arts Center expansion and they wanted an opportunity for more public dialogue. The Council inquired about methods to obtain the dialogue and were told by Staff that the MPD was the best method. With emphasis on an MPD and height, and little mention of other options and restriction, it was easy to see why the City Council felt this might be the best way to get more public dialogue.

Mr. Tedford remarked that one viable option would be to recommend that the Kimball Arts Center modify their proposal to conform to the existing Land Management Code and the Historic District Design Guidelines. The current proposal does not include an additional 1500 square foot section of their lot that would accommodate 6,000 square feet on four floors. Another available option for the Kimball Arts Center is to apply for a conditional use permit and/or an amendment to the zone.

Mr. Tedford stated that since the City Council work session the Staff has been in the process of suggesting revisions to the MPD section of the existing LMC that would accommodate a possible application by the Kimball Arts Center to build an addition to their present facility on Heber Avenue.

On November 7, 2012 the Staff made a presentation to the HPB regarding the proposed revisions to the MPD section of the Land Management Code. The HPB recommended 6-1 not to revise the MPD language. Mr. Tedford remarked that the process that has taken place regarding a possible application by the Kimball Arts Center has been flawed from the start. Given the restrictive language in the LMC, the HDD, the General Plan and the Park City 2030 document, it seems strange that the Staff would ask the City Manager to schedule a Council work session, let alone that they would try to convince the City Council to revise the LMC to accommodate an unrealistic proposal. Mr. Tedford stated that the document and presentation to the City Council was incomplete, inaccurate and supported the Kimball Arts Center proposal. There has been extensive discussion of the MPD process and height restrictions; however, there has been very little discussion about other options that would allow the Kimball Arts Center to submit an application without revising the existing Land Management Code. Mr. Tedford pointed out that there was also no mention of Section 15-5-1 of the LMC and several sections of the General Plan that would prohibit the current KAC proposal. He read from Appendix A of his handout, which was the language contained in LMC Section 15-5-1,

Architectural Review, and items from the General Plan also contained in the handout, to support his comments. Mr. Tedford stated that based on those portions of the LMC and the General Plan, even if the LMC was revised to allow an MPD, the current proposal could not be approved.

Mr. Tedford thought the City Council made it clear that they wanted an opportunity for more public dialogue concerning the Kimball Arts Center; however, they never indicated an interest in revising the existing LMC to allow MPDs in the Heber Avenue sub-zone if there was another way to obtain public dialogue. He pointed out that the City has already obtained dialogue through emails, letters to the editor and comments at public hearings without changing the LMC.

Mr. Tedford stated that the Preserve Historic Main Street group supports the Kimball Arts Center the need for an addition to their current facility. However, they believe the expansion can and should be accomplished within the existing Park City LMC and the Park City Design Guidelines for Historic Districts and Historic Sites. For the sake of present and future Historic Main Street, Mr. Tedford urged the Planning Commission to not recommend the proposed changes to Chapter 6 of the LMC to accommodate a development that has not submitted an application and may never be built.

Commissioner Hontz asked about the zoning north of Heber Avenue and east of Park Avenue. Planner Whetstone stated that the darker blue area shown on the Zoning Map was the HCB zone and the lighter blue area was HRC. Commissioner Hontz noted that an MPD is not required for properties in the HRC zone, which was not changed from the current LMC language. She understood that in order to do an MPD in an HRC zone, the HRC property would have to couple with an HR-1 or HR-2 parcel. Planner Whetstone replied that this was correct. Commissioner Hontz wanted it clear that the new proposed language was only for clarification and it would not change what currently exists under the LMC. Planner Whetstone remarked that the addition of public or quasi-public was a change to the current language. Another change is that MPDs would be required in the HRM zone.

Sanford Melville, stated that he is part of Preserve Historic Main Street group. Mr. Sanford had concerns with the reduction in the Open Space requirements as a proposed revision to the MPD Section. In his opinion, under the proposed revisions, the applicability of the MPDs has been broadened and the potential impacts of changes to the Open Space requirements is also much larger. He realized they were talking about urban open space, but under the existing Code there appears to be a reasonable trade-off regarding open space. If someone wants to build a small building that complies with the Code in the zone, then open space is not an issue because you could still see the mountainsides and look around the buildings. You would not feel dominated by the structure at street level. However, if someone wants to build a larger building with large mass and scale, then open space on the site is important to compensate. Mr. Sanford believed that was a reasonable trade-off that protects the small town feel of the community, and it has worked quite well.

Mr. Sanford stated that under the proposed revised Code, the open space trade-off for an MPD is considerably reduced from 30% to 20% in exchange for project enhancements. Affordable Housing, LEEDS certification and restoration of historic buildings are worthwhile goals, but they do not relate to open space. Even more concerning, the revised Code also allows an applicant to

purchase off-site open space on a fee in-lieu basis. There appears to be no limits; therefore, a developer could purchase open space in a suburban area and remove all open space from the downtown project site. He lives in Old Town and believes that the majority of Old Town residents who live on 25' x 75' lots value their limited open space more than other citizens of Park City. Mr. Sanford requested that the Planning Commission not allow the open space to be taken out of Old Town.

Mr. Sanford noted that the General Plan is being updated based on four core values of Small Town, Natural Setting, Sense of Community and Historic Character. He believed the proposed revisions were the exact opposite of the stated cored values by allowing larger, more massive building to be considered in the historic core. As they consider the open space requirements, he urged the Planning Commission to think about why they would do it and whether their decision would be in the public's best interest.

Lila Tedford spoke on behalf of Meg Ryan would was unable to attend the meeting this evening. Ms. Ryan was a member of Preserve Historic Main Street, she is a Park City resident and a former employee of Park City in the Planning Department. Ms. Tedford read a statement Ms. Ryan had prepared with her comments regarding the proposed amendment to Chapter 6 of the Land Management Code. Ms. Ryan stated that there was no time clock running on these items and she advised the Planning Commission to take adequate time to review and discuss the changes before taking any action.

Mr. Ryan congratulated the Planning Commission for their hard work on Form Based Codes in the Iron Horse area. It is great planning tool that will provide well thought out development in this area. She suggested adopting Form Based Codes for all of the General Commercial and Light Industrial Zones. Ms. Ryan believe it was a far better took than the MPD in this area. From her experience, if it is not mandated, it will not be utilized by the Development community. Ms. Ryan also suggested that they consider increasing heights from three stories in non-view shed areas in the GC and LI Zones. She stated that MPDs served their purpose at one time, but she questioned whether they were the best tool now.

Regarding the MPD changes in the HRC and HCB zones, Ms. Ryan noted that the current draft of Chapter 6 would mandate MPDs in the HCB and HRC zones, which is a significant change. Several questions included 1) what problem they were trying to fix or address in these zones; 2) what is so broken in these underlying zones that requires the MPD process as a cure all; 3) if it is infill development, in what ways do the underlying zones not adequately address infill development and where is the analysis; 4) How many parcels would this change potentially affect in the HC and HRC. Base zoning adequately addresses the few parcels that are left. There may be 3 parcels in the HRC zones and she questioned whether there were any in the HCB zone. Another question is what this change would do for the future of the community in 10-20 years. Ms. Ryan asked that they look at this inventory of parcels this change could affect.

Ms. Ryan proposed eliminating the MPD in the HRC and HCB zones altogether, and look at the HR1 and HR-2 zones as well. If the Planning Commission is inclined to favor an MPD in these areas, Ms. Ryan offered her thoughts on what she believes to be current shortfalls. First, the MPD review criteria as currently drafted is not design to address the dense commercial historic core.

Open space, setbacks, parking, and height allowance review criteria are outdated and inadequate. There was no reason to debate open space in the core because the underlying zones do not require it. Secondly, with regard to Historic Design, the Historic District Design Guidelines are mandated in the underlying zone; but they are not in the MPD Chapter. If they mandate that the Historic Core has to have MPDs, then the guidelines should be added as well. The third issue is height. Height criteria are subjective at best. The analysis and process for the Sky Lodge was excellent but it went beyond the requirements in the Code. They should look to that process and mandate it in the Code if they must proceed with the MPD process. The Sky Lodge was approved with 12 roof plane changes and only 2 elements, the elevator and penthouse, that went up a maximum of 64'.

Ms. Ryan had included a chart with her prepared statement that lays out the base zoning for the HRC zone and compared it to the MPD process. She hoped her effort would give the Planning Commission the start for a detailed discussion before they take any action on the changes to Chapter 6 of the LMC.

Ms. Tedford submitted Ms. Ryan's prepared statement and the chart for the record.

Hope Melville, an Old Town resident, was distressed to see in the Staff report that the most recent proposed changes to the LMC would allow MPDs for all projects in the HRC and HCB zones, which is essentially all of Historic Main Street. The only requirement is that the project have 10+ residential units or 15+ hotel units and 10,000+ square feet. In addition, there would no longer be the requirement for two zones for an MPD. Ms. Melville stated that these large MPD projects on Main Street would be more attractive to develop due to the proposed LMC changes to the Open Space. She understood from the discussion that the Planning Commission was considering eliminating the in-lieu fee and she favored that elimination. Otherwise, the change would remove actual open space requirements for MPD projects on Main Street and instead allow open space to be purchases elsewhere.

Ms. Melville believed the MPD changes would allow taller and denser projects on Historic Main Street and would result in Super-Sizing the buildings. She could think of many current buildings on Main Street which could be rebuilt or redeveloped much taller and denser under the proposed changes, particularly if open space is not required on site. Ms. Melville stated that the proposed MPD changes seem entirely at odds with the core values being discussed as the basis for the New General Plan. Like others, she had to ask why they were doing this and for what purpose. She could see no justification for the proposed MPD changes and they were certainly not in the public interest.

Ms. Melville understood the desire to hear public input on projects such as the Kimball 80-foot Tower project that does not meet current Codes. However, she believed there were better ways to do obtain public input that would not necessitate changing the LMC so that the Kimball Arts Center and other properties on Main Street could submit applications for large dense MPD projects. For example, they could make a very small change to the LMC to provide that applications for projects that do not meet the LMC can nevertheless be provisionally accepted by the Planning Department for purposes of obtaining public input and discussion on the project. Part of that public input and discussion would be whether it is in the public interest to make changes to the LMC for such a

project. Ms. Melville urged the Planning Commission to not approve the currently proposed changes to the MPD Code, particularly regarding Applicability and Open Space.

Ms. Melville submitted a written copy of her comments for the record.

Craig Elliott a Park City Resident and the owner of Elliot Work Group Architecture at 364 Main Street. He spent ten years trying to get clarification on the MPD process in the Land Management Code and he commended the Staff for an excellent job of doing very thorough research on what the issues were, where the problems are and how they approached it. Mr. Elliott believed the Staff presented the Planning Commission with a well-thought out revision to the LMC. Mr. Elliott stated that he has processed more MPDs than anyone in town and if anyone is willing to go through that excruciating process they should be welcomed to do so. An MPD allows for intense scrutiny of the project and all the concerns and worries expressed this evening could be address in the process. With all other processes, if it is an allowed use and meets the criteria the project gets built without any public input. Mr. Elliott stated that an MPD is the most interesting public process in Park City.

Regarding the specific revisions, Mr. Elliott that the 25% lawn area could be an issue in something like an affordable housing project where the desire is to have a play area for children or other gathering spaces. He suggested maximizing the percentage to 50% to allow for flexibility on how those spaces could be adapted. Mr. Elliott believed the overall 30% open space was an appropriate number for the zones being addressed. He noted that the open space on 25' x 75' lots in Old Town are well below 60%. It only starts approaching 30% when terrace spaces, driveways, porches, overhangs and other pieces that are not counted as open space are included. Mr. Elliott thought the 30% number was reasonable for the Light Industrial zone because that area is primarily covered in asphalt.

Mr. Elliott asked everyone to look at the big picture in the process. It is a good move to put MPDs in the HRC and it is also good to locate it and identify where and when it should be required. Mr. Elliott supported the amendment as proposed with the exception of reducing the lawn area.

Mike Sweeney, a property owner in Park City, stated that he has been around since 1957 and he has personally gone through probably the longest process in dealing with MPDs. Mr. Sweeney supported the current effort of looking at ways to improve the Land Management Code and provide additional tools to make better decisions. In watching how each individual Commissioner pays attention to the details tells the community at large that the Planning Commission does not make decisions willy-nilly. They are looking at ways of providing better tools to make better decisions. Mr. Sweeney believed that was the goal of the Staff, as well. He has been working to improve Park City for 30 years and he has participated in many Planning Commission and City Council meetings. Mr. Sweeney stated that Park City was very fortunate to have the people they do serving the community because they have the dedication and the diversity of opinion to look at something and get the job done better. Mr. Sweeney supports the idea of continually looking at ways to improve the way decisions are made to make the community better. He lived in Park City when it was a ghost town and he has seen how the city has progressed as one of the best destination resorts in North America. He would like to continue to participate in the evolution of Park City to make it the best it can be.

Chair Worel closed the public hearing.

Commissioner Wintzer remarked that this was the best public input the Planning Commission has received on both sides of the issue. Everyone came prepared and they were all very civil. He commended the public for their comments this evening.

Commissioner Wintzer felt the current tools available to the Planning Commission were adequate to accomplish what they wanted. He was not ready to go as far as an MPD in this particular zone because it would open too many doors that they do not fully understand at this point. It is important to find a way to dialogue with the public on projects, but he was not ready to consider an MPD. He noted that size and scale is the biggest problem in Park City, which was evident in the last project; and size and scale is eroding the town. Commissioner Wintzer believed allowing MPDs would open the discussion for more mass and size. He was not opposed to all the changes discussed, but he was very nervous about allowing MPDs.

Commissioner Hontz shared Commissioner Wintzer's concerns about size, scale and mass, particularly in Old Town. She believed some of the changes discussed this evening would actually make it better and protect the town because the MPD process is horrific for anyone who has done it. Commissioner Hontz would want anyone who plans a project that meets the four criteria to go through an MPD. However, the issue comes down to compatibility with height, mass and scale. She pointed out that the proposed language was not a change, particularly for the HRC zone. It only strengthens the existing language and helps address the concerns regarding the HRC zone. Her concern is that the open space discussion begins to erode what might otherwise occur in those districts. Based on their comments regarding types of open space, Commissioner Hontz suggested that if the Staff could come back to the Planning Commission with minimum standards or additional language, they may be able to achieve something that makes everyone comfortable. In terms of reducing the turf area to 25%, Commissioner Hontz agreed with the comment that it would greatly reduce the ability to add play areas or gathering spaces. She thought that needed more discussion.

Commissioner Hontz felt it would be important to limit the number of MPDs coming in for these projects. She referred to Section 15-6-5 – Building Height. The current Code reads, "Height exceptions will not be granted for Master Planned developments within the HR-1 and HR-2 zoning districts". She pointed out that the limitation already exists and there would not be additional heights in those two districts. Commissioner Hontz proposed adding HRC and HCB to the existing language. The heights in those zones are 32 feet and 45 feet. She could possibly be persuaded to go up an additional 10 feet in those zones; however, in looking at the purpose of those two zones, they are meant to be pedestrian friendly, less height, lower elevations and specific setbacks. Commissioner Hontz stated that they would be missing something in the analysis if they do not acknowledge that those zones do not want to encourage height. She believed that issue needed to be addressed by either saying that height exceptions will not be granted in those zones, or by limiting the height upfront.

Commissioner Hontz believed most of the proposed changes were necessary because the Code does not read clearly, particularly in Sections A and B, and the language needs to be cleaned up as soon as possible.

Commissioner Gross felt it was difficult to have the public discussion without an actual application. They were trying to develop the Code in a way that someone could come in and do their business and be part of the community; and unfortunately the community has become separated as a result. Commissioner Gross thought it was important to do something that that gives everyone the ability to control their fate. If they do not have the right Code to accomplish that, the Code needs to be changed. Regardless of whether it is the Kimball Arts Center or another unknown project, if they keep the status quo they would never stand a chance to keep things the way everyone wants it to be moving forward. Commissioner Gross had concerns with the open space, parking and several other issues that needed more discussion. He preferred not to speak to the Kimball Arts Center because it is not a real application. Commissioner Gross thought they should do whatever is possible to ensure that the Planning Commission and the public have as much input as possible in the process.

Commissioner Strachan stated that MPD applications are basically exceptions to the existing zoning, and that is fine as long as it meets certain criteria. He believed the idea works well in theory; however, the most controversial projects over the past ten years have all been MPDs. The reason for the controversy is that MPDs projects are exceptions to the zoning they all agreed on. Commissioner Strachan believed that an MPD sets up the Planning Commission, the City, and the public for controversy every time. They are controversial and they please no one. He thought there was a nice balance now where MPDs are allowed in certain zones. There have been few exceptions that did not come without a fight, and he anticipated that there would be more. Commissioner Strachan could see no need to expand the use of the MPD tool. Rather than make exceptions to the zone, the logical approach is for an applicant to request a zone change if they cannot meet what is allowed in the zone.

Commissioner Strachan thought they could rework the language and change the open space requirements and the percentage of lawn area. The large over-arching changes such as allowing MPDs where they are not currently allowed would not be in anyone's best interest.

Chair Worel asked if it was possible to add language that would allow for public discourse before an application is made. Director Eddington stated that the City used to allow work session opportunities for applicants to hear feedback from the Planning Commission before they spent considerable time and money on a design. He noted that the work session process was not limited to MPDs. Commissioner Strachan noted that the procedure for a work session was eliminated in the last round of LMC amendments. Director Eddington believed there was an opportunity to re-implement that process. Otherwise, there is no other mechanism unless the Planning Commission puts the burden on the applicant to come in for a zoning change or other types of large scale changes that could result in spot zoning.

Chair Wintzer understood that pre-MPD opportunity is still addressed in the Code, but MPDs are not currently allowed in the HCB and HRC zones. Commissioner Hontz thought it was important to clarify that under the current Code. The Kimball Arts Center or any applicant in that location could not come in under an MPD because the conceptual plan does not meet the criteria to require an MPD. However, adding the words public and quasi public as proposed, would trigger an MPD for that property. Commissioner Hontz stated that if that same building was used for lodging, it could

come in with an MPD. She reiterated that the zone was not changing. The change was precipitated by two words, "public and "quasi-public" that would allow that particular application to come in.

Director Eddington pointed out that the Code as currently written was ambiguous, but he believed that Commissioner Hontz was correct. Planner Whetstone remarked that B as written is very confusing, which is why that language was stricken and replaced with better language. Commissioner Hontz stated that if the concern relates to one particular location and the end result, that concern could be resolved by striking "public and quasi-public". However, in her opinion, an applicant could still argue that they meet the four criteria for an MPD. Commissioner Hontz suggested that the best solution would be to address the specific issues of concern to avoid ambiguity.

Based on the comments and concerns, Planner Whetstone recommended that the Planning Commission not take action on this Chapter this evening and allow the Staff time to re-work the type of open space, open space percentage and the in-lieu fee, as well as other issues discussed this evening.

Chair Wintzer stated that he walks Main Street daily and he spends most of the time trying to find the sunny side of the street to walk. If they allow height it may not affect open space but it would affect open sunlight, which is critical to Main Street and an important part of making a community viable. Mountains and sunlight sell in Park City and it would be a huge mistake to spend a lot of time trying to approve something that would take away those elements.

Commissioner Strachan asked for the current HR-1 and HR-2 height limitations. Commissioner Hontz replied that it was 27-feet and 32-feet. She noted that height in the HRC is 32-feet and HCB is 45-feet. Commissioner Wintzer suggested that the Staff come back with an analysis of what would occur with different heights and sun screening.

Commissioner Strachan supported adding the HRC and HCB zones to the proposed Section 15-6-5. The Commissioners concurred. Director Eddington asked if Commissioner Strachan was recommending that it be added with no height exceptions or whether they would consider looking at 50% of the zone height as an addition based on studies. The Commissioners did not want height exceptions allowed in the HRC and HCB zones.

Chair Wintzer requested that the Staff come back with a matrix comparing what could be done under the existing zone versus what could be done with an MPD.

Director Eddington clarified that there was consensus among the Planning Commission regarding the proposed language in 15-6-2(A) – Applicability, to leave in all zones and only address the HRC and HCB in terms of height limits. As currently written, the Code is not clear whether an MPD is allowed in all zones but it was perceived to be. The new language clarifies that it is all zones.

Referring to Commissioner Hontz's comments, Commissioner Strachan thought it was important to have a proposed definition of public or quasi-public. Director Eddington remarked that it was included in the definitions. He read, "Public is defined as a use operated exclusively by a public body to serve the public health, safety and general welfare". A quasi-public use is a use operated

by a private, non-private, educational, religious, recreational, charitable, or philanthropic institution serving the general public”.

Commissioner Strachan thought Public and Quasi-Public should be capitalized in the definitions, and should say “Public Uses” with “Use” capitalized and “Quasi-Public Use” capitalized.

Commissioner Strachan asked if there was a definition for Industrial, and if so, that should also be capitalized. Director Eddington stated that there was not a definition for Industrial, and the Staff would write one. Commissioner Strachan thought “Commercial and Industrial” was redundant language. Planner Whetstone pointed out that it was actually Light Industrial (LI). Park City does not have a zone that allows straight Industrial business. Planner Whetstone thought that they should also define a “lodging project”.

The Planning Commission moved on to the remaining LMC Amendments.

Chair Worel stated that due to the late hour and the number of amendments that still needed to be discussed, Planner Francisco Astorga would give a presentation on Stories and the Planning Commission would discuss the proposed changes at a work session on December 12th.

Planner Astorga referred to page 164 of the Staff report, and an added regulation related to the split level concept. He had failed to put the language in the ordinance and he wanted that mistake clarified. He noted that the regulation language should be added between bullets C and D on pages 198, 200 and 201. The regulation read, “The overall height of a structure measured from the lowest point of the finished floor to the highest exterior ridge point shall not exceed thirty-seven and a half feet (37.5’). Planner Astorga noted that the language was introduced to the Planning Commission on September 12th, at which time the Commissioners had issues with the language and wanted to explore specific scenarios.

Planner Astorga stated that the Staff had prepared the different scenarios and wanted to hear as much input as possible from the Planning Commission. However, due to the late hour this evening, there was not enough time to sufficiently review the scenarios and give the Planning Commission the opportunity to brainstorm and provide comments. He noted that the regulation was applied to scenarios on a flat lot in the worst case scenario. The same was done on uphill lots at 15% grade, 30% grade, 45% grade and 60% grade. Consideration was given to the fact that many buildings are not historic and could be demolished for brand new construction.

Planner Astorga noted that Commissioner Thomas was absent this evening and his input on the regulation would be valuable based on his professional expertise. Planner Astorga apologized if any members of the public had waited for this discussion, but he felt it was better to wait and give the issue the time it needs to make sure everyone is on the same page and that they fully understand what was adopted in 2009.

Planner Astorga briefly reviewed some of the visuals to give the Planning Commission and the public a preview of the massing scenarios.

Commissioner Hontz was unsure if she could support the regulation because the historic portion of the structure could be on the bottom. She would like to see the step on new construction. Director Eddington stated that the Staff would have drawings to present at the next meeting to help address her concern. Commissioner Hontz felt that by now the Planning Commission should have a good understanding of the changes made in 2009, but it would be important to understand the effects of applying the new definitions. At this point, she was not comfortable with half stories and split levels shown in the scenarios provided. Commissioner Strachan agreed. He suggested that Planner Astorga redraft a couple of options because the ones shown were difficult to understand.

Planner Astorga clarified that he was not speaking about stories at this point. His comments related to the regulation regarding overall height on page 164 of the Staff report. Commissioner Strachan requested that Planner Astorga re-draft the definition of split level and story. Commissioner Wintzer suggested that the Staff draft two or three definitions to give the Planning Commission a choice.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, addressed the overall height of 37.5 feet. She assumed the language, "...from the lowest point of the finished floor..." probably means from the lowest point of the lowest finished floor. Ms. Meintsma thought better language would be, "from the lowest point where grade meets footprint", because often the lowest floor is quite a bit above grade and sometimes on piers. She requested that the Planning Commission consider her suggested revision because where the grade meets footprint is where the massing begins visually.

Commissioner Hontz thought Ms. Meintsma made a good point, however, under the current Code you could not build on piers because of the four-foot return to grade regulation. Planner Astorga noted that it would also not be approved through the design guidelines.

Director Eddington agreed that Ms. Meintsma made a good point and the Staff would discuss her revision.

Craig Elliott commented on the Story issue. He was generally comfortable with the resolution, but he wanted to confirm his understanding of how the zone works. On a very large parcel with multiple structures the height resets with each structure. He wanted to make sure that was still the case.

Commissioner Strachan replied that it was subject to discussion at the work session on December 12th.

Mr. Elliott felt it was important to keep because otherwise the Code, particularly in the HR1 addresses designers to create smaller buildings in scale and mass. If they do not allow that to happen in this form, they would encourage larger buildings in scale and mass on those types of properties. The unintended consequence of trying to limit something would only create what they do not want. Mr. Elliott wanted to make sure this issue was addressed in the process so they get the right things in the historic district.

Commissioner Wintzer asked Mr. Elliott to give an example. Mr. Elliott stated that he has worked on several properties, but he was hesitant to give an example because those projects may come back to the Planning Commission. Mr. Elliott provided a hypothetical example to explain the importance of keeping with what the Code currently allows to keep structures smaller in the historic district. Chair Wintzer was concerned about the cross canyon views. Mr. Elliott stated that the nature of Park City is that looking across the canyon you see a series of buildings that march up and have different colors, shapes and forms. That was the intent of his comments at a previous meeting when he talked about the quality of design and the ability to solve those issues as designers.

Chair Worel closed the public hearing.

Planner Astorga remarked that interpretation of story was the reason why they were having this story discussion. Based on discussions in July and August the height did not reset. Commissioner Strachan believed there was a difference of opinion as to how to read the Code based on Mr. Elliott's comments. The purpose of the work session is to determine what they uniformly believe the Code says.

Planner Whetstone reviewed the list of topics for discussion on page 154 of the Staff report and identified the ones that were time sensitive for recommendations to the City Council.

1. Pre-application process, review process for Historic District Design Review and revisions to the notice Matrix (Chapters 1 and 11).

Planner Whetstone referred to page 157 and noted that language was added to Strongly recommend that the Owners and/or Owner's representative attend a pre-application conference with the Planning and Building Departments. She clarified that the existing language requires a pre-application conference. She explained that if a pre-application conference is required it becomes an application and can be vested. The Staff felt that changing the language to "strongly recommended" resolved many of the issues. A pre-application conference benefits the applicant and the Staff believed the applicants would still request one.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the amendment to Item 1 as written. Commissioner Hontz seconded the motion.

VOTE: The motion passed by all Commissioners present.

Planner Whetstone stated that (B) on page 157 address proposed language to the Appeals process for administrative applications (HDDR and Administrative CUPS) including revisions to the Notice

Matrix. She noted that the changes were numerous and they were all included in Exhibit A and H for Chapters 1 and 11 on page 190 of the Staff report.

Planner Whetstone noted that Exhibit A also adds historic mine waste in the Park City Soils Ordinance as a CUP requirement in the criteria in Chapter 1, as reflected on page 191 of the Staff report.

Assistant City Attorney McLean noted that the revisions responded to Planning Commission direction at a previous meeting where the Planning Commission recommended that the Staff come back with a process for a public hearing at the Staff level for HDDR, and an appeal of that decision would go to the HPB. Anything beyond that would go directly to District Court. Planner Whetstone noted that the language was reflected on Exhibit L on page 256.

Commissioner Hontz noted that page 324 of the Staff report lists all the administrative CUPs that would be streamlined through the process by the Planning Director. Assistant City Attorney McLean clarified that an appeal of the Administrative decision would come before the Planning Commission.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for the changes in Chapters 1 and 11 of the Land Management Code dealing with Administrative CUPs, notice of Appeals and the Notice Matrix for the appeals process, and the definitions, which includes mining waste in 15-1-10-15. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

2. Roof pitch, horizontal stepping, stories and exceptions for Historic Structures in the Historic District, clarification of open space and uses (Applies to HRL, HR-1, HR-2, HRM, HRC, HCB and RC (Chapters 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and 2.16)).

Planner Whetstone noted that only two items were time sensitive. One was the conditional Use footprint in the HRC and the HCB to protect the commercial district from community uses that may be relocated and create problems with bars and restaurants. The second was the addition of B, to allow bars in the HR-2 zones.

Planner Whetstone commented on the list of conditional uses and noted that there was a footnote for all conditional uses that "no community locations as defined by the Utah Code, which is the Alcohol Beverage Control Act, are permitted within 200 feet of Main Street unless a variance is permitted for an outlet as defined by Utah Code 32B1202.

Commissioner Hontz asked if they should include Swede Alley. Chair Worel could see no reason why Swede Alley should not be included. Planner Astorga referred to the map and noted that Swede Alley was in the HCB zone.

After further discussion regarding Swede Alley, Assistant City Attorney McLean recommended that the Planning Commission move forward with proposed language and direct the Staff to determine if Swede Alley should be included. If it needs to be included the Planning Commission could address it when they discuss LMC amendments on December 12th.

MOTION: Commissioner Hontz moved to forward a POSITIVE Recommendation to the City Council for the changes to Section 15-2.5-2, Uses as written on page 160 of the Staff report; and 15-2.6-2(B) Conditional Uses. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Planner Whetstone referred to the handout she had passed out this evening and the page regarding conditional uses in the HR-2 zone. Planner Whetstone stated that the recommendation is to allow a bar and special events with the footnote that these are allowed in historic structures within subzones A and B subject to compliance with the criteria listed for Subzone A and Subzone B.

Planner Whetstone remarked that the criteria for Subzone A has to do with the area between Main Street and the HR-2 zone. The language allows a conditional use permit to expand a Main Street use into the HR-2 Zone provided that it meets the criteria listed in the LMC..

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Hontz moved to forward a POSITIVE recommendation to the City Council on 15-22.3-2B, Conditional Uses, specifically (29) bar and (30) special events. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

5. Special Event overcrowding permit process and requirements (Chapter 4).

Planner Whetstone reported that the Chief Building Official will no longer allow overcrowding permits. Any use of occupancy that violates the IBC for occupancy loads, even for special events, will not be approved. However, the applicant can provide a different interior layout by a licensed architect or engineer showing the ability for a higher occupancy load for that particular site plan; but they would still need to fall within a certified occupancy load for that square footage and use.

Planner Whetstone noted that the language was revised to replace “overcrowding” with temporary change of occupancy administrative permit.

Planner Whetstone referred to (B) Duration, and noted that the language was changed from 30 days to 10 days prior to the event to submit an application under Planning Director approval.

Commissioner Wintzer asked about public noticing. Director Eddington stated that signs are posted 10 days prior to the event. He noted that the LMC language says no less than 10 days, but 11 days would give the Staff more time to post the signs. Commissioner Wintzer suggested changing it to 15 days. Director Eddington felt it was appropriate to say no less than 15 days prior to the event, and allow the Planning Director to reduce the time frame to ten days.

Commissioner Strachan pointed out that the language did not specifically say that the maximum occupancy in the IBC could not be exceeded. Director Eddington stated that the Staff worked with the Chief Building Official on this amendment. The IBC no longer allows for overcrowding so that term can no longer be used. The term “temporary change of occupancy” was taken from the IBC. Director Eddington stated that temporary change of occupancy is based on a mathematical equation. The requirement for seated occupants is a higher square footage than for standing occupants.

Commissioner Strachan recommended that they define temporary change of occupancy in the LMC. Commissioner Wintzer thought a better approach would be to reference the IBC because if that language changes they would not have to change the Land Management Code to stay current with the IBC.

Assistant City Attorney McLean stated that one of the additional criteria was the floor plan that has been sketched in the past on napkins or another informal means. A change for the amendment is to require certification by a licensed Utah Architect or Engineer.

Planner Whetstone noted that additional language states that, “The Chief Building Official will review this information for compliance with the IBC.” Commissioner Strachan pointed out that the language only applies to the floor plan. It does not say that the application must be reviewed in accordance with the IBC. Planner Whetstone stated that the floor plan language says, “The engineer shall indicate the maximum occupancy number for the specific use and floor plan.” Commissioner Strachan was comfortable with the sentence as written.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council to approve the amendments to the Land Management Code Section 15-4-20 as outlined on pages 166 and 167 of the Staff report as amended. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

10. Clarify criteria for change of a non-conforming uses to another non-conforming use of similar or less intensive use. (Chapter 9)

Planner Whetstone referred to the changes in her handout regarding Section 15-9-5 and explained the difference between the proposed changes on pages 220 and 221 of the Staff report and the revised changes proposed in her handout.

Planner Whetstone noted that the Code states that “No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section”. She pointed out that Section E talks about historically significant buildings. The handout better clarified the intent under E, that Historically significant buildings, that a change of non-conforming use to another non-conforming use of similar or less intensive land use. It is reviewed by the Board of Adjustment and is subject to the criteria that, “A Non-Conforming use located on a Lot or Parcel containing a building or structure that is included on the Park City Historic Sites Inventory, may be changed to another Non-Conforming Use of a similar or less intensive land use type”. Planner Whetstone remarked that Park City now has Historically Significant and Landmark Structures. Since the sites inventory can change, referencing the Park City Historic Sites Inventory in the LMC language instead of “Historically Significant” building would address all structures on the Historic Sites Inventory at the time.

Planner Whetstone referred to the criteria and the change to 4 that the application must comply with the following criteria and delete “the applicant approves the following criteria”.

Planner Whetstone commented on changes reflected on page 221 (a) of the criteria that talked about including modifications to buildings elevations to bring the building into compliance with the design guidelines. She was concerned that the Board of Adjustment’s decision on whether the use is less intense and whether they would allow the change in use would be confused with the Board of Adjustment taking action on the design review. Planner Whetstone clarified that anything historic must go through HDDR. The design review takes place with the Staff and the appeal process then goes to the HPB, as opposed to the Board of Adjustment making the design decision.

Planner Whetstone remarked that the revised language separates the actions of the Board of Adjustment on use from the HPB and Staff review on design.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the proposed changes to 15-9.5 as outlined. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

4. Revise parking requirements for multi-family units and bed and breakfast Inns. (Chapter 3)

Planner Whetstone noted that the changes only addressed multi-family apartments and condominiums. The changes were outlined on page 165 of the Staff report. Based on the proposed changes, one parking space is required for up to 1,000 square feet; 1-1/2 spaces between 1,000-2000 square feet; and 2 spaces for greater than 2,000 square feet.

Planner Astorga stated that by definition, a multi-unit building is four or more units.

Planner Whetstone stated that for a bed and breakfast, the change is to add one parking space per on-duty manager.

Chair Worel opened the public hearing.

Craig Elliott believed the proposed Code revisions for parking codify what everyone has been talking about for the last 8 years in terms of parking management and projects.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the amendments to Land Management Code 15-3-6(A) and (B) as outlined on page 165 of the Staff report. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

6. Incorporate landscape plan requirements and mechanical screening in the Architectural Review chapter. (Chapter 5)

Planner Whetstone referred to page 167, 15-5-1 - Purposes and Policy, and noted that landscaping was added to the language purpose statement. A paragraph was also added to the last chapter of the purpose statements, to include the intent of the section to encourage and implement water conservation practices for landscaping. The paragraph identifies specific criteria and recommendations.

Planner Whetstone noted that language was also added to 15-15-5 – Architectural Guidelines to address landscaping and patios. The proposed language was redlined on page 168 of the Staff report. She noted that the Planning Commission had discussed permits for patios and other flatwork at a previous meeting.

Planner Whetstone noted that the proposed language shows a 25% lawn area and she asked if that should be changed to 50% as discussed earlier this evening. Commissioner Wintzer asked if they could leave 25% and add an exception for playgrounds, etc. Director Eddington suggested that they increase the lawn area up to 50%, and if the Staff can find better language prior to the next

meeting, they could bring it back to the Planning Commission. He clarified that if the maximum is "up to" 50% that does not mean a project would always have the maximum.

Commissioner Hontz suggested that the percentage should be lower for Old Town. Commissioner Strachan thought they should look at percentages by zone.

Commissioner Strachan was also bothered by the requirement to require a complete landscape plan for all building permit applications, particularly since the City recently passed the requirement to obtain a building permit if someone builds a deck on their home.

After further discussion, Chair Worel recommended that the Planning Commission continue this item and allow Staff time to draft language to address their concerns.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the proposed LMC amendments in 15-5-1 and 15-5-5 to December 12, 2012. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

7. Clarify seasonal lighting display. (Chapter 5)

Planner Whetstone referred to page 169 of the Staff report. She noted that the Municipal Code states that seasonal lighting is permitted from the November 1st to April 15th. However, the LMC states November 1st to March 31st. The proposed change would revise the dates to tie the LMC to the Municipal Code.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the proposed change to 15-5-5 - Seasonal Lighting Displays, as outlined on page 169 of the Staff report. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

11. Process for permitting relocation and/or reorientation, as well as Disassembly and Reassembly of Historic Structures.

Planner Whetstone reported that the Planning Commission previously discussed this item before the Staff took it to the HPB. The HPB approved of the changes proposed. Planner Whetstone referred to page 179 of the Staff report and noted that the primary revision was to strike Criteria 1 under A - Criteria for the relocation and/or Reorientation of Historic Buildings and/or Structures on a Landmark or Significant Site. The Staff felt the criteria could create problem and felt it was better to remove it.

Planner Whetstone referred to the added footnote on page 179 which clarifies that the Planning Director and Chief Building Official that unique conditions warrant the proposed relocation. She explained that the Planning Director and the Chief Building Official would make the determination if the HPB was hearing the relocation on appeal. She noted that the same language applied under the criteria of disassembly and reassembly. Director Eddington noted that the footnote should be correctly labeled as 1, not 2. Commissioner Hontz noted that deleting the first Criteria would change the numbering for the remaining Criteria.

Chair Worel opened the public hearing.

Ruth Meintsma asked if there was any discussion on what a unique condition would be beyond the definition.

Director Eddington stated that in 2009 the Staff made the decision not to have a definition because each unique condition would be different. They have not written a definition because it would be hard to list what those might be.

Ms. Meintsma asked if reorientation should be defined. She understood that if a historic structure is exactly square and sits on a square footprint, the structure could be spun in a different direction on the same footprint. Director Eddington replied that this was correct.

Planner Whetstone remarked that there was not a definition for reorientation in the LMC and she would check to see if it was defined in the Design Guidelines.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Hontz moved to forward a POSITIVE recommendation for Sections 15-11-12 and 15-11-14 regarding relocation and/or orientation of a historic building and/or historic structure as amended on pages 179 and 180 of the Staff report. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Commissioner Strachan felt it was best to continue the changes to the Definitions to the next meeting, with the exception of xeriscape and impervious surface, which have already been discussed and forwarded to the City Council. Director Eddington noted that xeriscape would still be included because that was not forwarded to the City Council.

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MOTION: Commissioner Strachan moved to CONTINUE the definitions to December 12, 2012.
Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 10:00 p.m.

Approved by Planning Commission: _____