

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
August 24, 2011

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Julia Pettit, Brooke Hontz, Jack Thomas, Mick Savage, Adam Strachan, Nann Worel

EX OFFICIO:

Planning Director, Thomas Eddington; Francisco Astorga, Planner; Mark Harrington, City Attorney;
Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Vice-Chair Pettit called the meeting to order at 7:45 p.m. and noted that all Commissioners were present except Commissioner Wintzer who was excused.

ADOPTION OF MINUTES – August 10, 2011

Planner Francisco Astorga referred to page 1 of the Minutes, page 9 of the Staff report, under Staff/Commissioner Communications, and noted that the minutes did not reflect the correct dates of the meetings Chair Wintzer had stated he was unable to attend. The dates of July 24th and 25th were corrected to **August 24th and 25th**.

MOTION: Commissioner Thomas moved to APPROVE the minutes of August 10, 2011 as corrected. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously by Commissioners Thomas, Worel and Savage. Commissioners Hontz, Pettit, and Strachan abstained since they were absent from that meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Thomas Eddington reminded the Planning Commission of the joint meeting with the City Council the following evening, Thursday, August 25th at 6:00 p.m.

Director Eddington reported that he was working with the County Planners to possibly schedule a joint meeting with the Snyderville Basin Planning Commissioner in November. He would contact the Commissioners when a date was finalized to make sure they could all attend.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Land Management Code – Amendments to Chapter 2.1 (HRL), Chapter 2.2 (HR-1), Chapter 2.3 (HR-2), Chapter 15 (Definitions), Chapter 7, (Subdivisions) including subsections 7.1, 7.2, 7.3 and 7.4 to limit footprint resulting from lot combinations in the HR-1, HR-2 and HRL Zoning Districts and to limit maximum building sizes in those zones**
(Application #PL-11-01281)

Planner Francisco Astorga reported that the footprint regulation came from Chapter 7 of the Subdivision Procedures for General Lot Design and Requirements, “maximum dwelling or unit square footage may be required”. Planner Astorga noted that the regulation is part of the subdivision process, and it could also be part of the plat amendment discussion.

The Staff recommended that the Planning Commission conduct a public hearing on the LMC Amendments, consider public input and forward a recommendation to the City Council to end the TZO without adopting further limitations on maximum footprint solely for plat amendments.

The Staff also requested that the Planning Commission provide direction to Staff to continue with analysis and recommendations regarding floor area limitations for all new construction.

Planner Astorga noted that the graphs and charts contained in the Staff report were prepared using the geographic information system through the use of specific software. Utilizing layers they share with the County, the Staff was able to provide the approximate number of vacant Old Town parcels. Planner Astorga explained that a parcel is more than one Old Town lot of record, which is currently owned by one entity. In those cases, the County uses one parcel ID number, even though it may be more than one Old Town lot. Under that definition, Planner Astorga stated that there were 73 vacant Old Town parcels. In addition, there were 82 lots of record, which is a standard 25' x 75' Old Town lot configuration. Planner Astorga remarked that there were 275 Old Town parcels with structures that would necessitate some type of plat amendment. There are approximately 1,121 Old Town parcels within the HR-1, HR-2 and HRL Districts. Planner Astorga noted that the numbers equate to approximately 7% of the total number of Old Town parcels, and 7% of the lots of record. He stated that 25% have a historic or non-historic home with a platted lot line going through the structure.

Commissioner Savage clarified that the 82 vacant lots were platted single lots with no associated lot line issues. Planner Astorga replied that this was correct. He clarified that they were single lots that had already gone through the plat amendment process. Commissioner Savage asked if the 73 vacant parcels had not gone through the plat amendment process. Planner Astorga answered yes, and pointed out that the 73 vacant parcels equate to approximately 127 25' x 75' Old Town lots. Planning Director Thomas Eddington explained that the 73 parcels were waiting to be platted.

Planner Astorga reviewed historical background. He noted that the 1990 Floor Area ratio had evolved into the footprint regulation. Planner Astorga pointed out that the floor area ratio regulation did not apply to a historically significant house. The regulation allowed owners of historic sites to do more with their site. The regulation was later changed in 1993 and amended in 1995, which did not affect the result. In 1995 the Chief Building Official and the City Attorney at that time identified that the plat amendments and issuance of building permits through lot lines was not legal, even if they were owned by the same entity. That was the start of requiring plat amendments for any type of addition or new construction.

Planner Astorga reported that a TZO was put in place in September of 1999. In January of 2000 the footprint regulation was adopted. Planner Astorga provided analysis comparing the numbers of floor area and the estimates that resulted from the footprint regulation. Language for the footprint regulation was amended in 2006. Recent LMC changes in 2009 apply to steep Slopes, conditional use permits, limiting the number of stories to three, as well as other regulations. In 2009 the Historic District Guidelines were updated and adopted.

Vice-Chair Pettit noted that the Staff was asking the Planning Commission to make a recommendation to the City Council to terminate the TZO. However, the staff also asked whether the Planning Commission wanted them to continue to study the issue, and suggested a way to move forward. Vice-Chair Pettit was unclear on the timeline and the type of analysis that would be required, as well as the support and resource the Staff would need to take that next step.

Planner Astorga replied that there was not a specific timeline, however, the Staff was willing to commit to certain time frames for bringing analysis and recommendations on other types of regulations that could be examined.

Relative to the Staff's recommendation to terminate the TZO, Planning Director Eddington felt it was advisable to take more time to look at the 2009 LMC and Historic District Design Guidelines. He believed it would take a number of months before they could see what those yield. However, simultaneously, the Staff could do additional analysis with regard to compatibility and footprint in Old Town and tie it into the General Plan. Director Eddington stated that the General Plan is the guiding document for the ordinance, therefore, that analysis would be done regardless. Some additional resources would need to be delegated to that analysis.

Vice-Chair Pettit stated that if the Planning Commission determines that it would be advisable to terminate the TZO, it could open the flood gates for applications. However, they would still have the tools currently available in terms of a subdivision and plat amendment process to address compatibility in terms of implementing the purpose statements for each of the respective districts or zones. The Planning Commission would have the ability to make the determination that an application could be granted with limitations that address some of the concerns or criteria.

Director Eddington concurred that the Planning Commission had not limited their abilities with the TZO over the past few weeks, and that would still be applicable if the TZO is removed. If a specific issue continually comes up over the next few months with regards to compatibility, they could look at codifying that through the LMC.

Vice-Chair Pettit thanked Planner Astorga for an excellent Staff report. It was very thorough and helpful in understanding the history and evolution of the footprint issue.

Commissioner Savage supported the recommendation to terminate the TZO. He also concurred with Vice-Chair Pettit regarding the quality of the Staff report. Commissioner Savage stated that if the Planning Commission chooses to proceed with additional analysis, it is important to talk specifically about the objectives for making a modification to the Land Management Code, to what degree those objectives could be quantified, and to what degree the objectives should be subject to analysis. Commissioner Savage thought the analysis should show that the recommended changes would solve a specific problem in a specific way, rather than trying to reduce square footage with a blanket modification to the LMC. If changes are made, he would want to know what the benefits would be to Old Town and Park City as it relates to the General Plan and the zones.

Vice-Chair Pettit remarked that the objectives outlined by Commissioner Savage should be the starting point. She believed the TZO was driven by the perceived problem or disconnect between what is being built out, the potential build out, and whether the City is missing the ability to meet the goals and objectives of each of the zoning districts. She acknowledged that the analysis might show that there is not the disconnect they perceive. Vice-Chair Pettit remarked that the Planning Commission owed it to themselves as stewards of a very special part of town, to make sure they have all the tools available to accomplish things in the general collective best interest. The Commissioners concurred.

Vice-Chair commented on the amount of public input received since the TZO was implemented and the number of people who came for the public hearing this evening. She asked the Planning Commission for a straw poll on the recommendation to terminate the TZO, to give the public an idea of which direction they were leaning.

Commissioner Savage reiterated his support for the Staff recommendation. He thought the TZO should be terminated and that further investigation of this particular issue should take a thoughtful and methodical course. Commissioner Savage did not think it was necessary to set timelines this evening, and suggested that they look to the Staff to come back with a recommendation based upon the comments this evening.

Commissioner Worel concurred with Commissioner Savage. She believed the 2009 amendments to the LMC had not been tested and she would like to see those benefits before they proceed with further changes.

Commissioner Thomas agreed with his fellow Commissioners. He would like to see the 2009 amendments play out. With the state of the economy, Commissioner Thomas was not concerned about opening the flood gates for applications.

Commissioner Hontz concurred with her fellow Commissioners. The process had yielded a good amount of discussion, but she thought the discussion needed to continue in conjunction with their General Plan discussions and the neighborhood plan. Commissioner Hontz wholeheartedly agreed with Commissioner Savage about getting to the "why" of the issues, and she hoped that would also be part of the General Plan and neighborhood discussion. She encouraged moving the timeline

forward so the people who are interested and concerned would understand that it is a continued conversation.

Commissioner Strachan concurred with all the comments. He was not concerned with the timeline because the issues would not be forgotten between the General Plan discussions and joint meetings with the City Council. Seeing the 2009 amendments come alive in actual structures would be another reminder.

Vice-Chair Pettit stated that she had given this a lot of thought from a timing issue. The tension she feels as a Planning Commissioner is the concern about being reactive instead of proactive. Given what has already occurred in terms of her perspective on compatibility and the feel of the historic character of Old Town, she is concerned about allowing the opportunity for that to further occur in ways that cannot be remedied. Vice-Chair Pettit did not think a timeline was necessary at this point, but she did want to keep the dialogue moving forward, provided that they identify the "why" and what it is they are trying to accomplish. Vice-Chair Pettit believed the Staff was in the best position to identify the problems early when applications come in. She reiterated her preference to keep the issue alive without putting undue pressure on the Staff.

Commissioner Savage felt the pressure on the Staff should be with the General Plan. The Planning Commission could prioritize which zones and districts the Staff should focus on initially. Commissioner Savage stated that he would put this issue at the top of the list with Bonanza Park.

Commissioner Strachan suggested that the Planning Commission ask the Staff to come back in six or nine months with an update of the applications that have come in under the 2009 Code amendments. That would provide the Planning Commission with examples to know whether or not changes need to be made. Director Eddington offered to provide that update and suggested six months as the time frame. The Commissioners favored the idea of a six month update.

Vice-Chair Pettit summarized that based on the straw poll and their comments, it appeared that the Planning Commission was leaning towards supporting the Staff recommendation.

Planner Astorga provided the Commissioners with copies of public comment he received after the Staff report was published.

Vice-Chair Pettit opened the public hearing.

Ruth Gezelius remarked that the TZO and the limiting and punitive regulatory proposals created anxiety and animosity towards the City Council, the Staff and the Planning Commission in the way it was handled. Ms. Gezelius stated that Old Town is still the heart of Park City and people do not need a punitive attitude to improve Old Town. They need an attitude where people work together to help solve the ongoing problems in the Historic District, some of which are created by the terrain, by growth, and by severe financial constraints in relation to improving properties. Ms. Gezelius encouraged the Planning Commission to not only review the applications that come in within the next six months to a year, but also to review the applications that did not make it through the process to see what the real problems are with the 2009 regulations. She felt it was unfair to make a decision based on one or two approvals in a very short time frame. Ms. Gezelius also thought it

was inappropriate to make a decision based on three or four significant properties that triggered reactions that affect the entire Historic District. She pointed out that in many cases new construction is criticized differently than the historic renovations and remodels. She urged the Planning Commission to take the time to do things correctly to encourage the preservation of Old Town and so people can live there without being afraid of the procedure when they make an application.

Connie Bilbrey, stated that he and his partner own 16 of the 72 vacant lots that were mentioned earlier in the discussion, and he wanted to explain how they were impacted by the 2009 amendments. Mr. Bilbrey stated that the requirement to step back the top floor ten feet costs his family between \$1.1 million and \$1.4 million in lost value of square footage. He thought the City should be aware of the economic impacts created by their decisions in the past and moving forward. He pointed out that 13-1/2% of his square footage was taken away on a 2300 square foot home. In addition to losing the square footage, it also diminished the value of the lots. Mr. Bilbrey stated that someone told him there was an attitude that a 1,000 square foot, 2-bedroom home was good enough for some people and it should be good enough for everyone. That was not a choice he wanted someone to make for him. Regarding compatibility, Mr. Bilbrey stated that he built 5 beautiful homes at 1021 Norfolk and created the best looking street in Park City. They were modest homes at 2300 to 2400 square feet and they fit on the lots nicely. In his opinion, that is the character of Old Town today and not the character of Old Town at the turn of the century. Mr. Bilbrey commented on the attitude of "no more homes for millionaires". He reminded everyone that a high percentage of homes in town are owned by people from out of town who pay double taxes and do not impact the school system or other services. The town was built and flourished as a resort community. Mr. Bilbrey reminded the Planning Commission that billions of dollars have been invested into the community. He has lived in Park City for 11 years and he agrees that it needs to be protected. However, the benefits of living in Park City came about because reasonable development was allowed. Mr. Bilbrey commented on specific developments that he believes are catastrophes that were approved during the years the City has been contemplating ways to change the way Old Town is developed. He stated that as long as the City pursues a radical change to the LMC, they hold everyone hostage. He urged the Planning Commission to be conservative but reasonable, and to understand the economic impact of a radical change to the LMC for the Historic District.

Matt Mullen, a resident at 1009 Norfolk, understood that the issue was given to the Planning Commission by the City Council, and he thanked them for taking the time to hear their comments. He suggested that people should be making these comments to the City Council to let them know how upset they are. Mr. Mullen stated that as a developer in town, any time he wants to improve or change a lot, he needs to notice his neighbors. However, the City Council was able to impact the entire town in one meeting based on a 1.8% change to the lots in Old Town. He believed that knee jerk reaction without notice to the homeowners was what caused people to be upset. A better process would be to allow public input before knee jerk reactions are enforced.

Jim Keesler, referred to an earlier comment by the Planning Commission that an application would not come before them unless a CUP was activated on the lot. He understood that a CUP is activated if the lot is 30% or greater. He pointed out that 30% is minimal; therefore, most applications would trigger a CUP unless it is on Lower Park Avenue or Daly Avenue. Mr. Keesler also heard the comment about a stimulus package for Park City. He believed a stimulus package

would be great for people besides the Sweeney's. Mr. Keesler stated that in looking at the LMC and the Historic Guidelines, there is no language that talks about the landowner's interest with their property. It is all based upon the objectives of protecting the City's interest. Nothing in either document protects the private individual homeowner. He currently lives in Prospecter and he would eventually like to build a home on his lot on Woodside and move his family to Old Town. Mr. Keesler believed all the protections contemplated are directed towards protecting a fringe group, which would devastate the last of the owners who are waiting to do something with their property. He would like changes to the LMC that recognizes the interest of the property owners and ways to help them, as opposed to hindering and making the process more difficult. Under the current process, many people are willing to walk away from their property and take a loss rather than deal with the restrictions and regulations. Mr. Keesler suggested that the City Council make changes that would encourage people who want to build on their property or those who own property that needs renovation. If they want to inspire creativity, they need to allow flexibility for people to stimulate their imagination and promotes interest in building a project that benefits the owner and the City.

Eric Fredston-Hermann, a property owner in Old Town, spoke about uncertainty and diversity. He stated that uncertainty is the death of anything involving home ownership. It takes years to plan and build a house. Some people have owned property for years and they have plans to build, but the experiences they have encountered since the TZO and the proposed ordinances have been brutal. Mr. Hermann remarked that uncertainty discourages buyers and it makes others fearful of moving forward with plans to improve their houses. While he welcomed the fact that it appeared the TZO would be terminated, he was concerned about the requests for continued study. Mr. Hermann stated that the 2009 LMC was a product of considerable work and it has not had a chance to demonstrate its strengths. Until they find that the 2009 LMC has flaws, it is dangerous to begin studies that could further change it, because such studies create uncertainty. Mr. Hermann commented on diversity. He recently saw photos of turn-of-the-century Old Town and he was struck by the diversity of the buildings, many of which would be prohibited under the current Code. Mr. Hermann urged the Planning Commission to think of Old Town as a living, breathing community with different kinds of people. Recognizing that Old Town was a diverse community at the turn of the century, it should be a diverse community now. If they are trying to be stewards of Old Town, they need to remember that it was not a community where all the houses looked the same.

Cynthia Fowler, a resident on Empire Avenue, stated that she was caught on the 2009 down zoning of the LMC. They were forced to spend thousands of dollars to change plans because they were a month late submitting their application. Mr. Fowler stated that her home is 1700 square feet. They worked through the process and managed it. However in 2009 it was a drainage issue, and she has not heard anyone talk about whether the drainage issue was resolved. Ms. Fowler stated that she would like to see the fringe group who had requested another down zone. She has a three-bedroom home and the bedrooms are small. Her storage area was intended to be a tandem garage, but instead she needed to make it into a bedroom for her daughter. Ms. Fowler remarked that they are a family of four and needed three bedrooms. She was unsure what the City wants, but if they downgrade to two bedrooms they will eliminate the family option. She has a group of college students living across the street. That is what Old Town will become if they make it impossible for families to live there. Ms. Fowler urged the Planning Commission to allow the time to see the ramifications of the 2009 amendments before they down zone it again.

Jim Steinmetz, a 40 year Old Town resident and property owner, stated that in the past 40 years he has watched Commissions work to keep Park City from looking exactly like it does today. The City keeps implementing regulations, but the developer are smarter and find ways around them. Mr. Steinmetz remarked that they built a town they didn't want and now they have reached a point where nothing is happening in Old Town and everything is depressed. He could not sell his place if he wanted to, and if he did, the buyer would fall victim to the Planning Commission and the Historic Society. Mr. Steinmetz stated that there is no one to help you in Old Town if you are not a developer. He pointed out that the "little people" didn't build this town, yet they are the ones who have to pay for those who did. Mr. Steinmetz proposed two sets of rules; one for the developer and another for the regular people. The person who wants to build a home for their family and live in it should not be held to the same set of draconian circumstances as the developers. He did not believe it was fair for the City to continually pick on the "little people". Mr. Steinmetz pointed out that Old Town is no longer historic. It is a façade used to bring in tourists who spend money on Main Street. What the City is doing is not fair.

Jeff Love, 16 Woodside, strongly opposed any changes to the 2009 LMC revisions. However, if they continue the process or discussion, they need to define the problem. In order to define the problem the Planning Commission needs to look at actual houses and find the homes they think are problematic. They can then ask the Planning Department if those houses could be duplicated. Mr. Love believed they would find that many of the homes they think are problematic could not be built under the current guidelines. He stressed the importance of allowing those guidelines the chance to work. Mr. Love remarked that reading and Staff report and discussing the issues is not defining the problem. He asked the Planning Commission to follow his suggestion if they plan to continue the conversation.

Joe Tesch stated that he has clients who live in Old Town and clients who develop in Old Town, and the important issue for both is that they do not get hurt. Mr. Tesch remarked that every community improves, grows or depreciates. Standing still is depreciating. In order for people in Old Town to invest in their homes, to expand or to sell them to investors, the laws need to be consistent and not frequently changing. Mr. Tesch stated that because of the TZO and the draconian suggestions that were initially made by the Planning Staff in response to direction they were given, investments stopped and people quit buying in Old Town because the future for Old Town is uncertain. Mr. Tesch was pleased that the Planning Commission was considering eliminating the TZO, but given the current background, the idea of continuing the dialogue is nearly as bad as the TZO. Mr. Tesch urged the Planning Commission to put an end to it because the properties are depressed and no one has seen the results of the 2009 changes. People are getting hurt and investors are being scared off. He was unsure why they would keep the discussion before they define the goals in the General Plan.

Tina Lewis stated that she has lived in Park City for 37 years and for 28 years she has lived in a meticulously restored 1184 miners shack on Woodside Avenue. Ms. Lewis stated that in the 1980's she served on the City Council and along with four colleagues she wrote the first Park City Land Management Code. They went on to establish the Historic District, to write the first Historic District guidelines, and to create the Historic District Commission. In those days when City Council member were full-time City employees, she spearheaded Park City's first restorations. In the 1990's

she served on the Board of Trustees at the National Trust for Historic Preservation in Washington, DC and was chair of their National Board of Advisors, lobbying Congress on preservation issues and consulting with communities across the country on preservation districts. Ms. Lewis stated within the last decade she has been disheartened that the City is such a poor steward of the Historic District, with the exception of hiring Dina Blaes as a preservation consultant. Ms. Lewis noted that after considerable time and expense the City revised the Land Management Code and the Historic Guidelines, and she found it curious that the City would introduce major legislation without letting the new Codes play out. She believed that in many cases, these ill-advised proposed changes would result in unintended consequences that would be harmful to the Historic District. Ms. Lewis urged the City Council and the Planning Commission to lift the TZO, to retract the proposed changes to the Code, and to allow the Planning Department to work with the 2009 Codes. She believed the 2009 Code gives the City the appropriate tools to deal with massing issues and to respond to the neighboring historic properties. However, if the City has the urge to focus on the Historic District, she would welcome that attention and suggested that there were many ways that the City could be an exemplary steward of the Historic District.

Gibbs Smith stated that he owns an old miner house on King Road, as well as a vacant lot. He concurred with the comments made by Ms. Lewis, and he appreciates people who have contributed over the years to preserve Old Town. Mr. Smith echoed the comments calling for an end to the discussion on the proposed changes to instill more certainty. They should encourage people to follow their goals and contribute to Old Town, rather than making it more difficult.

Tina Smith a resident on Woodside stated that she owns a duplex from 1968. It is the ugliest building on Woodside, but she will not do anything with the structure until she knows what the City intends to do. Ms. Smith wanted to know who started the idea of the proposed changes, because they just finished a significant change to the LMC in 2009. Mr. Smith stated that she had been out of town all summer and she specifically came back to attend the public hearing to find out what was going on. She concurred with the other speakers that lifting the TZO was not very assuring if the discussions would still continue. Ms. Smith noted that she had written one of the letters that was submitted late. She would let the Commissioners read her comments rather than repeat herself. Ms. Smith urged the Planning Commission to put these amendments aside and give the 2009 Code the opportunity to work.

Craig Elliott, an architect and business owner in Park City, stated that he hoped to become a future Old Town residence. Mr. Elliott thought it was important for the Planning Commission to recognize the number of people who want to live in Old Town and would be affected by the proposed changes. Mr. Elliott did not support the TZO and he appreciated the straw poll so people would know they were headed in the right direction. He also thanked the Commissioners for taking the time to hear all the issues and concerns. Mr. Elliott believed the City Council and Planning Commission had a tendency to rely on numbers. He pointed out that in every case, the questions they were dealing with were not numbers questions that address height and dimensions. All the questions relate to design issues that require dirty discussions and requirements that take time. He remarked that the best solution comes through design and there are many ways to deal with that. Mr. Elliott noted that the design guidelines and the LMC restrict the basic bulk. Number can only identify a minimum quality of material, shape, form and size. They cannot create great architecture or great place. Mr. Elliott challenged the Commissioners to stand on the steps of Marsac and look across Main Street

to the hillside and back towards Ontario, and really see it for what it is. He pointed out that it is beautiful, but it is different than it was 100 years ago, 50 years and when he arrived 18 years ago. Mr. Elliott remarked that the issues will be about design and solutions to create great places for people. Mr. Elliott also commented on the importance of finding ways to tie in the second home owner because they believe they are part of the community. The City was unsure how to engage the second homeowner and he hoped that solution would be part of the General Plan. Mr. Elliott reiterated that nothing would be resolve through numbers and statistics and the only solution is people working together to create good design.

Stephen Parker introduced his baby, Barbara. He noted that he and Barbara has been through two meetings and everyone was very helpful. He has a lot with an extra house on it and he wants to move into Old Town and live in a reasonably sized home. Mr. Parker stated that it was very unsettling to be told that he needed one more thing, and after being gone for two weeks he came back and found that everything had stopped. Mr. Parker asked the Planning Commission to do what was right so he and Barbara could live in Old Town.

Jerry Fiat did not agree that big homes cause the problems, and he was unsure what constituted a big home. In his opinion, the most objectionable homes in Old Town are the ones that were created in the 1960s, '70s, and '80s, which are large structures, mostly four-plexes and three-plexes, and they have no parking garages. He believes that most of the people who purchased those homes bought them with the idea of building a nice home on the lots. When the Code is changed to reduce the size so it prohibits people from building the home they want to build or it is not economically feasible, those offensive structures will mostly likely stay. Mr. Fiat stated that the experience of walking or being in Old Town is not seeing 1,000 homes at 1,000 square feet painted in different colors. It is the experience of seeing a variety of architecture and the connection between the street and the homes. If a structure cannot be seen because it is disconnected from the street by parked cars that takes away from the experience. Mr. Fiat stated that smaller homes in Old Town with a one garage typically have no cars parked in the garage. The cars are parked in the street and the garage has been converted to bedrooms or storage and become a part of the house. Mr. Fiat remarked that he was more concerned about the experience walking down the street than he was the size of the house. Making houses too small guarantees street parking and a disconnection. He encouraged the Planning Commission to think about what would happen if they pass an ordinance that reduces the size of the homes. Instead of counting the number of lots that are left, he suggested that they count the number of homes they would like to see replaced.

Kay Riggs thanked the Staff for conducting a thorough analysis of this issue and for acknowledging public input on this matter. Ms. Riggs thought it was clear from the Staff report that the tools were already in place to address mass, scale and compatibility via the current Code and the 2009 changes, as well as the historic district guidelines. What is not clear is the real issue. Ms. Riggs stated that constant change is not good preservation theory. She pointed out that the TZO was not the only issue causing the concern. It was the threat of more regulation and uncertainty. She remarked that everyone wants to uphold the character of Old Town. Ms. Riggs asked the Planning Commission to have confidence in the work that was done in 2009 because it was thorough and was done with a great deal of stakeholder input. Ms. Riggs felt it was important to understand that the citizens recognized the harm and threat involved by changing the LMC so quickly after it was revised. She encouraged the Planning Commission to put the discussion behind them and move

forward. The citizens want to work with the City and they do not intend to be adversarial, but they want the City to recognize that the process of obtaining a building permit and changing plans is already very arduous and can take two to three years. The idea of having a moving target that property owners constantly strive to attain is unfair and unreasonable. It is not good public policy. Mr. Riggs stated that the Planning Commission has a deadline of April 2012 to rewrite the General Plan, and she was comfortable that during that process they would have a more solidified idea that the Code already in place with the existing guidelines is sufficient. Ms. Riggs urged full support of recommendation one, and she asked the Planning Commission to reconsider postponing further discussion and analysis until after the General Plan rewrite, or at least establish a time frame longer than 6 months.

Ruth Meintsma, 305 Woodside, stated that her comments were more specific than previous comments. She noted that the Staff indicated that the City Council requested limiting the analysis and recommendations to footprint in regard to lot combinations, and that the analysis and draft ordinance would not propose additional changes to the lot development restrictions, height, setbacks and floors. Ms. Meintsma stated that because a lot combination creates greater flexibility and design of massing in terms of how the structure impacts an adjacent historic site, she suggested that setbacks and height that directly impact an adjacent historic site should be considered. She provided examples to show why a greater setback for a lot combination would reduce impact on an historic site. Secondly, a historic site that sits more to the rear of the lot may be less impacted if a lot combination structure has a greater front yard setback, reducing the disparity and distance from the street. Regarding height, Ms. Meintsma thought it may be appropriate to require a height reduction in a portion of the lot combination structure where the height creates a negative impact on an adjacent historic structure. Ms. Meintsma understood that the City Council wanted it limited to footprint, however, she believed there were some cases where setback and height may be important to consider. Ms. Meintsma commented on the submittal requirements and suggested that if the submittal requirements for a plat amendment more closely followed those of design review where streetscape and neighborhood visuals are required, it may be advantageous in deciding the appropriateness of lot combinations.

John Phillips was happy to see the Planning Commission take a step back on the TZO. However, the idea of revisiting the matter in six months did not make him feel more confident. Mr. Phillip suggested that instead of a six month timeline, a better approach would be to wait until 10 or 20 buildings are constructed to see the results and identify the problems. He understood the idea of being proactive, but he would like the community to have the same ability to be proactive in the process, rather than always feeling reactive. Mr. Phillips thanked the Planning Commission for their hard work and he realized that it puts a lot of weight on their shoulders.

Doug Stephens referred to page 50 of the Staff report, which referenced a future work session discussion and the recommendation to add a floor area regulation based on the current building footprint of the lot. Mr. Stephens asked if this was a serious consideration or whether it was just an idea to be discussed. He was concerned with the recommendation, particularly in terms of historic restoration. Mr. Stephens provided examples to support his concern. Mr. Stephens wanted to know how serious the Planning Commission was about this issue, because there had been no discussion from the City Council regarding the regulation.

Jerry Briggs stated that she and her husband have owned property on Daly Avenue for 24 years. It was purchased as a vacation home because they spent a lot of time in Park City, and they eventually moved to Park City. They are empty nesters and no longer need a large home. She and her husband would like to make 162 Daly their home, but everyone has discouraged them from doing it because the process is confusing and expensive. Ms. Briggs remarked that they would love to fix up the property, but the unknown is what keeps them from moving forward. They are afraid to come before the Planning Commission and they worry about depleting their savings.

Bob Sfire, 220 King Road, stated that he built a home 13 years ago as a vacation home and it is now his residence. He pointed out that based on the comments heard this evening, everyone would like the City to wait on the 2009 Code and see how it works. Mr. Sfire stated that for over 30 years he has been a commercial real estate appraiser in Michigan. He believed the City needed to give the 2009 Code some consideration because there was a lot of room to challenge any changes they would make right now. Mr. Sfire remarked that Park City is a great town and the Planning Commission has done a great job over the years and most of the changes he has seen over the past 17 years have been positive. He echoed the comments to work with the 2009 Code to see how it works for the City.

Mary Bradford Leader stated that she was not an Old Town property owner, but she was a fifth generation Summit County property owner. She is also a realtor. Currently she is reluctant to take a listing or show property in Old Town because she cannot give her clients answers to questions they ask, and it is frightening. She cannot give them direction on the future path if they want to develop on a lot, do restoration, or add to the properties they own. Ms. Leader stated that she promotes Old Town as one of the best things Park City has to offer, and for that reason she would like to see it developed in the correct manner. She supported Items 1 and 2 in the Staff report, but she strongly believed that six months was not long enough to see how the 2009 guidelines play out. Ms. Leader asked the Planning Commission to look at how the guidelines affect the entire community and not just Old Town.

Brad Cahoon, an attorney representing Old Town lot owners, stated that opening the discussion of possible changes to the LMC has caused damage. There has been no evidence that changes are needed. Mr. Cahoon believed the Staff report did a good job of confirming that there was no need for change. He thought the best approach would be to put future applications to the test to see if the Staff is right. Based on the Staff report, Mr. Cahoon believed they were right. He believed the Planning Commission needed to instill confidence by voting to make no changes. Mr. Cahoon thought the Staff should be charged with finding a way to streamline the application process to help facilitate projects.

Phil Hughes stated that he has owned property in Park City for 40 years and he has one undeveloped parcel. He pointed out that the tenor of the comments this evening was the fear and trepidation of approaching the City to obtain a permit to do anything. Mr. Hughes stated that when he moved to Park City 40 years ago he became the Park City Zoning and Building Administrator and he was the only Staff person. He was also the City supervisor, and at that time Park City did not have a City Manager or a Planning Department. Park City had a basic zoning and building code that was easy for everyone to read and understand. Mr. Hughes doubted whether he would be able to understand the current regulations that are required to obtain a building permit or approval for

anything in Old Town. Mr. Hughes wanted to know who in the City defines “compatibility”, because in his opinion compatibility is a subjective term. He noted that earlier in the meeting the Planning Commission briefly addressed administrative problems with the existing 2009 Code, and they asked the Planning Department to define any problems with the current Code. Mr. Hughes did not understand the objective and goals of all the changes, and he requested that someone explain it in simple terms. Mr. Hughes echoed previous comments about how the changes would negatively affect property values. He explained how changing the ability for lot combinations could potentially leave him with a 25’ lot where he could only build a 19 foot house. He did not believe that was compatible with the requirements people want for their place to live.

Paul Defoe, 213 Park Avenue, stated that she has two separate lots. One has a 650 square foot house. If lot combinations are prohibited or restricted, it would affect their plans to build something on their lots that would accommodate their family and grandchildren when they visit. She noted that nothing functional could be done with two 25’ lots. She pointed out that the 2009 LMC amendments already restricted what they could do, but at least they knew what to expect. She urged the Planning Commission to keep with the 2009 guidelines and make life easier for people in Old Town.

John Pellouchouh stated that he has a wife, four kids, two cars and one lot that is vacant and developable in Old Town. He would like to build a family home on his lot that is large enough for his family, with a place to park two cars off the street. However, he cannot do that without being able to predict what can be built. He needs stability to determine what he can build and stability to determine what his neighbors will build. He applauded the inclination to remove the TZO, and he requested that the Planning Commission table further discussion and direction to Staff regarding further changes to the LMC until they understand the results of the 2009 LMC.

Vice-Chair Pettit closed the public hearing.

MOTION: Commissioner Thomas moved to forward a recommendation to the City Council to end the TZO without adopting further limitations on maximum footprint solely for plat amendments. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Vice-Chair Pettit called for discussion on Item 2 in the Staff report, which was to provide direction to the Staff for continued analysis regarding a floor area limitation for all new construction.

Commissioner Strachan did not think the Planning Commission should give Staff any new direction until they wait six months to gather additional data. Commissioner Strachan clarified that he was not suggesting that the Planning Commission re-open the discussion in six months, but they needed data to see where they stand. He pointed out that in six months they may decide to loosen the regulations if that is what the data shows.

Commissioner Hontz asked Commissioner Strachan to clarify his 6 month request. She understood that he only wanted a list of the applications submitted in that time frame. Commissioner Strachan stated that he wanted an update from the Planning Director showing the applications and what the applicants intend to build. Commissioner Hontz asked if it would be a one-page list without

analysis. Commissioner Strachan clarified that he wanted to look at the plans to see what the structures would look like. He thought that was the only way they could determine whether more or less restrictions were necessary, or whether nothing should change at all.

Vice-Chair Pettit understood that the general issue was what was being created through lot combinations and where compatibility is uncertain. In her opinion, the problems begin with lot combinations above three lots, and the resulting square footage and building footprint. Planner Astorga replied that they do not see many lot combinations over three Old Town lots. The usual standard is 1-1/2 to 2-1/2.

Planner Astorga stated that what they learned from the analysis portion of the Staff report was that the floor area ratio that existed in the 1990's more than doubled in 2000 with implementation of the footprint. That comparative analysis prompted the City to look into possible future regulations.

Commissioner Hontz preferred to continue with the discussions regarding neighborhood characteristics and the ongoing discussions with the City Council, to establish the "why" and to further understand the goals before they give direction. Words that were frequently used during the public hearing were certainty and flexibility. She would like to come back with something that gives people more certainty of what they can do, but is also flexible enough to allow for creative design. It is a challenge, but she believed they missed those elements in how they tackled the problem.

Commissioner Thomas asked when the 2009 Code was adopted. Director Eddington replied that it was April 2009. Commissioner Thomas pointed out that since the Code was adopted, very few applications were submitted. Six months was too short of a time to accomplish what they were looking for and he could not support that time frame. He noted that the Planning Commission is continuing the General Plan discussions and they are taking about neighborhoods. He remarked that the Planning Commission has the right to evaluate and bring up LMC issues at any time in the process, and they can always bring it up if they recognize an issue. Commissioner Thomas believed the Planning Commission had the responsibility to go out in the field and actually see the impacts for themselves.

Commissioner Worel concurred with Commissioner Thomas. She sympathized with the desire for predictability and wanting to know the rules. She would like to see the 2009 Code have the opportunity to play out before making radical changes.

Commissioner Savage felt the matter was handled in an inappropriate way and a number of people suffered as a consequence of the process. He personally apologized for the unfortunate and unintended mistreatment that took place. Commissioner Savage thought it was clear that the TZO would be eliminated. Although there is always the threat of change, a Code is in place and those who are motivated to do development work in Old Town can move forward with the understanding that the 2009 Code applies. Applications that are submitted under the existing Code are vested in that Code. Commissioner Savage thought it would be nice to talk about a hiatus and no changes for a certain period of time, but that is not how the system works. Changes are made as a consequence of a predominant or clear requirement to make those changes. Unfortunately, that was not the case when the TZO was put in place. He believed that any changes that take place in Old Town should come about as a consequence of congruency derived from the General Plan process. If it is not clear in the General Plan that changes need to be made, they should leave

things alone and move forward with what exists. Commissioner Savage stated that in his opinion, it would be beneficial to have active public engagement in the General Plan process, so ideas can be put together in a way that makes sense on a longer term basis.

Vice-Chair Pettit stated that two comments in the public hearing resonated with her. One was the proactive approach that was suggested by Jeff Love. She thought it made sense to identify some of the projects that have occurred at various iterations of the Code over time that are offensive from a compatibility standpoint, or ones that are inconsistent with the current guidelines or goals and objectives. Those could be tested with the 2009 LMC changes to see if the same structures could be built today. Vice-Chair Pettit referred to a comment by Tina Lewis and the concept of leading with the carrot in terms of Old Town preservation, and creating incentives for people to keep structures smaller or make them more compatible. Chair Pettit did not believe the City has aggressively pursued what some of those incentives or opportunities might be. It would be nice to reward people in Old Town to develop or maximize their property, and to give them the opportunity to contribute to the historic character without penalizing them. She would like the Planning Commission to recommend that the City Council begin to come forward with incentives. Vice-Chair Pettit felt there were tools available in the community to meet the goals and objectives without being punitive.

Vice-Chair Pettit concurred with Commissioner Savage that certainty is great. However, Park City needs to be able to respond to changes that they think are important if it comes out of the General Plan process. The LMC has a direct correlation to the General Plan and as that process evolves there may be a need for changes. She stated that the General Plan process is the opportunity for people to be involved and to provide input to make sure they get the best collective thinking on what the future of Old Town should look like.

MOTION: Commissioner Savage moved to forward a NEGATIVE recommendation to the City Council on issue #2 regarding continued analysis and recommendations regarding a floor area limitation for all new construction. Commissioner Thomas seconded the motion. Commissioner Thomas seconded the motion.

VOTE: The motion passed 4-1. Commissioners Strachan, Worel, Thomas and Savage voted in favor of the motion. Commissioner Hontz voted against the motion.

The Park City Planning Commission meeting adjourned at 9:35 p.m.

Approved by Planning Commission: _____