

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 11, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Pro Tem Steve Joyce, Melissa Band, Preston Campbell, John Phillips, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington; John Boehm, Planner, Polly Samuels McLean,
Assistant City Attorney

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REGULAR MEETING

Chair Worel and Vice-Chair Strachan were absent this evening.

MOTION: Melissa Band nominated Commissioner Joyce to conduct the meeting this evening as the Chair Pro Tem. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously. Commissioner Campbell was not present for the vote.

Assistant City Attorney McLean noted that the Planning Commission would be meeting in closed session this evening and she explained the process.

Chair Pro Tem Joyce stated that the Planning Commission would be voting to move into closed session in the Council Chambers to discuss security and safety issues.

MOTION: Commissioner Thimm made a motion to move into closed session. Commissioner Band seconded the motion.

VOTE: The Motion passed. Commissioners Band, Phillips, Joyce and Thimm voted in favor of the motion. Commissioner Campbell was not present for the vote.

The Commissioners went into closed session at 5:10 p.m.

Chair Pro Tem Joyce re-opened the Regular Meeting. Commissioner Campbell was present.

ROLL CALL

Chair Pro Tem Worel called the meeting to order at 6:00 p.m. and noted that all Commissioners were present except Commissioners Worel and Strachan who were excused.

ADOPTION OF MINUTES

February 25, 2015

MOTION: Commissioner Thimm moved to APPROVE the minutes of February 25, 2015 as written. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Thomas Eddington announced that he had submitted his letter of resignation to the City after seven years as Planning Director. He wanted to say “good-bye” this evening because he was unsure whether he would be at the next meeting. Director Eddington stated that he was opening a small planning and design firm in Park City. He would miss everyone. The Planning Department is well-staffed and they have great planners, which made it an easier time for him to depart. Director Eddington expected to see the Staff and the Planning Commission in his new endeavor on the other side of the dais in the near future.

Commissioner Phillips and the Commissioners thanked Director Eddington for everything he has done.

Assistant City Attorney noted that the Planning Commission would be electing a new Chair and Vice-Chair at the next meeting. She had researched procedure and found that Commissioner Worel, as the sitting Chairperson, would not be allowed to vote unless her vote is needed to break a tie.

REGULAR AGENDA – Discussion, public hearing, action.

1. **1016 Lowell Avenue – Steep Slope Conditional Use Permit for Construction on a New Single Family Home in Historic Residential (HR-1) Zoning District. (Application PL-14-02595)**

Planner John Boehm reviewed the application for construction on a steep slope at 1016 Lowell Avenue. The applicant was requesting a Steep Slope CUP for a new single family home on a vacant lot. The Staff had reviewed the application and found that it met all nine review criteria and there were no unmitigated impacts.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 1016 Lowell Avenue based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Chair Pro Tem Joyce opened the public hearing.

There were no comments.

Chair Pro Tem Joyce closed the public hearing.

Commissioner Phillips thought the application looked clean and straightforward.

Commissioner Thimm had visited the site. The drawings appear to maintain the building height, and the front façade is in keeping with the street scene. Commissioner Thimm believed it would be a good addition to the streetscape.

Chair Pro Tem Joyce noted that the Staff report states that the proposed driveway has a maximum slope of 14% with sections at 5%. The overall slope is 9.7%. He asked if the restriction was on the average slope of a driveway or the maximum slope of the driveway.

Planner Boehm stated that the maximum slope of the driveway would be the average of the entire driveway. Chair Pro Tem understood from that explanation that any steeper spots would be irrelevant as long as the overall slope meets the average. Director Eddington replied that this was correct. The maximum average is 14% for a driveway and 10% for a local road.

MOTION: Commissioner Phillips moved to APPROVE the Steep Slope Conditional Use Permit for 1610 Lowell Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1610 Lowell Avenue

1. The property is located at 1016 Lowell Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot 28, Block 28 of the Snyder's Addition to the Park City Survey. The lot area is 1,875 square feet. The lot is vacant.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This is a vacant infill "Old Town" lot. There is no existing significant vegetation on this lot. This is an downhill lot.
6. Access to the property is from Lowell Avenue, a public street.
7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.
8. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes.
9. The proposal consists of a single family dwelling of 2,003 square feet, including the basement area and a single car garage.
10. The driveway is designed with a maximum width of twelve feet and is approximately thirty feet in length from the garage to the existing edge of street with a minimum of eighteen feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.
11. The proposed driveway has a maximum slope of 14% with sections at 5% (in front of the garage) and 10% (from property line to edge of street). Overall slope is 9.7% as measured from the front of the garage to the edge of the paved street.
12. An overall building footprint of 812 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.
13. The proposed structure complies with the ten foot (10') front and rear yard setbacks as well as the three foot (3') side yard setbacks required in the HR-1 zoning district.

The front of the structure will be ten feet (10') from the front property line. The rear of the structure will be ten and a half feet (10.5') from the rear property line. The sides of the structure will be three feet (3') from the side property lines.

14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

15. The proposed home includes a split level configuration created by a mezzanine level for the front interior entry area. The proposed structure complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC amendments adopted by City Council on November 21, 2013.

16. There is a fourteen and one-half foot (14.5') step back from the first two stories. The stepping occurs within the first twenty- three feet (23') of the rear (lower) facade.

17. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Lowell Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.

19. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% slope areas.

20. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.

21. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

22. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site

grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

23. This property is required to have independent utility services for water, sewer, power, etc. Stubbing of these utilities was completed during the Lowell Avenue reconstruction project.

24. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards

25. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.

26. The findings in the Analysis section of this report are incorporated herein.

27. The applicant stipulates to the conditions of approval.

Conclusions of Law – 1016 Lowell Avenue

1. The Steep Slope CUP application is consistent with requirements of the Park City Land Management Code, specifically Section 15-2.2 for the HR-1 zoning district.

2. The Steep Slope CUP application is consistent with the Park City General Plan.

3. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.

4. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1016 Lowell Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. Separate, individual utility service is required for 1016 Lowell Avenue.
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions and that the driveway complies with the required slope restrictions.
9. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north and existing retaining wall on the south property line.
10. This approval will expire on March 11, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is

granted by the Planning Director.

11. Modified 13-D residential fire sprinklers are required for all new structures on the lot.

12. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

2. Land Management Code Amendments – Chapter 2.24 Regarding Transfer of Development Rights (TDR) (Application PL-14-02595)

Director Eddington recalled that the Planning Commission had discussed Transfer of Development Rights at the last meeting. The discussion primarily focused on the issue of the lots in the HRL Sections of Old Town, which was Old Town 1, 2, 3 and 4, and specific sending opportunities for those areas. Director Eddington clarified that they are Old Town lots; however, the minimum lot size for the HRL zone is 3,750 square feet, which is two Old Town lots. Per the Code as currently written, those only get one development credit if they send. The Staff was recommending a change to two development credits, which would mean that for all of the Old Town District, every typical 25' x 75' Old Town lot would get one development credit.

Director Eddington clarified that the intent is to give equity to those HRL zones and to make sure there was an understanding of the development credits. He noted that proposed language was added to make that clarification.

Director Eddington noted that at the last meeting the Planning Commission talked about revisiting TDRs overall. The Staff had noted that when the TDR ordinance was first implemented three or four years ago there were a number of additional aspects such as multipliers, bonus opportunities, a TDR bank, etc. He pointed out that those elements were not included in the ordinance. He understood that some people believe it is a dull tool without those elements, but it was still a good tool to start with. Director Eddington stated that the Staff would come back and address TDRs more comprehensively in the next few months.

Chair Pro Tem Joyce opened the public hearing.

Bill Coleman stated that he had not read the changes since the last meeting.

Director Eddington referred to page 70 of the Staff report and noted that at the last meeting Bill Coleman had discussed a question regarding a couple of lots outside of the Historic District zones. The Staff had researched those lots and found that they were in the Estate

Zone, which is why they were never considered part of sending for Old Town Historic Districts. However, it was noted in the Staff report that the Staff would relook at those lots when they do the overall TDR ordinance amendments review and revisions.

Mr. Coleman suggested that as they go through the next steps the discussions should focus on the receiving areas separately from the sending areas because they have very different dynamics. Mr. Coleman believed the real problem were the receiving areas. He pointed out that someone would be hesitant to purchase the property without knowing what they would be allowed to put on it. Because the City can slow down the process and reduce what can be put on the lot, they are forcing the buyer to sell back a portion of the lot. Mr. Coleman remarked that it would stifle the marketplace because no one would buy the property subject to that vague set of rules; particularly when the City controls it on both sides. Mr. Coleman thought TDRs was a fabulous idea. He liked it in urban environments where a lot of things are happening. However, for the purposes of a receiving area, he thought it would be better to deal with a density bonus and to create an employee housing or affordable housing incentive. In order to get the density they want in specific areas, they need to find a better way, because right now those people are disincentivized rather than incentivized. He believed they could look at it in other ways and achieve the same benefit.

Mr. Coleman recommended that they also relook at the sending areas comprehensively. He understood that grade and steepness is an important issue, but there are other ways to address that without having to send away the density. Mr. Coleman was interested in discussing other ideas, but he was unsure how to do it outside of the public input process. He stated that if the City were to set up a subcommittee that includes citizens, he wanted to be the first to volunteer.

Sydney Reed stated that if someone needs the density they might not need all of the density that is offered. She pointed out that currently all an owner has to offer all the density they have. Ms. Reed did not understand how the sending/receiving would work if someone did not want all of the density. She also wanted to know how TDRs would work if several parties own a specific area being considered.

Director Eddington responded to some of the questions raised by Ms. Reed. He believed it was important to consider a TDR bank. He provided an example to show how the TDR bank would work. As they look at TDRs more holistically, he thought that would be an easy way to address the question. The second question regarding the sending zone where Ms. Reed owns property with other property owners in SOT2, Director Eddington stated that four years ago the Planning Commission approved SOT2 with the understanding that this area of Ridge Avenue was challenged with steep slopes, inadequate infrastructure for the road widths, etc. They decided that all of those property owners would need to commit to selling their development rights; otherwise there would still be impacts to the road, the

steep slopes, erosion, etc. Director Eddington stated that SOT1, 3 and 4 have single property owners in each section.

Commissioner Phillips asked if all of the SOT zones have different rules. Director Eddington stated that 1, 2, 3 and 4 are much the same in that it has to be all or none in terms of sending. Sending Old Town 2 has an additional challenge because multiple owners have to agree on whether or not to send. Commissioner Phillips wanted to know why it was SOT1, 2, 3, 4 and not just one. Director Eddington stated that these areas were identified as topographically challenged, steep slopes and inadequate infrastructure. The properties are bigger than just one lot and the Planning Commission targeted them as areas where density could be moved off.

Mr. Coleman questioned how they could isolate SOT2 and zone it differently from all the other properties. Director Eddington stated that at the time those owners wanted to be viewed as one. He understood that in retrospect they may now prefer to be individual. Mr. Coleman believed the City was walking itself into a problem by treating one property different from the rest.

Chair Pro Tem Joyce disagreed that they were treated differently, because each of the SOT areas were the same in that it was all or nothing.

Chair Pro Tem Joyce closed the public hearing.

Commissioner Phillips stated that he knows of several properties where an owner owns two lots adjacent to one another. One lot has the house and the second lot is their yard. He asked if the owner could sell the development rights to the lot they use as a yard, but still continue to use it as a yard. Director Eddington answered yes. He explained that in the areas of Old Town outside of SOT1, 2, 3, 4, an owner could sell either a portion or all of their Old Town lot.

Commissioner Campbell asked what they could do in SOT1, 2, 3, 4 if it was a separate lot. Director Eddington replied that those are under single ownership. Three or four years ago the Planning Commission felt it was better to take an "all or nothing" approach because of the development challenges on some of the lots. If someone owns three or four lots in one of those sections it has to be all or none. Director Eddington clarified that currently in SOT1, 2, 3, 4 the lots are vacant lots of record. Commissioner Campbell asked if there were houses in any of those four zones. Director Eddington replied that currently there are no houses, but the owners can choose to either build on their property or transfer the density.

Commissioner Campbell preferred to simplify the language in four paragraphs down to one paragraph. Director Eddington stated that the language in one paragraphs pertains to all four SOT zones with the same parameters. However, there are four different sections because there are four different property owners or development groups. Commissioner Campbell stated that development is development and density is density. He thought they should find a way to bring those four zones into the rest of Old Town. He noted that the Planning Commission did not have the authority to set up the TDR banks. Commissioner Campbell thought they should make this process as simple as possible. He questioned whether the whole idea of sending and receiving was too complicated. He did not understand why any part of town could not send or receive. Director Eddington stated that it would require significant discussion in terms of density. Based on Commissioner Campbell's suggestion the City Council would have to pro-actively get involved and create the bank. If the City wanted to move the density, the City or a private owner could buy the density and drop it into the bank to sit until it is used somewhere else. Director Eddington noted that other communities do that, but the City would have to be pro-active in the process. When it was discussed three years ago there was a desire by both the Planning Commission and the City Council not to be that pro-active; however, that opinion may have changed.

Commissioner Band asked if the Planning Commission was only discussing the one component this evening or whether they were talking about all of TDRs. She had done some research, and of the top 20, approximately 350,000 acres have been saved through TDRs. There are 20 successful programs and she was willing to share her article. Commissioner Band pointed out that of the 20, only four have banks. Three things were considered necessary for TDRs to be successful and a bank was not one of them. Commissioner Band stated that the first three were demand; customized receiving areas, and transfer ratios.

Director Eddington stated that demand cannot be controlled. Commissioner Band stated that according to the article, if developers are getting what they need density-wise out of the Code, then there is no demand. Director Eddington cited scenarios that would help induce demand. He believed the Code has good parameters for both sending and receiving zones which would help keep demand high in Park City.

Director Eddington commented on the second point; customized receiving areas. He stated that three years ago the Staff recommended including ratios, multipliers, bonus, and other benefits in the Transfer of Development Right Ordinance; but both the Planning Commission and the City Council requested that they be taken out. Director Eddington stated that those elements had the benefit of making the TDR process equalize and work. In his opinion, taking those out dulled the tool. Commissioner Band stated that the more she reads about it and understands what it takes to actually have a successful TDR

program she questions whether Park City can actually pull it off. Director Eddington stated that this is where multipliers come into play. If someone already bought their land to build three stories, the question is how much they are willing to pay for a credit to add the fourth story. If the fourth story yields so much ROI they might buy that credit. It is an equalization of supply and demand and he believed multipliers could help that.

Commissioner Campbell understood that the only reason for the multiplier was to try to make the unit more valuable. He could see no reason for the City to get involved because the buyer and the seller could work it out. Director Eddington stated that determining the value is difficult because the lands have different functions and different uses. One party would probably want a bonus or multiplier to be satisfied, and the other party might want to pay less because they already paid for their land. It is a complex formula based on real estate value. Otherwise, the buyer and seller would argue over the property value and they might be talking about very different pieces of property. Either way, there has to be a bonus for either the sender or the receiver.

Commissioner Campbell did not think it would work unless the buyer and the seller were the same room figuring out the price. Director Eddington agreed that they do need to be in the same room. He stated that they have had people talk about development credits and there have been discussions about the value of a credit. No one has used it yet because the economy has not been strong.

Chair Pro Tem Joyce stated that if the seller and the buyer do not have any concept of a multiplier, they each may have a different idea of value because they are not valuing the same thing. Currently, the answer is that they will trade one for one, because the multiplier does not exist. It is not dollars and cents yet, other than the fact that the buyer is valuing the unit and the seller is valuing the unit. They may actually be in agreement but there is no multiplier to achieve a number. Director Eddington agreed that a multiplier would even that out.

Director Eddington stated that as the economy picks up, he believed more people would approach the Planning Department looking for more development space in the near future.

Commissioner Band asked why only 22 units from Treasure Hill were identified for sending. Director Eddington stated that when the Planning Commission discussed it, they did not want all of Treasure Hill to be transferred because they were concerned about flooding the density in Bonanza Park if all the density went there. Commissioner Band pointed out that it already caps out in the Code. Director Eddington confirmed that it does cap out; and there has to be provisions to allow for more as they allow master planned developments or incentivized density via the Form Based Code. He pointed out that the previous Planning

Commission was concerned about how much is too much density in Bonanza Park and how much starts to impact the traffic or create other impacts. At that time they decided to start with 10% and see what happened.

Chair Pro Tem Joyce referred to page 84 of the Staff report and the language, "...for property within SOT1, overlay zoning district, where the underlying zoning designation is Estate, development credits shall be calculated per...." He understood from an earlier comment that they were leaving out the extra lots they discussed at the last meeting because they were in the Estate Zone. Director Eddington explained that there was an odd area in the Alice Claim area where some of the Estate zone is tucked in behind the HR1 zone. This language was always included in the Old Town Sending District. It simply says that an Estate Zone cannot be divided into a bunch of credits for Old Town lots. There is only one credit for an Estate lot.

Chair Pro Tem Joyce clarified that the proposed change fixes the equity problem for the SOT1, 2, 3, 4, but they were not fixing the equity for an Estate lot. An Estate lot is treated the same as a historic Old Town lot. Director Eddington answered yes.

Director Eddington commented on other issues related to TDRs that this Planning Commission may want to discuss in their broader discussion of TDRs. He noted that the Staff had proposed other things at the time the ordinance was written, but the Planning Commission and the City Council chose to go more conservative.

Chair Pro Tem Joyce could see how TDRs could get fairly complex based on having a number of different priorities for both sending and receiving. Director Eddington remarked that getting to that level of specificity when looking at TDRs holistically would be good, and he would recommend it.

MOTION: Commissioner Phillips moved to forward a positive recommendation to the City Council to adopt the attached ordinance for LMC Amendments regarding Transfer of Density Rights in Chapter 15-2.24. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission adjourned the regular meeting and moved into Work Session to discuss General Plan Implementation. That discussion can be found in the Work Session Minutes dated March 11, 2015.

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Park City Planning Commission meeting adjourned at 7:15 p.m.

Approved by Planning Commission: _____