

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 10, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm

EX OFFICIO:

Planning Manager Kayla Sintz, Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander Planner; Makena Hawley; Planning Technician; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Worel who was excused.

ADOPTION OF MINUTES

May 13, 2015

The Planning Commission lacked a quorum of members who had attended the May 13, 2015 Planning Commission Meeting. The minutes were continued to the next meeting

MOTION: Commissioner Phillips moved to CONTINUE the minutes of May 13, 2015 to the next meeting. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

May 27, 2015

Commissioner Joyce moved to APPROVE the minutes of May 27, 2015 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed. Commissioner Strachan abstained since he was absent from the May 27th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

The Staff presented the new public noticing signs for projects that would be posted on properties. Seventy signs were ordered.

Planning Manager Kayla Sintz stated that at the last meeting she told the Commissioners that City Engineer Matt Cassel would provide a capital improvements update. However, due to the length of the agenda this evening his update was moved to the June 24th meeting. Ms. Sintz noted that a representative from the Building Department would also be present on June 24th to do a work session on construction mitigation plans.

Planning Manager Sintz reminded the Planning Commission of the dinner at the Mayor's house on Tuesday, 5:30 p.m.

Planner Manager Sintz reported on a growth discussion called What's Next at the Santy Auditorium on Monday May 15th, from 5:45 to 8:00. The Mayor and Tim Henney will be presenting, as well as Envision Utah, followed by roundtable discussions.

Commissioner Phillips disclosed that he owns a lot at Victory Ranch, but he is not a Club member. He does not have a stake in 875 Main on the agenda this evening and it would not affect his ability to discuss and vote on the matter.

Commissioner Phillips disclosed that he would be recusing himself from the Alice Claim matters on the agenda this evening due to past relationships with the owner. To be fair to both the public and the applicant he was not 100% confident that he would be able to remain objective.

Commissioner Phillips noted that the Planning Commission would be discussing hot tubs this evening under the LMC amendments. He disclosed that he has a non-compliant hot tub at his home.

Commissioner Phillips disclosed that he was currently designing an addition on his home that is less than 1,000 square feet. Proposed language under the LMC amendments would change the requirements for a CUP; however, the new language would not put him under the CUP requirements and it would not affect his application. Commissioner Phillips believed he could be objective in the discussion this evening.

Commissioner Band disclosed that she would be recusing herself from 7101 Stein Circle because Stein Eriksen Lodging Management Company owns the brokerage she works for.

Commissioner Thimm disclosed that in the past he he has worked both professionally and collaboratively with Greg Brown, a representative for the Alice Claim applicants. However, they have no current business dealings and he felt that he could remain objective.

Chair Strachan disclosed that Joe Tesch, a representative for the Alice Claim applicants, contacted him a number of months ago to discuss the Alice Claim application. The conversation was non-substantive, but he thought it should be disclosed.

CONTINUATIONS (Public hearing and continue to date specified)

1. 259, 261, 263 Norfolk Avenue – Consideration of the First Amended Upper Norfolk, Subdivision Plat – Amending Conditions of Approval on Ordinance No. 06-55.
(Application PL-15-02665)

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

MOTION: Commissioner Joyce moved to CONTINUE 259, 261, 263 Norfolk Avenue to June 24th, 2015. Melissa Band seconded the motion.

VOTE: The motion passed unanimously.

2. 550 Park Avenue – Steep Slope CUP for Construction of a new single-family dwelling and a Conditional Use Permit for a parking area with five or more spaces.
(Application PL-14-02451 and PL-15-02471)

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

MOTION: Commissioner Band moved to CONTINUE 550 Park Avenue Steep Slope Conditional Use Permit to an uncertain date. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 936 Empire Avenue – Modification to the Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. (Application PL-15-02618)

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

MOTION: Commissioner Phillips moved to APPROVE the Consent Agenda. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 7101 Stein Circle – Stein Eriksen Residences Condominium Plat Amending the North Silver Lake Condominium Plat (Application PL-15-02680)

Commissioner Band recused herself and left the room.

Planner Francisco Astorga reviewed the application for an amendment to a record of survey for the plat that was approved by the Planning Commission and City Council last year known as the North Silver Lake plat condominium record of survey. Planner Astorga stated that due to market demand and buyer request revisions, the applicant was requesting to adjust the building envelopes.

Planner Astorga noted that the newly updated address based on the last plat amendment from last year was 7101 Stein Circle. It used to be 1701 North Silver Lake Drive. The Staff report included history going back to the former appeal from 2010. The Staff did not find that the requested condominium plat affects any of the former determinations as all of the current and former conditions of approval shall continue to apply.

Planner Astorga presented an exhibit showing the actual plat itself and the requested plat amendment outlined in red. He noted that Unit 6 was supposed to be a duplex; however, instead of a duplex they decided to build a larger home. The perimeter footprint is primarily the same and the Staff finds that it is in substantial compliance with the 2010 conditional use permit. Planner Astorga pointed out that the footprint of the north building was changing and getting little smaller.

Planner Astorga stated that as the Staff reviewed the plat they found that none of the units were getting taller from what was originally recorded from the 2014 approval. He referred to an exhibit on page 130 of the Staff report comparing the estimated square footage of each unit with the square footage recorded in 2014. He noted that some of the common areas got bigger to accommodate for specific columns, which accounted for the -124 for the multi-dwelling units. The commercial units were increased 161 square feet. The

residences on the perimeter homes were larger at 6,000 square feet. However, spreading that out over 14 single family dwellings was not a significant change and substantially complies with the original approval.

Planner Astorga reported that the plan is for the applicant to retire the current North Silver Lake Condominium Plat and record the newly updated plat.

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

Commissioner Joyce understood Planner Astorga to say that the duplex on Lot 6 would become a bigger house. He thought it was actually taking a larger home and making it into a duplex. Planner Astorga stated that Commissioner Joyce was correct.

John Shirley, representing the applicant, explained that originally it was a duplex and for the plat that was currently approved it was converted to a single family home. It was not converting back to a duplex. Mr. Shirley stated that it was also the reason for the square footage change. The square footage was reduced for the single family home and it was increased back to where it was for the duplex.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce understood that before he became a Planning Commission the North Silver Lake project was negotiated down to every detail. This is the second time it has come back to the Planning Commission for changes driven by the market. He asked the Commissioners who were part of the original process to inform the Commissioners who were not involved if changes come back that conflict with the original approval.

Chair Strachan agreed that the project was negotiated in detail. However, the change requested this evening were minimal and it is important to give developers some flexibility when necessary. Commissioner Thimm agreed that the changes were not substantial. Commissioner Campbell and Phillips concurred.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for 7101 Stein Circle, the Stein Eriksen residences Condominium Plat based on

the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously. Commissioner Band was recused.

Findings of Fact – 7101 Stein Circle

1. The site is located at 7101 Stein Circle in Deer Valley.
2. The site is located in the Residential Development (RD) District.
3. The proposed Condominium Plat amends building envelopes and interiors from the existing plat approved by the City Council on May 08, 2014.
4. The proposed Condominium Plat Amendment adjusts the platted condominium units, common area, and limited common area for the development.
5. The proposed plat identifies the private, limited common, support limited common and facilities, and common areas.
6. The current Condominium Plat consists of twelve (12) single-family dwellings, one (1) duplex dwellings with two (2) units, forty (40) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.
7. The Condominium Plat approved in 2014 was consistent with the 2010 approved Conditional Use Permit containing 54 units.
8. The proposed Condominium Plat consists of eleven (11) single-family dwellings, two (2) duplex dwellings with two (2) units each, thirty-nine (39) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.
9. The proposed Condominium Plat Amendment is consistent with the 2010 approved Conditional Use Permit containing 54 units.
10. Even though the number of detached structures and multi-unit dwelling is changing from the Condo Plat, the density remains the same at 54 units as

specified in the Deer Valley Master Plan.

11. The massing remains in substantial compliance with the 2010 CUP approval due to the shift in size from the units that will be modified from a single-family dwelling into a duplex and the changes from the multi-unit dwelling being affected that does not increase additional building footprint but completely interior changes.

12. The original CUP does not have to be re-reviewed as the proposal complies with the approved CUP. The density of 54 units still remains the same.

13. The size of the private units within the single-family, duplex, and multi-unit dwelling ranges from 1,997 - 8,686 square feet.

14. One (1) multi-unit dwelling unit is eliminated as a duplex is accommodated as unit 6.

15. This adjustment is consistent with the 2010 CUP plan and layout.

16. The net increase in size is 6,363 square feet.

17. The Deer Valley MPD did not allocate a maximum house size or a UE allocation for each residential unit.

18. The Deer Valley MPD density allocation was based on a density of fifty four (54) units.

19. Several building permits have been issued since the last Condominium Plat was approved and recorded in May 2014.

20. The applicant is actively working on the project.

21. All findings in the analysis section of the staff report are incorporated herein

Conclusions of Law – 7101 Stein Circle

Conclusions of Law:

1. There is good cause for this Condominium Plat amendment.

2. The Condominium Plat amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.

3. Neither the public nor any person will be materially injured by the proposed condominium record of survey plat.
4. Approval of the condominium plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The condominium plat amendment is consistent with the approved North Silver Lake Conditional Use Permit.

Conditions of Approval – 7101 Stein Circle

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
 2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. A note shall be added to the plat referencing that the conditions of approval of the Deer Valley MPD and the 2010 North Silver Lake CUP apply to this plat amendment.
 4. All conditions of approval of the City Council's July 1, 2011 order on the Conditional Use appeal shall continue to apply.
 5. All conditions of approval of the Planning Commission's February 26, 2014 action modifying the CUP to allow Lockout Units shall continue to apply.
 6. All conditions of approval of the City Council's May 08, 2014 approval of the North Silver Lake Condominium Plat shall continue to apply
2. **875 Main Street – Conditional Use Permit for an Off-site Private Residence Club in the Historic Recreation Commercial (HRC) Zoning District for Victory Ranch Member Center** (Application PL-15-02732)

Commissioner Band returned to the meeting.

Planning Technician Makena Hawley reviewed the request for an off-premise private residence club at 875 Main Street. It is located in the HRC zone and noted as a conditional use. The owner has had an active business license since November 2014. However, it was determined that the space was being used under a different business license that was incorrect for the use. In order to obtain the correct business license a conditional use permit process was required.

After reviewing the 15 criteria the Staff recommended that the Planning Commission review the proposed conditional use permit for an off-premise private residence club at 875 Main Street, Unit A, conduct a public hearing and consider approving the Conditional Use Permit based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Planning Manager Sintz stated that the vertical zoning ordinance and storefront discussion would be coming to the Planning Commission on June 24th as a potential LMC Code change. If this application triggers a discussion that the Commissioners would like to have, the Staff would be happy to take input and bring it back. Ms. Sintz noted that this application was vested under what is available for the conditional use permit.

Chair Strachan asked if there was history as to why the footnote to the conditional uses specifies those particular properties but does not mention 875 Main Street. Planning Manager Sintz stated that it indicates any properties north of 8th Street are also excluded. 875 Main Street falls under that condition. Chair Strachan noted that it was this property and one other and he questioned why they were excluded.

Planning Manager Sintz explained that the Summit Watch plat was an area where a number of addresses fell under for the analysis. At the time the plat was approved and when the vertical zoning ordinance went into effect, they were concerned that the area did not receive as much foot traffic and it was difficult to lease the spaces. Therefore, during the discussion at that time a certain number of the addresses on Lower Main were excluded. Ms. Sintz stated that the Staff would present a full analysis and a timeline on June 24th and open the discussion.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Band stated that after 205 Main Street slipped through the cracks and in 2007 an amendment to the LMC was made specifically excluding these private residences clubs, she was curious as to why just a few properties were excluded. She read Purpose Statement G for the HRC, "Allow for limited retail and commercial uses consistent with resort bed base and the needs of the local community. Statement I, "Maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity, public and resort related actions." Commissioner Band did not have an issue with a private club above the ground level, but she was uncomfortable having a private club in a store front on Main Street. She believed it was the opposite of what they were trying to accomplish for Main Street.

Commissioner Band referred to the criteria, Size and Location of the Site, and stated that in her opinion having a private club in this location was an unmitigated impact.

Commissioner Joyce noted that the Staff report identified the number of users during the day. The number was small, but he wanted to know how built out Victory Ranch was currently.

Jeff Graham, representing the applicant, believed it was 10% built-out. Commissioner Joyce noted that an approval extends beyond the current situation. When looking at all the numbers and scenarios, and assuming the Club will be successful, the number increased over time to 80 people per day and a 120 on a busy day. Commissioner Joyce thought it was difficult to use the current users and the current volume of traffic as anything other than a base multiplier. He assumed the next 90% would use it with the same regularity.

Mr. Graham stated that it was not really a private club. That is the term under the definitions of the LMC, but the real use is a hospitality unit. It has locker rooms, refreshments, and a restroom. The purpose is to have people come in during the ski season or during the summer to use the restroom, change into ski clothes, and put their things in the locker. They also plan to use it for a social event once a month. They have had two events since they opened in November and it was not an issue. Mr. Graham noted that growth and size is limited by the Fire District to 48 people maximum. The space is 1225 square feet and 90 people would not fit. Mr. Graham was not opposed to adding a condition of approval limiting the occupancy to what the Fire District has approved.

Mr. Graham stated that parking should not be an issue. They provide a shuttle service, there are three spaces in the basement, and they have a joint parking agreement with a neighboring property with 120 to 130 spaces. Mr. Graham believed the use brings vitality to Main Street because it is a place for people to come before they go out to dinner. They

serve refreshments but not dinner and it is as good place to stop by before or after having dinner. It brings people to Main Street and promotes the use of Main Street.

Commissioner Band clarified that her only issue is having the private club use in a store front on Main Street. She did not think it was an appropriate place for a private club. Commissioner Band believed the City agreed with her at some point when the amendment was written.

Mr. Graham stated that he would argue the definition because it is not a private club. Commissioner Band understood that it was not a private club per se, but not being a member she would not be able to walk in and use the facility. Commissioner Joyce agreed that the key word was "private". Commissioner Band thought it was a mistake to exclude this building from the store front requirements.

Commissioner Phillips pointed out that this application was a conditional use. Commissioner Band has used 205 Main Street as an example, but if that had come to them as a conditional use the outcome would have been different.

Assistant City Attorney McLean reminded the Commissioners that they would have the opportunity to amend the Code and recommended the changes to the City Council. However, currently it is a conditional use in the zone and under State Code a conditional use is an allowed use as long as the impacts are mitigated.

Commissioner Band disagreed with the Staff that the impact is mitigated in terms of size and location of the site. In her opinion, it is in a location where the public should be allowed.

Commissioner Phillips stated that if he were to choose anywhere on Main where this could exist, he would choose this location. It is tucked away at the very end and there is not a lot of passing traffic in the area. It is setback and the store front is not directly on the sidewalk.

Commissioner Campbell liked the idea but he wanted to better understand how people would get in and out. He favored the idea of people leaving their cars outside of the City. Mr. Graham replied that some people would still be driving to the facility, but shuttle vans would reduce the number of people who drive there. Some owners and club members live in Park City and the vans pick them up from home and shuttle them to the facility. Commissioner Campbell liked that people could shuttle in, change into their ski clothes and get on the Town Lift without congesting the streets or taking up parking spaces.

Commissioner Phillips stated that traffic is always a concern but he thought the public buses might also reduce the number of cars.

Commissioner Thimm stated that when he first read through the Staff report his thoughts paralleled with Commissioner Band. However, he realized that it does promote vibrancy on Main Street. In terms of intensity of use, if this was a more commercial use that was open to the public he thought there would be more intensity of use. However, because the use is different from most of the other uses it was difficult to measure intensity. Commissioner Thimm stated that if the LMC is amended, he would prefer to see a clear store front and people going in and out, but he could not find any major unmitigated major factors for denying this conditional use.

Commissioner Joyce commented on the mitigation of parking and noted that the public buses already take people wherever they want to go. Whether or not this club exists will not sway people to take the bus instead of their car. Commissioner Joyce still questioned the math for parking and how it was determined. If they were to have 48 people each day he questioned how the parking requirement is mitigated based on the current Code.

Planning Technician Hawley referred to Finding of Fact #18 and explained the shared parking and the access agreement to show where the extra parking would be available. Commissioner Joyce was comfortable if the Staff felt there was enough parking and the issues were mitigated.

Planning Manager Sintz noted that Ms. Hawley had drafted a condition of approval that the Planning Commission might review this application for parking issue after one year of use or possibly two years of use. Chair Strachan felt the reviews did not have much teeth because once a CUP is granted it runs with the land. Assistant City Attorney McLean stated that the purpose of review is to see if there are ways to mitigate other impacts.

Ms. McLean clarified that if the Fire Code only allows 48 members to use the Club at one time. Commissioner Joyce pointed out that the Fire Code will not stop the number of cars. Commissioner Phillips remarked that more than 48 people could use the facility throughout the day but they would not all be there at the same time. He stated that lockers give people the opportunity to leave their equipment at the facility and use public transportation. Commissioners Joyce and Band cited examples where skiers would drive in and keep their cars parked all day while they ski and in the evening while they have dinner.

Chair Strachan recalled when the vertical zoning ordinance was enacted and he vigorously disagreed with the decision to carve out specific properties. He believed the exclusion was made because they segregated lower Main Street from Upper Main Street. At the time he thought Lower Main Street would grow and be similar to Main Street. Chair Strachan noted

this property was not subject to the Vertical Zoning Ordinance and it is a conditional use. He personally does not like the use but it is allowed by Code. Chair Strachan stated that his view has always been that parking on Main Street is self-regulating and when it gets to a choking point people will stop coming to Main Street. He hoped that people would realize that parking on Main Street is unattainable and they will take the van.

Chair Strachan recommended a one-year review to look at the impacts. Commissioner Joyce preferred a review in two years. Commissioner Phillips thought three years was a better time frame to get a realistic idea of any additional impacts.

Mr. Graham was comfortable with the condition requiring a future review. He also noted that the applicant intends to do their own parking study to understand the parking habits of their staff and members.

Planning Technician Hawley read the added condition. "The applicant shall submit to the City Planning Department for review by the Planning Commission a three-year review of the Club, including use, parking and traffic impacts, and a summary of complaints received regarding impacts of the Club on the operation, guest, and owners of adjacent or nearby properties.

Chair Strachan thought "use" was too vague and suggested that they take it out.

Assistant City Attorney McLean asked if they should come back to the Planning Commission or just the Planning Department. Chair Strachan was comfortable with a review by the Planning Staff.

Mr. Graham asked if the reference to traffic was people in and out of the facility or traffic on the street. Chair Strachan thought it was a valid point and that the condition should only be tied to parking.

Ms. Hawley read the revised condition, "The applicant shall submit to the City Planning Department a three year review of the Club including parking impacts."

Planning Manager Sintz stated that the Staff would bring the review to the Planning Commission as an update under Staff Communications once the trigger occurs.

MOTION: Commissioner Thimm moved to APPROVE the conditional use permit of an off-premises private residence club at 875 Main Street, Unit A, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended to add Condition #5. Commissioner Joyce seconded the motion.

VOTE: The motion passed 4-1. Commissioner Band voted against the motion.

Findings of Fact – 875 Main Street.

1. Applicant requests the use of the commercial condominium unit as an offpremise private residence club at 875 Main Street Unit A.
2. The proposed use requires a Conditional Use Permit in the Historic Recreation Commercial (HRC) District.
3. This use will not affect any exterior areas and no exterior changes are proposed to the building.
4. The current space was previously used as a gallery, a development group office, and a retail use.
5. The entire unit, Unit A, is 1225 square feet.
6. The requested use will occupy the entire unit.
7. Based on Fire District Approval the 1225 square foot unit has a maximum capacity of 48 people.
8. The unit was platted as Private Commercial Ownership Unit A of the Lift Lodge at Town Lift plat recorded in 1999. It is not part of any Master Planned Development.
9. The structure was reviewed by the Design Review Task Force for compliance with design guidelines and approved as an allowed use.
10. Land Management Code (LMC) § 15-2.5-3(B)(31) indicates that a Private Residence Club, Off Site, is a Conditional Use in the HRC District.
11. The footnote attached to the Conditional Use of a Private Residence Club, Off Site reads as: "Prohibited in storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue Rights-of-Way, excluding those HRC zoned Areas north of 8th Street; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street ". 875 Main Street is located north of 8th Street, therefore is excluded from the provisions of the vertical zoning regulations.

12.The Land Management Code defines the Club, Private Residence Off-Site as: Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office. "(LMC § 15-15-81.49)(E).

13.The actual use of the member club will not be public and is for the exclusive benefit of the Victory Ranch Members. It will be a home base at the bottom of Park City Mountain Resort for members to utilize lockers, allow a space to change from/to ski gear, for families to re-group, and to serve as a gathering spot for après ski.

14.No additional utility capacity is required for the requested use.

15.Emergency vehicles can easily access the unit and no additional access is required.

16.According to the Non-Residential Parking Ratio, the requested use fits best under the definition of a "Recreation Facility, Private or HOA" (LMC § 15-3-13 (B)). This triggers a minimum parking requirement of 1 space per 4 persons maximum rated capacity. With the 1225 square foot unit having a maximum capacity of 48 people based on Fire District Approval, 12 parking spaces are required.

17.The parking in the Lift Lodge provides 12 spaces to share between the three (3) commercial uses in the building.

18.The unit was approved with the Lift Lodge at Town Lift condominium plat in 1999. The building was approved in June 11, 1997 with the McIntosh Mill CUP.

19. The Lift Lodge was involved in a shared Parking Plan with the Summit Watch and Town Lift Plaza/Caledonian parking structures allowing the parking needs for the adjacent developments to be shared.

20.The applicant, Victory Ranch LLC, provides a twelve (12) person sprinter van

and a Suburban that shuttle members from their homes to the member center/Main Street. These vehicles are always on call. The General Director of Victory Ranch noted that typically 4-6 people, per van, utilize this service a day.

21.The parking area/driveway is directly accessed off 9th street and no changes to the access or parking area are proposed.

22.Fencing, screening, and landscaping are not proposed at this time and are not needed to separate uses as the uses are fully enclosed within the building

23.The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building.

24.No useable open space will be affected with the requested use from what is currently found on site.

25.All signs are subject to the Park City Sign Code. No additional signs and lighting are associated with this proposal.

26.Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application. No additional lighting is proposed at this time.

27.The requested use will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.

28.Noise, vibration, odors, steam or mechanical factors normally associated with the purpose use will not require additional mitigation as the space was constructed as a commercial unit and no changes to the shared interior walls or to the exterior windows or doors are proposed.

29.The club will hold small wine and cheese gatherings for members once a month in the winter and roughly 15 people attend. The impacts for the private resident club are less than a bar or restaurant located in this area facing Main Street.

30.The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.

31. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.

32. The entire unit is owned by Victory Ranch Acquisitions LLC with private use by members of the Victory Ranch Owner's Association and guests.

33. The proposal is not located within the Sensitive Lands Overlay.

34. Unit A is shown on the plat as part of the private commercial ownership designation. The plat identifies four (4) categories: Common areas and facilities, private residential ownership, limited common areas, and private commercial ownership. Commercial areas include retail, meeting rooms, and restaurants. The proposed private residence club space would be located within the commercial space noted on the Plat as Unit A.

Conclusions of Law – 875 Main Street

1. The application complies with all requirements of the Land Management Code.
2. The use will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use is consistent with the Park City General Plan, as amended. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 875 Main Street

1. The requested use shall be conducted within the specified space at 875 Main Street, Unit A as approved by the Planning Commission, which is within a fully enclosed building per Park City Land Management.
2. The applicant is responsible for management of the club and enforcement of the Covenants, Conditions and Restrictions of the Lift Lodge Condominiums.
3. If the Off Premise Private Residence Club use is abandoned for a year or more, this Conditional Use Permit shall be void.
4. All conditions of approval of the McIntosh Mill CUP continue to apply.

5. The applicant shall submit to the City Planning Department a three year review of the Club including parking impacts.

3. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment** (Application PL-08-00371)

4. **Alice Claim south of intersection of King Road and Ridge Avenue – CUP for retaining walls up to 10' in height.** (Application PL-15-02669)

Commissioner Phillips recused himself and left the room.

Assistant City Attorney McLean requested that the Planning Commission take public comment on both items at the same time and discuss the applications together since the Subdivision and Plat Amendment and the CUP were intertwined. However, two separate actions were required.

Planner Christy Alexander noted that the Planning Commission held a site visit and work session on October 8th, 2014. The applicants came back to the Planning Commission in March and April, at which time the Commissioners continued it to allow the applicant to work through the issues.

Planner Alexander outlined the main concerns raised at the April 8th meeting, which included 1) more clustering; 2) change in layout; 3) site suitability with the slopes; 4) possible geo-tech issues and stability issues on the steep slopes; 5) further terracing and mitigation and landscaping of the retaining walls; 6) reducing cut and fill; 7) the need for so many retaining walls; 8) reducing disturbance on each lot; 9) compatibility with the HR-1 zone; 10) Lot 7 concerns; 11) defining open space conservation easement and access. Planner Alexander stated that the applicant heard the concerns and tried to find a better way to layout the subdivision and mitigate the concerns. The applicant submitted revisions to the site plan as noted in the Exhibits. The applicants would explain the revisions during their presentation this evening. Planner Alexander noted that the Planning Commission had major concerns with Lot 7 due to the steepness of the slope, as well as it being a unique position and closer to the ridge, as well as the proposal to bring up the roadway to create a bridge over the City property with extremely large retaining walls. She pointed out that Lot 7 was completely removed from the site and moved to where Lot 5 was located, and the lots were clustered closer together. That revision significantly changed the retaining wall layout. Planner Alexander noted that there was no longer a need for the road which eliminated the bridge. The applicants were also proposing three 10' retaining walls at the access that would terrace back 4' in between each wall as required by Code to allow for vegetation landscaping. The retaining walls in between Lot 2 and 3 and above Lots 5

and 6 were also changed. Therefore, all of the retaining walls in that location would be 6' and under, which does not require a CUP. The only retaining walls required under the CUP are the three 10' walls at the access.

Planner Alexander noted that the neighbor on the corner spoke at the last meeting and he was willing to negotiate an easement to allow access over his property. At this time an agreement has not been negotiated and the applicant was unsure when that would occur. The applicant was asking to put both access ways on the plat in case the plat is approved before the negotiations are finalized. Planner Alexander noted that the Staff would not allow that because only one possibility can be shown on the plat. If the negotiations go through, the Staff believes that access would create a better route and would lessen the need for large retaining. The Staff favored bringing the access over the easement. If the Planning Commission chooses to approve the plat and an easement agreement is reached prior to the plat going to the City Council, Staff requested that the Commissioners allow the applicants to move forward with the preferred access route at the City Council level.

Planner Alexander remarked that regarding the need for more clustering, changing the layout and compatibility with other nearby HR-1 zones within the City, the applicants had proposed to limit the footprints to 2500 square feet. As noted in the HR-1 zone and considering the size of the lot, she did not believe 2500 square feet was limiting the footprint enough. She stated that if the Planning Commission wanted to forward a positive recommendation, they could still require the footprint to be limited even further. The Staff recommended that the homes be limited to two stories to reduce the visibility from cross canyon and other places within Old Town. They also recommended a 25' height maximum.

Planner Alexander noted that the two-story limitation was mentioned in the Staff report but it was not stated in the conditions of approval. The 25' height was laid out in the Conditions but not two-stories. If the Planning Commission decides to forward a positive recommendation on the plat, she recommended revising Condition of Approval 17 to read, "All homes within the HR-1 District in this subdivision shall be limited to a building height maximum of 25 feet from existing grade **and a maximum of 2 floors...**". Planner Alexander noted that currently a 35' interior height is allowed in order to allow homes to stack up on the hillside. Because the Staff did not want to allow the floors to be stacked, she recommended adding "**exterior maximum of 30 feet.**"

Planner Alexander stated that the building pad areas shown on the site plan were listed in the conditions of approval; therefore, the building pads would have to remain in those locations.

Planner Alexander commented on issues with conditions of approval. Condition #32 states, "All Site and Public Improvements shall be completed prior to plat recordation, or if the Applicant submits a finalized and engineered design the Applicant may petition the Planning Commission to allow the Applicant to submit an adequate financial Guarantee for all Site and Public Improvements prior to the expiration of the plat approval."

She also noted that Condition of Approval #3 states, "Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings or retaining walls within this subdivision". Planner Alexander pointed out that Conditions #3 and #32 do not comply with one another. The applicant would be allowed to do the retaining walls before the plat is recorded and she requested revising Condition #3 to remove "**or retaining walls**", and a sentence, "**completion and approval of final HDDR applications are required prior to building permit issuance for any construction of retaining walls within the subdivision**". Planner Alexander revised Condition #32 to read, "**Building permits for the grading and retaining walls will be permitted prior to plat recordation, so long as a bond for site restoration and revegetation is put in place**".

Planner Alexander stated that the City Engineer had reviewed the geo-technical report and felt that it met City standards. The site is on bedrock and the soils are the same as other areas within the City that were developed. Planner Alexander pointed out that the mine was filled in as noted in the letter from the applicant's engineer. It would also be noted on the plat with a restriction that no construction can occur within ten feet of the mine site.

Regarding the concerns for terracing and mitigation and landscaping of the retaining walls, Planner Alexander reiterated that all terracing of retaining walls would have to be four feet and set apart horizontally in order to allow for vegetation and landscaping. The height of the retaining walls was lowered. Planner Alexander stated that the Staff was unclear about the limit of disturbance on the lots, but the applicant has informed the Staff that the proposed LODs are the lot lines. It will be noted that the building pads cannot be changed from what was proposed on the site plan and on the plat.

Planner Alexander stated that the open space conservation easement will be dedicated as open space and transferred to a third party in the future.

Planner Alexander requested that the Planning Commission allow the applicant time for their presentation and then open the public hearing.

Chair Strachan asked if the changes to the conditions of approval were revisions to conditions contained in the Staff report, or whether there were new conditions of approval. Planner Alexander clarified that it was only revisions to Conditions 3, 17 and 32. Planning

Manager Sintz noted that story is a defined term in the LMC and she recommended that they use the word “stories” rather than “floors”.

Commissioner Thimm stated that Condition of Approval 30 talks about maintaining a 10’ setback from the mine opening; however, the soils report recommends filling mine openings. He questioned why they were diverging from what the soils report recommended. Planner Alexander replied that the Engineer noted that the mine has been filled.

Greg Brown with DHM Design thanked the Staff for their efforts in helping to revise the plan. He appreciated their time and energy. Mr. Brown introduced Jerry Fiat, with King Development, Brad Cahoon, Legal Counsel; Sheldon Baskin and David Cagen with King Development; Marc Diemer with DHM Design; Kathy Harris, the environmental consultant, Joe Tesch, Legal Counsel, and Peter Duberow with Stantec Engineering.

Mr. Brown gave a power point presentation on the four applications which included the subdivision, the plat amendment, a rear yard setback variance for the Estate Lot, and the CUP application for the entry retaining wall.

Chair Strachan thought the variance was a Board of Adjustment matter. Assistant City Attorney McLean explained that the applicant was requesting a setback reduction which is allowed per the LMC and it was a matter for the Planning Commission because it was not an actual variance.

Mr. Brown noted that in October 2014 they came before the Planning Commission for a work session. The concerns raised at that time related to open lands, the amount of site disturbance, and further mitigating the entry wall. The Staff was asked to compatibility studies with the surrounding neighborhoods. There was also a lot of concern and discussion regarding the Estate lot location. On April 8th the applicants presented suggestions they had for solving some of the problems. They significantly reduced the lot size of the HR-1. Mr. Brown noted that the lot lines were reduced and the .1 acre proposed is the minimum they can go with a 2500 square foot footprint per the LMC. Mr. Brown pointed out that the lots are small enough now that to build the house the disturbance would be within the lot line. Mr. Brown stated that terracing and landscaping were shown at the last meeting and they would show additional terracing and landscaping to mitigate the retaining walls. He noted that the building size and height in the HR-1 District was further restricted based on the Staff recommendation, and the applicant agreed to the 25’ building height for the HR-1 District. Mr. Brown stated that the Estate Lot was relocated from the steep land to the flatter bottom. He presented a plan showing the new location of the Estate Lot. It is lower on the site and the amount of site disturbance is reduced.

Mr. Brown stated that the applicants heard a variety of suggestions at the April 8th meeting and he summarized them into 9 points. The first was site suitable. They were concerns regarding slopes and geo-technical issues in terms of buildability. Marc Diemer with DHM Design had submitted a letter that responded to the 11 criteria items in LMC Section 15-7.3 that talks about the restrictions to development due to the character of the land. The letter was attached to the Staff report as Exhibit L on page 351.

Mr. Brown reviewed the 11 criteria and summarized why they believe they meet the criteria.

1) Flooding - The FEMA mapping stops below the site. There has never been evidence of flooding and the engineer does not believe there is a flood problem. The houses will not have basements and the homes will be located above the drainage channel.

Mr. Brown pointed out that the FEMA map is part of the conditions of approval and the FEMA map will be updated prior to recording the plat. The FEMA map will define the exact location of the flood plain.

2) Improper Drainage – The drainage channel was reconstructed as part of the remediation project. It has been in for six years and does a very good job of carrying the runoff.

3) Steep Slopes – A geo-tech report was included in the Staff report. There were no issues identified in the geo-tech report that prohibits development on this site.

4) Rock Formations – There is an outcrop within the Estate Lot; however, the new Estate Lot location pulls it further away from the rock outcrop. More separation, the road, and the ditch further provides a safety zone.

5) Mine Hazard - The mine was filled during the remediation project. Per the requirement, once filled the setback can be reduced to ten feet.

6) Potentially toxic waste - The remediation project program in 2008 removed and capped the hazardous waste on this project specifically for residential development.

7) Adverse earth formations or topography. The geo-technical report concludes that there are no potential hazards existing on the site.

8) There are no wetlands on the site.

9) Geologic hazards. The geo-tech report provides guidance for construction. Any special construction techniques would be covered by construction detailing.

10) Utility easements. The applicants have been working with the City Engineer and City Staff to make sure the easements were accounted for. Part of the entry road is on City property and easements would be placed for access and utilities. Access easements for the City to access the water tank would be addressed on the plat. The City Engineer has final review and signs the plat to make sure he agrees. That must be done before they can move forward.

11) Ridgelines – Per the City ridgeline map there is not a ridgeline on the site. There was significant discussion at the last meeting about Lot 7, which would have been the lot closest to any ridgeline above. Lot 7 has been relocated and it is now further away from anything that might have been perceived as a ridgeline.

Mr. Brown noted that the relocation of Lot 7 eliminates the driveway through sensitive lands, as well as the retaining wall and the bridge. The home will be accessed from a road that was already in the design. The amount of roadway was reduced and the lots are more clustered, which reduces the overall disturbance within the project.

Mr. Brown presented the current plan which showed where the lots were plotted out in the HR-1 zone and how the lots sizes were reduced and moved down the hill to increase the open space. He pointed out that the spur road to Lot 7 was eliminated when the lot was moved.

Mr. Brown showed samples of the retaining walls and landscaping. Relocating Lot 7 reduced the need for such a large wall. The retaining walls for lots 2, 3, 4 and 5 were lowered. The homes were reconfigured to reduce the site walls and the buildings will be used to retain a lot of slope. The walls were stepped down to six feet to reduce the number of 10' walls. The only walls over 6' will be at the project entry. They had looked at reducing the entry walls to 6' but it would further impact the evergreen trees on the site. The only retaining walls that needed a CUP were the ones at the entry. The remaining retaining walls would be 6' maximum height stacked stone walls with landscape beds in between. Mr. Brown presented photograph examples of similar rock walls around town.

Mr. Brown noted that the Staff had recommended that they increase the landscape by 20% with a minimum tree size of 10'. However, the applicant would like to propose an average tree size of 10' to create a variation of 6' to 14' trees. He requested the ability to work with Staff to see whether or not there could be some flexibility on the percentage of required landscaping. Mr. Brown was concerned about replacing a stone wall with a wall of trees.

Mr. Brown stated that another item of concern was clustering and the layout. He showed a before and after plan identifying the changes that were made. He remarked that a quick calculation showed that the impact to the site is less than 25% of the development area.

Mr. Brown recalled that there was significant discussion at the last meeting regarding compatibility. He presented a graph of some of the zoning in the area and noted that this site is next to a HRL zone. HRL zone roads and houses tend to follow the contours of the land, which is their goal with this development. Mr. Brown stated that the adjacent zoning is HRL zoning and Estate. The applicants see this site as a transitional area between Old Town and the open space beyond. Mr. Brown reviewed a zoning map and pointed to the HRL zone. He noted that the roads that access their site come through the HRL zone. Mr. Brown thought the design for their development should look more like the HRL zone because they were the adjacent neighbor. He felt that forcing a higher density or more of an HR-1 look was inappropriate on a site like this.

Mr. Brown referred to an analysis in the Staff report comparing house sizes in the neighborhood. They had done their own compatibility study and determined that their proposal was more in line with the HRL zone behind them. He presented a list of the 14 houses that were used in the comparison. Of the 14 houses, the average lot size was $\frac{1}{4}$ acre. Their proposed lot size is .18. The average house size is 4,933 square feet and they were requesting 5,000 square feet. Mr. Brown believed their project was compatible with the neighborhood directly adjacent to them.

Mr. Brown noted that currently the plat shows all of the open space parcels and the no disturbance zone in the Estate lot. The plat note states, "No development is allowed in open space parcels for non-disturbance areas." Mr. Brown stated that the goal for the open space is to either deed the open space itself or an easement to a third party conservation organization. Mr. Brown presented a diagram showing the amount of open space on the site and how the lots are clustered down in the lower area.

Mr. Brown remarked that the Planning Commission had talked about putting more teeth in the conditions of approval. He stated that following Planning Commission and City Council approvals all of the conditions must be met. Only then will the Staff and the agencies approve and sign the plat. He pointed out that the lots cannot be sold until the plat is recorded. Mr. Brown believed the process provided enough teeth for the conditions.

Mr. Brown stated that the applicants were also willing to restrict lot sales until the site infrastructure is complete. They have been working with Staff to make sure the conditions are as clear as possible and that both sides are protected.

Mr. Brown commented on Planner Alexander's reference about the unclear limits to the disturbance. He believed they had reduced the lots tight enough around the building footprint that the lot line would be the limit of disturbance line. Mr. Brown commented on

the Woodside Drive option that was mentioned by Planner Alexander. The applicants wanted to have both options shown on the plat, because if an agreement is reached to use Woodside Drive for access it would already be pre-approved. However, since legally both options cannot be on the plat, the applicants would like to create a finding or condition of approval that would allow the City Council to change the access. They would like the process to be as streamlined as possible.

Mr. Brown indicated the small piece of HRL land on the north side of the project that would be deeded to the City. He noted that Sampson Avenue and King Road currently come through the parcel. The Staff report talks about the land being dedicated as a right-of-way. The applicants suggested creating a right-of-way for the existing road, and the remainder of the parcel would become open space with a landscape easement to do landscape improvements. A slope on one side of the road needs stabilization and they would like the ability to do that work.

Mr. Brown commented on the timing of the expirations and their desire to simplify the process. He noted that it relates to Conditions 2, 10, 15 and 32. The applicants would like the plat and the CUP to expire one year from the date of City Council approval unless the extension is granted as allowed by Code. All approvals must be in place before plat recordation. The applicants were willing to a title restriction stating that the lots could not be sold until the infrastructure was in place. The infrastructure would be bonded prior to the issuance of the site improvement building permits. Mr. Brown believed the infrastructure would take longer than one year and he thought two years was a more practical time frame.

Mr. Brown noted that a Finding of Fact talks about the City water line running through the property. He clarified that the City water line was changed and it now runs through the City's property. The prescriptive easement on the road for those utilities is no longer needed. Mr. Brown stated that Finding #13 talks about the FEMA mapping and it implies that the lots are in the flood zone. He wanted to make sure it was clear that the mapping needed to be extended to determine whether it was in the flood zone. Mr. Brown pointed out that language in Finding #14 talks about the front side and rear setbacks and the Estate lot being reduced from 30' to 10'. He stated that the applicant was only asking for the rear setback to be reduced to 10'. The side and front setbacks would remain at 30'. Mr. Brown remarked that Finding #23 talks about the limits of disturbance being the property lines of Lots 2 through 9 and they found that to be appropriate. Finding #25 addresses the compatibility analysis that was done by Staff. The applicant requested adding a sentence stating that "The applicant has demonstrated that the houses nearby the site on King Road, upper Norfolk, Sampson and Ridge Avenue are 4,933 square feet average and the lots are an average of 0.25." Finding #34 states that existing lots 1-7 and 36-40 will be dedicated as right-of-way and open space with a landscape easement.

Mr. Brown referred to Condition #10, which goes back to their concern of having a standard process of plat recording, rather than trying to start some of the construction before the plat is recorded. Mr. Brown requested a change to Condition #15 to read, "All homes within the subdivision shall be limited to the June 10, 2015 LMC required footprint, or 2500 square feet, whichever is lower". He noted that the language as written does not have a date. If the LMC was ever changed they would be affected by the change instead of being locked into the current LMC requirement. Mr. Brown requested that Condition #32 be revised to address the timing of having all the approvals in place, recording the plat and putting in the public improvements.

Mr. Brown referred to Finding of Fact 11b in the conditional use permit and revised the language to read, "If changes occur the applicant will apply for a modification to the CUP." On 11c, he requested flexibility to work with the Staff on a final landscape plan. Mr. Brown revised Condition #10 to state that the CUP will expire one year from the date of recording the plat with the allowance for the one year extension." He explained that their goal would be to have the CUP and the plat in lockstep together. Mr. Brown understood that the Staff had concerns, but he thought it would simplify the tracking and processing if they had to come back for an extension.

Planner Alexander read Finding of Fact #4, "The City Water tank on land owned by the City is adjacent to the subject property on the south end, and a city-owned parcel bisects the subject property. The City Water line does not run within the City owned property but rather is located within a prescriptive easement on the subject property." She asked Roger McLain, the Water Department representative, to clarify the water line location.

Mr. McLain stated that last year the Water Department relocated the existing water line through that section on to the City property. The work was done in conjunction with the Judge raw water pipeline. The section of line that goes up through the existing Alice Claim property up to the tank was abandoned. Mr. McLain remarked that the easement for access to the tank would remain in place because it was not related to the water line. He clarified that the easement has not been vacated but the pipeline was relocated. Mr. McLain suggested that it could be cleaned up during the platting effort to make sure that access to the tank is maintained.

Assistant City Attorney McLean noted that the applicant had said that the City water line was completely on City property. She asked if they also have a recorded easement for water infrastructure. Mr. McLain stated that the new water lines are on City property within that portion of the project. It then conveys down into some of the existing easements and rights-of-way through the adjacent subdivision project down to King Road. Ms. McLean asked when he expected the old water line would be abandoned. Mr. McLain stated that

the water line has physically been abandoned but the line was left in place. He noted that it follows the existing tank access easement and both have gone hand in hand. Mr. McLain believed the priority at this point would be to maintain the tank access easement. With the relocation of the water line he could not see any problems with the road relocation.

Mr. Fiat explained that there is a recorded easement against the property for the access. The recorded easement runs up the existing road all the way to the water tank. In addition, the City took a portion of land which they thought was where the water line ran at one point; however, the water line ran somewhere else. Therefore, the old water line became a prescriptive easement. Mr. Fiat remarked that last year two new water lines were put in down the center of the City property. The water lines currently run from the water tank all the way out to King Road on to City property. The access to the water tank is a recorded easement. He believed the discussion related to the prescriptive easement for the water line that was abandoned, and they were not looking to remove that water line.

Mr. McLain stated that the existing tank access road easement does not follow the proposed roadway through the project. It runs from King Road straight up through the first two lots. Mr. McLain recommended that those be cleaned up at the time of platting. Mr. Brown stated that the new plat grants reciprocal access for the City, the applicant, the users and the public to use the City's property as a road; and the service road continues to be used by the City. He pointed out that there is also recreation access for bike use.

Commissioner Thimm asked if the water line was actually in Alice Court and within an easement that was already in place. Mr. Fiat replied that the water line is in City-owned property.

Chair Strachan asked Mr. McLain what he still needed. Mr. McLain replied that the Water Company needs the easement connection for the tank access road off of the proposed Alice Court as it jogs over on to the existing wishbone piece which ties into the existing access road up through the property. He believed it would be simple to clean up the existing access road from the south end.

Assistant City Attorney McLean revised Finding #4 to read, "A City water tank and land owned by the City is adjacent to the subject property on the south end and a City-owned parcel bisects the subject property." She clarified that the old water line is not within the City property. Commissioner Joyce pointed out that the old line was abandoned and it is no longer relevant. Ms. McLean further read, "The City water line does run within the City-owned property." She asked if Mr. McLain wanted a sentence regarding the tank access. Mr. McLain stated that the tank access was in a separate recorded easement and the access would have to be relocated with the plat. Ms. McLean believed that should be

addressed as a condition of approval. Planner Alexander noted that it was already addressed in Condition #28.

Mr. Fiat presented a larger version of Exhibit A as shown in the Staff report. Mr. McLain showed how the existing access road comes up off the driveway and through the lots up to the tank. He believed the Exhibit showed the new road alignment which would come off of the City property up to the tank. The applicant pointed out the old abandoned line on Exhibit A. They also pointed out how the plat granted an easement for City and public access to that area where the old public water line was located. They also pointed out the new water line and clarified that it was under City property.

Commissioner Joyce commented on the discussion from previous meetings regarding traffic patterns, stop signs and fire turns around the entrance where Sampson and King come together. He had visited the site earlier that day and it was difficult to envision a large truck making the U-turn on to King Road or making a left turn into the subdivision. Commissioner Joyce was concerned because of the steepness where the retaining walls were proposed to be cut. He asked if the City Engineer was comfortable with how the current plat was drawn, and whether there was sufficient room for emergency access. A second issue was that Commissioner Joyce could not think of anywhere else in the City where there was a hodgepodge of interconnected streets. If there is a place, he wanted to know if it works.

City Engineer Cassel stated that there is such a low volume of traffic that it currently works. However, if another drive would be added and they change around how the intersection dynamically works, they need to look at improving it as part of this project. Mr. Cassel noted that the applicant has been working towards that goal. It is a matter of maneuverability, but more importantly a health and safety issue in terms of access for emergency vehicles in and out of the development. Mr. Cassel stated that he and the applicants have been working on ways to make the intersection function a little better. He noted that due to the slopes and unique configuration, it would never be a perfect intersection. However, he expects them to mitigate the problems and get to a point where everyone is comfortable with how it works.

Commissioner Joyce wanted to know who would approve the intersection for fire and safety. Mr. Cassel replied that everyone participates. When something calls for City Engineer approval it is done with immense feedback from the Fire Department, Building Department and the Water Department. They make sure that all the issues are considered.

For many reasons, Commissioner Joyce preferred that they require moving the retaining wall back and up, and that it should be resolved sooner rather than later when it is

recorded on a plat. Mr. Cassel stated that he has been looking at the available alternative for the drive; whether it remains in the current location shown, or whether it moves over to the current dirt road access. He could not see any fatal flaws in any of the alternatives. They all work, but they all need minor tweaking. He agreed that an important element is making sure that the vehicles can make the corners and the turns and that the vehicles do not tip over. He noted that a number of dump trucks have tipped over at that intersection as they come down from King and take the corner. Mr. Cassel reiterated that the goal is to look at the whole intersection in an effort to make it better. At this point he could see nothing that would keep the added drive and the intersection from working.

Commissioner Joyce stated that he was trying to evaluate the retaining wall CUP and the fact that making it work might require noticeable changes to the retaining wall. Mr. Cassel stated that if the Commissioners wanted to add a condition stating that the road could not creep up any higher or change the height of the retaining wall, he believed they could work within that framework.

Commissioner Thimm had read through the geo-tech report and he found no red flags in terms of the soils report.

Commissioner Joyce understood that the mine was filled; however, the geo-tech report talks about the change in setback if it is filled and capped with concrete. He asked if the mine was capped as well as filled. Mr. Fiat replied that the mine was filled with granular material and impacted. There is no concrete cap. He noticed the mine has not settled in six years and it is very solid.

Commissioner Thimm commented on the 10' trees. He is used to looking at Konifers in terms of height and deciduous trees in terms of caliper. He asked if they intended to mix them. Mr. Brown stated that they typically buy multi-stemmed deciduous trees such as Aspen Trees by height. He noted that the single stem Aspen trees are generally sold as a two or three inch caliper. Mr. Brown stated that the rationale for discussing tree height was due to the fact that the wall is 10' high and trying to find something tall enough to soften the wall.

Chair Strachan referred to the slide that shows how they intend to landscape the right-of-way from the existing gravel road that comes off King. He asked Mr. Brown to explain the exact plan for making it look the way they want. He asked if it would be bark and trees or whether there would be actual disturbance. Mr. Brown stated that there was no plan to landscape the right-of-way. Commissioner Joyce understood that in his presentation Mr. Brown was talking about the plats that would be deeded over to the City along King Road and Sampson Road. Planning Manager Sintz agreed. The applicant wanted the ability to have a landscape easement at the entrance.

Mr. Brown stated that a landscape plan had not been done. He noted that the Staff report suggests that it is a right-of-way. The applicant preferred to define the actual right-of-way where the road is and call the rest of it open space with a landscape easement over it. Mr. Fiat explained that when the water lines came in they did not re-vegetate and control the erosion, and the entire bank along King Road is eroding. They were happy to give that land away; however, they first want to stabilize the soil and landscape it because it was left in terrible condition.

Chair Strachan recalled a slide during the applicant's presentation requesting a condition of approval that would streamline the process at the City Council level if the preferred access is negotiated with the neighbor. He asked Mr. Brown to bring up the slide so he could read the exact language that was being proposed.

Assistant City Attorney noted that Finding #6 talks about the access. She suggested adding Finding 6.5 to state that "If the Woodside Gulch access is possible, it would be the preferred access." Ms. McLean explained that under the Code there could not be applications at once. If negotiations are ongoing she understood why they wanted to streamline the process; and she recommended making findings as to whether or not they would support that access.

Chair Strachan asked Mr. Brown if they would build a culvert above Estate Lot 1 if the lot was not there. Mr. Brown replied that they need the culvert where the Alice Claim Court comes up and T's because the stream has to get under that section of road. The culvert would be shorter. Mr. Fiat stated that originally all of that section was in a culvert and when they started to clean it he liked the idea of a stream and the stream was put in. Mr. Brown noted that there is a snow storage area where the road T's and the pipe puts the stream under the snow storage area. He pointed out that it does extend up into the Estate zone a little ways.

Chair Strachan opened the public hearing for the plat amendment and the CUP.

Planner Alexander had forwarded eight letters of public comment to the Planning Commission and to the applicant.

Tom Gadek stated that this is an urban wildland interface. He thought a 10' retaining wall was a lot. In addition, five 6' retaining walls add up to 30'. Mr. Gadek remarked that the pictures of five stacked 6' walls with a house on either side were four or five levels. He noted that a 2500 square foot footprint was not typical in the neighborhood and it is large. Mr. Gadek felt a larger issue than emergency vehicles getting in were people getting out in the event of an emergency. He lived in Oakland, California and in 1991 there was a fire

and eleven people were killed on a road similar to Ridge. There were 25 houses and everybody tried to get out at once and it congested. A policeman was there but 11 people died. Mr. Gadek felt this was a defining point whereby to judge what the future will be on other developments in the area. He noted that Ridge Road is 12' wide with no shoulders. It is impossible to turn a car around or for two cars to pass each other. Mr. Gadek stated that since it is an interface, the construction materials should be burn resistant and a house should resist burning for 45 minutes or longer. Mr. Gadek stated that the Wildfire World details the fire in Oakland with recommendations for the future. The key point was the lesson to resist making concessions on initial development patterns, lot configurations, road alignments, and infrastructure standards. Emergency ingress and resident egress are critical and should not be compromised. Mr. Gadek stated that once the neighborhood is populated they are locked in. This was the chance to think it through.

Elizabeth Cohen, a resident of Upper Daly stated that everyone who goes up Daly and goes to Ridge turns around in her driveway. Ms. Cohen wanted to understand why so many lots were being included in the subdivision. She had read the definition of good cause and believed this project was the opposite of the definition. She had concerns about the size of the development, particularly since it was so close to town and the interface with open lands. Ms. Cohen noted that good cause for a subdivision is to provide positive benefits and mitigate negative impacts. She did not believe this project provided any positive benefits to the community and to the immediate areas surrounding the proposed development. It does not provide public amenities and it creates density issues. Ms. Cohen did not think the development promotes excellent and sustainable design. She had concerns about whether or not Best Design Practices would be used. Ms. Cohen remarked that the development would not further the health and safety of the community. She thought Mr. Gadek made a good point because she had not thought about everyone trying to get out in an emergency. In terms of historic character, Ms. Cohen did not think the proposal fits with the rest of the Daly/Ridge area. A lot of the potential impacts have not been addressed and she asked if there was a plan in place handle increased traffic to the area. She was concerned about water and sewer and whether the pressures would be high enough. She was also concerned about the ecological impacts to streams and sensitive areas. Ms. Cohen was concerned about the precedent this project would set for future development in the area. She asked if there was a plan in place to limit growth or have it be the kind of growth that Park City needs.

Ruth Meintsma, a resident at 305 Woodside, stated that Charlie Wintzer was out of town and he had asked her to read a letter into the record that he had written.

"Re: Alice Claim. Dear Commissioners, I am sorry that I am unable to attend tonight's meeting. The subject at hand is very important to the future of Old Town and Park City. We can all see from the hole being dug at the roundabout that things can get out of hand

very quickly, and time needs to be taken at the planning stage to preserve the character and scale of Old Town that we all love and for which we all have so much pride. Remember at this time there is only one lot of record. If this subdivision is passed there will be nine lots of record with nine times the entitlements and impacts. With only difficult lots left more time is needed to get them right. You have my comments from the last meeting. Because I've been out of town I was unable to read the latest packet to see what changes, if any, have been made. Here is one part of the Code that may give you some guidance. At your last meeting I gave you several points that must be considered, but I think this section sums it up and asks good questions. LMC HR-1, 15-2.2-6. Development on Steep Slopes must be environmentally sensitive to hillside areas carefully planned to mitigate adverse effects on neighboring land and improvements and consistent with the Historic District Guidelines. Once a lot is platted you only have the conditional use permit process to work with, and one can always find a way to argue that they mitigate the impacts. In creating a lot of record, you establish rights for the property owner to have legal access and an approved location. Now is the time to consider these things and determine if these proposed lots work. The Commission should look at each lot for things like access, terracing and retaining, building location, cuts and fills, building form and scale and building height. It is especially important to look at these from the LMC specific vantage points, including the cross-canyon view. Also remember, in HR-1 the building pad is the lot area minus the setbacks. The Commission can reduce the lot sizes so they know exactly where the buildings will go. This is where a site visit will show you the impacts of this project on the hillsides, ridgelines, neighboring lands and neighbors, Old Town and Park City as a whole. You have the tools in the LMC, Historic District Guidelines, and the Street Master Plan to get the project Park City deserves. Thank you for your time and service. Charlie Wintzer”.

Linda Wright a resident on Daly stated that she had four issues regarding Alice Claim . The first was safety and she believed others had covered that issue. She was particularly concerned about emergency vehicles getting in and the residents getting out. The second issue was precedent because if this gets approved it will set a precedent for similar types of building on steep slopes in the area. This type of development in the surrounding areas of Old Town could also be disruptive and dangerous. The third issue was open space. It is beautiful up there all year around and she wanted to know why it could not be open space rather than platted lots. The fourth issue was wildlife. A lot of birds, deer, elk and moose travel that area development would disrupt their natural habitat.

Tom Bennett stated that he was an attorney representing Lee Gurnstein and Sherry Levington, the owners of a home at 135 Ridge Avenue. Mr. Bennett wanted to confirm for the record that Mr. Gurnstein has met with the developers about the possibility of working out an arrangement for what sounds like the preferred access to this property. He clarified that the parties have not been successful in coming to an agreement but there have been

discussions. On behalf of Mr. Gurnstein, Mr. Bennett stated that the objections and comments Mr. Gurnstein has made in the past are still in effect, and at this point nothing has changed his view of the project. Mr. Bennett noted that the issue of access came up and whether they could consider two possibilities at the same time in this approval. He stated that in looking at the conditions of approval that have been drafted, he believed a number of those conditions appear to be significant items. Mr. Bennett was interested in knowing how that would play out in the future if there was an approval this evening. He thought some of the conditions might result in the need to make significant modifications to the subdivision, which could leave Staff to determine whether it needed to come back to the Planning Commission or go straight to the City Council. Mr. Bennett suggested that the Commissioners consider the magnitude of some of the conditions and how they might impact changes in the future before a plat is ready to come before the City Council, and whether it is important to consider approval now or defer it until some of the issues in the conditions have been resolved in more detail.

Brooke Hontz, a resident on Daly Avenue and a former Planning Commissioner, handed out a letter that she requested to be included in the minutes as part of the record. Ms. Hontz summarized some of the points in her comments. The entire letter can be found at the end of the Alice Claim portion of the Minutes. Ms. Hontz requested that her letter and the eight letters received by Planner Alexander be attached to the record to demonstrate the full information that was provided moving forward.

Ms. Hontz mentioned a letter she submitted at the last meeting because she believed that good cause had still not been established. She commended the changes that were presented this evening; however, she felt there was still no substantial movement to meet the LMC or address the concerns voiced by the Planning Commission and the public. She pointed out that most of the changes benefit the development and the developer. They cost less and reduce impact, but it is a benefit for the project. Ms. Hontz reviewed an Exhibit to explain her comment. She believed there was very little reduction of anything, particularly density. Ms. Hontz requested that the Planning Commission continue the application to a date certain and direct Staff to create findings of denial to be finalized at the next meeting. Ms. Hontz read into the record the definition of good cause. "Providing positive benefits and mitigating negative impacts determined on a case by case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, address issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City, and furthering the health, safety and welfare of the Park City community." Ms. Hontz stated that the discussion points in her letter establish several reasons why good cause is not met in this case. The first is density. This is one metes and bounds parcel governed by two underlying land use zones. As Commissioner Joyce asked at the last meeting, how did they get to nine lots? Ms. Hontz stated that the

simple answer is that the applicant asked for nine lots. Ten lots triggers the MPD Code, which no one wants to go through unless they see a significant financial return and have the appropriate space to do so. She noted that the Planning Commission has never discussed whether or not nine was a reasonable number. However, public input has described many reasons why it was not an acceptable density. Ms. Hontz remarked that currently there is one lot and it needs to be proved via good cause and meeting the General Plan and the LMC that this nine lot subdivision actually works. She believed there has been ample testimony to show that it doesn't. Ms. Hontz thought they were forcing the design to fit the land. A second issue is creating lots that are unbuildable. Ms. Hontz noted that in order to make this work the frontages and setbacks have to be reduced. A third issue is geo-technical issues. She was pleased that some of the Commissioners were able to review the report. She had submitted a GRAMMA request so she could review it herself and respond. Her concern was that it may be too late. Another issue was water delivery. She noted that information contained in the Staff report and on page 2 of her letter, places the burden of the applicant to make the water system work for fire flows and the State required pressures as a condition of approval. Ms. Hontz pointed out that the City already wants to charge the residents living in Old Town and at higher elevations an additional charge to pump the water up to them. She could not see how or why there was good cause to place more uphill demand on a system that is currently not being paid for appropriately. By not dealing with this now they would be setting the City up for failure if the applicant cannot get the water service for the newly subdivided lots. Ms. Hontz stated that even if they agreed with the pressures proposed, the levels of service may still not be good enough for the end user. She remarked that water and sewer providers are not supposed to be telling developers "no". They are supposed to be providing the parameters for a "yes", which still might not make a good cause finding.

Mr. Hontz stated that the fifth issue was significant concern that still remains about the sewer as outlined in the Staff report. Issue number six was the road width. Ms. Hontz stated that the only reason King, Ridge or Daly should be widened would be for the public health, safety and welfare. These streets do not need to be widened unless density is added to what is already allowed. Nine lots under the scope of good cause negatively impacts the public. For example, widening Ridge to 25' it would cut into existing platted lots, triggering eminent domain and taking of the lots by the City. It would result in a huge cost to the citizens, lawsuits over the taking, and a massive and expansive retaining wall on the uphill side of Ridge. The seventh issue was the streets Master Plan. Ms. Hontz quoted from the Streets Master Plan, "It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are assured." The question again is why they were making roads bigger just to allow an applicant to go from one lot to nine lots. She stated that the cumulative impacts of what this project would do to the surrounding lots are even greater than the negative impacts it provides. Issue eight was access. Ms. Hontz thought Commissioner Joyce's comments regarding traffic were

accurate. She was concerned as to who would pay for the modifications to the public roads that come together. Again, it would only need fixing if they put in the nine lots. Ms. Hontz thought it was ludicrous to develop a new driveway into a site, and she was thankful that the people represented by Tom Bennett were still holding out. Emergency was the ninth issue. Ms. Hontz read, "The requirements of emergency access while important for life, health, safety and welfare also demonstrate the unsuitable nature of development in this area where the home sites are placed." She questioned why they were developing in an area that creates a huge burden on emergency services, and making new roads to service development that does not meet the good cause standard. Mr. Hontz referred to Exhibit G and identified platted Ridge Avenue. It is a ridge by definition and she encouraged the Commissioners to walk it. Issue ten is clustering. Ms. Hontz agreed with the Staff analysis in the Staff report that details their significant concerns with the lack of clustering, and that the lot layout does not echo the surroundings nor the HR-1 purpose requirements. Ms. Hontz stated that this was the time to solve the issue by denying the lot layout and configuration. It does not fit the established zoning and the applicant should apply for a rezone if they wanted this configuration. Issue eleven is the restrictions due to the character of the land. Ms. Hontz believed the modifications shown in the presentation this evening address some of the issues. However, as verified in the Staff report, steep slopes, potentially toxic waste and ridgelines still remain as issues that cannot be resolved after the applicants receive a certificate of compliance. Issue twelve – Sensitive Lands. Ms. Hontz stated that the documents required for the Sensitive Lands Ordinance is an enormous amount of information. She had not yet reviewed the documents because she had GRAMA request it. She hoped the Commissioners had read the documents. Issue thirteen is traffic. Ms. Hontz stated that based on IT trip generation, nine lots generate 90 vehicle trips per day on King, Daly and Ridge. That number does not count home services, deliveries, cleaning services, garbage, etc. With the existing lots, Ms. Hontz estimated over 190 trips per day up King or Daly, and that amount is significant.

Ms. Hontz stated that her letter included conclusions of law that she would like the Planning Commission to support. She requested that the Planning Commission consider continuing the application with direction to Staff for denial. Ms. Hontz understood that there was a development right on the property, but it should not be this density or design.

Chair Strachan referred to Ms. Hontz's letter and asked how she came up with the basis for the sentence "It is feasible to assume 390 additional vehicle trips per day. Ms. Hontz replied that it was a crystal ball, but she counted the platted lots and made assumptions because the platted lots cannot be built right now because they are HR-1 size and not HRL. She had divided 390 by ten trips per day. Chair Strachan asked if the ten trips per day was based on her knowledge that people take ten trips per day. Ms. Hontz realized that it sounded ludicrous but she believed it was an acceptable number. She took her information from the Institute of Traffic Engineers Manual Chart of Trips Per Day. Chair

Strachan asked if Ms. Hontz had used any other resource besides the IT Manual. She replied that she just counted lot numbers on the plat. She also made assumptions on the number of lots that were previous applications that had not been approved. Ms. Hontz clarified that she was not trying to be excessive or conservative. She was only trying to make her best guess based on what has been done in the past.

Sanford Melville, an Old Town resident, commented on the Alice Mine shaft. Mr. Melville stated that last Fall he wrote a "way we were" column for the Park Record on the Alice Mine. When he saw this huge development being proposed for the area it spurred his curiosity. Ms. Melville shared some of the history of the Alice Mine based on his research. The claim was initially filed and work was started in the early 1890s. Work continued until 1912. No shipments were made from the property and no Ore in commercial quantities were found. The mine was abandoned and filled in at some later date. Mr. Melville stated that in the course of his research he came across an interesting landmark book on the Geology and Ore Deposits in the Park City District. He read language from 1912. "A shaft which descends immediately beside the road was reported to have reached a depth of 500 feet. From the bottom a drift was stated to have been driven northwest to a north south fisher which opened for 200 feet along its strike, and a drift pushed 400 feet beyond the fisher cutting a baron zone." Mr. Melville thought they could be reasonably certain that there was a substantial shaft there and significant underground work. Mr. Melville referred to page 322 of the Staff report, Finding of Fact #38, which states, "The existing mine shaft on the property is currently filled as stated on the site plan dated May 18th, 2015. Mr. Melville noted that the Staff report did not say when it was filled, who filled it, how it was filled, what materials were used, and what standards were used.

Mr. Melville referred to page 325 of the Staff report, Condition #30, "Any structures built near the existing mine shaft shall be set back at least 10' if the shaft is filled up to the ground surface with soil or gravel." He understood that the shaft is currently filled and there is a 10' setback from the shaft. Mr. Melville referred to page 384 of the Staff report, which is the October 2014 geo-tech engineering report. He read, "The shaft and adit represent a public safety hazard and a potential for property damage resulting from ground subsidence. In our opinion, the opening should be closed to prevent accidental entry and potential subsidence. Typically mine openings are closed by backfilling and capping with concrete. Closure should be performed in accordance with Utah Division of Oil & Gas and Mining Abandoned Mine Reclamation Program Guidelines. Structures should not be located over the closed shaft and adit." Mr. Melville noted that the engineer was very specific and he thought this should be a finding of fact and probably a condition of approval. Mr. Melville stated that a substantial subsidence was experienced in the open shaft at Daly West recently. There is a precedent in Park City for shafts that are backfilled to subside. In May 2011 the American Flag Mine was filled but subsided and the hole is very intimidating. He recalled ten years ago when the Silver King Consolidated Shaft

collapsed in the middle of the Claim Jumper run at PCMR. Skier had been skiing over the shaft for decades and it eventually collapsed. Mr. Melville did not believe they should take lightly the issue of a mine shaft and every effort should be made to cap it properly.

Mr. Melville could not think of any instances in the Park City area where residential housing has been built in such close proximity to a mine shaft. He is a retired engineer but he has no expertise in mining and geology. However, in his engineering experience he learned that when dealing with hazardous situations that can endanger the public, you have to look at what could possibly go wrong and how it could be mitigated.

Jim Doilney stated that he has been a Park City resident for 41 years and he has lived the last twelve years on Sampson Avenue next to Alice Claim. He commended Mr. Fiat and his team for their hard work, but stated that hard work does not grant entitlements. Mr. Doilney requested that the plan be revised to reduce the number of lots, limit homes sizes and cluster the homes per the HR-1 purpose statement, "encourage historically compatible structures that contribute to the character and scale of the historic district, and maintain existing residential neighborhoods." He saw nothing in the application that honors that point. Mr. Doilney stated that nine lots were granted to avoid MPD status. The non-MPD maximum should only be granted if there are compelling community benefits. He pointed out that no community benefits were being offered. Relative to the home size, Mr. Doilney stated that he only followed one number presented by the applicant, which was the square footage of the house at 50 Sampson Avenue, and it was wrong. His house as measured by the City is 3,000 square feet, not the 5,000 square feet that was stated. Mr. Doilney was unsure whether anything else the applicant presented was incorrect, and he was unsure whether the City had enough Staff to verify it. He stated that the average footprint in the Sampson/King/Daly areas was 1475 square feet, not 2500 square feet. In his opinion, 2500 square feet will not blend in with the neighborhood. His Sampson subdivision plat restricts homes to 3,000 square feet of living area. He could not understand why someone getting new entitlements on a newly created subdivision should be granted rights that he was not granted on his platted lot. Mr. Doilney stated that clustering homes must be required appropriate to the HR-1 zone and the neighborhood character. Mr. Doilney requested that the Planning Commission instruct the Staff to prepare a negative recommendation. He would not be opposed if the applicants came back with a reasonable plan that respects the historic HR-1 guidelines, but he could not support the current plan and it would never be approved in Summit County.

Carol Sletta a resident at 135 Sampson stated that she has lived in her house for 35 years. She supported the comments from her neighbors who spoke this evening and thought they did a wonderful job of expressing all the concerns regarding this project. Ms. Sletta hoped the Planning Commission would take a hard look at this project and what it would mean to Historic Park City.

Chair Strachan closed the public hearing.

Commissioner Thimm appreciated the passion expressed by the public not only this evening but dating back to October. He remarked that a lot of work has gone into developing this project. He went back and looked at the various plans that were submitted and became exhibits to the Staff report. Commissioner Thimm thought the plan had evolved in a positive way. It is better clustered than previously shown. Removing the southern extension of the ground and the bridge was a major improvement. He appreciated the idea of changing the configuration of the houses and creating a design where the houses define a street edge. It is an importance principle of planning that often gets neglected. Commissioner Thimm likes how the homes were situated to follow the contours rather than going against them. He liked the idea of using the buildings to take up grade rather than the long retaining walls. The walls between Lots 2 and 3 were evidence of a better design. Commissioner Thimm stated that limiting the building height to 25' was an important concession. As he walked up and stood on each of the building sites, it appeared that 25' was a logical response to the height. Commissioner Thimm was concerned about the size of the homes. He had looked at the footprints of these houses and compared them to the footprints on adjacent sites in the neighborhood. He was not convinced that 5,000 square feet was the proper size and suggested that a smaller size would work better on this site. He suggested that a 4,000 square foot maximum was more reasonable. Commissioner Thimm referenced his earlier question about whether the mine shaft was actually filled in accordance with the soils report, and he was unsure whether that finding was ever made. Commissioner Thimm did not like how the retaining walls at the entrance were in a straight line. He would prefer an organic form and possibly the northerly walls turned to follow the contours. He suggested reconfiguring the entrance walls for a better visual effect.

Commissioner Joyce appreciated the solution for Lot 7 since he was the most vocal about it at the last meeting. Relocating the lot was a definite improvement. Commissioner Joyce stated that as he reviewed the project beginning from October, he struggled with what he was looking at. This parcel is good for building at one house and developing the proposed plan would be adding density and adding development rights. He noted that Summit County was trying to stop adding density until they get a handle on growth. He understood that they are not bound by the County; however, the Planning Commission and the City Council have the responsibility to control and shape the growth. Commissioner Joyce stated that he stopped trying to nit-pick the plan and instead tried to determine what it was that was making him uncomfortable. He came to the realization that it was in the HR-1 District and this proposal should follow the requirements of the HR-1 zoning. He liked what they did in terms of clustering the lots, but the size and layout did not feel like HR-1.

Commissioner Joyce stated that if they were looking at a plan that comes off the existing road, that did not have 30' retaining walls with all the cuts, and the houses would have 1600 square foot footprints, he might be able to support it. He felt there were too many downsides to the current proposal and there were not enough benefits to meet good cause. Commissioner Joyce also questioned the proposed house size and he thought the City provided footprints were more reasonable. He pointed out that the proposal was 60% to 80% larger than what exists in the HR-1 District in the surrounding streets. Commissioner Joyce stated that if the Planning Commission reaches the point of refining the findings and conditions, as well as issues with the plan, he would like the opportunity to work through his list of nit-pick items. However, at this time he could not support a positive recommendation on the current proposal.

Commissioner Band stated that she also had several pages of notes and she did not believe she needed to go through them since most were addressed in public comment. She noticed how detailed all the public comment was this evening and how specific they were in their reasoning. Commissioner Band stated that the end result is that this parcel is in the HR-1 District but it did not meet the purpose statement for the HR-1 District. She did not like the configuration of the lots and health and safety are huge issues. Commissioner Band noted that there are design options for the site and she thought they needed to look carefully at how it could be developed appropriately. She agreed with Commissioner Joyce that there was no reason to nit-pick because the subdivision was not viable for many reasons.

Commissioner Campbell remarked that the developer had a vested right to build one dwelling. Park City is going to grow and he agreed that the Planning Commission has the responsibility to manage the growth. Commissioner Campbell could not support the proposal while it is in the HR-1 zone. In his opinion, the development should either look like HR-1 or the applicants should apply for a rezone. Short of those two options, the Planning Commission could not approve this project without setting a precedent.

Chair Strachan echoed Commissioners Joyce, Band and Campbell. Chair Strachan did not believe this application was ready for action because there were so many "ifs" that they were trying to draft conditions of approval for such as DEQ approvals, sewer lines, engineer and other issues. He pointed out that the Planning Commission had not done a site visit and they had not seen the SLO analysis. Many things still needed to be done over and above a simple CUP or a plat amendment or subdivision.

Commissioner Joyce commented on some of the specific plans and studies that still needed to be done. However, but he was hesitant to ask the applicant to proceed with those plans because this project was not compatible with the HR-1 zone and nothing would change. Chair Strachan pointed out that the SLO is an overlay zone and the Planning

Commission would have to see that analysis regardless. He agreed with Commissioner Joyce about tasking the applicant with information gathering at this point.

Commissioner Thimm stated that his earlier comments were the nit-picky issues, but he agreed with his fellow Commissioners that the project did not look and layout as HR-1.

Commissioner Campbell requested that the Planning Commission give the applicant some choices and direction as opposed to stalling their development. Chair Strachan believed the Commissioners were clear on their position and he suggested continuing to a date certain to allow the applicant time to revise the plan per their comments. Chair Strachan remarked that if it was continued to a date uncertain it would have to be re-noticed. Another option would be for the Staff to make findings for denial and the applicant could appeal that decision to the City Council.

Commissioner Joyce stated that the applicant had put a lot of work and money into this project and he did not want to have to deny it. He preferred that the applicant come back with a proposal that could actually work. Commissioner Joyce stated that the cut and fill needed to be minimized and the layout needed to be more compatible with the HR-1 zone. Another issue goes back to good cause. They are allowed to build one house and they were asking for nine. Commissioner Joyce noted that there needs to be good cause for the density, but the good cause could not be financial gain for the developer. Rather than deny the application he preferred a continuance to give the applicants the opportunity to come back with a more acceptable plan.

Brad Cahoon, Legal Counsel for the applicant, requested a short break to give the applicant time to consider the options. The request was granted.

The applicants returned and requested a continuance to a date certain to allow the applicant time to respond to the comments they heard this evening. The Commissioners agreed to a continuance.

Chair Strachan asked what the applicant intended to come back with at the next meeting. Mr. Cahoon replied that they would provide written response to the comments and concerns. At this point they had no intention of moving lots or reconfiguring the layout.

Assistant City Attorney McLean was unclear on why they were requesting a continuance if the applicant did not intend to change the design to meet the comments made by the Planning Commission. Chair Strachan stated that the reason would be to give the applicant a forum and the opportunity to respond, and to give the Commissioners the opportunity to review their response.

The decision was made to continue to the July 8th meeting to allow the applicant time to prepare their response and for the Staff to analyze the information.

Assistant City Attorney McLean suggested that the Staff also prepare findings for denial based on statements made this evening. If the Planning Commission decided to further consider the proposal, the findings would not be used. However, if there is no common ground and the Planning Commission chose to deny the application, the action could be taken on July 8th based on the prepared findings for denial.

MOTION: Commissioner Band moved to CONTINUE the Alice Claim King Road and Ridge Avenue Subdivision and Plat Amendment July 8, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Band moved to CONTINUE Alice Claim King Road and Ridge Avenue Conditional Use Permit for retaining walls until July 8, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Letter submitted by Brooke Hontz

6/10/15

Alice Claim aka Alice Load Applications in front of the Park City Planning Commission Arguments for Denial.

On April 8, 2015 the first Planning Commission with public comment on this iteration of the Alice Claim project was held. There were numerous comments made by multiple individuals during the public input. Additionally, Planning Commissioners made comments regarding the site plan, layout, density and other concerns. During that meeting I asked specifically if my letter could be included into the minutes, so a record of what was said into the microphone and on paper was provided for historical reference. My recorded comments appear, but my letter does not appear as part of the minutes. I would be fine including submitted written public comment as part of the packet, but as we don't get to see what is submitted until the Friday before these meetings, it is too late to submit comments on the plan discussed here at the meeting. Public comment is important to the process and should be included into the record. I respectfully request that my letter tonight along with all of the written public correspondence submitted regarding the project since the last meeting and up through today be included in the meeting minutes so there is a true record regarding the issues with this project.

One of the reasons why I bring up the testimony provided at the last meeting is because none of it has been addressed in the staff report or by the applicant with changes to the subdivision plat; including the Planning Commission's comments regarding the large density on the site and the location of the lots. Good Cause has not been established.

Please consider tonight all of the concern expressed by the surrounding neighborhood and the facts presented at the last meeting that still haven't been addressed, plus new information provided to make a decision to continue the application to a date certain and direct staff to create findings of denial to be finalized at that next meeting.

There are multiple facets of this project that need to be considered for approval. One of the most important elements is that you need to make findings that say there is good cause to approve the subdivision. The definition of good cause from the Park City Land Management Code: 1.112 GOOD CAUSE. Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and nonconformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Through the discussion points provided below, the Planning Commission cannot find Good Cause in this instance for the following reasons:

1) **Density** - "addressing issues related to density section of good cause. This is one metes and bounds parcel governed by two underlying land use zones. As Commissioner Joyce put it at the last meeting, "How did we get to 9 lots?" The simple answer is because the applicant asked for 9. At 10 lots, it triggers the MPD code which no developer wants to go through unless they get a significant financial return. There has never been a discussion by the Planning Commission if this is a reasonable number; although public input has described (for dozens of reasons to follow below) why it is not an acceptable density. There is one lot right now. It needs to be proved via good cause and meeting the general plan and land management code that this 9 lot subdivision actually works and there has been ample testimony provided that it does not.

2) **Creating Lots that are unbuildable:** Per the Staff report, it is still likely that through steep slopes, actual site geotech findings, and other details this 9 lot subdivisions creates lots that could not be built under current Land Management Code Standards; requiring each lot and home to come back to another City Board for a hardship or a variance.

3) **Geotechnical Issues:** Although the geotech report provides some information, in the Staff report is states that not all of the lots have been tested and each lot will need a study in order to develop. The geotechnical aspect of burdening the hillside with construction that

may or may not be correctly designed is a huge concern for this development, and people around it. The Commission in the past has believed a higher standard was warranted for this site and this standard was supported by the Utah office of the Ombudsman.

4) **Water Delivery:** The information in the Staff report regarding the water supply issues places the burden of the applicant to make the water system work for fire flows and state required water pressures as a condition of approval. We all heard last week that the City wants to charge those of us in Old Town and higher elevations an additional charge to pay to pump water "up" to us. While I have a problem with that concept as a separate issue, I also don't see how or why there is good cause to place more uphill demand on our system that currently isn't being paid for appropriately. I'll say it again, in some cases it seems logical to allow someone to sort out water delivery details post subdivision approval. In this case it is ludicrous. Before the subdivision and CUP can move forward a solution that works for the applicant and water provider needs to be determined, including costs. The effects of the design may impact where homes go, sizes, number of bathrooms, etc. By not dealing with this now you are setting the City up for failure if the applicant feels they cannot get water service they need to serve the newly subdivided lots. Do you agree with the pressures that are proposed - level of service they suggest may still not be good enough for the end user. As you know, the water and sewer providers are not supposed to tell a developer "NO", they are supposed to provide the parameters for a yes, which might not work as part of the "good cause" finding.

"Staff was previously informed by the Park City Water Department, that all of the Alice Claim property proposed for development may not be serviceable by the current City water system due to low water pressure. The low water pressure is due to the small elevation difference between the proposed development's elevation and the Woodside Tank's elevation. The Applicant was informed about this issue and is responsible for modeling the water service to the development and if it is still insufficient they will need to provide a remedy. The Applicant has prepared a water model addressing the limitations of the current water system on the proposed development (including factors such as the ability to meet: acceptable water system pressures and fire flow requirements to each home site (indoor and outdoor pressures are not adequate), the Fire Marshal's site specific requirements, and Division of Drinking Water regulations). Proposed Lots 1-4 and 8 as shown on the proposed plat are likely the lots most affected. The Applicant was to confirm the elevation of each of the proposed building sites to determine the affected sites and either redesign the project accordingly, or work with the Water Department to determine the best solution. At the time of this report, the Water Department, Fire, Building and Engineering have received a revised letter from the Applicant's engineer addressing the previously submitted Water Model that will meet the City's requirements. With the change of location of Lot 7, the Water Department believes this will make the situation better than before. Any revisions to the previously submitted

model will need to meet acceptable water pressure flows in order for the subdivision to meet water requirements. This is listed as a specific condition of approval. The Assistant Fire Chief also required that the Applicant provide water modeling to demonstrate the available pressure for the fire sprinkler system design for Lots #2 and 7 which the Applicant has demonstrated can be achieved." From Staff Report.

5) **Sewer:** There remain significant concerns about sewer that are contained in the staff report. Similar to water, the City should not approve this subdivision prior to the applicant working out a solution with SBWRD and the City Engineer. Some of the solutions proposed may require eminent domain, which SBWRD's board has said they will not consider. Other solutions may require elements of design which the City Engineer has said in the past that he will not approve. The complexities of this site are significant and deserve answers that the LMC and Subdivision regulations require the City to follow.

"Staff was informed by the Snyderville Basin Water Reclamation District that the Applicant has only met with them briefly prior to the April 8, 2015 meeting besides almost 10 years ago when the application was first submitted to discuss utility location and placement within the proposed roadways. The Sewer District has concerns regarding the placement of the sewers in relation to the retaining walls and in relations to other utilities. This will need to be remedied before the proposed plat can be signed by SBWRD prior to plat recordation and is listed as a specific condition of approval. The Applicant is aware of the Sewer Districts concerns and will work to obtain a Line Extension Agreement upon approval of the plat. The sewer design could affect the entire layout of the subdivision and if any changes are made to the layout of the subdivision upon SBWRD's approval, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review. Nothing has changed in respect to the Sewer District since the last meeting on April 8, 2A75." From the Staff Report.

6) **Discussion on Road Width:** A significant discussion should be held with the Planning Commission to discuss whether Ridge Avenue should remain a substandard quaint historic street, as is described in our the streets master plan, Visioning Documents, our General Plan, and the purpose statements of BOTH zones; or if it should be a wider, faster road simply to serve new development. The only reason King, Ridge or Daly should be widened would be for the public health safety and welfare - emergency situations serving NEW development – not existing. We don't need any of these streets widened unless you add density on top of what is allowed. 9 lots, under the good cause scope, negatively impacts the public. If that reason to not widen these roads is not enough, if Ridge Ave is widened to 25 feet, it would cut into the existing platted lots - triggering eminent domain and taking of

the lots by the City, a huge cost to the citizens of the City, likely lawsuits over the taking, and a massive and expensive retaining wall on the uphill side of Ridge.

7) **Streets Master Plan:** All roadways near the proposed subdivision are substandard streets. The Streets master plan says that "Roadways which are severely substandard pose real life and safety hazards, which should receive top priority. The most pressing problems exist in the old part of town. It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are assured". Again, why are we making roads bigger simply to allow an applicant to go from L lot to 9. The cumulative impacts of what this project will do to the surrounding lots are even greater than the negative impacts it provides.

8) **Access:** Right-of-way - The proposed King Road r-o-w, versus the existing private driveway, is not a good solution to provide access to the site and is another reason why "good cause" cannot be supported. The city defines Right-of-way as:

1.222 RIGHT-OF-WAY. A strip of land, dedicated to public Use that is occupied or Intended to be occupied by a Street crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

It does not mandate that it provide street access to a private property. The proposed layout creates a 5th point of convergence of 4 existing non-standard streets and creates the need for excavation, vegetation removal and a large retaining wall. Just because an agreement can't be made with the nearby Woodside Gulch private owner doesn't mean the City has to allow access to develop on very steep slopes from a road right-of-way.

Furthermore, the proposed project does not meet the purpose of the HRL zone, notably the first purpose as listed in LMC Section LS-2.L-L(A), which states: "Reduce density that is accessible only by substandard Streets so that Streets are not impacted beyond their reasonable carrying capacity..."

9) **Emergency:** The requirements of emergency access; while important for life, health, safety and welfare, also demonstrate the unsuitable nature of development in the area where the home sites are placed. Why are we developing in an area that is creating a HUGE burden on our emergency services and making new roads simply to service development that does not meet the good cause standard? The fire requirements further the impervious surface required, remove more vegetation and show a future secondary access that should never be approved as dictated by our existing Streets Master Plan. Please see the City Map showing the cumulative impacts of this development on Emergency services and Exhibit G.

Summary of Secondary Access - Ridge Avenue is the "secondary access" named in the staff report, and will be needed by all residents of the area during certain periods of the year for egress.

- Ridge Avenue is a road built outside its platted location.
- Ridge Avenue currently has one home that uses the road for primary access and is a substandard street that is extremely narrow and acts currently as a secondary access to King Road.
- Ridge Avenue is a narrow street that is often covered by debris and mud during the year, especially during runoff in the winter and spring.
- Snow removal on Ridge Avenue may be difficult or delayed during winter months.

- Hazardous vehicle and pedestrian conditions exist on Ridge Ave when snow and/or slippery conditions are present.
- The Streets Master Plan indicates that Ridge Avenue, in the section where the proposed subdivision is located, should be widened by 7.5 feet however the City does not own the land on either side of the road to enlarge it and would need to spend taxpayer money to support the private developers need to widen the road.
- Ridge Avenue should remain narrow to protect the pattern of development in Old Town while also protecting public health, safety and welfare by keeping traffic limited and speed low and as specified in the Streets Master Plan.
- Built Ridge Avenue is adjacent to a very steep cliff and the reasonably anticipated detrimental effects of more traffic on the road cannot be substantially mitigated by the application to achieve compliance with Public Safety and Welfare standards.

10) **Clustering:** I agree with Staffs analysis that details their significant concerns with the lack of clustering and that the lot layout does not echo the surroundings nor the HR-1 purpose requirements. Now is the time to solve this by denying this lot layout and configuration. This density and layout are not conforming to the code; and the density is more than the site can support. Per Good Cause, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City - the current layout does not work.

"A comparison of clustering of the surrounding neighborhoods had also been provided (Exhibit J from the April 8, 2015 staff report). This exhibit shows that the adjacent HR-L District and homes are clustered much more close together and the similar HR-7 District adjacent to that to have even smaller lot sizes, house sizes and are clustered even closer together than the adjacent HR-L District and the proposed plat which is also within the HR-

7 District. Instead of clustering the homes closer together, the Applicant proposes that the homes will be no more than two (2) stories with no limitation to the height other than the LMC limits and up to 5,000 sq. ft. (maximum total floor area) in size (including basement and garages) and up to 2,500 ft. in footprint; however very few homes within the Historic Districts compare to house size and lot size as is proposed by the Applicant. Staff's opinion is that the layout of the homes". From the Staff report.

11) Restrictions due to the Character of the Land: Land Management Code Section 15-7.3-1(D) shall apply, and states: "Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger." PG L88 of 4/8115 Staff Report.

No information has been provided by the applicant to address the concerns of the very steep and steep slopes; which are numerous and have been brought up by this planning commission and by at least the previous 2 Commissions. Please be sure to address these issues now so that you don't create a project that is not viable by LMC standards.

According to Brent Bateman (Utah's Office of the Property Rights Ombudsman), who I believe gave the Planning Commission some training recently, related to steep slope development there can be "a compelling countervailing public interest" if analysis deems the proposed development unsafe.

12) Sensitive Lands: Has the Commission reviewed all the documents required per the SLO requirements and if so, do you agree with their analysis? Are there other studies you would like to see completed? I have to GRAMA request that information to be able to even see if it was submitted; much less with appropriate responses. Part of what needs to be completed for the lot within the SLO zone is a Site Suitability Analysis.

As part of the site suitability analysis I would like to see more information on access. In 2006 the applicant was asked to move the location for access away from what appears to be the proposed access due to the creation of major retaining and steep grade. I agree with the Planning Commission's recommendation from 2006 which did not support creating

an alternative access at platted Sampson creating more cuts, fills and visual impacts. It is also unclear why the applicant would want, or PCMC would support an awkward access just a few feet from the existing drive. Would these nightmare roads become part of the City's snow removal and ongoing maintenance responsibility? We keep revisiting the limitations of our Old Town "sub-standard" roads such as King, Sampson, Daly, and Ridge; yet we seem to make no progress on mitigating the impacts of new (or existing) development.

This proposed subdivision will likely set precedent for all the remaining platted, yet undeveloped, lots throughout Old Town. I am very concerned with the prospect of the last pieces of the wildland interface going the way of development based on a map drawn without topography and sight unseen from the East Coast in the late 18@'s. I believe we can create better places and do better planning in Park City in 2009 than to rely on maps and codes that no longer fit the place we have become.

13) **Traffic:** Using Traffic Engineers traffic generator numbers from ITE trip generation manual 9th edition, 9 lots with one single-family residential home per lot will generate 10 trips per day. That means 90 more vehicle trips just from the occupants alone - not counting UPS/Fed Ex, Garbage, Home Services, Cleaning, etc. That's a lot of traffic for a one and a half lane substandard road with a long steep grade and no outlet. This traffic has to go to the end of a dead end and add additional traffic to our roads which residents of Park City found to have unsatisfactory levels of service this winter. Assuming this subdivision would open the door and access to other lots in the area; it is feasible to assume 390 additional vehicle trips a day up and down King, Ridge and Daly.

Conclusions of Law

1. There is no good cause for this plat amendment given the arguments raised and discussed above including that it does not meet the Subdivision Code 15-7-3 Policy (b) as discussed above. Policy B states: Land to be subdivided or resubdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

2. It is unknown at this time whether appropriate sewer service or adequate water service can be provided to the proposed lots.

3. Per specific reasons stated above, the plat amendment is not consistent with the Park City Land Management Code, the General Plan, and the Streets Master Plan. See LMC

15-7-3. Policy (c) the proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City.

4. The Subdivision Plat does not meet the purpose statements of the Subdivision regulations, including:

(A) To protect and provide for the public health, safety, and general welfare of Park City.

(B) To guide the future growth and Development of Park City, in accordance with the General Plan.

(C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial Development of all parts of the municipality.

(E) To protect and conserve the value of land throughout the municipality and the value of Buildings and improvements upon the land, and to minimize the conflicts among the Uses of land and Buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

(H) To establish reasonable standards of design and procedures for Subdivisions, Resubdivisions, and Lot Line Adjustments, in order to further the orderly layout and Use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Resubdivision, or Lot Line Adjustment,

(J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,

(K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features, and

(L) To provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width

and Area of Lots, while preserving the Density of land as established in the Land Management Code of Park City.

5. Land Management Code Amendments regarding applicability of Master Planned Developments, Chapter 6. (Application PL-15-02803)

Commissioner Phillips returned to the meeting.

Chair Strachan thought the Planning Commission should discuss the over-arching issue of whether it is a good or bad idea to look at height exceptions outside of the MPD context before hearing the Staff presentation. He believed the policy needed to be addressed before moving forward. Assistant City Attorney McLean understood how the MPD discussion could morph into that discussion, but that specific piece was not noticed on the agenda. Ms. McLean recommended that the Planning Commission discuss the MPD and direct the Staff to come back with amendments regarding that particular policy. Chair Strachan did not believe the policy discussion was outside of the agenda because the two were connected.

Commissioner Joyce stated that he was absent from the meeting where one project had applied for an MPD and a height exception. It was determined that a mistake had been made and that an MPD was not allowed, but no one had caught the mistake until that evening. He understood that this LMC amendment came about as a solution for that project. Commissioner Joyce understood that the root problem was that the applicant designed a good project that was supported by everyone. The requested height exception affected a portion of the building and the only way the height exception could be granted was through the MPD process. He stated that there are times when the Planning Commission sees value in providing a height exception within a limited set of restrictions. Commissioner Joyce felt they were about to throw away the entire MPD process, which is designed for large projects such as Park City Heights and the Hospital.

Commissioner Campbell thought Commissioner Joyce was making it more complicated. He pointed out that the threshold got bigger not smaller over the past few years and the intent is to turn it back. He clarified that they were not forcing anyone into an MPD.

Commissioner Joyce asked if they wanted to create a hurdle where if someone wanted a height exception, the only solution would be to go through the entire MPD process with all the associated requirements. Commissioner Campbell believed the amendment would give the Planning Commission more flexibility. Commissioner Joyce was concerned about the hurdle for the small developer, and the project that started this discussion was a perfect example. He was also concerned about creating a solution for one project. Commissioner Campbell suggested that they solve the problem for one project this evening, and ask the

Staff to bring it back for a broader discussion at another meeting. He noted that it was too late tonight to do what Commissioner Joyce was suggesting, and it was unfair to ask the applicant who was waiting for this decision to wait any longer. Commissioner Campbell agreed with the need for a larger sweeping change, but he did not think it could be accomplished tonight.

Commissioner Joyce was uncomfortable making a Land Management Code change for one applicant. Commissioner Campbell pointed out that the City had made the mistake and for months the applicant went through the MPD process. The applicant should have been advised by the City that they did not qualify for an MPD but the mistake was not caught until the last meeting.

Commissioner Joyce asked the Commissioners if they had the flexibility to give a height exception through the normal non-MPD process, whether they would think the MPD amendment was the right thing to do. All of the Commissioners answered yes. Commissioner Campbell reiterated that they were not forcing people to go through the MPD process, but this amendment would make it available for more people if they chose to do it. Commissioner Joyce wanted to make sure that the end result was not solving a problem for one applicant and not for everyone else. Commissioner Campbell agreed with Commissioner Joyce, but he thought that was a broader discussion for another time and another LMC amendment.

Commissioner Band did not believe what Commissioner Joyce was suggesting was contrary to what would occur with this amendment. They were changing the LMC so someone could do an MPD but it did not mean they had to. If they make another change later on it would be another option.

Commissioner Joyce understood that there was agreement from the rest of the Commissioners that this amendment would be good for everyone and he was comfortable with that decision. However, if they forward a recommendation to the City Council they needed to be clear that this amendment would not forever solve the problem. He did not want the City Council to think they already resolved the problem if another amendment comes before as another option.

Chair Strachan remarked that height exceptions are not tied to requirements such as affordable housing and open space. He would not be in a favor of a streamlined height exception route through the LMC because it could set a precedent.

Commissioner Thimm was in favor of the amendment because it was a benefit to the LMC and not just one project. He initially shared Commissioner Joyce's concern about making a

change for one project; however, after reading through the amendment it made complete sense.

Chair Strachan opened the public hearing.

Ehlias Louis supported the recommendation to the City Council to change the LMC as it pertains to the MPD. He disclosed that he would directly benefit from the change, but he also believed it was a benefit to the community. Having gone through the MPD process, Mr. Louis believed it was a great tool that allows more scrutiny to come through the Planning Commission to give design flexibility to future projects in town. He stated that design diversity can inspire and enrich the community, which is why he publicly supported this amendment.

Chair Strachan closed the public hearing.

Assistant City Attorney McLean stated that when she read through the progression of the Code it was silent on the issue and it had never been included as part of the MPD. It was interesting that it was never caught in all the years of doing MPDs. Planner Whetstone pointed out that ten years ago an MPD was 50 units or more. Affordable housing was tied to MPDs and Annexations, which is why larger projects did not provide affordable housing. The MPD was later reduced to ten units but another change made it ten unit equivalents.

Planner Whetstone noted that the Staff report asked if there were other Districts the Planning Commission wanted to consider. This amendment was specific to the GC and LI Districts. She also asked if there were other uses in the applicability that they would like to see added to the list or deleted off the list. She noted that mixed-use was on the list.

Chair Strachan believed those were questions for the future broader MPD discussion.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments regarding applicability of Master Planned Developments, Chapter 6, based on the Findings of Fact and Conclusions of Law found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

6. **Land Management Code Amendments regarding 1) Setbacks for patios and hot tubs in HRL, Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16; 2) Annexations procedure and review in Chapter 8; 3) Nonconforming uses and non-complying structures in Chapter 9; 4)**

Definitions of carports, essential municipal and public utilities, facilities, and uses and others in Chapter 15; 5) Applicability of Steep Slope Conditional Use Permits in HRL, HR-1, and HR-2; 6) Conditional Use Permit review and site requirements in HRM Section 15-2.; 7) Board of Adjustment standard of review and appeals in Chapter 1 and Chapter 10; and 8) Combination of condominium units procedure in Chapter 7. (Application PL-14-02595)

Due to the late hour this item was continued to the next meeting.

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

MOTION: Commissioner Joyce moved to CONTINUE the Legislative LMC Amendments to June 24, 2015. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 10:15 p.m.

Approved by Planning Commission: _____