

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 28, 2015

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; 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.

ADOPTION OF MINUTES

October 14, 2015

Commissioner Worel referred to page 5 of the Staff report, page 3 of the Minutes, 5th paragraph five, and reversed the words **he** and **and** to correctly read, “Commissioner Joyce recalled only having one meeting in January because of Sundance, and he asked if the Staff could look at scheduling a second meeting for that month as well.”

Commissioner Worel referred to page 6 of the Staff report, page 4 of the Minutes, second to the last paragraph, third line, and added an **(s)** to the word **decision** to correctly read, “...make those types of decisions bulletproof.”

Commissioner Worel referred to page 9 of the Staff report, page 7 of the Minutes, the first line, and changed the word been to **be** to correctly read, “Commission Band believed they should not always **be** afraid to try something...” On that same page, fourth paragraph, next to the last line, Commissioner Worel reversed the words **language** and **read** to correct read, “Chair Strachan read language from the LMC...”

Commissioner Thimm

Commissioner Worel referred to page 43 of the Staff report, page 41 of the Minutes and changed SHIPO to **SHPO** as the acronym for State Historic Preservation Officer. He noted

that it appeared twice in that paragraph and again in the last paragraph on page 43 of the minutes.

MOTION: Commissioner Joyce moved to APPROVE the minutes of October 14, 2015 as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson reported that before the end of the year the Staff would be providing significant reports on the transportation issue, traffic and transit. The Transportation Planning Department was completing the initial reports and reviewing the information from the Transportation Director, Alfred Knotts. They would also ask Alfred Knotts to provide an update on what occurred in the next two public meetings. Director Erickson stated that going forward he would like to plan more joint meetings so the Planning Commission could be involved with some of the issues.

Director Erickson stated that the study updates have new electronic signage for real time monitoring of traffic. He remarked that Mr. Knotts was doing a great job and coordinating with the Staff and the Commissioners should see some of their efforts before the end of the year.

Director Erickson reported that for the next two meetings the Planning Commission would be discussing the Historic District pending ordinance. They were moving forward on a number of components; particularly in terms of revising dates and other information in an effort to adopt the ordinance before the six month expiration.

Director Erickson stated that Planners Anya Grahn and Hannah Turpen were completing the criteria for contributory buildings or the C Classification buildings per their discussion at the last meeting. They were also adding standards to the Historic Sites Index and the Land Management Code for compatibility, and rewriting those criteria as discussed. The Staff was also drafting a new definition for demolition; especially as it applies to historic structures that are not homes, such as a mining structure. They were looking to define varying degrees of demolition and demolition by neglect.

Director Erickson reported that the Staff was working on a revised update to the process of having applications either go to the HPB or allowing Planning Director determination on a

minor change. For example, if someone wanted to replace an air cooler inside their building and using the same venting. If it requires going through a historic wall it should probably go to the HPB. However, if the venting would be done through the non-historic portion of the building it may be less critical for the HPB to review it.

Director Erickson noted that the HPB was beginning to understand their role in the Land Management Code about protecting neighborhoods and not just being an appeal body. They realize that they have a more active role inside the Historic Districts.

Commissioner Joyce recalled a discussion at the last meeting about scheduling a second meeting in November and December. Director Erickson believed those dates were still open they were getting ready for noticing, but those meetings had not yet been confirmed. He pointed out that Historic District ordinance would be the main items on the agenda.

Commissioner Band disclosed that she had received an email from Ann, the CEO of the Park City Board of Realtors inquiring about the upcoming HRL zone changes because an owner on Ontario had asked her to get involved. Commissioner Band noted that when she replied to the email she was thinking that Ontario was not involved and later recalled that it was. After realizing her mistake she sent the link to Ann and the owner on Ontario and told them which pages they needed to look at.

Regarding the Historic Sites Inventory Expansion, Commissioner Band disclosed that she is the co-chair of the Legislative Committee for the Park City Board of Realtors. The President of the Board asked her for information on the upcoming legislation on an email that was cc'd to the Utah Association of Realtors representative. She provided them with the link to this week's project and the representative replied back with talking points. Commissioner Band clarified that she did not comment on those talking points.

Commissioner Band stated that the opinion of the Board of Realtors does not necessarily affect her own opinion and would not affect her judgment on this matter.

Regarding the IHC item on the agenda this evening, Commissioner Band disclosed that she has been talking to Paul Hewitt for a year or two about the fire station and finding an appropriate venue. She did not believe that would affect her ability to discuss and vote on the IHC matter.

Commissioner Band stated that at the last meeting 812 Norfolk Avenue was an item on the agenda. The Planning Commission had received an email from Mary Whitesides opposing the plat amendment because it was the last remaining vestige of her view. Commissioner Band noted that Ms. Whitesides mentioned in her email that she had been ignored on two previous occasions. For that reason Commissioner Band followed up with her to see if

anyone had responded to her recent email and Ms. Whitesides had not heard from anyone. Commissioner Band asked if there is a process for notifying the public when they give public comment. She thought it was unfortunate that when someone takes the time to submit public comment that no one takes the time to respond back.

Director Erickson stated that even though the Staff is overwhelmed most of the time they still make an effort to respond to every email. However, there are times when some fall through the cracks, which is probably what happened with Ms. Whitesides. Director Erickson offered to personally apologize to Ms. Whitesides if someone would give him her information. Commissioner Band clarified that she was simply asking if there was a process. Director Erickson explained that if an email is transmitted to a Staff person and that person is not the project planner, the email is forward to the project planner to make sure accurate information is given to the public. If a record needs to be kept for public communication on a project, it is included in the record and noted in the Staff report. Director Erickson stated that applications currently in process have a higher priority than long-range or general projects. Director Erickson stated that the Planning Department has a commitment to the public and protecting the neighborhood and he thanked Commissioner Band for making him aware of the situation.

Chair Strachan stated that in addition to replying to emails he would like the Staff to encourage the public to attend a Planning Commission meeting and provide public input. If people only communicate with Staff the Planning Commission may never hear about the discussion or the issues they raised. He encouraged the Staff to include that as part of their standard response to people who email or call them.

Chair Strachan asked whether another joint meeting had been scheduled with the Snyderville Basin Planning Commission. Director Erickson stated that he had spoken with Pat Putt at the County and they both would like to find time to schedule another meeting before the end of the year. Chair Strachan understood that there were already several important items that needed to be completed before the end of the year and he only wanted to make sure that the joint meeting did not get overlooked.

Director Erickson remarked that the intent is to have the Snyderville Basin Planning Commission attend the meeting when Alfred Knotts makes his report to the Park City Planning Commission so everyone hears it at the same time. It was a matter of scheduling and he would try his best to make it work.

CONTINUATION(S) – (conduct a public hearing and Continue to date specified)

1. Consideration of an ordinance amending the Land Management Code Section 15, Chapter 11 and all historic zones to expand the historic sites inventory and require

review by the Historic Preservation Board of any demolition permit in a historic district and associated definitions in Chapter 15-15. (Application PL-15-02895)

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

MOTION: Commissioner Phillips moved to CONTINUE the consideration of an ordinance amending the LMC, Section 15, Chapter 11 on all Historic Zones to November 11th, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and Definitions Chapter 15. (Application PL-15-02817)**

Planner Francisco Astorga reviewed the LMC Amendment to disallow the conditional use of nightly rentals in the McHenry neighborhood, also known as the HR-L East District. The Planning Commission had an extensive discussion regarding this amendment at the last meeting on October 14th. The Staff followed the direction at the last meeting to be more specific as to how the conditional use is still allowed in the HRL West. Planner Astorga stated that per that direction the appropriate changes were made in the pending ordinance.

Planner Astorga reported on a data entry mistake on Exhibit C, the HR-L District East table. The property owner at 321 McHenry indicated the mistake and it was confirmed by Staff. Planner Astorga noted that 321 McHenry was actually a residential primary improved lot which increased the number of primary improved lots from 13 to 14, and decreased the residential secondary improved lots from 8 to 7.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council for this amendment to the Land Management Code.

Planner Astorga reported on a public input letter he received from Mr. Branard that was sent to the City Council; and it was also included in the Planning Commission packet. Planner Astorga had received another letter with public comment after the Staff report was sent and that letter was emailed to the Commissioners.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

The Commissioners had not changed their opinions or comments from the last meeting and had nothing further to add.

MOTION: Commissioner Band moved to forward a POSITIVE recommendation for the Land Management Code Amendment regarding nightly rental use in the HR-L Chapter 2.1 and definitions Chapter 15. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

2. 550 Park Avenue – Steep Slope Conditional Use Permit 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)

Planner Astorga reported on public input he received from John Plunkett, Ruth Meintsma and Sanford Melville. The input was forwarded to the Commissioners via email and hard copies were also provided this evening.

Planner Astorga remarked that this item was two parts. The first was a conditional use permit for construction on steep slopes for a single family dwelling and a parking garage structure. The second conditional use permit is in the HR-2 sub-area A. The conditional use is a residential parking structure with five or more spaces associated with the residential building on the same lot.

Planner Astorga noted that the Planning Commission previously reviewed this project on May 13, 2015. Since that time the project was re-designed based on comments at the last meeting; primarily the fact that the garage needed to be subordinate to meet criteria six of the Steep Slope CUP. Planner Astorga stated that the new design eliminated the garage from the structure. He pointed out that the former proposal had four parking spaces that accessed directly off of Park Avenue with two garage doors on that façade. That was in addition to the six parking spaces that are to be utilized for the April Inn.

Planner Astorga stated that on May 13th the Planning Commission also reviewed the plat amendment to combine 550 Park Avenue with the April Inn lot to meet the specifics of the use. That application was placed on hold until the conditional use permits were addressed. The plat amendment will be re-noticed for a City Council meeting in the near future.

Planner Astorga noted that the survey on page 94 of the Staff report showed the plat amendment area in red that the Planning Commission previously forwarded a recommendation to the City Council. Planner Astorga presented the site plan. He stated that the single family dwelling requires two parking spaces per the LMC. The applicant was proposing to put a parking space that would be accessed directly off of Park Avenue for the first vehicle. For the second parking spot the applicant amended the plan and reduced their original request of six parking spaces for the April Inn down to five parking spaces. The first parking space closest to Park Avenue is for the house and it would be completely underground. He pointed out that it meets the requirements of the LMC for two parking spaces.

Planner Astorga stated that the City Council had reviewed the easement language in February but the Council was never informed that at least one of the underground parking spaces would be for the single family dwelling. The Staff took it back to the City Council in September and the Council was comfortable with the proposed amendment.

Planner Astorga reviewed the front elevation. He noted that the massing had changed a little; however the biggest difference between the current proposal and the one the Commissioners saw on May 13th was that the porch was on the left-hand side on the north portion of the façade and there were two separate garage doors. By putting the parking pad up front and accommodating the second parking spot on the bottom per the special requirements of the HR-2, subsection A, the applicant was able to access the other parking space through Main Street and not Park Avenue.

Planner Astorga noted that in the former concept the garage was most of the main level of the house. It was a one-bedroom house with four parking spaces. The applicant revised the plan and the single-family dwelling is now a three-bedroom house with two parking spaces. The footprint did not change and the house is the same on almost every elevation. However, the internal plan was completely changed to remove the two garage doors from Park Avenue.

Planner Astorga noted that the Staff report contained findings and analysis for the Steep Slope CUP and the conditional use permit for parking, which were standard criteria for review in the LMC. In addition, there were findings and analysis for the HR-2A special criteria for these types of scenarios. The Staff report also contained the May 13th meeting minutes, as well as the Staff report and minutes from the City Council meeting that authorized the language for the easement. Planner Astorga noted that the easement language had not been finalized pending action on the CUP. Also included was all the public comment received with the exception of the comments handed out this evening.

The Staff recommended that the Planning Commission approve the conditional use permits based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report.

Jonathan DeGray, the project architect, thought Planner Astorga had done a good job outlining the changes. The applicant was comfortable with eliminating the garage doors and having a single parking space on Park Avenue by utilizing one of the parking spaces off of the alley for the residence. Mr. DeGray thought the changes made a lot of sense and it still leaves five spaces for the residential units within the April Inn.

Commissioner Joyce had not attended the meeting in May and he asked for an explanation of the parking off of the alley. Mr. DeGray reviewed the south elevation to show that the lower level was open for the six parking spaces. All of the spaces access off of the alley and there were no garage doors. Planner Astorga stated that one space towards the rear of the property was completely out in the open and not covered.

Mr. DeGray noted that the ability to access those parking spaces requires the relocation of the public stairs. Currently, the steps come straight down into the alley six feet in front of the garage door of the parking structure for the Cunningham Building. The applicant was proposing to push the stairs back towards Park Avenue so it aligns with the westerly edge of the opening for the Cunningham garage and moving it out of the access area. Mr. DeGray pointed out that there was also a dumpster for the Cunningham building in front of the staircase. The plan is to create an area for the dumpster to the north side of the existing staircase. It was the only area within the public right-of way that could accommodate the dumpster.

Commissioner Joyce had visited the site and noticed the dumpster. He asked if it was placed where it was per the easement agreement with the City. Mr. DeGray replied that it was a Cunningham building dumpster and it had nothing to do with this applicant.

City Engineer Matt Cassel explained that the easement was specific to pedestrian access and vehicular access. The new easement agreement mimics the old agreement that was done in 1984. He pointed out that nothing in the language allows dumpsters inside that property. Chair Strachan clarified that having the dumpster there was a violation of the easement. Mr. Cassel answered yes. However, it was an issue that would have to be addressed with the Cunningham building. It was not related to this application. Commissioner Joyce asked who in the City would enforce the dumpster violation. Mr. Cassel replied that it would be Code Enforcement through the Building Department.

Mr. DeGray clarified that the intent is to push back the dumpster which would not only clear it out of the Cunningham access but it also allows this applicant to access parking space

#1, which is the second parking space for the residential unit. It would allow them to utilize the proposed parking to its fullest under the building at 550 Park Avenue. Mr. DeGray stated that the stair landing and the concrete stairs above are not compliance with Code and the proposed change would bring it into compliance.

Chair Strachan understood that the stairs were not historic. Mr. DeGray confirmed that the stairs were not historic; however, there was some question as to whether the wall was historic but the wall would remain.

Chair Strachan asked Mr. DeGray to explain why there were no garage doors on the six parking spaces. Mr. DeGray remarked that the spaces are 9' x 18', which is required by Code. Garage doors take up space and reduce the functionality of the parking spaces, particularly for larger vehicles. In looking at the standards for parking spaces, they designed it without garage doors. Another issue was height. Due to the fire restrictions in the HR-2 zone for residential structures, they barely clear 7' for these parking spaces. Garage doors at 7' still require additional height for the rails, etc. which makes it very tight.

Commissioner Band read from Finding of Fact #13 on the Steep Slope CUP, "Staff recommends the fireplace above the roof is reduced as it tends to stick out as seen from the front elevation." She then read from Finding of Fact #4 for the CUP with five or more spaces, "The Staff recommends that applicant submit the required report by a certified Arborist." Commissioner Band was curious as to why it was a recommendation and not a requirement. Planner Astorga pointed out that both Findings were drafted in the Staff Report as Conditions of Approval #18 and #19.

Chair Strachan opened the public hearing.

Sanford Melville, a resident at 527 Park Avenue, stated that he submitted an email with his comments on the project and he assumed the Commissioners had received it. Mr. Melville thought the project had been vastly improved on the Park Avenue side from what was presented in May. However, he still had some questions and concerns. Mr. Melville could find no provision for concealing trash cans or recycling bins on the Park Avenue side. It is a big problem in Old Town and he thought it would be beneficial to find a way to conceal those items from the street in new construction. Mr. Melville did not think that flat roof projects in the Historic District were compatible with historic homes. He understood the Planning Commission could not do anything about it but he wanted his comment on the record. Regarding the alley parking, Mr. Melville noted that the Historic District Guidelines, Section D.2.5, states that carports should be avoided. He understood that it was only a guideline, but he believed that allowing a carport on a corner lot would set a precedent. He thought that needed to be considered when considering this project. Mr. Melville remarked that LMC, 15, Chapter 3 – Off street parking, Section G, Street access and circulation,

states that, "The parking area designed for five or more vehicles must not necessitate backing cars on to adjoining public sidewalks, parking strips or roadways." He believed the alley was as much of a sidewalk as it is a driveway. Residents who live on the lower side of Park Avenue use it to access Main Street. Guests of the Washington School House use the alley for access. Ghost Tours regularly use that alley, as well as tourist groups. Mr. Melville believed there is more pedestrian traffic in the alley way than there is on the sidewalk in front of his house. Mr. Melville pointed out that having open parking would be an invitation for vehicles from the Claimjumper to park in that space. If the structure had assigned parking and garage doors it would be used exclusively by the condos in the April Inn. Mr. Melville believed that people who purchase a luxury condo at the April Inn would prefer secured parking as opposed to a carport in an alley.

Mr. Melville commented on the public stairway. As previously mentioned, the current stairway goes straight down into the alley and the base of the stairway is protected by bollards. The applicant was proposing to re-route the stairway with a landing at the entrance of the Cunningham garage. Mr. Melville noted that pedestrians coming down that stairway would come right in front of the garage entrance, and a vehicle coming out of the garage would only have a few seconds to notice a pedestrian. Mr. Melville believed that the proposal to re-route the stairs would create a safety hazard. Mr. Melville noted that there were no provisions in the Conditions of Approval to protect the historic wall. These are bits of history enjoyed by the tourists and it would be a shame to have the wall crumble due to construction or other activity. He encouraged adding a condition of approval to protect that wall to the best degree possible. Mr. Melville reiterated that the carport and the stairway realignment would degrade the public safety and the visual aesthetics. It is a popular photo spot for tourists and people like it the way it is. Mr. Melville noted that the City was allowing the applicant vehicle access through the public alley. If approved as proposed, the public would be giving up a lot more in terms of safety and aesthetics. Mr. Melville could see no reason to do so.

Charlie Wintzer, a resident at 320 McHenry, stated that having attended the candidates debates two topics were dominate; the environment and traffic. In his opinion, approving extra parking spaces for a single family home was adding more traffic, more cars and it impacted both issues. If the City is making the environment and traffic its main issue, they should find ways to make it more comfortable to walk and less comfortable to drive. Mr. Wintzer believed this proposal was counter-intuitive to what the City Council talked about in their new visioning ideas of being a green city. Mr. Wintzer could see no reason why the Planning Commission would approve turning a comfortable alley to walk in into a driveway that compromises safety and increases the amount of parking.

Mary Wintzer, a resident at 320 McHenry, stated that she has spoken to several Council members about entitled growth, and she recognized that there was nothing the City could

do about it. However, if improving the carbon footprint is truly a top priority for the City, then a development that cannot occur without using public right-of-way or City property should not occur. Those spaces belong to the public and the City was exacerbating and thwarting their new top priority by encouraging additional growth.

Chair Strachan closed the public hearing.

Commissioner Campbell stated that he would like the plan better if there was a way to add doors and make the structure a real garage. He questioned how the alley would be cleared of snow and still allow for the cars to come out. Mr. DeGray replied that the snow would have to be hauled off. He pointed out that the Cunningham building maintains the alley now because it is private and this applicant would share that responsibility. Commissioner Campbell thought the design and the five parking spaces for a single house felt like they were trying to get away with something. He clarified that his comment was not meant to be derogatory towards the applicant, but if he could get a better explanation he might be more supportive. Mr. DeGray explained that the reason for this proposal was that the April Inn is required to provide a certain number of parking spaces. Commissioner Campbell asked Mr. DeGray if the spaces would sit empty or if they would actually be used. Mr. DeGray replied that the parking spaces would be deeded to the condos at the April Inn. Commissioner Campbell understood that the condo owners would have the legal right to use the spaces. His question was whether or not the parking spaces would actually be used or whether the parking was only being provided to meet the requirements for the April Inn. Mr. DeGray believed the level of the condos being sold at the April Inn would demand constant parking. The agreement with the City is that the parking is either provided by a fee or physically provided. Mr. DeGray noted that this was an opportunity to physically provide off-street parking for those condos. If they chose to meet the requirement by a fee, the parking would still occur somewhere else. However, the applicant preferred to physically provide it as proposed.

Commissioner Campbell was concerned about the number of times the condo owner would suffer backing out, going up the alley and scraping their car while making the tight turn. He understood that it was a design issue and there were constraints, but he felt like everything was stacked against them. Mr. DeGray remarked that the City Engineer had asked the same questions and he was able to show him how it would all work. Commissioner Campbell understood the Exhibit but he questioned whether larger vehicles would fit. Commissioner Campbell was not thrilled with the plan but he has seen crazier things proposed in Old Town. He could not find a good enough reason to object to it.

Assistant City Attorney McLean remarked that there were two conditional use permits before the Planning Commission. She pointed out that conditional uses are allowed uses as long as the impacts are mitigated. Ms. McLean thought it would be helpful if

Commissioner Campbell could raise his concerns in terms of the impacts related to the parking area with five or more spaces and possibly think of ways to mitigate the impacts.

Commissioner Campbell asked if there was some type of alarm or motion light that would alert pedestrians that a car was backing out. He has seen something similar in larger cities. Commissioner Campbell stated that his primary concern was how to make pedestrian traffic through that alley aware of the fact that a vehicle is about to back out, because the driver will not see the pedestrian. Mr. DeGray stated that they would talk about signage and the presence of illumination on the walkway at night. He did not believe the alley had the same intensity of pedestrian use as Main Street. Commissioner Campbell pointed out that the neighbors indicated otherwise in saying that the alley is used all the time. He asked if there was a way to get some type of verification. Mr. DeGray believed that proper illumination and clear sight lines would be important. Adding signage telling people to look both ways at the bottom of the staircase would also help alert the pedestrians.

Bill Reed, representing the applicant, addressed the issue of the parking spaces and clarified that they were definitely dedicated to the April Inn condos at 545 Main Street. Mr. Reed stated that they were required to provide four spaces. Of the six spaces being developed in the back, four would be for the April Inn condos, one would be for 550 Park Avenue, and the sixth space would be for guests. He did not believe the extra space for guests would be an invitation for anyone driving into Old Town to park there. In response to the comments regarding environmental issues, Mr. Reed believed that putting housing in Old Town was a positive for the environment because it allows people walking access to the restaurants and other activities. Mr. Reed thought there were a lot of advantages to this proposal. He was unsure why there was a concern that the parking spaces would be used for anything other than what they were designated for. He noted that they have been working on addressing the parking and access issue since February which has resulted in this proposal.

Commissioner Thimm had reviewed his notes from the May meeting and recalled that most of his comments related to the Park Avenue side. He believed the revised design answered most of his questions and concerns. However, he still had questions regarding the new layout. Commissioner Thimm asked if the easement agreement makes provision for vehicle access to the site. City Engineer Cassel answered yes. He explained that they specifically went to the City Council to extend both pedestrian and vehicle access to 550 Park Avenue.

Commissioner Joyce understood that the City Council had a positive view of the access easement but it still needed to be approved. Mr. Cassel clarified that the City Council had approved it. However, it was still in draft form and it would not be signed or finalized until

action is taken on the CUP and all the issues are addressed. Commissioner Phillips asked if it would go back to the City Council. Mr. Cassel replied that the City Council had already approved the access easement and they would not see it again.

Commissioner Thimm commented on the parking layout and questioned whether the LMC allows for the types of movements proposed, rather than have a car back up directly behind the stall. Planner Astorga replied that the LMC requires at least 24 feet for a drive aisle directly behind the stall. Commissioner Thimm thought parking stall #1 was non-compliant with the LMC. Planner Astorga noted that the LMC is not specific on location and only says a drive aisle minimum of 24 feet. He understood that Commissioner Thimm was concerned that there was not 24 feet directly behind parking stall #1. Commissioner Thimm believed that was how stalls were supposed to be laid out based upon his interpretation of the LMC. He asked if there were exceptions that allowed for special turning movements. Planner Astorga reiterated that the Code only specifies a 24' drive aisle. Commissioner Thimm stated that he was familiar with how parking stalls needed to be laid out and the proposed layout did not appear to be compliant.

Commissioner Thimm understood that four stalls were not added in the earlier approval for the April Inn because of fee-in-lieu. Planner Astorga explained that the spaces were not included because when the April Inn was built there were 12 apartments and no onsite parking. When the Planning Department started looking at records to see whether the fee was paid into the Special Improvement District of 1984, they found that some money was paid in-lieu. However, that had to be amended once the applicant requested to change the number of units from 12 to 3. After the analysis was done as part of the HDDR, it was identified that the site needed to provide four parking spaces either physically or fee in-lieu. Planner Astorga pointed out that it was impossible to physically provide the spaces because the Main Street HCB District allows a floor area ratio of up to 4.0 and the building itself takes most of the site. Therefore, the applicant chose to pay \$56,000 or \$14,000 per parking space in order to move forward with the Historic District Design Review. Planner Astorga noted that it was always identified that the applicant would have the opportunity to come back and accommodate the required parking.

Assistant City Attorney McLean clarified that the City entered into an agreement with the applicant allowing a fee in-lieu so they could satisfy the parking and move forward with their building permit. However, if they were ever able to accommodate the parking spaces that money would be released and parking would be provided on-site for the project.

Mr. Reed stated that the intent has always been to provide parking on the site. Because the parking had not yet been approved, the applicant chose to pay the in-lieu fee upfront in order to begin construction on the April Inn project.

Planner Astorga noted that the applicant originally requested six spaces for the April Inn, even though the Code only required four spaces. With the revised plan, the applicant was only requesting five spaces. Should the Planning Commission find that Stall #1 does not meet the Code, the applicant would have the option to eliminate that parking stall and still have four parking spaces to meet Code for the April Inn. Mr. Reed stated that if removing the stall was an option they would also look at putting the garage back on Park Avenue.

Assistant City Attorney McLean reminded the Commissioners that the discussion should be about impacts and whether or not the impacts could be mitigated.

Commissioner Thimm understood from a previous comment that the applicant would not be opposed to a condition of approval to protect the wall. Mr. DeGray agreed. Planner Astorga stated that currently the existing staircase goes over the retaining wall and does not touch it at all. The applicant has no intention of touching the wall with the realignment. Commissioner Thimm favored adding the condition as long as the applicant was not opposed.

Commissioner Joyce had visited the site and one of his concerns was safety. With the Cunningham building cars pull into spaces going forward, back out and pull out going forward. In both cases the driver is looking at the pedestrian walkway. The parking proposed for this project is very different because vehicles back out of narrow spaces the majority of their view is blocked. Commissioner Joyce had concerns with cars backing out into the City property and into pedestrians. He thought the problem was exacerbated on Stall #1 where it backs directly into the bottom of the stairs. Commissioner Joyce commented on the layout of the existing stairway and explained why he believes moving the stairs would create a blind spot for pedestrians and vehicles. In his opinion, realigning the stairs would make a bad situation worse.

Commissioner Joyce stated that from an aesthetics standpoint the realignment would disrupt the historic look and feel of the view looking up the existing stairway. That could not be replicated if the stairs are realigned as proposed. Commissioner Joyce understood the idea of being able to provide an easement to use the alley, but as currently designed vehicle maneuverability is tight and unsafe. He also did not believe that granting an easement meant they would have the right to change City property. To make the staircase less safe was very questionable in his mind.

Commissioner Joyce commented on the design of the open garage space and agreed that the Code recommends discouraging carport structures. He pointed out that tight space was the only reason the applicant gave for leaving the spaces open. However, they were tight on space because they were trying to squeeze six parking spaces into a very narrow

space. Commissioner Joyce remarked that another safety concern was the potential of creating unlit spaces where crime and unsafe activities could occur late at night.

Commissioner Joyce summarized that he had major concerns with Stall #1 and he did not believe they should move the staircase. He preferred a design that permits the applicant to have as many parking stalls as they could cleanly fit with the stairway in its current location. He clarified that cleanly means backing a car straight out. Commissioner Joyce was very concerned with the idea of doing a curved back out right at the base of a set of stairs. In his opinion, a reasonable plan would leave the staircase intact, have enclosed garages instead of a carport, and have enough room for all the cars to cleanly back out without the worry of hitting pedestrians at the bottom of the staircase.

Commissioner Campbell asked if the overhead height was the only reason for not having garage doors. Mr. DeGray replied that the width allowed for the six spaces at 9'. If they enclosed the spaces they could go to 8' doors, but the height was still a serious problem. Commissioner Campbell suggested the possibility of using aircraft hangar type doors that are being made for residences that fold to the outside. He thought that would address some of the safety concerns expressed by the Planning Commission because hearing or seeing a garage door open would alert pedestrians that a car is backing out.

Commissioner Worel shared the concerns regarding the carport and the openness of that area. She had spent a lot of time walking the neighborhood to see if she could find other carports for compatibility, but she found none. She thought there was a big difference between a one-car carport as opposed to a six-car carport. Commissioner Worel supported the idea of finding a way to add garage doors from the standpoint of compatibility and safety.

Commissioner Worel read from Condition of Approval #19 on page 90 of the Staff report regarding the fireplace. "The proposed fireplace above the roof shall be reduced as it tends to "stick out". She thought the language was very vague and asked for an explanation of needing to be reduced. Planner Astorga stated that there are specific International Residential Code provisions regarding the height of the chimney. He thought they needed to look at reducing the height and he believed if it was added as a condition of approval the Staff and the applicant could work out the details.

Chair Strachan asked Mr. DeGray why it was designed to be so high. Mr. DeGray stated that it needs to be two feet above the closest roof within ten feet, and it has to maintain a maximum of 5' above the 27' height limit. It was actually as low as it could be. Mr. DeGray thought there may be room to reduce it by a foot, but other requirements needed to be considered before he would know if it could be reduced.

Commissioner Worel understood that the applicant had paid fee-in-lieu for four parking spaces. She wanted to know where people were currently parking while the money was being held by the City. Planner Astorga replied that they should be parking at China Bridge. Mr. Reed pointed out that currently there were no occupants because they were under construction. Commissioner Worel wanted to know where the occupants would park if the five proposed parking stalls were not approved. Mr. Reed replied that they would park at China Bridge.

Assistant City Attorney McLean pointed out that per the LMC the applicant could build two parking spots on Park Avenue for the single-family unit. If they reduced the proposed parking to four spaces below the applicant would not need a CUP under the Code.

Commissioner Joyce asked where the modification to the stairway fits in. Planner Astorga replied that the City Engineer controls any public improvements on public rights-of-way and City-owned property. Commissioner Phillips questioned whether the Planning Commission had the purview to talk about the stairs if it was controlled by the City Engineer. Assistant City Attorney McLean referred to the CUP criteria on page 80 of the Staff report and noted that they did have purview in terms of internal circulation, fencing, screening, landscaping, and traffic considerations.

Commissioner Phillips thought this new design was a vast improvement over what was presented in May. He shared some of the concerns expressed by his fellow Commissioners, but he could also see some positives. Commissioner Phillips thought that reducing the visual impact of the car on the Park Avenue side was positive. Also, putting parking on the site instead of in parking structures would free up parking for visitors and shoppers. Filling in the streetscape on Park Avenue would be another positive. Commissioner Phillips noted that at the last meeting he made comments regarding public safety down the alley, and he asked if they could paint lines to direct pedestrians and for vehicles to visually see that it was a crossing.

Commissioner Phillips stated that in talking about the issues he tried to find some solutions. He agreed that the bottom of the stairs is a dangerous area but he thought some of the safety issues could be addressed by putting a sign on the stairs for pedestrians to watch for traffic, a sign inside the building telling cars to watch for pedestrians, pedestrian striping across the front of the garage, and placing a bollard on the bottom corner of the stairs to physically protect pedestrians.

Commissioner Phillips believed that signage was a big factor in many different areas. One question was who takes precedence if one car is coming in and another is coming out. He suggested a sign for people to yield to cars coming in from Main Street to avoid the impact of someone backing out onto Main Street and stopping traffic. If garage doors are not

added, Commissioner Phillips assumed the applicant would have signage designating who uses the parking stalls. In terms of Stall #1, Commissioner Phillips stated that he drives a very large truck and he finds that backing into a stall is easier and takes up less space than pulling forward and backing out. He has seen signs in some places that actually require people to back into stalls. He acknowledged that it might be hard to enforce but he thought it was something for the applicant to consider. Commissioner Phillips reiterated that the current design was a great improvement and he would like to find ways to mitigate some of the impacts and concerns; primarily related to safety. He also favored garage doors because the Code discourages carports.

Commissioner Band echoed the concerns of the other Commissioners. She preferred garage doors because the Design Guidelines specifically discourage carports. She agreed with Commissioner Campbell that a garage door opening would alert pedestrians coming down the stairs. Commissioner Band pointed out that the alley was already a vehicle access and while it was a different parking layout, they were not taking away a sidewalk. She was pleased that the applicant had proposed significant changes in an effort to make it work. Commissioner Band was in favor of allowing the requested parking if they could find ways to address the safety concerns. From a real estate standpoint, she believed that garage doors would be better than an open carport, particularly for high-end real estate. Commissioner Band thought the applicant would benefit from having fewer spaces if they were enclosed.

Chair Strachan stated that he was not in favor of the previous proposal but he liked the one presented this evening. He favored the new proposal because it accomplishes the transition zone from the Main Street Business District to the Park Avenue residential. It takes the stress and the intensive use off of Park Avenue and places it appropriately on Main Street. Chair Strachan noted that the transition between the HCB and Park Avenue has never been smooth. He felt this solution dealt with the top issues better than any other project he has seen. Chair Strachan was concerned that if the Planning Commission did not approve this plan they would get something that would put more impacts on the Park Avenue residents than what could be mitigated, and he thought the Park Avenue residents deserved better.

Chair Strachan believed the solution for the parking problem was five parking spots and all garage doors. He thought the impacts of having six spots created a tight situation with too many impacts for both vehicles and pedestrians. He believed the impacts could be mitigated by having less parking spots and the sound of a garage door opening to alert pedestrians that a car is backing out. Chair Strachan thought the easement should be painted or marked in some way so people know it is usable and not just a vehicular access. He also favored the signage as suggested by Commissioners Campbell and Phillips. Chair Strachan thought a gas fireplace was the solution to condition of approval #19. He noted

that the impacts of wood burning fireplaces were becoming clear and a gas fireplace would resolve the impact.

Chair Strachan thought the issue was how to proceed and whether there was consensus among the Planning Commission to move forward with approval, denial, or further conditions with approval.

Commissioner Phillips personally thought the impacts could be mitigated. Commissioner Band agreed that the impacts could be mitigated and she thought the Commissioners should come to some agreement so the applicants could move forward.

Chair Strachan asked for comments on the number of parking stalls and how to mitigate the safety impacts. Commissioner Thimm agreed that reducing the number to five parking stall would alleviate some of the tightness of the whole area, and it would provide a back up zone behind the first stall. Commissioner Thimm thought signage and markings on the pavement were good ideas. He was not opposed to the change in the stairway. He appreciated how the current proposal was better for Park Avenue.

Commission Campbell liked the new stairway better than what currently exists. It would be safer and more comfortable to walk down as opposed to one long straight line down. Commissioner Campbell agreed that five spaces would be more comfortable for someone trying to park in a stall; but he thought the Commissioners should be concerned with mitigating the impacts on the surrounding area and not for the people who will be parking in the narrow stalls. Commissioner Campbell preferred to leave the decision on the number of parking stalls to the applicant.

Chair Strachan pointed out that five stalls would allow for garage doors and the sound of an opening door would be a mitigation. Mr. DeGray needed to research the aircraft type door suggested by Commissioner Campbell to see if it would work. At this point, he believed they would have to reduce the parking to five stalls to add garage doors.

Commissioner Campbell thought the Planning Commission could require garage doors as a condition of approval, but he was uncomfortable saying that the parking had to be reduced from six to five spaces because the applicant should make that decision.

Chair Strachan understood from the comments that the applicant was close to what the Commissioners wanted and there was the opportunity to bring back a plan that addresses the parking concerns. He asked if the applicant wanted to find solutions this evening or if they preferred to come back with a design solution. Mr. DeGray was not opposed to the conditions mentioned this evening. In talking with his client they preferred to work through it this evening in an effort to reach a point where the Planning Commission would feel

comfortable remanding it back to the Staff to work out the details with the applicant to meet the criteria. If they could not meet the criteria to the satisfaction of the Staff, it would come back to the Planning Commission.

Assistant City Attorney McLean stated that it was within the purview of the Planning Commission to craft conditions of approval and let the Staff determine whether or not the conditions are met.

Commissioner Joyce was comfortable adding garage doors, but he still had concerns with back up issues and safety around a major pedestrian stairway. He stated that in addition to garage doors, he would like the plan revised to allow for a clear, straight back, drive-out aisle. Mr. DeGray understood the concern and he was willing to do whatever he could to address it. Mr. DeGray believed there was the potential to redesign the public stair similar to what they were proposing but to back it up further towards the wall.

Planner Astorga showed the Planning Commission a concept that the City Engineer had sketched during their discussion. The Commissioners liked the concept that was presented. It added one more turn to the stairs but it changed the landing so vehicles had more room to come out and it forces the pedestrians to look at the garage.

Director Erickson had drafted conditions of approval in the event the Planning Commission was considering approval.

1. Garage doors would be installed on the easement side of the building.

Director Erickson noted that he was silent on the number of spaces even though regulating to five spaces was possible under the conditions of approval for traffic impacts.

2. Striping and signage will be installed to the satisfaction of the City Engineer to identify the easement and exiting and pedestrian safety. Bollards will be installed.
3. Protection plan will be put in place for the rock wall and subject to the approval of the historic preservation planner.
4. No change in height to the building.
5. A gas fireplace installed.
6. No change to the Park Avenue side.
7. A stair redesign consistent with the sketch as illustrated by the City Engineer.

Chair Strachan added:

8. The applicant shall submit a signage plan to address pedestrians.

Jonathan DeGray was comfortable with the Conditions as drafted by Director Erickson. However, he thought better language for #2 would be to identify a pedestrian path rather than just striping the easement. Director Erickson agreed. Mr. DeGray suggested a 4' wide stripe that would run down the side of the building and align with the staircase or something similar to denote a clear path.

Director Erickson stated that when they take action on the Steep Slope CUP they would add a condition to address trash on the Park Avenue side. Assistant City Attorney McLean pointed out that the condition Director Erickson read would also go with the Steep Slope CUP and not the CUP for parking.

Commissioner Joyce noted that how they change the staircase would determine how people come down but at this point they do not know what the redesign would look like. Commissioner Joyce asked how they would direct signage for the garage. Chair Strachan did not believe the Planning Commission could require the applicant to put signage on a building they did not own. Commissioner Joyce thought they should have some purview if since the City was changing its pedestrian walkway by allowing the applicant to change the stairs and possibly create a new set of problems in terms of interaction between cars coming out of the garage and pedestrians.

Chair Strachan thought the most recent design concept from the City Engineer eliminated the problems. Commissioner Joyce understood that the Planning Commission would not make assumptions on the space and how the garage doors worked, or even how the stairway would be redesigned. He agreed that the City Engineer had offered a concept drawing but he thought the intent was to draft conditions of approval that did not make assumptions about the City and the applicant coming to an agreed solution. Commissioner Joyce emphasized that his biggest concern was pedestrian safety. He wanted to make sure that if they decided to give approval this evening that they were not shortchanging the pedestrians. He acknowledged that the redesign of the stairs might resolve the problem but it was still unknown.

Mr. DeGray pointed out that in either case they have the ability to put bollards in line with the opening to the garage and they could place a sign on the bollard facing towards people driving out of the Cunningham to be aware of the pedestrian access. Commissioner Joyce liked that idea. He also liked the fact that there were currently two large bollards to keep people from backing up into the bottom of the wall.

Chair Strachan believed the Minutes from this meeting would reflect what the Planning Commission wanted and the Staff would make sure the applicant followed that direction. If the applicant chooses not to follow that direction they would have to come back to the Planning Commission.

Commissioner Thimm was comfortable leaving Condition #1 silent on the number of parking stalls but he thought they should state the expectation that the end design should have a legitimate backup for each and every stall regardless of the number.

Commissioner Campbell thought it should be part of the stair re-design because they were moving the stairs out of the way. He suggested that instead of saying it has to be drawn by the City Engineer, the language should say, “.....and to allow for a straight backup lane.

Director Erickson revised condition of approval #7 to say, “A stair redesign consistent with the sketch by the City Engineer and a straight back-out for all parking spaces.”

MOTION: Commissioner Joyce moved to APPROVE the 550 Park Avenue Conditional Use Permit for a parking area with five or more spaces in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Chair Strachan stated that the only changes to the Steep Slope CUP were the gas fireplace and the trash. Mr. DeGray indicated a storage room on the lower level garage plan and noted that the applicant was thinking of using that for the trash cans. Mr. DeGray was not opposed to a condition of approval stating that trash cans shall not be visible from the street except on trash days. He would change the designation on the plan from storage to trash/storage. It would also be used for recycle. Chair Strachan pointed out that the applicant could put the trash wherever they wanted as long as it was not visible from the street.

MOTION: Commissioner Worel moved to APPROVE the Steep Slope CUP for 550 Park Avenue for a new single-family dwelling over a parking structure according to the Findings of Fact, Conclusions of Law and Conditions Approval as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

General Findings of Fact – 550 Park Avenue

1. The site is located at 550 Park Avenue.
2. The site is located in the HR-2 District.
3. The site is currently being proposed at Lot 1 of the Cardinal Park Subdivision.
4. This application includes a request for a Conditional Use Permit for construction

- of a new-single family dwelling over a parking structure.
5. A Historic District Design Review (HDDR) application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.
 6. The LMC indicates that the use listed as A Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot requires a Conditional Use Permit
 7. A single-family dwelling is an allowed use in the HR-2 District.
 8. The proposed single-family dwelling is 2,133 square feet consisting of a three (3) bedroom house without a garage.
 9. A single-family dwelling requires two (2) parking spaces.
 10. The applicant proposes two (2) parking spaces for the single-family dwelling
 11. The applicant proposes five (5) parking spaces for the April Inn site.
 12. The lowest level is the parking level consisting of 142 square feet.
 13. The parking area consists of 1,084 square feet.
 14. The middle level is identified as the street level and is accessed directly off Park Avenue.
 15. The street level has three (3) bedrooms, two (2) bathrooms, and a family room.
 16. The street level contains 1,107 square feet and it also has a rear deck.
 17. The upper level has the living room, dining room, kitchen, and a bathroom.
 18. The upper level has both a front and rear deck.
 19. The upper level is 884 square feet.
 20. The maximum building footprint is 1,135.5 square feet.
 21. The proposed building footprint is 1,127 square feet.
 22. The minimum front/rear yard setbacks are ten feet (10).
 23. The front yard setbacks are ten and a half feet (10.5').
 24. The rear yard setbacks are sixteen feet (16').
 25. The minimum side yard setbacks are three feet (3').
 26. The side yard setbacks are three feet (3').
 27. The proposed structure complies with the maximum building height, including the following provisions: final grade, thirty-five foot rule, vertical articulation, roof pitch.

Steep Slope CUP Specific Findings of Fact – 550 Park Avenue

1. The proposed structure is located and designed to reduce visual and environmental impacts of the Structure.
2. The applicant submitted plans including a streetscape showing how the three (3) structure will be observed as a two (2) story dwelling when viewed from Park Avenue, due to the character of the slopes towards the front which limits the maximum building height.
3. The proposed structure has two (2) access points: Park Avenue and Main Street.

4. The Park Avenue access corresponds to an eighteen foot (18') wide porch for pedestrian access as well as a parking space directly off Park Avenue.
5. The Main Street access for the house has a covered parking space and a door leading to the upstairs street level. The five (5) remaining parking spaces are for the exclusive use of the April Inn and are only to have access through the alley off Main Street.
6. The side access of the lowest parking level was granted by the City to the applicant in a recent City Council discussion to be finalized in a form approved by the City Attorney and City Engineer.
7. The proposal does not including any terracing other than the effect of the structure on the site.
8. The proposed structure is located towards the front and center of the lot in order to capitalize the access to both driveways from each one of the access point, one parking space from Park Avenue at the street level of the structure and the rest off Main Street through what would be considered the side of the building at the lowest level of the structure.
9. The maximum building height of 27 feet make the proposed structure follow the perceived natural topography of the site.
10. The front façade is broken up which assists in providing front yard variation.
11. The roof form, the decks both in front and back, and the vertical step in the front break up the mass of the building and adds more articulation to the building form.
12. The proposed green roof is not accessible and is considered a passive space which will not require railings, etc. The green roof will not act as a patio.
13. Staff recommends that the fireplace above the roof is reduced as it tends to "stick out" as seen from the front elevation.
14. The front has small roof form to the left, a wide eighteen foot porch to the right, and a four foot (4') vertical façade shift which minimize the "wall effect".
15. The proposed design contains the required ten foot (10') step-back on the third story.
16. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
17. The design includes setback variations and lower building heights for portions of the structure on the rear elevation.
18. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of three (3) story dwellings.
19. The entire building ranges in height from seventeen to twenty-seven feet (17-27') measured from existing grade, as required by the LMC.

1. The proposal shall be consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites.
2. The application is currently being reviewed by staff for compliance with the Design Guidelines where the scale, compatibility, historic character is thoroughly reviewed.
3. Applicant proposes two (2) parking spaces for the residential single-family dwelling, one parking space accessed directly off Park Avenue and one parking space accessed off the alley through Main Street. The LMC requires a single-family dwelling to have two (2) parking spaces.
4. Staff recommends that the applicant submit the required report by a Certified Arborist and that the loss of significant mitigation is replaced on a like per like basis.
5. The applicant shall be responsible of screening utility equipment through their final landscape plan to be approved prior to building permit issuance. Any utility equipment in the Right-of-Way shall also be screened through proper approval and authorization of the City Engineer.
6. The proposed single-family dwelling is 2,133 square feet consisting of a three (3) bedroom house with most of the lowest level consisting of parking spaces.
7. The house has one parking space accessed off Park Avenue and one parking space accessed through the alley via Main Street.
8. The requested use of the single-family dwelling is off Park Avenue as well as through Main Street and the alley.
9. From time to time, Main Street may be closed for specific events, such as Miner's Day parade in September, Arts Festival in August, etc., Pursuant to the Easement Agreement, the owners of the April Inn during these street closures they may not access the proposed parking garage. The applicant stipulates these street closures and understands that they would have to abide the same restrictions currently faced by other residential property owners and businesses on Main Street.
10. No additional utility capacity is required for the requested use.
11. Emergency vehicles can easily access the unit and no additional access is required.
12. The applicant proposes a total of seven (7) parking spaces on-site: Two (2) parking spaces for the single-family dwelling; and Five (5) parking spaces for the April Inn.
13. The LMC indicates that a single-family dwelling requires a minimum of two (2) parking spaces.
14. The first (1st) parking space is accessed off Park Avenue while the second (2nd) parking space is found below the street level.
15. The remaining five (5) parking spaces, as well as the second one (1) for the house, are accessed off Main Street through a drafted easement agreement over City owned property.

16. The five (5) parking spaces are to be built for the benefit of 545 Main Street, April Inn.
17. The single-family dwelling has internal pedestrian circulation directly off each parking area.
18. The first (1st) parking space is accessed off Park Avenue, the second (2nd) parking space as well as the five (5) parking spaces are accessed off Main Street through the alley.
19. Screening and landscaping is proposed at towards the front of the house.
20. The applicant requests to build a new single-family dwelling at the Park Avenue elevation.
21. The applicant requests the roof of the structure to be a passive non-accessible green roof, which is allowed.
22. No useable open space will be affected with the requested use from what is currently found on site.
23. There are stairs on the west end of the City owned alley, which the applicant requests to rebuild, realign, and landscape. The applicant will have to receive a separate permit through the City Engineer's office to rebuild and realign the City stairs, as well as landscaping City owned property.
24. The requested uses will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.
25. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.
26. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
27. The proposal is not located within the Sensitive Lands Overlay.
28. The applicant requests to build a residential parking structure for the April Inn below grade of Park Avenue projected across the HR-2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.
29. The proposed structure within the HR-2 portion of the lot meets the minimum side and front yard setbacks of the HR-2 District as stated. The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.
30. The proposed structure within the HR-2 portion of the lot meets the building height requirements of the HR-2 District as stated.
31. The new structure fronting on Park Avenue does not contain commercial uses.
32. Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.
33. Applicant requests a total of one (1) unit over the HR-2 portion of the development.
34. The access for the parking structure underneath the single-family dwelling is off Main Street, HCB District, through an easement. The applicant is not asking for

a commercial structure. No emergency access onto the HR-2 portion of the property is proposed.

35. The width of the proposed structure is twenty nine feet (29').

36. No density transfer is being proposed.

Conclusions of Law – 550 Park Avenue

1. The Application complies with all requirements of this LMC;
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; and
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 550 Park Avenue – CUP for parking with five or more spaces

1. Garage doors would be installed on the easement side of the building.
2. Striping and signage will be installed to the satisfaction of the City Engineer to identify the easement, pedestrian route and vehicle traffic notices. Safety Bollards will be installed.
3. Protection plan will be put in place for the rock wall and subject to the approval of the historic preservation planner.
4. No change in height to the building from current proposal.
5. No change to the facades visible from Park Avenue.
6. A stair redesign consistent with the sketch by the City Engineer and a straight back-out for all parking spaces.
7. The applicant shall submit a signage plan to address pedestrians.

Conditions of Approval – 550 Park Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on October 28, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.
11. All Yards shall be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The use of native plants and trees is strongly encouraged.
12. From time to time Main Street may be closed for specific events, such as Miner's Day parade in September, Arts Festival in August, etc., and finds that the applicant understands that during these street closure they may not access their parking garage. The applicant stipulates these street closures and understands that they would have to abide the same restrictions currently faced by other residential property owners and businesses on Main Street.
13. There are stairs on the west end of the City owned alley, which the applicant requests to rebuild, realign, and landscape. The applicant shall receive a separate permit through the City Engineer's office for this work to the satisfaction of the City Engineer and applicable City Codes.
14. The new structures fronting on Park Avenue shall not contain commercial uses.
15. The number of residential units allowed on the HR-2 portion of the Development shall be limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.
16. The maximum allowed Building Footprint for the HR-2 Lot shall be subject to Section 15-6-5(B).
17. The easement agreement for access to the lower parking must be recorded prior to issuance of any building permits.
18. The applicant shall submit the report by a Certified Arborist prior to building per LMC § 15-2.3-15. Loss of significant mitigation shall be replaced on a like per

like basis.

19. A gas fireplace shall be installed.
20. Trash cans shall not be visible from the street.

3. 327 Woodside Avenue Steep Slope Conditional Use Permit for an addition and Conditions Use Permit for an Accessory Apartment in the HR-1 District (Application PL-15-02861 and PL-15-02862)

Planner Astorga reported that this item was a dual application for a Steep Slope Conditional Use permit for construction over steep slopes and a CUP for an accessory apartment. He noted that six months ago the City approved a plat amendment to combine two lots of record at 327 Woodside Avenue. The plat was almost finalized. The site has an existing single-family dwelling. Planner Astorga reviewed the existing conditions of the structure on page 165 of the Staff report.

Planner Astorga stated that the property owner had submitted a conditional use permit application to accommodate an addition to the existing single family dwelling which would occur over slopes that are 30% or greater. Part of that addition would be a 609 square foot apartment. Planner Astorga pointed out that the majority of the addition was for the single family dwelling and not the accessory apartment. Planner Astorga reviewed the site plan and indicated the existing single family dwelling and the proposed addition.

The Staff had looked at the specific criteria for the accessory apartment and determined that the proposal met the criteria. The accessory apartment cannot be more than one-third of the main dwelling and no larger than 1,000 square feet. Planner Astorga stated that there cannot be more than three accessory apartments within a 300 feet radius. The Staff checked specific records and there are no accessory apartments within 300 feet. Planner Astorga remarked that if the Planning Commission chooses to approve the accessory use, a unique requirement is that the deed must be restricted and the property owner must live on site in either the main dwelling or the accessory apartment. Planner Astorga stated that another unique requirement indicated in the Code is that neither the main dwelling or the accessory apartment would be eligible for a nightly rental, which is an allowed use in the HR-1 District.

Planner Astorga noted that the Staff report contained General Findings of Fact of the site, as well as Findings of Fact, Conclusions of Law and Conditions of Approval for the Steep Slope Conditional Use Permit and for the Accessory apartment. The Staff finds that the proposal meets the Land Management Code.

Planner Astorga remarked that the City Engineer had submitted information regarding the location of the driveway. The accessory apartment is one-bed and the Code requires one

parking space for the number of bedrooms. Therefore, the applicant has decided to design the addition, including the accessory apartment, the parking space adjacent to it. The City Engineer was asking whether there were opportunities for the parking space designated for the accessory apartment to utilize the existing driveway on the site. The applicant has indicated that it would be extremely difficult.

Planner Astorga noted that the LMC does not have a restriction in the HR-1 District that limits one driveway cut per site. After conducting an analysis, the Staff recommended that the Planning Commission approve the proposal for the Steep Slope CUP and the accessory apartment.

Jonathan DeGray, the project architect, stated that the merits of the driveway as proposed is that the separation between the existing driveway and the proposed driveway provides a landscape buffer and allows access to the accessory apartment remote from the existing home. Mr. DeGray remarked that the driveway cuts match the rhythm of the single car driveways coming down Woodside. To try to facilitate the additional parking space off of the existing driveway would require significant excavation in front and they would lose a lot of the vegetation and the wall work that was shown in the plan for two driveways. Mr. DeGray stated that using one driveway would not be their preference.

Commissioner Worel stated that when she visited the site there appeared to be railroad ties as a retaining wall. She asked if the wall of the addition would replace those retaining ties. Mr. DeGray did not believe the railroad ties were on this applicant's property. Planner Astorga noted that a neighbor had authorized a trespass agreement for 335 Woodside to stage construction materials on her property. He suggested that it may have been that construction material that Commissioner Worel had seen.

Planner Astorga reported on a letter he had received from Ruth Meintsma supporting the accessory apartment.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Band liked the proposal. Without infringing on HOA requirements she would like to look at LMC changes to eliminate the maximum accessory requirement in certain neighborhoods. She stated that if someone is willing to put in an accessory apartment where they are allowed, it is a good way to help with the housing crunch. Commissioner Phillips concurred. He believed the General Plan encourages that as well.

Commissioner Worel asked if Commissioner Band was suggesting that they remove the restriction of not within 300 feet.

Commissioner Phillips preferred two separate driveways as opposed to one wide driveway. Commissioner Band agreed.

Commissioner Worel liked the proposal, especially the fact that the main house has to be owner/occupied and that nightly rental is not allowed.

Commissioner Joyce gave it two thumbs up. Commissioners Thimm and Campbell agreed with the other Commissioners.

In terms of changing the LMC, Commissioner Campbell asked Ms. McLean to advise the Commissioners at a future meeting on whether or not they would have the legal right to force HOAs to stop blocking accessory apartments. Commissioner Campbell also suggested that they look at less restrictive parking. If they want to start limiting cars in town they could start by not allowing an extra parking space for accessory apartments.

Assistant City Attorney McLean stated that regarding the HOA, City Code allows private CC&Rs to be more restrictive as long as it is constitutional. To allow accessory apartments, the Planning Department could create LMC amendments to encourage accessory apartments, but it would not usurp existing CC&Rs.

Commissioner Campbell asked whether the other Commissioners supported his suggestion to not allow additional parking for an accessory apartment. Commissioner Band stated that it would depend on the neighborhood and proximity to bus access.

Chair Strachan agreed with his fellow Commissioners, except he did not like the plan for two driveways. He personally preferred one narrow driveway.

MOTION: Commissioner Joyce moved to APPROVE the Conditional Use Permit for construction on a steep slope for 327 Woodside Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to APPROVE the Conditional Use Permit for an accessory apartment for 327 Woodside Avenue in accordance with the Findings of Fact,

Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

General Findings of Fact that apply to both CUPs – 327 Woodside

1. The site is located at 327 Woodside Avenue.
2. The site is located in the Historic Residential-1 (HR-1) District.
3. The applicant requests to build an addition to their existing single-family dwelling.
4. The existing single-family dwelling is 2,366 square feet, including the garage.
5. The proposed addition is 1,968 square feet.
6. The overall proposed square footage is 4,334 square feet.
7. The addition takes place over slopes that are thirty percent (30%) or greater.
8. The majority of the proposed addition totaling 1,359 square feet is an expansion to the existing single-family dwelling, including the garage.
9. The remaining 609 square feet is an addition in the form of an Accessory Apartment.
10. An Accessory Apartment is a conditional use which requires Planning Commission review and approval.
11. The proposed building footprint of 1,510 square feet meets the maximum building footprint of 1519 square feet.
12. The addition consisting of a building footprint of 719 square feet, takes place over slopes that are thirty percent (30%) or greater.
13. The proposed front yard setback of eighteen feet (18') meets the minimum front yard setback of ten feet (10').
14. The proposed rear yard setback of fourteen-and-half feet (14½') meets the minimum rear yard setback of ten feet (10').
15. The proposed north side yard setback of seven feet (7') meets the minimum north side yard setback of seven feet.
16. The existing building does not expand towards the south and therefore, the existing building maintains the minimum side yard setback of three feet (3') on the south side.
17. The proposed addition complies with the maximum building height, including the following provisions: final grade, thirty-five foot rule, vertical articulation, roof pitch.

Steep Slope CUP Findings of Fact – 327 Woodside

1. The proposed addition/expansion is sited towards the north of the existing single-family dwelling.

2. The proposed combined footprint will resemble a U shape which creates an appropriate traditional driveway pattern.
3. The proposal includes a parking space for the Accessory Apartment seventeen feet (17') away from the existing driveway to the south.
4. The applicant submitted plans including a streetscape showing how the three (3) story structure will be observed when viewed from Woodside Avenue.
5. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
6. The proposed addition has an additional parking space accessed directly off Woodside Avenue.
7. The proposed parking space is three feet (3') from the north property line and is twelve feet (12') wide.
8. The parking space is eighteen feet (18') long.
9. The proposed driveway slope is at nine percent (9%).
10. The proposal includes three (3) series of retaining wall.
11. All of the retaining walls were drafted as builder walls not to exceed four feet (4') from final grade.
12. The footprint of the proposed addition resembles a U shape that makes the site look like the traditional Old Town development pattern.
13. Due to the size of the Accessory Apartment, only one (1) parking space is required (based on the number of bedrooms).
14. The maximum building height of 27 feet make the proposed structure follow the perceived natural topography of the site.
15. The front façade is broken up which assists in providing front yard variation.
16. The proposed addition and the existing building are designed in a manner that is broken into the required series of individual smaller components.
17. The applicant does not request to build a garage for the required parking space.
18. The existing structure has a front yard setback of ten feet (10').
19. The proposed addition has a front yard setback of eighteen feet (18').
20. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
21. The design includes setback variations and lower building heights for portions of the structure on the front elevation.
22. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of three (3) story dwellings.
23. The entire building ranges in height and the maximum height found on site is 24½' measured from existing grade, as required by the LMC.

1. An Accessory Apartment is a self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.
2. The proposed apartment fits the definition above of an Accessory Apartment as it is a self-contained apartment with a full kitchen, one bedroom, and one-and-half (1½) bathrooms.
3. The proposed Accessory Apartment is 609 square feet.
4. The proposed addition will increase the existing structure to a total of 4,334 square feet.
5. The proposed Accessory Apartment will be less than one third (1/3) or 0.33 as it will be 0.14 of the total dwelling size.
6. The Land Management Code requires one (1) parking space per bedroom for an Accessory Apartment.
7. The applicant proposes a one (1) bedroom Accessory Apartment.
8. The applicant requests to build one (1) parking space located on the northeast corner of the site.
9. The applicant requests one (1) Accessory Apartment on the lot.
10. The applicant submitted the required floor plan, architectural elevations, and site plan showing the proposed changes to the existing structure and site.
11. The Planning Department has verified City files regarding approved Accessory Apartments.
12. There are no approved Accessory Apartments within the three hundred foot (300') radius.
13. The current property owner lives onsite.
14. Staff recommends a condition of approval be entertained that the required Deed Restriction language be executed before the Applicant can obtain Certificate of Occupancy and a building permit be obtained through the Building Department for the requested Accessory Apartment.
15. Staff recommends a condition of approval be entertained that the applicant does not have the ability to use the main Dwelling Unit or the Accessory Apartment as a Nightly Rental.
16. The site is located in Old Town and is part of the Historic Park City Survey. The lot is not within a specific Subdivision.
17. The requested Accessory Apartment does not have any unmitigated impacts when reviewed against LMC § 15-1-10(E)(1-15).

1. The Application complies with all requirements of this LMC;
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; and
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 327 Woodside

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on October 28, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.
11. The required Deed Restriction language shall be executed before the Applicant can obtain Certificate of Occupancy from the City.

12. The applicant does not have the ability to use the main Dwelling Unit or the Accessory Apartment as a Nightly Rental.

4. **900 Round Valley Drive Pre-Master Planned Development review for proposed amendments to the IHC Master Planned Development (Application PL-15-02695)**

Commissioner Worel disclosed that her office is located in the Summit County Health Department Building which is on the IHC Campus, but it would not affect her ability to discuss this item.

Planner Whetstone reported that this item was a pre-master planned development application which requires the Planning Commission to review and find initial compliance with the General Plan. Morgan Bush and Si Hunt, representing Intermountain Healthcare, were present to explain why they were before the Planning Commission with this request, and why they believed the initial concept complies with the General Plan. This item was also noticed for a public hearing. The Staff had prepared draft findings of fact, conclusions of law and conditions of approval for this pre-MPD application to be considered as part of the discussion. No action was expected or required this evening. Planner Whetstone requested that the Planning Commission continue this item to November 11, 2015.

Planner Whetstone reported that the applicants were requesting two amendments. One was the Subdivision of Lot 8 to split the 9.93 acre lot into a 3.6 acre lot, which would remain as lot 8, and create an open space lot from the remaining 6.33 acres, which would be Lot 12. Planner Whetstone noted that Lot 8 was anticipated for the Peace House conditional use permit with a ground lease from IHC. Lot 12 would remain open space.

Planner Whetstone stated that the second request was to increase the density of the MPD. The applicant was requesting the addition of 50 unit equivalents. It would be 50,000 square feet based on the calculation of 1,000 square feet per unit equivalent for support medical offices. IHC originally talked about doing a combination with hospital use. However, a hospital use with this MPD was 1.667 density, which would make the 50 UE approximately 83,000 square feet. The applicant was no longer pursuing that proposal. Planner Whetstone noted that IHC was requesting to put the additional density for support medical on either Lot 1 or Lot 6.

Planner Whetstone stated that prior to submitting for an MPD Amendment, the applicant is required to submit for a pre-MPD to be reviewed by the Planning Commission. The pre-MPD process allows for initial discussion and direction before an applicant gets too far into the design process. However, in this case, IHC was not proposing the actual construction

but rather an amendment to the actual Annexation and Development Agreements that governs the MPD. The pre-MPD process requires a review of the MPD and the zoning, as well as review of the General Plan. Planner Whetstone noted that IHC is in the Community Transition zone (CT).

Planner Whetstone stated that the Staff looked at the General Plan in terms of the Quinn's neighborhood, which identified small town, sense of community and natural setting as items for discussion.

Planner Whetstone stated that if the Planning Commission finds initial compliance with the General Plan, the applicant could then submit the MPD Amendment application for a full review by the Planning Commission and public hearings. Per the Code, if there is not a finding of general compliance the applicant could amend the concept plan or withdraw it. The applicant would also have the option to request a General Plan amendment.

Planner Whetstone reported that the January 2007 Annexation Agreement identifies an allowed density of 2.64 unit equivalents per acre. The Annexation Agreement talks about the entitlement and requirements and uses and lots. Planner Whetstone noted that the Hospital is on Lot 1. Lot 2 in the southwest corner is open space. Lot 5 is the 15 acres of City parcel, which is adjacent to the ice rink and runs on both sides of the street. The USSA is located to the east of Lot 5 and the Summit County Health Building and the People's Health Clinic is located on Lot 10. Lot 8 is to the north.

Planner Whetstone reviewed a table on page 189 of the Staff report that identified the lots, the lot areas and the densities to give the Planning Commission an idea of how the 415 UEs were achieved. The entire annexation lot area was 157.24 acres. The allocated densities were broken down by lot. Planner Whetstone noted that dividing the total lot area calculates to 2.64 UEs per acre. Planner Whetstone presented another table which showed the hospital uses, the support uses and where they are located. The previous MPD amendment moved 25 unit equivalents that were on Lot 6 and 25 unit equivalents on Lot 8 and placed them on Lot 1. Planner Whetstone noted that the 50,000 square feet of support medical offices was currently being constructed. All of the support medical office talked about in the MPD was either already constructed or was being constructed. The hospital has approximately 162,000 square feet or 97 hospital unit equivalents remaining.

Planner Whetstone commented on the Community Transition Zone and noted that the base zoning is one unit per 20 acres. A bonus density allows up to three units per acre for non-residential and one unit per acre for residential if approved.

Planner Whetstone reviewed the goals and strategies in the General Plan for the Quinn's neighborhood. The General Plan also identifies planning principles for the Quinn's area.

Planner Whetstone stated it may require a discussion on whether the General Plan provides the guidance needed to answer the questions. The primary question is whether or not adding 50,000 square feet or 50 unit equivalents to the MPD, which would take the density to the maximum allowed in the CT zone, is consistent with the General Plan. If the answer is yes, the next question is where it should be located. Planner Whetstone stated with all of the density allocated to the 2.64 unit equivalents, there was no density allocated to the 15 acres owned by the City on Lot 5. The agreement specifies that it was dedicated to the City for recreation and open space. Lot 5 is adjacent to the Ice Rink and there have been discussions about a second ice sheet or some other recreation facilities. The question is whether the Planning Commission thinks those types of uses require unit equivalents. Planner Whetstone recalled discussions in the past regarding the fire station and noted that a fire station is a public benefit and does not generate revenue.

Planner Whetstone had reviewed the Code for both the CT and the ROS zone and there was not a requirement for recreation uses to use unit equivalents. The CT zone only talks about commercial and residential unit equivalents. Planner Whetstone stated that Chapter 6 – Master Planned Developments, talks about unit equivalents for residential and commercial uses.

Planner Whetstone requested that the Planning Commission discuss whether the General Plan needed to be amended to provide more guidance on this issue.

Morgan Bush commented on the Lot 8 subdivision and the additional density. He noted that the trail bifurcated Lot 8. He stated that all of the land that IHC would retain in Lot 12 east of the trail was already delineated as wetlands. The west side of Lot 8 has also been delineated a wet lands. The rest of Lot 8 was not wetland. Mr. Bush stated that after further consideration, IHC realized that it was unlikely in the next phase of development that they would want to go through the Corp of Engineers to mitigate the wetland to make the west part of the campus buildable, since Lot 6 has not been built on and there were possibilities on Lot 1. That was the reason for amending the request to ask for additional density on Lot 1 or Lot 6. Mr. Bush emphasized that IHC has no intention at this time to build on Lot 8 because of the wetlands issue.

Mr. Bush noted that the Staff report mentioned the idea of the open space being dedicated. He had not thought about taking that route primarily because in the long term looking to 2050, if they have the need for additional growth and can work out a TDR agreement with the City, the intent would be to contain most of the development within the system, except for the hospital. Mr. Bush stated that in the long term IHC may want to come back with a request for additional density with a TDR to place density on Lot 12. That was the reason why IHC was not intending to dedicate the open space on Lot 12. Mr. Bush was open to considerations on the best way to develop the campus.

Mr. Bush explained that the intent of the subdivision of Lot 8 is to permit Peace House to have the land they need for their project and retain the remainder of the site.

Mr. Bush stated that the north building maxes out the construction of all the medical support on campus, but they still have over half of the allotted density for the hospital. The proposed potential projects for 2018 through 2022 would still only use about half of the 162,000 square feet. Mr. Bush noted that there was still enough hospital density for 2030 and beyond. Initially, they were asking for additional density with maximum flexibility, but the Staff had asked them to be more specific about what was needed and why and when it might be needed. Mr. Bush stated that IHC looked at the needs for additional physicians from now through 2040. The north building will be able to accommodate all current needs plus all future growth needs up to 2020, which will allow IHC to recruit needed physicians to the community for another five years. After 2020 they would run out of office space for physicians.

Mr. Bush remarked that IHC projects the need to add 20 new physicians between 2020 and 2030. As the hospital expands the hospital facilities, there will be a demand for additional physician office space. Of the 20 needed physicians nine are specialists who would definitely want to be housed on campus. Seven of the needed physicians are primary care physicians who could be located on campus or in other locations around the community. Mr. Bush noted that it would actually depend on which physician groups in the community want to grow their practices. If they are Intermountain Health Care physicians they would want to be on campus. Independent primary care physicians could be located with other practices. Mr. Bush stated that four of the needed physicians are hospital-based doctors such as ER doctors, radiologists, and pathologists who would be housed within the hospital and would not need additional medical support space. Mr. Bush remarked that the need to house the 16 additional physicians between 2020 and 2030 was driving the discussion on what it would take to acquire additional density for medical support on campus. The amendment request was amended to focus on the need for the additional physicians. Mr. Bush reiterated that the time frame would be 2020 through 2030.

Mr. Bush stated that IHC was open to having conversations regarding uses, etc., to make sure it fits the needs of IHC and not just a blank check to allow further development that may or may not be consistent with the campus.

Chair Strachan asked why the needs from 2020 to 2030 could not be addressed on Lot 1. Mr. Bush replied that it could be as one option. He explained that the biggest reason for going through this process was to hear whether the Planning Commission had preferences, and to take them into consideration as they work on their application and revise the site plan.

Commissioner Worel asked if the physician practices that are housed within the hospital count as medical support square footage or hospital uses square footage. Mr. Bush replied that the radiology group has an office in the hospital Radiology Department. Pathology has their office inside the hospital because they read specimens from the OR. IHC provides offices for those types of physicians within the hospital space itself. Si Hunt, representing IHC, clarified that all the other uses would be considered medical support. Commissioner Worel assumed the large orthopedic room would be medical support. Mr. Hunt answered yes. Mr. Bush stated that the radiologists, pathologists, ER doctors and anesthesiologists are the only ones who work in the hospital space and do not need separate offices.

Commissioner Worel asked if the 50,000 square feet being requested for support medical offices would come out of the 162,000 square feet for hospital uses. Mr. Bush replied that they were asking for an additional 50,000 square feet. He stated that based on their projections they know that all of the 162,000 square feet of hospital space will be used by 2040.

Chair Strachan understood that the additional 50,000 would satisfy the need until 2050. Mr. Bush answered no because the hospital and physician offices were different needs. He explained that as healthcare was changing the need for hospital services was slowing and the need for outpatient physician services was growing faster. Therefore, the original plan projected to 2040 for the hospital is fine in terms of the approved density. The shortage was on the medical support side because they had to use the density faster than anticipated in trying to grow the medical specialties in the community. Mr. Bush noted that IHC has two hospitals; one in Heber City and one in Park City. Most of the specialists prefer to practice in Park City. If the density is capped, IHC would have to develop different strategies and determine which services would be shifted to Heber City and balance the two campuses on an equal basis. Currently, Park City is the larger hospital and has more demand for services. Mr. Bush stated that this was their opportunity to have a conversation with the City to understand what IHC needs to do in order for the community to feel comfortable having additional density.

Commissioner Thimm thought that 2.64 UEs per acre appeared to be an arbitrary number, and he asked how that number was reached when the original density bonus was put in place. He wanted to know why it was not 3.00 UEs if that was what the basic conditions allow. Planner Whetstone replied that it was a good question and one the Staff has tried to research without success. They looked through Minutes and the language in the Annexation Agreement but there is nothing to indicate why the number was 2.64 UEs; other than the fact that it is stated specifically in the Annexation Agreement.

Mr. Bush recalled that the 330 UEs that were approved for the hospital were based on IHC's best estimate in 2004 as to their long term needs for both the hospital and medical support. The City was willing to grant what they needed, but they did not want to grant extra density that might not be needed. When the projections were calculated the density came out to 2.64 UEs of density. Planner Whetstone pointed out that it also included the 85 unit equivalents for USAA.

Chair Strachan asked Mr. Bush to explain why the medical support could not be within the 162,000 square feet on Lot 1. Mr. Bush stated that the medical support could go on Lot 1, but if they start using the hospital space for medical support, at some point they would run out of hospital space.

Planner Whetstone noted that Exhibit J in the Staff report showed the phasing in terms of already built, being built, and what is proposed for the next phase. Commissioner Campbell asked if the entire 50,000 square feet could go on Lot 1 or whether it had to be spread out to Lots 6, 7 8 and 10. He was told that it could all go on Lot 1. Planner Whetstone asked if the Planning Commission wanted to make that determination now, or if they wanted the applicants to come back with additional information to show how that would look.

The Commissioners and Mr. Bush discussed different scenarios for placing the additional 50,000 square feet on and off of Lot 1. Commissioner Band thought the Planning Commission could decide whether or not it was appropriate to allow the additional 50,000 square feet of density this evening and wait until they could actually see plans to decide where it should be located. It would also allow the applicant the opportunity to decide what worked best for their needs and come back with a proposal.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Campbell did not think the Planning Commission should micro manage where IHC puts the 50,000 square feet. They should have the flexibility to put it all on Lot 1 or to spread it out. Commissioner Band pointed out that the Planning Commission might have a definite opinion about where to locate it once they see the actual proposal. Without seeing a proposal any determination made this evening would be based on assumption. Commissioner Band thought the Commissioners should focus on 1) whether to allow the additional density up to the allowed amount in the zone; and 2) whether it fits within the General Plan, which calls for clustering. Commissioner Campbell believed there was

consensus among the Commissioners to keep the density as tight as possible to keep as much open space as possible.

Chair Strachan stated that if the Planning Commission approved the additional 50,000 square feet and let the applicants decide where to put it, they should not allow it to go on Lot 5 because it would take all the UEs on Lot 5 and the City would not have the ability to expand the ice rink.

Assistant City Attorney McLean pointed out that the UEs are associated with the entire MPD and not individual lots. Chair Strachan read from the Staff report, "If density in terms of UEs is required for construction of a similarly sized public facility, and this additional density is granted to the IHC and utilized on Lot 5, then there would be little to no UEs available for expansion of the hospital and vice-versa." He interpreted vice-versa to mean expansion of the City's public facilities. Planner Whetstone explained her intent when she wrote the Staff report. If the UEs were used on Lot 5 there would be nothing left for the Ice Rink. That was one reason for requesting the discussion on whether or not the General Plan provides enough guidance to say that the City recreation facility requires unit equivalents. Planner Whetstone stated that locker rooms, circulation, etc. are considered support uses. Chair Strachan felt that recreation facilities were definitely UEs because they are an intensive use utilized by the public.

Commissioner Joyce stated that his primary concern was that the CT zone was meant to be very open and under certain circumstances it allows 3 UEs per acre. He believed that adding 50,000 square feet would basically max out for the zoning. Commissioner Joyce noted that Peace House does not count against UEs, but just like the ice rink, the facility exists and it requires parking, power and other components. In addition, they were talking about a fire station and a rec center. Commissioner Joyce was less concerned about meeting the hospital needs and more concerned about solving the whole problem for the entire space. In his opinion all the uses take up UEs. Without counting IHC, the Peace House, the Ice Rink and Fire Station would max out the zone. Commissioner Joyce remarked that the issue was deciding how real is the cap of 3 UEs and whether they were willing to make exceptions for things that do exist and take up space visually and physically.

Planner Whetstone stated that the Agreement is very clear that any affordable housing provided on the site is not counted against the density. That would include Peace House. However, the Housing Authority specifically said that if additional density was granted, the density portion of the Peace House related to the Tanger Outlets requirement that was paid to Summit County and that Summit County provided to Peace House would need to come out of any additional density that was granted. Planner Whetstone clarified that the 8,000 square feet for Peace House would have to come out of the 50,000 square feet.

Commissioner Joyce understood that IHC needed an answer for their long term plans, but he thought the real challenge for the Planning Commission was deciding the long term look for that space and how much density they were willing to tolerate, as well as what the City wanted to do with its parcel. Commissioner Joyce was unsure how the Commissioners could give the applicant a good answer. He asked if the other Commissioners had ideas on how to proceed.

Assistant City Attorney McLean asked for clarification what would happen to the Peace House project if the Planning Commission decided not to amend the MPD. Planner Whetstone replied that even if IHC does not get additional density they would still accept Peace House because of the overall benefit of counting as affordable housing for the Basin. Mr. Bush explained that the condition the Housing Authority place stated that if IHC were granted additional density the UEs would apply. However, if there was no additional density they would accept the project as is. Ms. McLean asked if the 8,000 square feet was calculated in the presentation. Mr. Bush stated that the reason for having this conversation with the Planning Commission was to get clarity so they could begin making better decisions. If they need to bring in a medical office building project for approval, they wanted to know what conditions IHC would have to satisfy in order to have a favorable review.

Commissioner Joyce clarified that if the Planning Commission grants 50,000 square feet they would actually be giving them 42,000 square feet because the other 8,000 would go to Peace House. Planner Whetstone pointed out that IHC would still have an affordable housing obligation after Peace House. Mr. Bush stated that Peace House would take them through the next phase of hospital construction to 2018 through 2022, but they would still have to provide additional affordable housing prior to the final hospital expansion.

Planner Whetstone stated that it was a difficult decision but there were options. They could look at amending their request, amending the zone, or amending the General Plan to provide more clarity. Chair Strachan stated that amending the General Plan was not a good option. It is a long process and he would be uncomfortable amending the General Plan because it was triggered by one specific project.

Commissioner Joyce recommended that they not get bogged down in the details of the implementation. He thought they should try to define what they wanted as an end result and how to achieve it.

Commissioner Worel suggested looking at it in terms of open space since the goal is to have 80% open space. Mr. Bush noted that there is 86% open space with the current plan. Depending on which option they choose for the additional 50,000 square feet, they would

submit the proposed site plan for different options with the MPD application and identify the amount of open space and how they would address the other density bonuses. Mr. Bush stated that there were five requirements: open space, additional community benefit, affordable housing, frontage protection. He pointed out that frontage protection would not apply.

Commissioner Joyce was unsure how the applicant could deal with all the other pieces. Commissioner Band understood the point Chair Strachan and Commissioner Joyce had made about existing buildings, but she did not think IHC should have to take something like the fire station out of their UEs because the fire station is a public benefit. She understood what they were saying because those buildings do exist. Commissioner Band pointed out that Quinn's is a development node identified as such by the General Plan. If they see that the community needs a fire station or another field house and ice sheet, the question is whether they want to keep density with density. Chair Strachan believed those were the types of structures that warrant the density bonus. He did not think that a highly profitable organization that does not exclusively provide a public benefit should be entitled to a density bonus. In his opinion, when there are competing interests such as a public ice rink versus a for-profit organization like a hospital, the community facilities should win out and they should get the density bonus.

Commissioner Band believed that hospitals are non-profit. She thought the argument could be made that having a nice medical campus is a huge benefit to the community. Chair Strachan remarked that there were competing interests trying to "suck up" the rest of the UEs, and IHC was coming to them first because they projected farther out than any of the other interests. If they give it to IHC because they got there first, they might regret that decision later if something else is needed but the UEs are gone. Commissioner Campbell pointed out that if that were to occur they would have the option to rezone. Chair Strachan replied that it was zoned CT for a purpose.

Assistant City Attorney McLean recalled that this was initially IHC's MPD. She asked if the City was given that acreage as a benefit of the MPD or whether the City purchased it. Planner Whetstone stated that the 15 acres was dedicated to the City with the Annexation, along with Lot 2. Mr. Bush clarified that Lot 2 remained with Intermountain but it was dedicated as open space. Planner Whetstone remarked that the Annexation Agreement specifically says that Lot 5 was dedicated to the City for open space and recreation, but density was never allocated to Lot 5.

Commissioner Campbell struggled with overturning a previous agreement that was made by a previous Planning Commission. However, he did not believe they were bound by the 2.64 UEs per acre since Mr. Bush had indicated that it was a number calculated on a projected need. Commissioner Joyce remarked that once they get past the difference

between 2.63 and 3.00 UEs, they would have maxed out the zone, and now they were mentioning a zoning change. Chair Strachan pointed out that the next zone up was the GC commercial zone.

Mr. Bush stated that when IHC originally proposed the hospital the GC zone was the only zone that would permit a hospital. They did not want to be in the GC zone because it opened it up to neighbors that are not compatible with a hospital. Mr. Bush remarked that the CT zone helps protect the hospital's environment as well as the type of campus they all want.

Planner Whetstone noted that the density language allowed for future expansion but it was not specific. Chair Strachan believed the reason for the 2.64 UEs instead of starting with 3.00 UEs was to allow for a density bonus under certain conditions. Commissioner Joyce pointed out that per the Code, 3.00 UEs is the absolute maximum allowed in the CT zone. He emphasized that going to 3.00 UEs was the bonus for commercial uses.

Planner Whetstone asked whether a fire station would be considered a commercial use. Commissioner Thimm thought the issue was intensity of use rather than type of use. Setting 3.00 UEs as the maximum limits the intensity of use. He agreed with Commissioner Joyce that if they allow 3.00 UEs, the issue is where to locate the additional allocation. Commissioner Thimm suggested that there may have been wisdom in setting the 2.64 number and allowing for additional allocation for other types of uses in the future as the needs became apparent.

Planner Whetstone noted that PCMR and Deer Valley do not require UEs for their locker room, ski patrol, ski school, employee rooms, etc. She thought that should also be considered. Commissioner Band thought it was a good point because those uses exist.

Assistant City Attorney McLean suggested that another discussion point might be whether the Land Management Code needed to be amended to provide guidance.

Chair Strachan noted that the two questions this evening was whether to subdivide Lot 8 into two lots, and whether or not to grant the additional 50,000 square foot density bonus. Based on the comments, he believed the answer was yes on the subdivision and no on the density bonus. He clarified that the density question would be continued for more discussion because nothing had been concluded and potential Code changes were being suggested. Chair Strachan stated that a continuation would allow the applicant to come back with a solid reason as to why IHC needs the additional density over anyone else.

Commissioner Band thought they also needed to have a deeper discussion on UEs and what should count as a UE. She recalled from the previous meeting that the Planning

Commission had decided the fire station should not count towards the UEs because it was a public benefit. Commissioner Joyce had the same recollection. He had searched the Minutes and their discussion about the fire station being for the public good was reflected, but the Minutes said nothing about not counting as UEs. Commissioner Band specifically recalled saying that the UEs should not count for the fire station and that the fire station was not part of the hospital. Commissioner Worel recalled that discussion as well. Commissioner Band thought the Commissioners had agreed that the UEs did not count for the fire station.

Chair Strachan thought it should be a case by case analysis. A fire station does not have a high intensity of use and the UEs allocated to the fire station could be a lesser number. In contrast, a locker room and similar facilities have a much higher intensity of use. Commissioner Band pointed out that currently uses such as locker rooms do not count as UEs which has already set the precedent. Chair Strachan suggested that the Commissioners focus their discussion on the application that was before them this evening, and have a more general discussion at a later time.

Chair Strachan believed the direction to the applicant was that they could not have the density bonus, at least at this stage. Commissioners Band and Campbell did not think they had reached that conclusion. Commissioner Band personally felt that the Planning Commission could not address the density question without first having the UE discussion. She pointed out that if they determine that a locker room and a fire station are zero UEs, then possibly a rec center could also be zero UEs. Commissioner Band agreed with Commissioner Joyce's comment about maxing out the zone because the uses exist; however, those uses have not been counted in the past and if they were not counted now, then IHC could be granted the additional density.

Chair Strachan did not believe they needed to have the UE discussion in the context of this specific application because they knew for sure that what IHC plans do so with the density will take the UEs. Assistant City Attorney McLean stated that the Code is unclear and it could use more clarity in terms of whether those other uses use up UEs. She did not think it was fair to tell this applicant that the City was putting aside some extra UEs for other uses that may or may not need UEs. Ms. McLean thought that should be a different discussion. Chair Strachan pointed out that the Commissioners know for certain that what IHC plans to do with the density uses UEs. He believed the Planning Commission could make a decision based on that fact and provide direction to the applicant.

Commissioner Band agreed with Ms. McLean that if they hold back UEs for uses they anticipate might occur in the future, but those uses do not count as UEs, then they would have denied this applicant for no reason.

Assistant City Attorney McLean suggested that Planner Whetstone come back to the Planning Commission with more history. This is IHC's MPD and if they bring forth a certain amount of development, it would not be fair to withhold density for other uses unless it was part of the initial agreement. Commissioner Joyce noted that the original agreement was exactly the number of UEs that IHC has. The issue was that IHC was asking for more. If they build the UEs they were originally allotted, then they should not be allowed anything more because the additional 50,000 square feet was not part of the agreement. Commissioner Joyce pointed out that the absolute maximum the zoning could support was different than the agreement. The Annexation Agreement and the MPD said IHC could have 2.64 UEs per acre.

Assistant City Attorney stated that the Planning Commission needed to reassess the request for additional density and review it under the Code. There is a provision in the CT zone for additional enhanced public benefit dedication. IHC initially gave it as land, but the provision also talks about the inclusion of public recreation facilities or public and/or quasi-public institutional uses reasonably related to the General Plan Goals. Ms. McLean remarked that the lack of clarity was whether those enhanced benefits require density, whether they need to help pay for it, or dedicate land. Unless it was associated with the other public benefit dedication, she was unsure if the City could step on their MPD and take the UEs that are potentially still available for the zone.

Commissioner Joyce wanted it clear that the density allowed in the Development Agreement was done. Therefore, no one was taking anything away from the applicant or the MPD. The applicant was now asking to open the agreement and get more density. Chair Strachan agreed, noting that their request was under the auspices of the density being allowed in the zone. Commissioner Joyce pointed out that there was a maximum identified in the zone and there were still multiple landowners that might be interested in wanting more UEs than were part of that Development Agreement. Without changing the zoning there were still UEs to be given out. Commissioner Band reiterated that those uses may or may not need UEs. Commissioner Joyce remarked that there was still a pocket of UEs that were left to give out, but no one has a right to them and no one has earned them. He acknowledged that some uses may not require UEs and they may have some left over to give to IHC, but he did not think that should be confused with the fact that IHC, the City or anyone else has earned the right to have them. He reiterated that the only two agreements currently in place was the maximum capacity as defined by the CT zone and the Development Agreement.

Planner Whetstone stated that it was a quandary. The application was submitted in February and the Staff has been researching and discussing it since then. The applicant had asked to bring it to the Planning Commission to get their direction. Planner Whetstone stated that since the agreement was between IHC and the City Council, she asked if the

Planning Commission thought they should take it to the City Council. Commissioner Band did not like the vagueness in terms of what does or does not get a UE. She thought Chair Strachan was correct in saying that the Planning Commission was not prepared to provide direction on the additional density this evening. She personally would like clarity to understand what they were looking at.

Commissioner Joyce agreed that the Planning Commission needed more clarity before making a final decision, but he thought it was a Planning Commission issue and they should work with the Planning Department to get it clarified. If the clarification regarding UEs requires a change to the LMC for more specificity, then the Planning Commission should propose it. He did not believe they needed to involve the City Council. Commissioner Band did not disagree with Commissioner Joyce; however, since the City Council sets the direction she thought it might be beneficial to have them weigh in on the matter.

Planner Whetstone pointed out that if they choose to amend the LMC, it would go to the City Council before it was adopted.

Commissioner Joyce understood that the rush was for the Peace House. He asked Mr. Bush if IHC was in sudden need of the additional density, or whether it would be reasonable to split the subdivision from the density question. Mr. Bush replied that IHC took the opportunity to come before the Planning Commission because Peace House helped get it on the agenda. In talking with the City, IHC also wanted clarity so they could make their decisions. Mr. Bush acknowledged that in order to keep Peace House on schedule, IHC may have to split the issues. However, if that were to occur, IHC would like a game plan for getting answers to address the potential growth scenario for the hospital. Mr. Bush stated that there was no pressing need for IHC to have the density question answered within the next 90 days, but they wanted to make sure it will be heard so they can understand the ground rules and can make good decisions in their planning process.

Commissioner Phillips thought it was good that IHC was forcing the Planning Commission to think long and hard about this and to have that discussion. Mr. Bush stated that clarity would help everyone get the great campus they all desire and it would be a win for everybody.

Commissioner Campbell was willing to give some density in exchange for IHC giving something back to the City. He was not suggesting granting the entire 50,000 square feet, but possibly some additional density for a benefit. Commissioner Campbell asked if there was agreement among the Commissioners for that direction. Having been on the applicant side of the table he understood the frustration of leaving without having something to work with. Commissioner Campbell thought it was important to give the applicant some direction

on what the Planning Commission might be willing to do if the City gets something in return.

Assistant City Attorney McLean noted that this MPD was different because when it was initially annexed there was just a Development Agreement and the MPD was related to that agreement. Planner Whetstone stated that the MPD came in later and went before the Planning Commission.

Commissioner Thimm agreed that there might be some ratio of UEs for other users. He also agreed that some portion of the requested additional density could be given to IHC but he was interested in knowing the gives and gets.

Commissioner Joyce was not ready to give any additional density without knowing what else might come along that would need the UEs. He liked what IHC was proposing and he thought it would be nice to build out on the campus. However, in his mind they need to consider what the City wants to do with its land. Until he has the answers he was not prepared to say how much density he would even be willing to give. Commissioner Joyce felt that IHC deserved an answer and he believed there were things that could be done quickly to resolve some of the issues. He thought it was important to understand the rules of how UEs can be used in different ways or whether it needs to be standardized.

Chair Strachan agreed with Commissioner Joyce, with the exception that he was not willing to give any additional density. He felt confident that the City would eventually need that land for something and he was not willing to give away the UEs.

Commissioner Worel agreed, but she liked the idea of looking at the overall space and determining the use for the entire parcel and not just individual lots. Commissioner Worel believed the UE discussion was necessary so they could apply it not only to what the City might want to do, but also what IHC was doing. She pointed out that they might find they do not need all the UEs once they determine which uses are not a UE. Commissioner Worel favored the idea of having an overall view of what people would like to see happen with that land.

Commissioner Phillips stated that he was not in the position of giving much until they know what they could afford to give.

Commissioner Band stated that she would be inclined to give the additional density if she understood UEs and knew whether or not a fire station or an ice sheet would count as a UE. Commissioner Band would like to see IHC expand their campus, but until she understands UEs, she did not believe there was anything to give.

Commissioner Phillips stated that he also has the desire to see IHC get what they want because ultimately it would create a better campus and a better hospital for future generations.

Mr. Bush appreciated the opportunity to listen to their discussion. It helps IHC understand the issues so they can be a participant with the City in trying to find the right answers. He had learned a lot this evening in terms of how to grow and develop because he better understood the concerns and the issues. Mr. Bush remarked that IHC wanted to continue being a good partner with the City in figuring out a win-win scenario for making Quinn's an icon for how development should occur. Mr. Bush appreciated their time and candor.

Chair Strachan expressed appreciation to Mr. Bush for their cooperation in working with the City. Commissioner Worel suggested that everyone with an interest in that area should be at the table to have that discussion. She asked if there was a process for bringing everyone together. Chair Strachan replied that the City was the only other landowner and they needed to work with IHC to determine everyone's needs. He thought it was important to have representatives from several City departments involved to talk about how to divide up the UEs based on long term projections. Planner Whetstone noted that there was already a task for the ice sheet comprised of staff from different departments.

Commissioner Joyce commented on the importance of defining what counts as a UE. Commissioner Band agreed that it was the number one priority. Commissioner Joyce was concerned that it would still be obscure because it was not defined in the Code. He asked Mr. Bush to continue to use their application to push for a solution.

Commissioner Joyce thought the process should start with the Staff coming back to the Planning Commission with a discussion about UEs, and the Planning Commission could take action to define them correctly. Once that is done, the next step would be for the City to project what they plan for the future because that information is critical in the context of UEs. Commissioner Joyce noted that Mr. Bush had mentioned the possibility of TDRs, but he could see reasons why TDRs may or may not be an option. Commissioner Joyce stated that if they were trying to do strategic planning for the City and IHC, as well as the Planning Commission's strategic plan for that property, they need to think about whether it is a TDR zone. If the answer is if it maxes out the zoning, then it would not be a TDR zone.

Commissioner Band had researched TDRs several years ago and she recalled that there is a density bonus that goes over and above the hard cap in areas designated as a TDR receiving zone. However, the bonus is only from the TDRs and up to a certain point. Commissioner Band explained how she thought they could potentially create a market for TDRs.

Commissioner Worel believed TDRs should be a future discussion. She was more interested in addressing the current issue of UEs. Commissioner Worel suggested a dual track and directing the Staff to come up with a list of who from the City needed to be at the table to participate in that discussion. Commissioner Joyce thought Director Erickson should talk with Diane Foster and let them decide who needed to be involved. Commissioner Band suggested that Ann Laurent, the new Community Development Director, should also be involved. Chair Strachan pointed out that Director Erickson had to leave the meeting early and Ms. Laurent was present and heard their comments. Commissioners Band and Joyce emphasized that the Planning Commission needed to discuss and make a determination on the UEs before bringing others into the conversation.

Assistant City Attorney McLean summarized that the direction was for the Staff to come back with a work session to discuss UEs in the CT zone compared to other zones, with the potential of clarifying the CT zone to specify what uses UEs and what do not. Ms. McLean pointed out that the Code already excludes certain uses from UEs, such as affordable housing. Planner Whetstone noted that on-site affordable housing is always exempt from UEs.

Planner Whetstone stated that IHC could submit an application to amend their MPD to allow the Peace House on Lot 8 and the Staff would revise the Findings specific to Lot 8 and exclude not the density. They could keep the pre-application open for the density or they could close it and submit a new one once the UE question has been resolved.

Mr. Bush wanted to make sure the density question would not drop from the agenda and that there was a plan to keep it moving forward.

MOTION: Commissioner Joyce moved to CONTINUE the MPD pre-application for 900 Round Valley Drive to November 11, 2015; and that the Planning Commission finds initial compliance with the General Plan for the subdivision for Lot 8. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____