

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 27, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Pro Tem, Melissa Band, Preston Campbell, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; Anya Grahn, Planner; Ashley Scarff, Planning Tech; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

The Planning Commission elected a Chair Pro Tem to conduct the meeting this evening since Chair Strachan and Vice-Chair Joyce were absent.

MOTION: Commissioner Thimm nominated Melissa Band as the Chair Pro tem. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Assistant City Attorney McLean stated that as Chair Pro Tem, Commissioner Band was still able to vote.

ROLL CALL

Chair Pro Tem Band called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Strachan and Joyce.

ADOPTION OF MINUTES

April 13, 2016

Chair Pro Tem Band referred to page 8 and changed convention wisdom to correctly read **conventional wisdom**.

MOTION: Commissioner Phillips moved to APPROVE the minutes of April 13, 2016 as amended. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson thanked the Commissioners for attending this evening, and he encouraged them to attend the joint meeting with the City Council the following day at 4:00 p.m. He noted that the City Council was interested in hearing their opinions on the work of the Blue Ribbon Housing Committee and how the Planning Commission could help accomplish the goals.

Director Erickson reported that the Planning Department has been working with the IT Department and negotiated to replace the Commissioner's iPad with the iPad Pro, similar to what the City Council is using. He asked if the Commissioners wanted to make that upgrade or if they preferred to keep the iPad they were currently using.

Commissioner Phillips asked if all of the Commissioners needed to upgrade or just those who wanted to. Director Erickson did not believe it was "all or nothing"; however, the Planning Department was moving to a new system for preparing the Staff reports and agendas, and it would be easier to operate on the a bigger format. He noted that IT thought it might be easier for the Commissioners to read the plans in the packets on the iPad Pro. Director Erickson remarked that the Planning Commission did not have to make that decision this evening.

The Commissioners in attendance were comfortable with the iPads they were using. Commissioner Thimm suggested that they wait until Commissioners Strachan and Joyce were present to give their opinion. Director Erickson stated that he would inform IT that the Planning Commission would discuss it again at the next meeting. Commissioner Campbell was not in favor of spending money to replace iPads that still work.

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

1. 78 Royal Street East #16 – Plat Amendment for Building E Unit 16 of Sterlingwood Condos. The amendment will change a current Common Area staircase to Private area in order to enclose it. (Application PL-15-03110)

Chair Pro Tem Band opened the public hearing. There were no comments. Chair Pro Tem Band closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE 7800 Royal Street Plat Amendment for Building E, Unit 16, Sterlingwood Condo to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

2. 803 Norfolk Avenue Plat Amendment – Combining lot 1 and the south half of Lot 2, Block 14 of Snyder’s Addition to the Park City Survey (Application PL-15-03049)

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Park City Mountain Resort Development Agreement Mountain Upgrade Plan and MPD Amendment.** (Application PL-14-02600)

Planner Astorga introduced Bill Rock, Tim Beck and Larry Moore, representatives for the applicant.

Planner Astorga reported that on March 25th, 2015 the City approved an amendment to the MPD, specifically the Mountain Upgrade plan for the Snow Hut as well as the interconnect. Historic Preservation requirements from the 2007 Annexation Agreement were tied to that approval. Planner Astorga stated that on March 23rd, 2016 the Planning Commission did an annual review regarding their efforts. The Commissioners reviewed the amendment of the condition of approval #4 regarding historic preservation of the MPD Amendment which simply added 120 days extending the deadline from March 25th, 2016 to July 23rd, 2016.

Planner Astorga stated that the Planning Commission had a lengthy discussion at the last meeting regarding PCMRs work on the mining structures. He and the applicant were available to answer questions.

The Staff requested that the Planning Commission conduct a public hearing and approve the Historic Preservation Condition of Approval #4 to extend the deadline. Planner Astorga noted that 954 notices were sent out. He had not received written public comment; however, he had received phone calls regarding the letters that were sent out. He assured every caller that this item was not related to future parking lot development. In hindsight, Planner Astorga recognized that the letter should have been more specific since that appeared to be the only question or concern.

Bill Rock reported that they had launched the Friend of Ski Mountain Mining History with the City and the Historical Society. It had tremendous publicity and generated a lot of interest.

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

MOTION: Commissioner Suesser moved to APPROVE the Park City Mountain Resort MPD Historic Preservation Condition of Approval #4 to extend the deadline 120 days to July 23rd, 2016. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Mr. Rock announced that Tim Beck was retiring the following day. He noted that John Sail, the Permanent Mountain Planner in Park City who came from Crested Butte would be attending future Planning Commission meetings.

Findings of Fact - PCMR

1. All Findings of Fact, Conclusions of Approval, and Conditions of Approval of the MPD Development Agreement Mountain Upgrade Plan Amendments & Conditional Use Permit dated March 25, 2015 shall continue to apply with the exception of MPD Amendment Condition of Approval no. 4 Historic Preservation as listed on the updated Condition of Approval section below.
2. Park City Mountain has already committed to \$50,000 toward the preservation of the California/Comstock Mill.
3. Vail Resorts as owner of Park City Mountain is prepping to start the rehabilitation work on the California Comstock this spring.
4. The 2015 amended MPD Development Agreement requires the resort to identify and stabilize extant mining structures within its leasable area.
5. The applicant contracted SWCA Environmental Consultants (SWCA) to conduct a reconnaissance level survey of their property, which was completed in September 2015.

6. Following the survey, the applicant, SWCA, and the Planning Department met to create a prioritized list of endangered buildings.

7. The prioritized list of structures has been agreed to by the Park City Historical Society and Museum, the applicant, and Park City Municipal.

8. The submittal of the reconnaissance level survey in September 2015 meets section (a) of this condition of approval.

9. The City is currently working on a Memorandum of Understanding (MOU) between the applicant, the Park City Historical Society and Museum, underlying land owners, and Park City Municipal to coordinate fund raising and preservation efforts required by Condition of Approval no. 4.

10. The applicant continues to work on an ALTA/ACSM Survey to determine their exact property.

11. The first project with the initial stabilization of the California Comstock started in November 2015, and Vail intends to complete the stabilization and preservation work in late-spring 2016; this work is dependent on the accessibility of the site for large construction equipment and weather permitting.

12. The MPD required a five (5) year fund-raising plan by the applicant to further support stabilization of the historic structures.

13. The plan was submitted according to the terms of the approval.

14. The City, working with a draft from the Park City Historical Society and Museum, has drafted a Memorandum of Understanding (MOU) between the City, the Park City Historical Society and Museum, and the applicant for a working group to direct the distribution of funds both from the initial \$50,000 contribution and for the funds future raised during the remaining portion of the five (5) year plan.

15. The applicant continues to work on an ALTA/ACSM Survey to determine their exact property boundaries.

16. The City is preparing separate Geographic Information System (GIS) mapping to assist in determining if boundaries of the Annexation Agreement and Development Agreement(s) are consistent and there are no remnant parcels.

17. On April 8, 2016, Park City Mountain Resort, Park City Historical Society, and Park City Municipal announced the formation of a new group dedicated to preserving the historic mining structures located at various locations at Park City Mountain named Friends of Ski Mountain Mining History.

18. Friends of Ski Mountain Mining History is dedicated to overseeing a five-year fundraising plan to preserve the mine sites located on the resort property.

19. Friends of Ski Mountain Mining History will be planning various fundraising events throughout the year, with Park City Mountain Resort continuing to provide ski mining tours for locals and visitors.

20. Friends of Ski Mountain Mining History's primary focus will be on the seven (7) priority mine sites:

- Thaynes Mine—Hoist house
- Thaynes Mine—Conveyor gallery
- Jupiter Mine—Ore bin
- Silver King Mine—Head Frame Building
- King Con Mine—Ore bin
- King Con Mine—Counter weight
- California Comstock Mine

Conclusions of Law – PCMR

1. The MPD Historic Preservation Condition of Approval Amendment, complies with all the requirements of the Land Management Code;
2. The MPD Historic Preservation Condition of Approval Amendment, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
3. The MPD Historic Preservation Condition of Approval Amendment, as conditioned, is consistent with the Park City General Plan;
4. The MPD Historic Preservation Condition of Approval Amendment has been noticed and public hearing held in accordance with this Code.

Updated Condition of Approval No. 4 Historic Preservation

In furtherance of assisting the developers in meeting their obligations under Section 2.9.3 of the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, (a) identify historically significant structures within the PCMR Development Agreement Property by October 1, 2015, (b) complete

the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (provided such sites are confirmed to be located within the property either owned by VR CPC Holdings, Inc. or held by VR CPC Holdings, Inc. pursuant to its ground lease from TCFC LeaseCo LLC) by July 23, 2016; (upon completion of the staff approval of the preservation and restoration plan, the applicant shall come back to the Planning Commission to report on the prioritization, annual check-in schedule and progress report on work complete to date) and (c) no later than July 23, 2016, dedicate and/or secure preservation easements for the historically significant structures (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property. In addition, by October 1, 2015, the Developer under the PCMR Development Agreement shall contribute a total of \$50,000 towards the preservation of the prioritized historically significant structures on the PCMR Development Agreement Property as approved by the Planning Department/Preservation Planner, and propose a five (5) year capital fundraising plan dedicated towards restoration/stabilization of the historically significant structures. Nothing herein shall release the original Flagstaff Mountain Developer (e.g., United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.

2. Historic Kimball Garage at 638 Park Avenue – Plat Amendment combining two block in order to remove the block line that runs through the property.
(Application PL-16-03039)

Planner Grahn stated that this item was a simple, straightforward plat amendment. The applicant was only requesting to remove the interior block line that currently runs between the Snyder's Addition and the Main Park City Survey. The Planning Commission would not be discussing development opportunities this evening; however, the block line needs to be removed in order to move forward with any development.

Planner Grahn reported that in order to do this plat amendment the City was gaining snow storage easements along Heber, Park Avenue and Main Street, as well as a public utilities easement on those same streets. The plat amendment would also resolve existing encroachments along the north property line.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for this plat amendment based on the findings of fact, conclusions of law and conditions of approval.

Tony Tyler, representing the applicant, stated that this plat amendment was primarily a cleanup of the existing metes and bounds and the line between the Snyder's Addition and the Park City survey. It creates a parcel of record so it can be processed as a building application in the future.

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

Commissioner Phillips asked Planner Grahm to explain her comment that the plat amendment needed to be done before development could occur. Planner Grahm stated that generally interior lot lines need to be removed because an interior lot line cannot be built over. She believed it was the same issue with a block line. She remarked that this application was unique because they typically see more lot line removals as part of plat amendments than they do block lines. Commissioner Phillips asked if this plat amendment would change the density of that location. Planner Grahm stated that it would not if the density is based off of the entire parcel versus a specific area of the parcel.

Mr. Tyler stated that it is a tiny sliver of land along Main Street that has been described as a remnant parcel. He explained that it was a survey error when the streets were platted and the Sky Lodge and the Town Lift Condos were built. There are two separate parcels and the larger parcel is the one with the block line running through it. Mr. Tyler pointed out that the block line runs through the middle of the existing historic garage. He reiterated that the plat amendment would clean up the block line and combine the two parcels into one large parcel.

Commissioner Suesser asked if the Kimball Art Center ever applied for the block line removal. Planner Grahm stated that they did not apply, but they were aware that it would have to be removed if they ever intended to move forward with a building permit. Commissioner Suesser clarified that the building plans had not been approved. Planner Grahm replied they were still part of the HDDR application. The Staff received updated plans last year when the LMC amendment did not go through, and they were continuing to work through minor details to make sure the plans are in compliance with the design guidelines and the LMC.

Director Erickson noted that the plans are public if anyone was interested in seeing them. There would also be another public input session as part of the HDDR process. Chair Pro Tem Band asked if the Planning Commission would review the actual project. Director Erickson replied that it would not come before the Planning Commission for action, but the public is invited to see it and they are members of the public.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council on the Kimball on Main plat amendment located at 638 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 638 Park Avenue

1. The property is located at 638 Park Avenue.
2. The property is in the Historic Recreation Commercial (HRC) District and Heber Avenue Subzone.
3. The subject property consists of parts of Block 7 of the Park City Survey and Block 53 Synder's Addition to Park City. The proposed plat amendment creates one (1) lot of record.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Landmark.
5. The proposed Plat Amendment combines the property into one (1) lot measuring 18,550.3 square feet.
6. The minimum front/rear yard setbacks are ten feet (10'). The historic structure has a 1 foot front yard setback along Park Avenue and a 55 feet rear yard setback along Main Street.
7. The minimum side yard setbacks are five feet (5'); the historic structure currently has a side yard setback of 6 feet along the north property line.
8. On corner lots, such as this, the side yard setback that faces a street is ten feet (10'). The historic structure has a 1 foot side yard setback along Heber Avenue.
9. LMC § 15-2.2-4 indicates that historic structures that do not comply with building

setbacks are valid complying structures.

10. There is a non-historic concrete retaining wall along the west property line and adjacent to the rear property line of 690 Park Avenue. There are also several aspen, deciduous, and evergreen trees planted along the north property line shared with 690 Park Avenue.

11. This property is located within the Soils Ordinance Boundary and flood plain.

12. There is an existing water line in the sidewalk along Park and Heber Avenues as well as Main Street; no public utilities easement currently exists for this water line.

13. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 638 Park Avenue

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 638 Park Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement is required along the Park Avenue, Heber Avenue, and Main Street frontages of the property and shall be indicated on the final plat.
4. A sidewalk easement is required along Heber Avenue and Main Street and shall be

indicated on the final plat.

5. A public utilities easement is required along Park and Heber Avenues as well as Main Street and shall be indicated on the final plat.

6. This property is current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. Any additions or remodels that generate an FAR of greater than 1.5 will be required to provide parking in accordance with LMC 15-3.

7. Storm water run-off due to the expansion will be required to be addressed on site.

8. Utility infrastructure such as transformer must be located on site.

9. Per LMC 15-2.5-3(E)(3), a Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Side Lot Line may not exceed one hundred feet (100').

**3. 803 Norfolk Avenue, Plat Amendment – Combining Lot 1 and the south half of Lot 2 Block 14 of the Snyder’s Addition to the Park City Survey
(Application PL-16-03116)**

Planner Grahn reviewed the plat amendment to combine Lot 1 and the south half of Lot 2, Block 14 of Snyder’s addition into one lot of record. The request would remove the interior lot line. A historic house currently sits over the interior lot line and the lot line needs to be removed in order for the applicant to move forward with rehabbing the house.

Planner Grahn noted that this item was previously continued because the Staff was working with the applicant to maintain the historic garage and the driveway that comes off onto Crescent Tram. There were also safety issues that needed to be addressed with the City Engineer. Planner Grahn stated that the plat would address any encroachments. There is a retaining wall as well as the historic garage. It would also address needed signage for the driveway to make sure it is safe to exit and enter off of Crescent Tram. Planner Grahn remarked that the City Engineer would also gain a 10’ snow storage easement.

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

Commissioner Suesser asked about the location and appearance of the caution sign. Planner Grahn replied that the caution sign was added as a condition of approval. However, those details were not discussed because type and location would ultimately be the decision of the City Engineer. Commissioner Suesser clarified that the existing garage would be restored and the driveway would be paved. Planner Grahn replied that she was correct. Currently the driveway is gravel. She presented the survey showing the location of the historic house, where Crescent Tram comes in, the historic garage, and the driveway location. Commissioner Suesser asked if there was a sidewalk along the south part of Crescent Tram. Planner Grahn did not believe there was a sidewalk.

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 803 Norfolk Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 803 Norfolk

1. The property is located at 803 Norfolk Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 1 and the south half of Lot 2, Block 14 of Snyders Addition to Park City. The proposed plat amendment creates one (1) lot of record.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. The Plat Amendment removes one (1) lot line going through the historic structure.
6. The proposed Plat Amendment combines the property into one (1) lot measuring 3,314.0 square feet.

7. A single-family dwelling is an allowed use in the District.
8. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
9. The proposed lot width is width is 47.46 feet along Norfolk Avenue. Crescent Tram borders the west (rear) and Crescent Tram/8th Street borders the south (side) edges of the property; this property has three (3) frontages.
10. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
11. The maximum building footprint allowed based on proposed lot size of 3,314 square feet is 1,375.5 square feet. The historic house equates to a footprint of approximately 711 square feet.
12. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
13. The existing historic garage has a footprint of 350 square feet. LMC 15-2.2-3(D) states that Accessory Buildings listed on the HSI that are not expanded, enlarged, or incorporated into the Main Building shall not count in the total Building Footprint of the Lot.
14. The minimum front/rear yard setbacks are twelve feet (12'); the minimum total front/rear yard setbacks are twenty-five feet (25'). The historic house has a front yard setback of 13 feet; the garage in the rear yard has a 7.5 foot rear yard setback.
15. The minimum side yard setbacks are five feet (5'); the minimum total front/rear yard setbacks are 10 feet. The historic garage has a 0 foot setback on the north side yard, and the historic house has an 11.5 foot setback on the south side yard. The existing historic garage has a 0 foot side yard setback on the north and a rear yard setback of 6.5 feet. The existing historic garage structure does not meet the north side yard setback or the west rear yard setback along Crescent Tram.
16. Crescent Tram/8th Street consumes 431 square feet of the lot along the west and south sides of the property.
17. The historic garage encroaches into the neighboring property at 811 Norfolk by approximately 6 inches.

18. There is a non-historic stone retaining wall along the north and east property lines that encroaches into the neighboring property at 811 Norfolk and the City right-of-way. There are also stone steps leading from 811 Norfolk across 803 Norfolk and on to Crescent Tram in the northwest corner of the site.

19. The area between the east property line and the edge of Norfolk Avenue within the City right-of-way has been improved with a non-historic stone retaining wall, as well.

20. Sites lines are impeded along Crescent Tram/8th Street on the west and south sides of the property.

21. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 803 Norfolk

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 803 Norfolk

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Norfolk Avenue and Crescent Tram/8th Street frontages of the property.

4. The property owner shall resolve the encroachment of the stone retaining walls over the front (east) property line into the City Right-of-Way (ROW) by either removing the retaining walls or entering into an encroachment agreement with the City Engineer.

5. An encroachment agreement for the historic garage is recommended. The nonhistoric remaining stone retaining walls and stone steps encroaching over the north property line into the neighboring property at 811 Norfolk shall be removed or the applicant shall enter into an encroachment agreement with their neighbor for these improvements.

6. The applicant shall dedicate a portion of Lots 1 and 2 that include Crescent Tram/8th Street to the City.

7. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

8. Ten foot (10') public snow storage easements shall be granted along the front, rear, and side property lines on Norfolk Avenue and Crescent Tram/8th Street.

9. In order to mitigate the hazard of the existing driveway access off of Crescent Tram, the owner will install caution signs indicating "hidden driveway" and mirrors in locations approved by the City Engineer. Additionally, the owner will limit improvements within the site triangle of Crescent Tram along the south property line in order to not impede the line of site, to the satisfaction of the City Engineer. Finally, the owner will construct additional landscaping along the west (rear) property line and Crescent Tram to further aid in mitigating the dangers of the placement of the existing driveway.

10. New construction shall comply with Land Management Code Section 15-2.2-3 regarding setbacks, building height, building envelope, building footprint, etc.

4. 100 Daly Avenue – Plat Amendment to combine two (2) existing lots into one (1) legal lot of record at 100 Daly Avenue (Application PL-16-03116)

Planning Technician, Ashley Scarff, reviewed the plat amendment application at 100 Daly Avenue to combine Lot 14 of the Millsite Reservation in the easterly one-half of vacated Anchor Avenue. This plat amendment would create one legal lot of record of approximately 2,973 square feet. The applicant would like to develop a single family home on the vacant

lot and the interior lot line must be removed before development could occur. Ms. Scarff noted that any future development on the lot might require a steep slope conditional use permit. As part of this plat amendment the City Engineer was requiring the 10' public snow storage easement on the frontage of Daly Avenue.

Planning Tech Scarff had received one public comment that was provided to the Planning Commission at the start of this meeting.

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

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

Chair Pro Tem Band noted that per the LMC the purpose of the HR District is to encourage single family development on combinations of 25' x 75' historic lots. She stated that the Planning Commission has done a number of plat amendments on Daly and she could see no reason why they would deny this applicant. However, she recalled a previous comment by Commissioner Strachan in their LMC discussion regarding plat amendments regarding the need to be careful about approving a plat amendment that would allow for a larger structure.

Director Erickson remarked that the Planning Commission would need to have that discussion as they look at the LMC changes in terms of the difference between reducing the density and having homes on larger lots, or maintaining the existing density and contributing to the rhythm and scale of the neighborhood. He believed that once the City completes the parking study on those streets they would have a better idea of how to respond to that question.

Director Erickson clarified that this application was different because these are not typical platted lots because it is on a Millsite Reservation. He explained that the Millsite Reservation is historic ground that was withheld from the subdivision so the mining could continue. That is why this lot is larger than a normal Old Town lot.

Commissioner Phillips asked for the width of the lot and how wide it would be with the combination. Planning Tech Scarff replied that this plat amendment would only remove the lot line and it would not alter the width. The width is 32.6'.

Commissioner Campbell referred to the table on page 104 of the Staff report. He asked if the 29.73 square feet was existing or the square footage of the new lot once the property is combined. Ms. Scarff replied that it was the combined square footage. Commissioner Campbell wanted to know what footprint would be allowed if this application were denied. Ms. Scarff stated that it was the permitted number in the next column which was 1,875 square feet. The combined square footage resulted in a difference of 122 square feet. Commissioner Campbell referred to the public comment letter they received and the concern that the plat amendment would create the situation for the owner to build a massively larger home. Ms. Scarff replied that the increase in footprint would not make a big difference.

Commissioner Campbell understood that the front and rear setbacks would remain unchanged and that the plat amendment would not create a larger lot size that would require a larger setback. He also understood that the height would remain at 27'. Ms. Scarff replied that he was correct. Commissioner Campbell thought the neighbor's concerns were unfounded, but he wanted verification. Ms. Scarff stated that the neighbor's concern was the allowable footprint, which was only a difference of approximately 100 square feet.

Assistant City Attorney McLean asked Planning Tech Scarff to comment on the sizes of the neighboring lots and how they compared to what was being proposed. Ms. Scarff believed the neighboring lot sizes were approximately the same. She noted that this was not a unique situation because there have been other instances of combining vacate Anchor Avenue with existing lots.

Chair Pro Tem Band recalled that the Planning Commission approved a similar request a few months ago. Commissioner Campbell thought this was a much smaller proposed change than the one they discussed previously. Chair Pro Tem Band pointed out that because the side setbacks are the same there would not be a noticeable difference from the front. Any bulk would be to the rear of the structure and would not affect the rhythm and scale of the neighborhood.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 100 Daly Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 100 Daly Avenue

1. The plat is located at 100 Daly Avenue within the Historic Residential (HR-1) District.
2. The 100 Daly Avenue Plat Amendment consists of Lot 14 of the Millsite Reservation and the easterly ½ of vacated Anchor Avenue, Block 74 of the Park City Survey.
3. On March 11, 2016, the current owner and applicant submitted an application for a plat amendment to combine two (2) existing lots into one (1) legal lot of record containing a total of approximately 2,973 square feet.
4. The plat amendment application was deemed complete on March 22, 2016.
5. The subject parcels at 100 Daly Ave are currently vacant of any structures.
6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single-family dwelling. The proposed lot area meets the minimum lot area for a single-family dwelling.
7. The proposed lot area does not meet the requirement for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone.
8. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed plat amendment will not alter the existing lot width of approximately 32.6 feet (32.6').
9. The minimum side yard setbacks for a 32.6 foot (32.6') wide lot are 3 feet (3'), six feet (6') total.
10. The proposed plat amendment will not cause undo harm to adjacent property owners.
11. There are no existing encroachments on the affected parcels.
12. The proposed lot area of 2,973 square feet is a compatible lot combination as the entire Historic Residential-1 District has an abundance of sites with the same or similar dimensions and lot area.
13. The maximum footprint allowed in the HR-1 zone is 1257.8 square feet for the proposed lot.
14. As conditioned, the proposed plat amendment does not create any new noncomplying

or non-conforming situations.

15. Any new structures must comply with applicable LMC requirements and Design Guidelines for Historic Districts and Historic Sites.

16. A Steep Slope CUP may be required for development on the amended lot.

17. The property is not within the soils ordinance boundary. In the event that mine wastes or impacts are encountered, the applicant is responsible for handling the material properly.

18. The property does not fall within the 100 or 500 year flood plains.

19. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 100 Daly Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 100 Daly Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued until the plat is recorded and until the Historic District Design Review and Steep Slope CUP, if required, applications are submitted and approved for the lot.

4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. Storm water detention will be required on site.
6. A ten foot (10') wide public snow storage easement is required along the frontage of Daly Avenue and shall be shown on the plat.

5. **1750 Sidewinder Drive – Conditional Use Permit for construction within the Frontage Protection Zone for the Intermountain Healthcare clinic proposed to replace the Pizza Hut building. (Application PL-16-03125)**

Planner Kirsten Whetstone reviewed the application for a conditional use permit for construction within the Frontage Protection Zone. The Frontage Protection Zone is an overlay over the underlying zone, which in this case is the General Commercial Zone. Planner Whetstone stated that the Frontage Protection Zone is the first 100 feet from the highway right-of-way. In this case it is Kearns Boulevard to the north and the property is located at the corner of Sidewinder and Kearns.

Planner Whetstone reported that the FPZ language states that there is a no-build zone between zero and 30' from public right-of-way. She reviewed the recorded subdivision plat on page 133 of the Staff report and noted that the hatch mark on the subdivision plat was a 75' easement, and the entire 75' is dedicated for trails, snow storage and pathways. It prohibits anything from being built in that 75' area. Planner Whetstone indicated the entire 100' which was shown in blue.

Planner Whetstone stated that the LMC requires a conditional use permit for construction within the FPZ, but not the first 30 feet. The applicants were proposing to construct a 7,000 square foot Instacare clinic. The plan is to move the clinic from Bonanza to this proposed location. The gross building area, including all circulation, would be approximately 8600 square feet. A 12,700 square foot underground parking structure was also proposed under the building.

Planner Whetstone explained that a conditional use permit is required for this area to give the Planning Commission the opportunity to review any possible impacts on the frontage protection zone. She noted that the clinic is an allowed use in the GC zone and the applicant has submitted for a building permit. The proposal has been reviewed by the Engineering, Planning and Building Departments.

Planner Whetstone noted that the Staff report contained considerable background; however, the highlight was that in March of 1986 the Planning Commission at the time approved a similar conditional use permit for work in the FPZ for the Pizza Hut. She stated that conditional use permits run with the land, but in this case the proposed clinic would not come any further into the FPZ than the Pizza Hut, but it has a larger footprint. The Pizza Hut was 1875 square feet and the proposed clinic building is 1950 square feet. There would also be an underground parking structure below that footprint that would also be in the FPZ.

Planner Whetstone noted that the Planning Department made a determination that the applicant should bring a new Conditional Use Permit for review by the Planning Commission.

Director Erickson remarked that the difference in footprint was 8 feet in length. Chair Pro Tem asked if they were looking at 8' to the side, the rear or both. Director Erickson replied that it would be 8' to the west.

Planner Whetstone noted that this conditional use permit also has approximately 500 square feet for the driveway that goes down along Sidewinder to access the underground parking structure. There is a retaining wall in the side yard setback that was greater than 6' in height, and that required an administrative conditional use permit which was approved in January.

The Staff had reviewed the proposal against the criteria for conditional use permits in the LMC Section 15-1-10 and their analysis was outlined on pages 122 and 123 of the Staff report. The Staff found that as conditioned or as revised the proposal mitigates the 15 criteria.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Conditional Use Permit for the Intermountain Healthcare Clinic according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report.

Gordon Clark with JRCA Architects, the project architect, gave a short presentation. He explained that they tried to illustrate the view of the facility from the northwest side of the facility and how it relates. Mr. Clark stated that looking directly from the north there are a number of established evergreen trees on the outside of the north side of the walking path. The view of the facility from the north is obscured by the existing vegetation. He pointed out that the entry would be from the southwest side of the facility with the driveway to the parking garage below. Mr. Clark presented samples of the actual materials being considered for the facility. He showed the proposed brick which was two colors of brick

mixed together. It would be balanced with Browns Canyon stone. The materials also coordinate with the materials used on the hospital. He stated that the clinic was designed to be similar to the Hospital and other buildings in Park City.

Mr. Clark stated that they tried to adapt the facility to the constraints of being able to use the 75' setback that was originally established by the Pizza Hut. They would like the opportunity to place the Instacare clinic at this particular location. The design fits in with the Hospital and other Park City structures. He noted that the clinic has been in business for a number of years and it is a fixture of this area. They would like to upgrade to what was being proposed. It would allow the opportunity to provide better service and better care to patients.

Chair Pro Tem Band noticed surface parking in the front. Mr. Clark stated that the most easterly space is reserved for ambulance parking. Along the front of the building there would be handicap parking stalls. The majority of the parking would be in the underground garage.

Commissioner Suesser was having difficulty finding the entrance to the surface parking. Mr. Carter pointed out two entrance points. It was important to maintain two entrance/exit points from the street to accommodate the ambulances. Mr. Carter noted that they wanted to keep the slope into the parking garage as shallow as possible. For that reason, they moved the entry point a little further to the south from the original Pizza Hut entry location.

Commissioner Thimm asked for the slope of the ramp. Mr. Carter recalled that it was 1 to 12-1/2. Commissioner Thimm calculated that it was slightly over 8% slope. Mr. Carter stated that the ramp would also be heated. Planner Whetstone pointed out that it had reviewed by the City Engineer.

Director Erickson explained that this application was not a typical conditional use permit because the use and the parking are permitted in the zone. The issue for the Planning Commission is whether the Frontage Protection Zone guidelines are met on the north face for that 8' of extension. All other issues are addressed under the permitted use and building permit. Director Erickson clarified that the building does not enter into the zone any closer to Kearns Boulevard. It widens by 8' and the existing trees between the road and the bike path remain.

Chair Pro Tem Band understood that the Planning Commission was being asked to approve a new conditional use permit that matches the actual building proposed, as opposed to the old conditional use permit for the Pizza Hut building.

Commissioner Phillips believed the applicant could have avoided coming to the Planning Commission if the building had been moved approximately 1-1/2 feet. Planner Whetstone stated that it may have maintained the footprint and the height is generally the same as the Pizza Hut in that first 25 feet. She thought it was primarily the circulation tower on the left side that prompted the CUP. Commissioner Phillips stated that they were approved for 1875 square feet and they were asking for 1950, which was a difference of 75 square feet. He estimated that the building width is probably 35-40 feet. Commissioner Phillips reiterated that if the building had been moved two feet they would not be before the Planning Commission. Chair Pro Tem Band assumed the applicant had already designed the building; and therefore, requesting a new CUP was an easier process.

Commissioner Suesser asked about the electrical transformer located in the buffer zone. Director Erickson replied that it was an existing transformer.

Commissioner Campbell thought the entrance ramp closest to Sidewinder appeared to be right next to the sidewalk. Mr. Clark stated that it was actually 3-1/2 feet behind the sidewalk. The landscape plan would provide a landscape buffer that goes across the facility. Commissioner Campbell wanted to know how far someone would fall if they happened to fall over the railing. Mr. Clark stated that it was a 12 foot grade change at the lowest part of the ramp, but there would be a 32" guardrail and a planting buffer along there.

Commissioner Suesser asked if there were plans to restrict access from anyone not using the clinic. Mr. Clark stated that there would be a gate that comes down at the bottom of the ramp. Commissioner Erickson stated that it was similar to the underground parking for the clinic directly to the east of this one. Planner Whetstone suggested signage stating that the parking was for the clinic only.

Chair Pro Tem Band opened the public hearing.

There were no comments.

Chair Pro Tem Band closed the public hearing.

MOTION: Commissioner Suesser moved to APPROVE the Conditional Use Permit for 1750 Sidewinder Drive for construction within the Frontage Protection Zone, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1750 Sidewinder Driver

1. The property is located at 1750 Sidewinder Drive on the southeast corner of Sidewinder Drive and Kearns Blvd.
2. The applicant proposes to construct an approximately 8,631 sf gross (6,992 sf net leasable floor area), building for a new Intermountain Healthcare Instacare Medical Clinic. Also proposed is an underground parking structure that is approximately 12, 770 sf.
3. The CUP is required for construction of the northern 25' of the building, parking garage and driveway proposed within the Frontage Protection Zone (FPZ), to ensure that potential impacts of construction are adequately mitigated.
4. Approximately 1,950 sf of building footprint, as well as 1,950 sf of underground parking/circulation staircase are proposed within the southern 25' of the FPZ. Approximately 500 sf of below grade driveway accessing the garage is proposed within the FPZ.
5. Medical Clinics and Offices are an allowed use within the General Commercial (GC) District.
6. The property is located within the Park City Soils Ordinance Boundary.
7. The property is described as Lot 42A of the Resubdivision of Lot 42 Prospector Square Subdivision. The replat was approved by City Council on April 3, 1986 and recorded at Summit County on December 30, 1986.
8. The lot contains 31,531 square feet (sf) of lot area. The FPZ area covers approximately 11,400 sf (36%) of the lot.
9. There is no minimum lot size in the General Commercial District.
10. There is a platted buffer easement area on the northern 75' of Lot 42A. The buffer area is indicated as a bike path, trail, and snow storage easement and is dedicated to the public in perpetuity. The buffer area encumbers approximately 8,550 square feet (27%) of the lot. No portion of the building is proposed on the buffer easement area. There is a paved trail as well as several large existing evergreen trees located within the buffer area. Several of the trees appear stressed and in poor health. The applicant proposes to protect the trees during construction of the clinic.

11. On March 26, 1986 the Planning Commission approved a similar CUP for construction within the FPZ for the Pizza Hut Restaurant previously located at this site.
12. The Planning Director determined that a new CUP was required due to the larger footprint (1,975 sf for the IHC Clinic versus 1,875 sf for the Pizza Hut) as well as the proposed underground parking structure and driveway for the IHC building. The Pizza Hut was a single story building with only surface parking.
13. The Planning Department determined that the exception for minor remodels and façade improvements for existing Structures within the FPZ did not apply to the proposed building and an Administrative Permit was not allowed.
14. Access to the site is from Sidewinder Drive.
15. No access exists or is proposed from Kearns Blvd.
16. Parking is proposed in an underground parking structure, under the building footprint with an additional eight (8) surface spaces on the south side of the building at the main entrance. The twenty-six (26) structured parking space are accessed by a driveway located on the west side of the building. One ambulance parking space is accommodated within the small surface lot. Bike parking is provided on the south side of the building at the entrance as well as within the parking garage.
17. The proposed 35 parking spaces meet the minimum requirements of the Land Management Code.
18. On January 15, 2016 an Administrative Conditional Use permit was approved by the Planning Department for the height of the retaining wall within the front setback along Sidewinder Drive for the driveway access to the parking garage.
19. The proposal has been reviewed by the Park City Fire District and approved for emergency access, including ambulance.
20. The proposed structure complies with all setbacks in the GC District. There is a proposed twenty foot front setback (20' required) along Sidewinder Drive, a seventy-five foot (75') setback along Kearns Blvd, and a 10'2" setback (10' required) along the east side property line.
21. The maximum building height proposed is 26' for the sloping architectural roof element on the west side of the building. The majority of the building is 24' or less in height.

22. The General Commercial District has a maximum allowed building height of 35' with an additional 5' allowed for roofs with a pitch of 4:12 or greater.

23. The building is lower and generally smaller in mass and scale when compared to the adjacent medical office building to the east and the commercial/office buildings to the north and south. The north elevation meets the façade variation requirements with an 8' change in height and a 20' horizontal shift.

24. The proposed building is compatible with the surrounding structures in mass, scale, materials, and architecture. Materials include natural stone (Brown's Canyon sandstone rough cut), brick, and metal panels with standing seam metal roofing.

25. The Prospector Square commercial area is comprised of an eclectic mix of various architectural styles and materials.

26. Utility services exist at the site and a utility plan was submitted with the application indicating the location of all utilities, include a storm water plans. The electrical transformer located within the buffer area along Kearns is highly visible and shall be screened with landscaping to minimize visual impacts. Any new utilities located in the buffer easement area will require a recorded utility easement within the buffer zone easement.

27. Exterior lighting is proposed to be down-directed, shielded, and in compliance with the LMC lighting requirements with final review of fixtures by staff at time of building permit application review.

28. A landscape plan was submitted with the application indicating that existing trees in the buffer area are proposed to remain with additional trees, foundation plantings, and planting beds provided for screening, buffering and softening of the building, as well as the driveway and small surface parking lot.

29. No fencing is proposed within the FPZ area.

30. Staff observed the existing evergreen trees along Kearns Blvd and finds that they appear to be in poor health and in need of treatment from a tree specialist.

31. As conditioned, the application complies with the FPZ requirements in LMC Chapter 15-2.20.

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

33. The applicant stipulates to these conditions of approval.

Conclusions of Law – 1750 Sidewinder Drive

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval – 1750 Sidewinder Drive

1. All Standard Project Conditions shall apply.
2. Significant trees shall be protected from damage during construction.
3. Prior to issuance of a certificate of occupancy the applicant shall submit a report from a licensed arborist documenting the type, size and condition of all existing trees on the site. The report shall include recommendations regarding treatments necessary to bring these trees back to health, or if replacement is necessary, recommendations as to type and size of trees required to mitigate for removal of any existing trees due to disease and/or overall poor health based on the arborist report.
4. A final landscape plan consistent with the landscape plan submitted with this conditional use permit application shall be submitted for approval by the Planning Department, prior to issuance of a building permit.
5. Soil from the disturbed areas on site shall be managed according to the City's Soils Boundary Ordinance regulations.
6. A Construction Mitigation Plan (CMP) shall be submitted for approval by the Planning and Building Departments, prior to issuance of a building permit. The CMP shall include all items required by the Building Department, as well as the location and method of protection of all existing trees on the site and within twenty feet (20' of the site. The CMP shall address recycling and reuse of construction waste to reduce the amount of construction waste sent to the landfill.
7. Final grading and storm water drainage plans shall be submitted for approval by the City Engineer, prior to issuance of a building permit.

8. A final utility plan shall be submitted for approval by the City Engineer, prior to issuance of a building permit. Surface utility boxes shall be screened with landscaping elements.
9. An easement for utilities within the 75' platted buffer easement area, in a form approved by the City Engineer, shall be recorded at Summit County prior to issuance of a certificate of occupancy.
10. Final plan approval and sign off from the Snyderville Basin Water Reclamation District is required prior to issuance of a building permit.
11. No permanent signs may be installed on the site without approval of a Sign Permit from the Planning and Building Departments.
12. All exterior lighting shall be reviewed by Planning Staff for compliance with the LMC at the time of building permit review.
13. Any proposed free standing sign shall orient towards Sidewinder Drive. Wall and hanging signs on the portion of the building within the FPZ are permitted through this CUP; however a sign permit is required prior to installation of any signs.
14. Any damage to public sidewalks, trails, streets, and curb and gutter shall be repaired and/or replaced in a manner approved by the City, prior to issuance of a certificate of occupancy.
15. The City Engineer shall review a turning movement study and will make a final determination regarding right turn only signs from the driveways on Sidewinder.
16. No vehicular access to the site is permitted from Kearns Blvd.
17. Final architectural plans and materials, consistent with the plans reviewed by the Planning Commission on April 27, 2016, shall be submitted with the building permit application for approval by the Planning Staff, prior to issuance of a building permit. Final plans shall comply with requirements of LMC Chapter 5.

The Planning Commission adjourned the regular meeting and moved into work session to discuss Land Management Code Amendments as continued from April 13, 2016. That discussion can be found in the Work Session Minutes dated April 27, 2016.

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The Park City Planning Commission Meeting adjourned at 7:45 p.m.

Approved by Planning Commission: _____

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
April 27, 2016**

PRESENT: Chair Pro Tem Melissa Band, Preston Campbell, John Phillips, Laura Suesser, Doug Thimm.

Bruce Erickson, Ann Laurent, Kirsten Whetstone, Francisco Astorga, Polly Samuels McLean,

WORK SESSION ITEMS

Land Management Code Amendments 2016 Annual Review as continued from April 13, 2016

Planner Whetstone reported that at the last meeting On April 13, 2016, the Planning Commission met in work session to discuss various lists of LMC Amendments and to prioritize the items into three groupings; Minimum, Moderate and Significant. The ranking was based on the amount of time the Staff and the Planning Commission would have to spend on each item. The items were not prioritized based on importance. Planner Whetstone noted that the Staff was preparing LMC redlines for the May 11, 2016 meeting on items the Commissioners had placed in the Minimum grouping.

The Staff requested that the Planning Commission prioritize the items in the Moderate and Significant groupings ranked by their importance.

Chair Pro Tem asked for an explanation of Item 3 under Moderate in the Staff report related to screening. Planner Whetstone replied that there is very specific language in the General Commercial regarding screening of mechanical that is not included in the language for the LI zone. The intent is to make the language consistent.

Community Development Director, Ann Laurent, noted that at the last meeting they talked about prioritizing a global picture of everything they wanted to accomplish in the General Plan, as well as other ideas. She explained that the reason for wanting to prioritize the moderate and high items first was to allow the opportunity to organize those items in categories that would start the conversation. They would then be organized under transportation and housing. At some point the priorities would be organized and merged together in a comprehensive list. Ms. Laurent stated that they would take a step by step approach for adding items to the list. It would all be incorporated into a master spread sheet to make it easier to track the progress.

Ms. Laurent reported that the City is in the process of hiring an environment sustainability manager who will be working on the definition of net zero and what that means. She learned a little bit about that in terms of which items they implement would have the biggest

impact on moving towards their goal. Ms. Laurent thought that new person should be involved in the conversation and hopefully they would be hired very soon.

Director Erickson commented on scheduling and how often they should hold these work sessions in order to give Treasure Hill and any other applicant sufficient time for their projects. At this point he did not anticipate special meetings. Director Erickson stated that the Planning Department could not physically process notices or applications for any applicant quicker than once a month. He expected that the Planning Commission would see some of the larger projects come forward once a month. On those projects, he suggested that if the Commissioners had a clarification question they could ask the Staff or the applicant to provide written comments prior to the following meeting. That would keep the discussion focused and accurate as opposed to trying to answer abstract questions.

Director Erickson noted that the goal is to continue bringing the LMC changes forward. He asked the Planning Commission to consider whether they wanted to see those once a month rather than twice a month. Director Erickson thought an agenda would also depend on the number of public who might attend to give comment on the larger projects. He assumed they would not be able to answer the question of once or twice a month until after the first meeting on Treasure. Director Erickson stated that his preference was to try and keep the ending time to 8:30 or 9:00 because late meetings are neither efficient nor productive.

Planner Whetstone asked if the Commissioners had any questions on the redlines or notes taken from the list of Minimum items from the last meeting. The Commissioners had no comments.

Planner Whetstone reviewed the list of items that the Planning Commission had designated as Moderate and asked the Commissioners to prioritize the list based on importance. The list was outlined on page 176 of the Staff report.

The Commissioners discussed lighting and concurred that residential/neighborhood lighting glare was the first priority on the Moderate list.

The Planning Commission discussed special events. The Commissioner agreed that the second priority on the list should be to Align Special Events regulations with recent Municipal Code changes.

The Planning Commission ranked definitions as the third priority and diminimus adjustments as the fourth priority. The fifth and sixth priorities were the standards for revised applications and new applications; and the standards for inactive or stayed applications. Screening was the seventh priority on the Moderate list.

During a discussion later in the meeting the Planning Commission added flat/green roofs as Priority 8 in the Moderate list.

The Planning Commissioner prioritized the list of Significant items outlined on page 177 of the Staff report.

Commissioner Thimm asked if the Staff encounters a lot of driveway issues. Director Erickson stated that they do, particularly on the bigger homes in Park Meadows and in the Historic District on housing in the transitions zones. Director Erickson outlined the reasons for recommending that the maximum driveway grade be reduced from 14% to 10%, with the ability to apply for a variance. For the purposes of the Planning Commission, the issue was energy consumption. Flatter driveways reduce the size of the holes that have to be dug. There is less material to be hauled away and it lessens the impacts to the neighborhood. It also keeps construction further down on the lot.

The Commissioners thought the driveway grade needed additional discussion. Director Erickson suggested that they might need to break it up and address the historic districts differently.

The Planning Commission ranked the Significant items based on importance.

Priority One is Review of MPD Requirements. Priority Two is a Review of UEs in an MPD. Priority Three is parking and driveway regulations. Priority Four is to Review Allowed and Conditional Uses in all Districts for consistency and for consideration of other uses, as well as the definitions. Priority Five is expanding the annexation expansion boundary. The Commissioners ranked where to allow Portable Storage Unit and Group Mail Box as Priority six.

Planner Whetstone stated that she had broken the Annexation Expansion into two parts. She noted that the General Plan talks about having the discussion as a community about expanding the annexation boundary. One pressing issue is annexing the Stone Ridge open space in Round Valley which is owned by the City. She suggested that they review other properties to see whether it makes sense to annex. Planner Whetstone stated that the General Plan talks about annexation areas in general but it does not provide a resolution.

Director Erickson stated that they could officially amend the Annexation Policy Declaration Boundary and incorporate the property that Planner Whetstone mentioned. The Planning Commission could then discuss whether other properties may be appropriate for annexation at this time. Another alternative is to have another annexation discussion and consider a boundary change next year.

Chair Pro Tem Band recalled that she and Commissioner Strachan had wanted to strengthen the criteria for what they annex, how to do it, and why. She noted that Commissioner Strachan previously expressed his thought that annexation should either be for open space or 100% for affordable housing.

Director Erickson stated that if the Planning Commission wanted to raise that issue to the City Council as policy direction, he and Ms. Laurent would need to understand that was the direction. They could either suggest a joint meeting with the City Council to have that discussion or the City Council could have that discussion among themselves and provide input. Director Erickson was also willing to schedule work sessions moving forward. Commissioner Campbell thought the issue would be so politically charged that it could potentially be a waste of Planning Commission time. Chair Pro Tem Band believed the City Council would at least like to hear a recommendation from the Planning Commission before setting policy.

Assistant City Attorney McLean suggested that the Planning Commission could highlight specific issues and ask the City Council to say whether or not it was something the Planning Commission should be spending time on. She noted that the Planning Commission could also forward a recommendation without hearing from the City Council. However, asking for their input would avoid spending time on hard issues if the Council is not willing to make the changes.

Planner Whetstone stated that she has been told that a City Council priority is to annex the City-owned open space property into the City. Commissioner Campbell asked if the City Council could change the annexation boundary without a recommendation from the Planning Commission. Assistant City Attorney McLean believed that per State Code the annexation boundary goes through a similar process as an annexation where it does require a recommendation.

Planner Whetstone provided the history of the original Annexation Policy Plan. Director Erickson explained that when they do an annexation policy boundary change, Wasatch County and Summit County could oppose annexing the property into the City.

Chair Pro Tem Band asked why they would want to annex. Director Erickson replied that the property comes inside the City limits and allows the City to spend money with less controversy than if they spend money in the County jurisdiction. Also, if they want a total end use on the property it would have to be in the City or they would have to ask the County jurisdiction if they could something like affordable housing.

Commissioner Phillips asked whether the City would be notified if property is within the City boundary but not annexed and there is a proposal to develop it. Director Erickson used the synagogue as an example of property within the City boundary. If someone wanted to

do something with the synagogue he believed the City would be notified. Assistant City Attorney McLean was unsure if that was correct. She would have to research State Code. She recalled that certain things require notification but not everything that occurs within the boundary. She would find the answer and report back.

The Commissioners left Expanding the Annexation Boundary as number five on the priority list.

Director Erickson believed the Unit Equivalency question would come back to the Planning Commissioner sooner than the Conditional Use section. Commissioner Thimm noted that the Commissioners had ranked Unit Equivalents as Priority Two, ahead of the CUP discussion.

Planner Whetstone noted that TDRs were also on the list for ranking. Commissioner Thimm thought there were other issues more pressing than TDRs. The Commissioners agreed. Commissioner Phillips believed Commissioner Joyce would rate wood burning fireplaces as a higher priority.

The Planning Commission ranked the Wood Burning Fireplace Ordinance as Priority Seven. House size and footprint was ranked as Priority Eight, followed by TDRs as Priority Nine. Definitions would be addressed as it relates to each item.

Planner Whetstone reported that in 1999 the City had an ordinance that was adopted by the City Council when they decided that Park City did not have an air quality problem. At that time there was a cap and trade type of policy. If someone had a house with a wood burning stove in Old Town and they wanted to put in a gas stove, they could give their credit to someone in Deer Valley who wanted a wood burning fireplace. Director Erickson explained the current restrictions on wood burning fireplaces for new construction.

Commissioner Campbell personally felt it was a low priority because less people want wood burning fireplaces. Director Erickson suggested that they could "test the waters" on it and back off if it meets too much resistance. He pointed out that lighting glare and flat roofs could also be controversial issues. Director Erickson noted that State law has a regulation saying that an HOA has no authority over private residences or units. For example, under the State regulation an HOA could not prevent someone from using solar panels on their unit.

The Commissioners talked about flat roofs and decided to move it to Item 8 on the Moderate priority list.

Mr. Laurent asked how the Planning Commission wanted to address the priority items. Whether they wanted to address the Moderate list first or whether they wanted to address

one Moderate item and one Significant item.

Chair Pro Tem Band understood that the reason for prioritizing the list at the last meeting into Moderate versus Significant was based on the amount of time each item would require. She suggested that they combine an easier Moderate item with a more difficult Significant item for each meeting. Commissioner Phillips noted that some of the items would bring out a number of the public and that many of the same people would come back for other items. He asked if it made sense to anticipate that and discuss those items on the same night. Commissioner Phillips pointed out that people may be passionate about specific items but they may not be able to attend several meetings.

Planner Whetstone offered to put together a draft schedule of how the items might be grouped. Mr. Laurent remarked that at any time they could decide to “park” certain aspects of the list to move forward on other aspects. The process is not set in stone and can be re-visited. The important thing is that they continue to make progress.

Planner Whetstone reported that Tom Hurd and his group are owners in a subdivision in Old Town. It came in as six lots in the HRL. They are in one of the groupings that is either all TDR or nothing. She noted that the group previously went through the Planning Commission to the City Council with a recommendation to change how TDR credits are assigned to HRL lots. For example, two lots should get two credits. Planner Whetstone stated that Mr. Hurd keeps asking her when the program would start. She took it to the City Council and they were in favor of giving someone the ability to figure out credits, but the program itself does not work. Planner Whetstone noted that the reason for the program is to get density off of steep places. Mr. Hurd wants to do that but he wants to know how many credits they would get. Chair Pro Tem Band thought the question was who would buy the credits. She pointed out that unless they can find a way to make the program work it is useless if they have credits and no buyers.

Commissioner Phillips commented on the Code changes that were done in 2009. It was the last major change to the LMC and there were many meetings and significant public comment. He recalled that the intent was to revisit the Code in a few years. Planner Whetstone stated that it was also done in conjunction with the Design Guidelines that were approved in 2009. Commissioner Phillips suggested that they look back at the 2009 LMC changes to see how it has affected house size and other development parameters.

The Work Session was adjourned.

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