

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
FEBRUARY 22, 2017

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Anya Grahn, Planner; Hannah Tyler, Planner; Ashley Scarff, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Strachan called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Suesser and Campbell who were excused.

**ADOPTION OF MINUTES – February 8, 2017**

MOTION: Commissioner Thimm moved to APPROVE the minutes of February 8, 2017 as written. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Bruce Erickson noted that 1450 Park Avenue and 1460 Park Avenue scheduled on the agenda this evening would be continued. Commentary on the Continuance was provided for the public and the reasons would be discussed later in the meeting.

Director Erickson commented on a schedule he had sent to the City Manager, and included in the City Council packet, regarding the most recent LMC changes. The Planning Commission would begin discussing those changes this evening. Director Erickson noted that additional LMC changes were in progress and scheduled through August. Copies of the schedule were available to the public.

Commissioner Thimm noted that Jeff Krantz was in the audience, and he assumed he was there to talk about the freestanding sign at 1750 Sidewinder Drive. Commissioner Thimm disclosed that he has been associated with Mr. Krantz on a number of projects over the years; however, he did not believe their past association would have any bearing on his decision this evening.

**REGULAR AGENDA – Discussion, public hearing, and possible action**

1. **1450 Park Avenue- Request for Approval of a Condominium Plat for Lot 1 Retreat at the Park, for 4 Residential Units.** (Application PL-16-03384)
2. **1460 Park Avenue- Request for Approval of a Condominium Plat for Lot 2 Retreat at the Park, for 4 Residential Units.** (Application PL-16-03415)

Planner Grahn reported that the applicant had requested that these items be continued to a date uncertain. The Staff found an error during the review and writing of the Staff report, and the applicant would like the opportunity to address it. She recommended that the Planning Commission open a public hearing for anyone from the public who came to speak on these items this evening.

Chair Strachan opened the public hearing on 1450 Park Avenue. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the 1450 Park Avenue Condominium Plat to a date uncertain. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Chair Strachan opened the public hearing on 1460 Park Avenue. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE 1460 Park Avenue Condominium Plat to a date uncertain. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. **1750 Sidewinder Drive – Conditional Use Permit (CUP) application for the installation of a permanent freestanding sign within the Frontage Protection Zone (FPZ) for the Intermountain Park City InstaCare.**  
(Application PL-16-03415)

Planner Ashely Scarff reviewed the request for a conditional use permit for the installation of a permanent freestanding sign within the Frontage Protection Zone for the new Intermountain Park City Instacare, located at 1750 Sidewinder Drive.

Planner Scarff noted that the Frontage Protection Zone Section of the LMC states that all construction activity, including permanent signs between 30' and 100' feet from the nearest right-of-way line, requires a conditional use permit. The proposed sign will be setback 31'7" from the Kearns Boulevard right-of-way line, and it must be set back a minimum of ten feet from the property line that fronts Sidewinder Drive.

Planner Scarff reported that additional signage for the building was reviewed and approved administratively under a separate sign permit application because it does not fall within the Frontage Protection Zone. Exhibits included a rendering of the signage that was already approved, as well as this freestanding sign.

The Staff recommended that the Planning Commission review the request for a CUP for the freestanding sign, conduct a public hearing, and consider approving the CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report.

Jeff Krantz, with Young Electric Sign Company, stated that he was representing Intermountain Health Care this evening. He believed the sign was fully within the regular City ordinances. However, this additional CUP approval was necessary because it would be within the Kearns Boulevard Protection Zone. Mr. Krantz was available to answer questions.

Commissioner Joyce thought it appeared that the sign was right adjacent to the sidewalk. He noticed that there was enough space closer to the building and he asked why they chose to put it on the walkway.

Mr. Krantz stated that the intention is to have a perpendicular sign for the Kearns Boulevard traffic to identify the facility and the urgent care within the facility. The intent was to place it in the best possible position given the overall landscaping. He noted that there is an electrical meter box as well, and they still needed to do the Blue Stake and make sure the footing goes in the right place. Mr. Krantz remarked that they were sensitive to the required setbacks and it may have to be moved slightly, but the objective was to obtain a good view from Kearns Boulevard and identify the facility. Mr. Krantz noted that the bike path jogs out a little in that area, which makes it easier to fit the sign in that location.

Commissioner Joyce understood the intent, but he questioned whether it could be moved back two feet. Mr. Krantz replied that they might be able to move it back once they figure out the exact Blue Stake and where the footing could go. He reiterated that they would make sure to maintain the required setbacks. Mr. Krantz pointed out that the sign has a larger base, per the requirements of the ordinance. They would try to fit it in as best as possible given all the restrictions.

Director Erickson noted that the Planning Commission could add a condition of approval stating that the Staff will review the final location. He stated that the Staff had concerns early in the process about snow removal off the path and whether the sign was too close.

Commissioner Joyce favored adding the condition and he liked the idea of having the Staff review the final location. He noted that the 30' setback was off the road and did not address the sidewalk. It is a busy intersection for both pedestrians and vehicles, and it would be nice to do whatever possible to avoid crowding the pedestrians and bikes.

Director Erickson stated that Planner Scarff would have to sign off on the building permit, and she would review it based on their comments reflected in the minutes.

Chair Strachan stated that he rides the bike path frequently and he was concerned about visibility for the bikers coming east. He agreed that the sign should be moved as far away from the bike path as possible. In addition, if the solid brick foundation could be replaced with two posts, the cyclists would be able to see the cars through it. Chair Strachan clarified that if it were any other intersection he probably would not have the same concern. He pointed out that vehicle drivers are looking to the left to make a turn and they do not always see the bikers coming from the right.

Planner Scarff replied that the Sign Code speaks to the area under a freestanding sign, and encourages the base to be enclosed. That was the primary reason for the brick foundation. Chair Strachan reiterated his agreement with Commissioner Joyce that the sign should be moved further off of the bike path to address visibility issues.

Director Erickson asked if the Planning Commission would give the Staff discretion to sign off on it if they found a way to open it up. Chair Strachan questioned whether the discretion could be reasonably exercised, because if they are not trained cyclists they might not know what good visibility lines are for a cyclist.

Commissioner Thimm stated that his concern was for the untrained cyclists. He had the same thought and wondered if they could define a specific number of feet off the sidewalk rather than just the 31' setback off of the right-of-way.

Chair Strachan had no issues with the height and suggested that they could make the sign higher if they moved it further back from the bike path. Mr. Krantz stated that the Sign Code also restricts the height. He was not opposed to approval based on final review by the Staff. They would Blue Stake it and stake where the leading edge of the sign is, and make sure that it was approved before moving forward. Chair Strachan suggested that the Planning Commission give Planner Scarff and Heinrich Deters that discretion with these concerns in mind.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to APPROVE the Conditional Use Permit for a freestanding sign at 1750 Sidewinder Drive based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended to give the Planning Staff and the Trails Manager discretion to review the final location of the sign, with the objective of moving it further away from the trail consistent with the comments made by the Planning Commission; and that the Planning Staff review the base material to see if there is an opportunity to increase sight distance through the base of the sign. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1750 Sidewinder Drive

1. On December 22, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) to allow Intermountain Healthcare to install a permanent freestanding sign within the Frontage Protection Zone (FPZ) for the new Intermountain Park City InstaCare located at 1750 Sidewinder Drive.
2. The freestanding sign will complement additional signage that was reviewed and approved administratively on January 30, 2017, under a separate sign permit application. The separate sign permit included two (2) identical wall signs and one (1) freestanding entrance sign.
3. The subject property falls within the General Commercial (GC) District with a portion of the lot that fronts Kearns Boulevard falling within the FPZ Overlay area.
4. The Land Management Code (LMC) states that, within the FPZ, all construction

activity, including permanent signs, within the setback area between thirty feet (30') and one hundred feet (100') from the nearest right-of-way line requires a CUP.

5. The sign is proposed to be set back 31 feet, 7 inches (31', 7") from the Kearns Boulevard right-of-way line, and a minimum of ten feet (10') from the property line that fronts Sidewinder Drive. It will be oriented perpendicular to Kearns Boulevard; thus, finished on both sides.

6. The area of the sign is proposed at 19.96 square feet, with a height of seven feet (7') measured from final grade. External illumination of the sign has also been proposed.

7. The proposed sign meets all requirements related to area, overall height, lettering height, orientation, design, and illumination, per the Park City Sign Code, Title 12.

8. On February 8, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on February 8th.

9. The Findings in the Analysis Section are incorporated herein.

10. This application has been reviewed under Land Management Code Section 15-1-10 (E).

#### Conclusions of Law – 1750 Sidewinder

1. The application satisfies all Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16);

2. The Use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation;

3. The Application complies with all requirements of the LMC; and

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

#### Conditions of Approval – 1750 Sidewinder

1. The scope of this approval includes one (1) freestanding sign within the Frontage Protection Zone (FPZ) only. The sign shall be oriented perpendicular to Kearns Boulevard, and shall be finished on both sides.

2. The sign shall be set back a minimum of thirty feet (30') from the Kearns Boulevard right-of-way line, and a minimum of ten feet (10') from the side property line fronting Sidewinder Drive.
  3. The sign must entirely comply with the Park City Sign Code, Title 12.
  4. The sign shall be limited to a maximum of twenty square feet (20 sf) in area, measured following methodology outlined in the Park City Sign Code §12-4-2.
  5. The sign shall not exceed a height of seven feet (7') measured from final grade.
  6. Prior to construction of the freestanding sign, the applicant must apply for and procure a Building Permit from the Building Department. The Building Permit application must include the location of existing utilities near the sign's location, and ensure that they are not interfered with.
  7. Prior to applying for the Building Permit, the Applicant shall consult with City Planning and Trails Staff to determine the exact placement of the sign in an effort to ensure it will not interfere with pedestrian and bicyclist safety.
  8. The proposed external illumination of the sign must incorporate steady, stationary, shielded fixtures directed solely onto the sign without causing glare. The intensity of the lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent public right-of-ways (Kearns and Sidewinder).
  9. The applicant must apply for and procure an electrical permit from the Building Department prior to installing any lighting on the sign.
  10. Excavated soils that result from installation of the sign (to install the footing and foundation) shall remain on site or otherwise shall be regulated per requirements of the Park City Soils Ordinance.
  11. The impacted area must be re-landscaped appropriately following installation of the sign.
2. **Land Management Code Amendments regarding Storefront Property Façade maximum widths for the Storefront Enhancement Program in Chapter 15-2.5-3 Lot and Site Requirements in the Historic Recreation Commercial (HRC), Chapter 15-2.6-3 Lot and Site Requirements in the Historic Commercial**

**Business (HCB) Chapter, and associated definitions in Chapter 15-15 Defined Terms. (Application PL-16-03415)**

Planner Hannah Tyler presented the storefront enhancement program LMC amendments. She provided a brief background on what led to the proposed amendments. Planner Tyler stated that the Planning and Economic Development Departments were tasked with address vibrancy and retail mix on Main Street. The Staff was bringing forward LMC amendments as part of the larger Storefront Enhancement Program, with the goal of addressing vibrancy, historic preservation and planning for the future economy of Main Street.

Planner Tyler reported that the Storefront Enhancement Program, including a draft of the LMC amendments, were taken to the City Council in December. At that time the Council directed the Staff to bring it to the City Council. This was Phase I of the LMC and the Staff would be coming back with additional amendments at a later date.

Planner Tyler stated that the Storefront Enhancement Program as a whole is a five-prong approach consisting of tools the City already has to address the vibrancy on Main. The program overall aligned with the guiding documents, including the General Plan, Design Guidelines and the Land Management Code. Particularly for the LMC, they were clinging to the vertical zoning ordinance and this was a subsection to that ordinance. The goal is to encourage shared economy, incubator spaces and pop-ups. She named some of the successful Main Street merchants that already meet those goals. The intent of this Program is to encourage companies to come in that might want a larger storefront.

Planner Tyler commented on the traditional rhythm and scale. She presented a drawing from the 1980s Design Guidelines, and she thought it did a great job of showing the storefront traditional rhythm and scale. It is 25' to 50' wide storefronts, and they climb with the street. It is not overpowering and it creates a positive pedestrian experience walking up and down the street. Planner Tyler stated that the Staff sees an opportunity to encourage that, and instead of reacting in the future, they would like to get ahead of this and prevent anything wider than 50' from going in.

Planner Tyler stated that they were proposing this LMC Amendment in the Historic Recreation Commercial (HRC), and the Historic Commercial Business (HCB) Zoning Districts. That would include upper and lower Main Street, as well as Heber Avenue. The specific Land Management Code Amendment would be in the lot and site requirements for the HCB and HRC, and it would limit the maximum width of a storefront to 50' as it abuts Main Street and Heber Avenue only. Planner Tyler clarified that it would not regulate Swede Alley or the western boundary of the HRC.

Commissioner Joyce asked Planner Tyler why they chose to ignore Swede Alley. Planner Tyler reviewed an exhibit included in the Staff report. The diagram on the left showed the traditional 25' x 75' lot, which historically was what the storefronts encompass. However, some do exceed that in the 35' to 50' range. With businesses coming in, there is a concern about seeing interest for creating very large storefronts. Larger storefronts would eliminate the pedestrian experience and would result in unused entrances. Planner Tyler made clear that they were not limiting the width of a building. They were limiting the width of the individual storefront in a building. She noted that the definition of a storefront property facade was defined by the vertical zoning ordinance. This amendment would add additional regulation to help create the vibrancy on Main.

Planner Tyler stated that the current inventory, which was a preliminary linear feet calculation that was done on Main Street, found that only five non-historic buildings are wider than 50'. That showed that the current design guidelines were working, but the intent is to avoid having to react in the future if they suddenly start getting 200' long facades that deactivate the street. Planner Tyler referred to the image on the right of the exhibit, which showed 75' on Swede. She stated that if they allow facades to exceed 50' on Swede and the western boundary, they could potentially create incubator spaces on Main Street. That allows businesses to come in and become a little larger, but at the same time facilitate the opportunity for a smaller business to occupy a smaller space in the building.

Commissioner Joyce felt like they had jumped to the five pieces for the Storefront Enhancement Program without getting into what they were trying to accomplish other than to discourage 200' facades along Main Street. He wanted to know why they would not manage Swede Alley down to the same 50'.

Director Erickson replied that the answer on Swede Alley has several parts. One is that the General Plan, the Downtown Action Plan, and the Old Town Improvement study are setting up Swede Alley to be more like a Seattle Pike Street Alley. Swede Alley is also designed for service and delivery to Main Street. It is also a main pedestrian corridor from the Transit Center to Main Street. In order to accomplish those goals, different planning needs to be done on the Swede Alley side; and the Swede Alley side is not consistently rhythmic at the 50' interval. Director Erickson stated that the 50' interval rule has been in place since the Marriott was designed, and they were only bringing it forward with this new provision addressing smaller spaces as shown in the right-hand diagram.

Director Erickson remarked that the City put together a five-part program to promote vibrancy, and then looked at the tool box and a future tool box to see what could be done to maintain the current good things about Main Street without over-regulating. He stated that the current regulations with this modification were successful. They have full storefronts with high rents and active pedestrianization, which means the Code is working.

The intent is to better prepare for the future economy and the potential threat for larger stores, but include the smaller shops that provide local vibrancy on Main Street. Director Erickson remarked that Swede Alley is a different problem and the Staff would come back with ways to address it.

Commissioner Joyce stated that neither Director Erickson nor Planner Tyler had answered his question of why they would not limit Swede Alley to 50'. If they were trying to discourage big storefronts on Main Street, he could not understand why they would allow it on the backside. Director Erickson replied that the Staff could take his recommendation to the City Council and ask them to reconsider Swede Alley. He suggested that Commissioner Joyce focus his recommendation on the west side of Swede, and allow for greenspace and other things on the east side where the main sidewalk will be located. Director Erickson was willing to take that discussion to the City Council.

Commissioner Joyce pointed out that every example given for where people have combined stores did not require 75' or any special type of building. He reiterated his concern as to why they would not want to do the same 50' limit on the back side of the building.

Commissioner Band wanted to know how many storefronts were on Swede Alley. Planner Tyler did not have the calculations for Swede Alley. Commissioner Band believed that most of Swede Alley was back of house space. Chair Strachan estimated approximately four storefronts on Swede. Director Erickson stated that he and Planner Tyler had applied the regulation to the Swede Alley model, and it generally works on the west side. He was unsure whether there would be unintended consequences, and suggested that if there was concurrence among the Planning Commission, they could recommend that the City Council relook at Swede Alley.

Commissioner Thimm stated that if the incubator space actually becomes back of house space because it has no frontage or openness, they would end up with dark space on that side, unless there is a regulation that forces glass on that side. Commissioner Thimm thought this plan would detract from the character that wants to be created along Swede Alley with glass lines and light spilling out in the evening. Director Erickson stated that it would be addressed in the Historic District Design Review where they require windows and doors to be consistent with the fabric. He pointed out that the new buildings on Swede already have those elements. He agreed that if they apply this on Swede, they need to make sure that the architectural guidelines work to open up those spaces.

Planner Tyler stated that she would present their comments about applying the 50' storefront regulation to the City Council. She would also prepare a new diagram for the

Council to discuss. Planner Tyler thought it was a good idea to bring up the conversation and give the City Council the opportunity to think about it.

Chair Strachan noted that it was ultimately the decision of the City Council and they were asking for feedback from the Planning Commission. He was comfortable sending it back to the City Council for further consideration. Commissioner Joyce clarified that his intent was to be consistent. They have talked over the years about making Swede Alley more than just a place for delivery trucks. He realized that it would never be the same as historic Main Street, but it has already begun to transition. Director Erickson stated that the Staff is seeing the transition as more and more local people walk up and down Swede Alley because the Main Street sidewalks are activated. They had intended to be more organic and just let things happen on Swede, but they would take their direction forward.

Commissioner Joyce favored the idea of the incubator, but he did not think they needed to allow 75' storefronts on Swede Alley to encourage it. He thought they should look at any LMC provisions that would hinder putting in multiple businesses, because it is a great idea and they should do whatever they can to promote it.

Commissioner Joyce stated that in addition to the five-point plan, they have also talked about the issues with formulas stores. He watches other areas with regulations and they seem to have coalesced on definitions and how to identify formulas stores. He asked if that was something that could be done in Utah. Director Erickson answered yes. He explained that their approach is to take the formula out of the formula by maintaining the street. Director Erickson stated that it is more defensible than some of the others, and they were instructed by the City Council to review places such as Carmel by the Sea, which has an outright prohibition. They also reviewed what Aspen was proposing, but Aspen was also looking at Park City.

Assistant City Attorney McLean stated that legally the formula of prohibition is still a gray area, but generally you cannot discriminate against businesses that are out of state. It is more defensible if the regulation addressed size, preserving the historic feel, etc. As the City navigates through this, one of the most important elements for Main Street is to maintain the historic feel and the historic fronts that may be inter-dispersed with new stores. That is the low hanging fruit that addresses a real need; however, the City Council is also looking at other more aggressive ways to maintain the look and feel of the Historic District.

Commissioner Joyce gave examples where the historic facades may have been protected, but the historic experience is lost.

Director Erickson remarked that the discussion is for the City Council in terms of risk, economic development, and a mechanism for business licenses that have to be worked through. If they have to bring back a “dark building” code, this would fit in as well as part of the economic development model. Planner Tyler clarified that the Staff had drafted a definition for a convention chain business that was presented to the City Council on December 8<sup>th</sup>. They were not using the word formula. Assistant City Attorney McLean stated that it was a difficult subject. It is easy to look at other places but each state has its own rules. Ms. McLean remarked that what is being proposed is legally sound because it is based on the look and feel of the street, which ties into the historic.

Planner Tyler remarked that if ten businesses want to come to Main Street with a chain, and three say no because they cannot have a larger storefront, that would be a victory for Main Street. The ones who could follow the requirement would be trying to contribute to the streetscape rather than taking it over.

Planner Tyler stated that this was Phase 1 of the LMC Amendments, and the Staff will be going back to the City Council with other options. The Council will decide whether or not to take the risk, and the Staff will come back to the Planning Commission with whatever they decided. She noted that the City Council had a healthy discussion on what to do with chains, and the Staff will take it back for further discussion.

Commissioner Thimm stated that as he was reading through the amendment, he found nothing that limited the width of the premise. It limits the storefront but a creative designer could work with changing storefronts. He noted that the language talks about window or entrance; and in theory they could have a series of different colored storefronts without separate entrances. Commissioner Thimm asked if consideration had been given to requiring an entrance within each 50’ wide storefront piece. He also suggested making it an operational entrance during business hours.

Director Erickson thought Commissioner Thimm had made an excellent point. The Staff would work that language into the Code. Commissioner Phillips concurred.

Chair Strachan opened the public hearing.

Mike Sweeney thought this discussion was healthy for the street, and for Swede Alley in particular. His personal experience at the end of lower Main Street with a 2800 square foot space was that trying to rent a space that large was much more difficult than actually breaking up that space. They have four doors within a 25’ section of the 75’ overall space underground tucked in under the Town Lift deck. Mr. Sweeney stated that a 1200 to 1400 square foot space was a good size that allowed people to do what

they wanted to do within the space, as opposed to a big store coming in and trying to take over. He thought North Face was another example of a chain store coming into town, but they actually fit within their building. Mr. Sweeney noted that North Face changed their business model specifically to have that particular store front. As a person who spends a lot of time on Main Street, he believed they were heading in the right direction. Mr. Sweeney remarked that there are a number of different philosophies within the HPCA about what constitutes a chain store. Mr. Sweeney stated that Swede Alley is basically the back of house for Main Street because most of those businesses have Main Street Frontage. He believed this discussion was very good for the community in terms of thing of how to make Main Street better. One way is to keep the small eclectic type businesses on the street as much as possible.

Chair Strachan closed the public hearing.

Commissioner Joyce referred to the town of Jackson and commented on how 20 years ago there was an interesting mix of stores around the square, and almost everything was locally owned. Ten years later there was the Gap, Baby Gap and other chains. He noted that there are very few places around that square today that cannot be found in any city in the United States. Director Erickson replied that it was one of the reasons why they were looking at Jackson.

Director Erickson stated that the motion would be to forward a POSITIVE recommendation for the Land Management Code amendments regarding storefront property façade maximum widths in conjunction with the Storefront Enhancement Program, in accordance with the Staff report with the following additional recommendations: 1) That every storefront would have a door; 2) the Planning Commission recommends that this program be considered for the west side of Swede Alley.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council as stated by Planning Director Bruce Erickson. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. **Land Management Code (LMC) amendments - Administrative and substantive amendments to the Park City Development Code, specifically amending Land Management Code Chapter 15-6 Master Planned Developments – removing requirements for Pre-Application Public Meeting and Determination of Compliance. (Application PL-16-03293)**

Planner Francisco Astorga reviewed the LMC Amendment to Chapter 15-6-4, Process, specifically for pre-applications. The Staff was proposing to change the Code so a pre-application conference is no longer required before the applicant could come before the Planning Commission for an MPD. The applicant would still be required to meet with the Staff. Planner Astorga clarified that the amendment would provide an option for the applicant to come before the Planning Commission for a pre-application, but it would not be a requirement.

Planner Astorga remarked that the second part of the amendment relates to the issues encountered with recent pre-applications for MPDs in terms of finding compliance with the General Plan on such a preliminary and conceptual basis. The Staff recommended removing that standard from pre-applications.

Planner Astorga anticipated coming back to the Planning Commission in April to revisit the entire MPD Chapter.

Planner Astorga stated that the redlined changes were on pages 116 and 117 of the Staff report. He noted that a paragraph was revised to address some of the current, older MPDs that followed a different procedure, and still keeps the language.

The Staff recommended that the Planning Commission review the request to amend the LMC, open a public hearing, and forward a positive recommendation to the City Council.

Commissioner Joyce understood the motivation regarding compliance with the General Plan. However, he thought the pre-MPD was an important step because it allowed the applicant to show what they planned to do and for the Planning Commission to provide feedback. Commissioner Joyce was not comfortable having an applicant invest a considerable amount of time and energy on a plan that may get unraveled when they come to the Planning Commission. He asked for the motivation behind making a pre-MPD optional.

Director Erickson replied that it was based on three strategies moving forward. Often times the applicants rely on positive comments from the Planning Commission at the pre-application stage; and when the Staff gives direction, the applicant says that the Planning Commission told them what to do. They need to find a mechanism to avoid that from happening when the project is reviewed at the preliminary level. Director Erickson stated that the second rationale for the change is that the pre-application needs to be focused on the externalities of the site. Some of the pre-MPDs do not talk about off-site utilities, off-site impacts on traffic, or other external elements. The policy and logic was to start with the externalities and then move more and more into the depth of the project, and eventually the basis of the architecture, which is the power and strength of an MPD. Director Erickson

stated that the third item related to a previous comment by Craig Elliott that if the pre-MPD is taken away, the applicant would have to spend a lot of money before knowing whether they have an acceptable project. Planner Astorga was re-writing all 44 of the Planning Commission applications, including the MPD application. The Staff was currently discussing with the Legal Department how they could waive or defer certain requirements in order to stay within the logic policy. Director Erickson remarked that all of the applications have a number of pieces to submit, and they were trying to decide when they should see those. Director Erickson pointed out that at any time the applicant could request to waive a portion of the application, and as the Planning Director, he would have the authority to agree to waive it. If there was a controversy, it would be appealed to the Planning Commission.

Commissioner Joyce wanted to know how this would normally flow with an MPD since the pre-MPD is optional. Director Erickson stated that the Planning Staff does not give direction because they are not the approval body. The authority to give direction comes from the Planning Commission. What the Staff says carries little weight unless they are convinced that the Planning Commission will agree with it.

Assistant City Attorney McLean stated that currently a pre-MPD is mandatory. However, if it is optional, the applicant could request to come in for a work session. Taking away the formality and requirement makes the review and feedback less formal and more conceptual.

Chair Strachan opened the public hearing.

Mike Sweeney stated that they hear comments with regards to Bonanza Park and Mark Fischer's question about why he was spending so much money when it was a pre-application review and it was not moving forward. Mr. Sweeney believed that Planner Astorga understood the frustration and thought there was a better way to make it work. He thought Planner Astorga got it right under the purpose and amendments that the intent was to clarify and efficiency to the MPD pre-application process. He gave many kudos to Planner Astorga because many people will be happy to have this process be less of a barrier and more of an opportunity for discussion.

Chair Strachan closed the public hearing.

**MOTION:** Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments for the MPD program based on the attached draft ordinance. Commissioner Phillips seconded the motion.

**VOTE:** The motion passed unanimously.

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The Park City Planning Commission Meeting adjourned at 6:45 p.m.

Approved by Planning Commission: \_\_\_\_\_



## **Anya Grahn**

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**From:** Bruce Erickson  
**Sent:** Tuesday, February 21, 2017 1:28 PM  
**To:** Adam Strachan; Douglas Thimm; John Phillips; Laura Suesser; Melissa Band; Polly Samuels McLean; Preston Campbell; Steve Joyce  
**Cc:** Polly Samuels McLean; Anne Laurent; Anya Grahn; Rhoda Stauffer  
**Subject:** 1460 Park Condominium Plat

Commissioners, In the course of the preparation and internal review of the Staff Report, we noted that the parking area for this project requires a Conditional Use Permit for a parking area larger than 4 spaces.

The staff report in your current packet has a Condition of Approval requiring a Conditional Use Permit for a parking area larger than 4 spaces in this zone. The applicant has requested a Continuance after the public hearing so that they can consider a range of potential options for the 5<sup>th</sup> parking space. We will have copies of this e-mail at the meeting tomorrow for the public.

We recommend the continuance.

Respectfully, Bruce

**Bruce M. Erickson, AICP**

Planning Director  
Park City Municipal Corporation  
Park City, Utah