

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 27, 2017

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Bruce Erickson, Planning Director; Anya Grahn, Planner; Tippi Morlan, Planner; Hannah Tyler, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

August 23, 2017

Chair Strachan noted that the Minutes of August 23, 2017 were continued from the last meeting pending verification on whether the motion made for 352 Woodside Avenue reflected the intent of the Planning Commission that the measurements clarified in the motion was a condition of approval. He was informed that Mary and Planner Morlan re-listened to the recording and there was never clear direction to include the measurements as a condition of approval. Chair Strachan believed there was consensus that all of the Commissioners thought it was a condition and that it went without saying. However, the item is being appealed to the City Council and the City Legal Department advised that the Planning Commission confirm this evening that the Planning Commission as a whole intended that to be a condition of approval, and that will be conveyed to the City Council. Chair Strachan asked if he was correct in his assumption that all of the Commissioners thought it was a condition of approval. The Commissioners concurred.

Chair Strachan wanted the Minutes this evening to reflect that the Planning Commission unanimously agreed that it should have been a condition of approval.

Commissioner Phillips referred to page 16, first paragraph, second line from the bottom, and corrected the second stall to read **the second interior stall**.

Commissioner Phillips referred to page 17, fourth paragraph, second line from the bottom, and changed Chair Strachan thought the setback down to correctly read, **Chair Strachan thought the setback drawn**. In the next paragraph, third line down, Commissioner Phillips added an (s) to the work stall to correctly read, but it did not mean that both stalls.

Commissioner Phillips referred to page 20, second paragraph, fourth line up and added the word is to correctly read, Chair Strachan remarked that he is skeptical.

MOTION: Commissioner Joyce moved to APPROVE the minutes of August 23, 2017 as corrected. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

September 13, 2017

MOTION: Commissioner Joyce moved to APPROVE the minutes of September 13, 2017 as written. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson introduced Liz Jackson and Laura Newberry, two new Planners in the Planning Department.

Director Erickson reported that the Planning Department had informed the Treasure Hill applicants that they would consider having Treasure Hill on the agenda for both meetings in October. The applicants were still in the process of responding. The Staff Planning Department also informed the Treasure Hill applicants that they would also consider a special meeting on November 29th.

Chair Strachan asked the Commissioners to check their calendars to see if they would have a quorum on November 29th. Director Erickson would email the Commissioners as soon as they hear back from the applicant.

Commissioner Joyce asked if there was any thought that after those three meetings they would be ready for a final vote. Director Erickson stated that the Staff was preparing a

Staff report and recommendations for the December meeting. They would be using the same Staff report with updates for both October meetings and both November meetings. They had also sent a draft of the list of questions that remain open to the applicant as well. Director Erickson anticipated that they would be in a position to have a final Staff report in December.

Chair Strachan thought it would be beneficial to have a decision on Treasure Hill in 2017 and not carry it into 2018; but recognizing that it was up to the applicant. Director Erickson agreed, noting that Planner Astorga and Assistant City Attorney McLean were working towards that goal.

Commissioner Phillips stated that after the August 23rd meeting he noticed that the sign for the 352 Woodside project was posted on the wrong lot. Director Erickson did not believe that any signs were in the wrong place but he would check on it.

The Planning Commission moved into Work Session.

WORK SESSION

638 Park Avenue – City Council remand of a Conditional Use Permit for a Private Event Facility back to the Planning Commission for additional review.
(Application PL-17-03412)

Planner Anya Grahn noted that five public comment emails that came in after the Staff report was prepared were provided to the Planning Commission. The Commissioners received the one from Sanford Melville via email. The other four from Nathan Hall, the Constables, Rick Cool, and Jennifer Franklin were handed to the Commissioner this evening.

Planner Grahn reported that the Planning Commission previously reviewed the CUP for tis private event facility in December 2016. The CUP approval was appealed to the City Council. The Council reviewed it in March and remanded it back to the Planning Commission. Planner Grahn noted that the project was under construction because the use was being appealed; not the design. The design was approved by the Historic District Design Review and the Board of Adjustment upheld the HDDR approval.

Planner Grahn stated that the City Council expressed concern about noise, traffic and parking impacts of the level and number of events, the compatibility of the uses with adjacent resident neighborhoods, and installation of tents for events. In their analysis the Staff addressed all of the conditions of approval that the City Council wanted the Planning Commission to review again.

Planner Grahn noted that Tony Tyler, representing the applicant, and Craig Elliott, the project architect, were present. Mr. Elliott had prepared a presentation and Planner Grahn requested that the Commissioner provide feedback and direction following that presentation, and continue the item to October 27th.

Chair Strachan thought it was unusual for the Planning Commission to do a Work Session on a remand. Planner Grahn agreed that it was not typical; however, they wanted to make sure everything is flushed out as best as possible so they can come back to the Planning Commission with the necessary information for action. Planner Grahn noted that the applicant had requested this Work Session.

Tony Tyler, representing Columbus Pacific, explained that there were some ideas that were not discussed previously that they wanted to present to the Planning Commission as an option. Mr. Tyler clarified that the applicant had requested the Work Session in an effort to work out the issues before a decision.

Craig Elliott with Elliott Work Group stated that his presentation would step back to explain the overall project; where they came from and where they are today. He would also give a summarized version of the document the applicant submitted that described how they approached it, the issues, and how they are following the process.

Mr. Elliott showed previous designs proposed for the Kimball garage by other architects prior to this applicant and his involvement. He believed everyone understood that those designs were not what they wanted to see in town. He commented on the number of times the property was sold to different development groups who proposed different designs. Mr. Elliott stated that Columbus Pacific shifted their focus and put Mr. Tyler in charge of the project. Mr. Tyler met with the Elliott Work Group and they talked about the history of the project and the history of the building.

Mr. Elliott stated that he told Columbus Pacific the same thing he tells all of his clients, which is to design a project that follows all the rules and work with the Planning Staff to come up with the best solution possible through the Historic District process. Through that process they started talking about the historic use of the building. Mr. Elliott remarked that it was a civic center in a lot of ways, and a lot of things happened in that building over history. When they looked at the allowed uses and found that an indoor entertainment facility was allowed, they decided that it was a good use that would perpetuate the history of the site and reduce some of the impacts of other uses that might be there.

Mr. Elliott pointed out that it was not a great location for residential. They developed a project that had retail on all the main levels. Wherever it touches the street is retail.

Everywhere above that is just the event space. Mr. Elliott presented a rendering to show how they responded to and maintained the historic building. He stated that they went through careful dialogue with the Planning Staff and went through the Historic District processes. They are very excited about the project that evolved through the process. Mr. Elliott noted that they were asked to come back to the Planning Commission because the City Council had concerns about some of the issues.

Mr. Elliott stated that architects, designers, and owners need to look at the Code and determine how to deal with it from the standpoint of an event center space. He pointed out that there are three rules to follow. One is that the application complies with all requirements of the LMC. He looks at that as setbacks, use, height, etc.

The other two issues are ones they will deal with the most, which is what the remand was about. The first is that the use will be compatible with surrounding structures in use, scale, mass and circulation. Mr. Elliott remarked that scale, mass and circulation was dealt with through the design process and the review process. They were dealing with the use as an event center use. Mr. Elliott stated that in looking at compatible uses and how to work with those spaces, it is important to understand what surrounds it. They looked at all of those spaces and three things stood out as similar uses to this project that are allowed uses in this particular site. They looked at restaurants and bars because those were fairly clear to identify. In terms of compatibility, the uses are similar, and restaurant and bars may be more impactful in some ways. Mr. Elliott provided three aerial images and in those images the center was identified with a yellow ring, which was the existing project site. He then identified restaurant uses and bar uses surrounding the property, which he believed were high intensity uses for a property. In some cases, the use is more intense than the proposed event facility. Mr. Elliott noted that outdoor dining locations surrounds this property. There are more and more of those conditions moving north and south. Mr. Elliott acknowledged the discussions regarding size, quantity and scale.

Mr. Elliott presented another slide and noted that they started looking at event spaces and outdoor event spaces. He pointed out that most of the restaurants on Main Street advertise event space and gathering spaces for larger events and activities. The size of the event depends on the size of the restaurant and how it is used. Mr. Elliott presented a slide showing that the area of the Bridge across the street is a large gathering space where a number of public functions are held. Mr. Elliott emphasized that the surrounding uses are allowed uses that are as intense or more intense than the event facility. The restaurant and bar uses are allowed year-round and they have what are called "turns", which means they try and turn customers two or three times in an evening. The actual attraction in those places changes and evolves; contrary to an event where people come for the event and leave.

Mr. Elliott commented on indoor entertainment facilities, and the discussions that have occurred regarding the Kimball and how it was used in the past. He personally attended a number of events in the building. When Columbus Pacific purchased the building they continually received calls about having events in that facility. Mr. Elliott presented a number of images he found online and noted that one website still advertised the Kimball as an event space. The building has historically been used as an event space, and it is still known as an event space.

Mr. Elliott stated that compatibility also ties into differences because they are supposed to be looking at the effects of any differences in use and how to mitigate them. It is about defining the baseline that you are mitigating against; not eliminating it. The intention of mitigation is to minimize the impacts of the allowed uses. If the use is a greater impact, the question is how to mitigate it. Mr. Elliott remarked stated that this was how they looked at it, and as it developed they always thought it would be a great civic facility with long-term use. Mr. Elliott remarked that it was truly the intent, and their expectation over time was how it would turn out.

Mr. Elliott stated that part of the Council remand addresses those two items. He tied loading, traffic and parking into one category, and identified how those work based on the discussions for each one. Mr. Elliott noted that when they first started the project they went to the Planning Staff and they also talked with the Engineering Department and with Transportation. It was never talked about before because as they went through the process they met the criteria for parking and expected that the uses were acceptable. Mr. Elliott stated that they originally looked at a project that a different outcome on the street. He presented a slide showing how they tried to improve that outcome by expanding the sidewalks space and create a better turning radius from Heber and Park Avenue and from Main Street and Heber, and set up a drop-off zone along Heber Avenue on the south side. They looked at that space as being a great solution to the issue.

Mr. Elliott stated that when they met with the City Staff in 2015 they were told the City would be redoing lower Main Street. The Staff suggested that if the applicant waited, the City would redo the sidewalk and entrances on Heber Avenue. Mr. Elliott pointed out that the developer had not had the opportunity to make revisions, but it was proposed until the City asked them to wait until the City completed their improvements. Mr. Elliott remarked that prior to that direction the owners originally wanted to pay for the infrastructure and other improvements in an effort to move forward; however, they agreed to what the City recommended.

Mr. Elliott noted that the owners always made it clear that they were interested in looking at revising the parking on that area from free all-day parking to 15-minute transition parking,

which is consistent to what was done at Main and Sky. When that piece was developed, rather than eliminating the parking, the parking type was changed to loading/unloading 15 minute parking. He believed that was a great choice until the City decides what to do with Heber, Main and Park Avenue. He stated that Engineering and Transportation had no issues with their use and were comfortable with it based on the history of the space and how the property had been used in the past.

Mr. Elliott stated that traffic and parking are interesting items because they are hard to identify and quantify. Mr. Elliott pointed out that having a parking lot on the corner of Main Street and Heber Avenue is not the best use for that property because it is a prominent location. He stated that as they developed they followed the rules. The applicant paid into the Main Street parking fund, and they were not expanding the building beyond the 1-1/2 FAR they were allowed to build because they helped pay for China Bridge. Mr. Elliott and the applicant thought it seemed reasonable when it was agreed to. He noted that they could have put any of the allowed uses in that space, and there are no criteria for whether one use is higher or lower than another based on how it was set up in the 1980s to fund the parking garage. He stated that in looking at event spaces versus restaurants and bar uses, restaurants and bar uses have changeover and turns, and people patronize those places in smaller groups or quantities. Event facilities are always designed around between 4 and 6 people per car. In looking at the Transportation Engineer's guidelines, the parking demands and the trip generation for an event facility is much less than for a restaurant or bar. Mr. Elliott emphasized that they always believed that their proposal would be less impactful than other uses that would be allowed in that property.

Mr. Elliott stated that noise was the next item of the remand. He remarked that the Code talks about outdoor and temporary events that do not normally occur within the permitted use. For that reason, they submitted a conditional use permit for the uses. Mr. Elliott noted that indoor event facilities or private event facilities are allowed in those spaces. However, they looked at the opportunity to have other activities in shoulder seasons to help support the community. Mr. Elliott stated that they looked at other facilities and used that research to develop a noise management plan. He clarified that they had the noise management plan at the City Council meeting, but because they had not yet submitted it or reviewed it with the Staff, they decided not to present it to the City Council at that time. Since then the noise management plan was edited and improved based on the comments heard at the City Council meeting. Mr. Elliott remarked that the noise management plan would be used to operate the facility. Everyone who manages the project will be bound by that Plan.

Mr. Elliott stated that part of the noise management plan involves sound limiting and monitoring equipment. He presented slides showing a number of different systems that tie into any amplified music. Fixed microphones would be in the corners of the terrace

closest to the neighborhood, and those would be tied to the noise limiting system. Mr. Elliott explained the basic function of the noise limiting system. The system is set to the maximum sound level allowed by Code and it provides an indicator of noise that sets off a warning when the noise is approaching the maximum level. At that point the activity can be modified, or if the noise exceeds the maximum level system it shuts off the power to the amplified equipment. He stated that there are a number of different systems, but they all perform the same or a similar function. Mr. Elliott clarified that they were proposing to use these systems to deal with outdoor amplified music.

Mr. Elliott noted that orientation of amplified music was another item that was brought up in the remand. He presented a slide showing the Bridge and the gathering space at the bottom of the Town Lift Plaza. Two orientations are typically used on that facility. The lower level activity was the area closer to the neighborhood than the Kimball property. The other orientation was a large band focusing a large crowd. Mr. Elliott stated that they did not expect to have that on the terrace. They anticipate one or two people playing instruments and/or singing, and low amplification. Mr. Elliott noted that his son plays in a small band and when they performed this summer he spent a lot of time walking around to identify the impacts. The music facing north with one or two people and low amplification has very little impact; and that was the approach they looked at. The area on the slide with the larger stage and crowd typically has larger volumes and that has a significant impact. Mr. Elliott clarified that he was not saying there were no impacts, but the impacts were significantly different between the two scenarios. The types of things they were expecting were also significantly different. Mr. Elliott clarified that they were not expecting to have full bands on the terrace area. If that occurs, it would occur in the interior facility.

Mr. Elliott presented another slide showing that the terrace at the Kimball would be 35-40 feet away from the property line, whereas, the other project he indicated earlier was right on the property line. Both projects are elevated. With the roof terrace at the Kimball, there is a small screen and a barrel vault in between the two. They also implemented a sound trap, and there are a number of ways to treat that.

Mr. Elliott stated that after hearing the City Council, they made an adjustment to the interior event facility. He presented a slide showing a vestibule wherever they go out on to the roof terrace. However, they had not implement one off of the primary event space. It was only a door. Mr. Elliott suggested that they would extend the wall and put in sound insulation. They would move the door to the perimeter on the left and set up a vestibule. He noted that his office is right next to the Spur and he is aware of how it works when they open the door to the bar. The noise can be heard when someone opens door to step out on to the balcony, but it is gone when the door closes. Being aware of that impact was the reason for extending the wall in that location and creating

a vestibule. Mr. Elliott pointed out that concerns about any noise escaping the space would be addressed by adding the vestibule on the event space. There is already a vestibule on the other side.

Mr. Elliott understood that the issue was complicated, but it comes down to how to mitigate against allowed uses when the allowed uses may have more impact than what is being proposed. He stated that if the Planning Commission still had questions or concerns, they were willing to come back to another Work Session with additional information for the Commissioner to review and discuss that would hopefully make them feel more comfortable.

Mr. Tyler commented on the discussion in the Staff report regarding the opportunity to put a tent on the terrace of the roof deck. He clarified that it was one of the largest issues with the City Council and for the reason the applicant had elected to remove it from the CUP. If there was a need for a tent in the future, they would go through the typical process with the City to erect a tent. Council and for that reason they removed it from the CUP.

Chair Strachan asked about the layout of the outdoor roof deck in terms of special events if there is no tent. Mr. Tyler replied that it would primarily be used in the summer time. It is an extension of the indoor space for a pre-function or event, such as passing appetizers and drinks before a wedding, or for a sit-down dinner after a business meeting was conducted inside. It could be used as a presentation space or an extension of the indoor space. Mr. Tyler explained that typically in these types of event spaces, the spaces are programmed independently for different times periods of the event. For example, a wedding, which they anticipate would be the largest use for this facility, is to have space that is already set up for the ceremony, but as people arrive and are waiting for the ceremony that activity could occur outside. Another option is to have the meet and greet inside and the ceremony itself outside. Mr. Tyler pointed out that the outdoor terrace acts as an independent piece of the event facility as a whole, depending on the type of use.

Mr. Tyler stated that a tent would have allowed for the space to be utilized more consistently through the winter time; however, if the opportunity arises and it is available, they would go through the same process as any property on Main Street to put up a temporary structure.

Chair Strachan wanted to know what would prohibit the owner from enclosing the deck and making it indoor space. Mr. Tyler replied that the LMC prohibits having a permanent visible structure above the historic structure. Because the Kimball is historic, there is no mechanism to make that request. Mr. Elliott stated that they

identified the building in terms of what is allowed and how it could be used, and it has a limited capacity based on its actual physical makeup. He pointed out that the capacity is limited because the stairs can only hold a certain number of people. Someone could drill through it and build stairs, but that would require another set of processes.

Commissioner Phillips appreciated that the applicant had removed the tent from the CUP; recognizing that a request for a tent could be applied for and potentially granted in the future. He recalled that when the Planning Commission saw this previously, that there would be a specified area for the tent. He thought the Commissioners had agreed that the area would be defined and conditioned so that the tent would always be erected in that particular area. Commissioner Phillips did not see where it was included in the conditions of approval. However, if this goes forward he would like to see that space defined so the Planning Commission would not lose the power of defining the tent location if at any time a tent is approved. He was not concerned with this owner, but he wanted the condition for potential future owners.

Commissioner Band stated that Park City gets cold and dark even in the summer. She asked if the applicant anticipated needing that space as late as 10:00 p.m. or midnight. She has attended events where once the sun goes down it gets chilly and people move inside. Commissioner Band questioned whether midnight was a reasonable time to keep the space open without a way for people to stay warm. Mr. Elliott thought the ability for someone to step outside versus the ability to congregate and hold an activity that late were different issues. He agreed that Park City defines certain things by its temperature and proximity in between the mountains. However, they would not want to restrict the ability for people to walk outside and have a conversation, a cigarette or whatever they choose to do. Mr. Elliott believed that without the tent there would be very little activity outside as the sun goes down.

Commissioner Phillips asked if they anticipated installing overhead heaters against the wall or heating that space in other ways. He understood that freestanding heaters were prohibited. Mr. Tyler replied that free-standing heaters would be allowed on a temporary basis similar to tables and umbrellas, but they would have to be taken down at the end of the event. Mr. Tyler agreed with Commissioner Band that the use would be limited by the weather.

Commissioner Band remarked that one issue of the application is that this building has a second story; but many of the other spaces mentioned have a first story. She pointed out that nighttime is a factor for the residents. Therefore, limiting what happens at the Kimball, particularly in the later house, is very important to the neighborhood. If the outdoor activity goes away or is limited after the sun goes down and the space is not heated, it becomes far less of an issue.

Chair Strachan wanted to know what conditional use they were under in the HCB District and whether it was under #25, a Private Event Facility. Planner Grahn replied that it was a private event facility. However, it is actually in the HRC Zone, Historic Recreation Commercial, but because it is the Heber Avenue subzone it is in the HCB. Planner Grahn clarified that it was the same uses allowed in the HCB zone. Chair Strachan asked the applicant if they also thought it was a private event facility use. Mr. Elliott answered yes.

Commissioner Thimm noted that part of the remand from the City Council asked that parking, traffic, loading and unloading be addressed. He understood that Mr. Elliott had talked about the types of uses and intensity of use, the table turns, and other things that address parking and traffic, but he did not recall a discussion regarding loading and unloading in the presentation this evening. Commissioner Thimm stated that in the Staff report the Transportation Planning Manager talked about a loading/unloading zone on Heber Avenue. He asked if the applicant had addressed that issue, or how they intended to address the mitigation raised by the City Council.

Mr. Elliott stated that Heber Avenue was originally proposed to be a drop-off zone. However, in conversations with Engineering and Transportation it was recommended that they wait until City improvements were completed. If they have to make an official request, the expectation is to request turning that area into loading and unloading versus long-term parking.

Mr. Tyler pointed out that the applicant does not own or control the parking on the street. He explained that they originally came up with the plan thinking that it was a great idea to accommodate any unloading and loading that would occur specifically for the event space. It was also made clear that parking is a valuable commodity in Old Town and they have been trying to work with the City on whether this is an opportunity to turn one or two parking stalls into 15-minute load/unload only. The applicant is very open to that idea. They have also been discussing the option of moving a ride share drop-off location from the east side of Main Street on Heber Avenue over to the other side, and drop it off directly in front of the Kimball building. Mr. Tyler stated that absent of either of those options, the way it functions specifically for special events is to apply for and purchase parking stalls for a set period of time. For example, they are currently buying stalls from the City to accommodate their construction activities and the loading and unloading that occurs during those business hours. They purchase the stalls when they cannot be utilized for other uses. Mr. Tyler remarked that the alternative to the two options mentioned is to work with the City, and every time there is an event that requires drop-off they would have the ability to purchase two or three stalls for a period

of time surrounding the event. Mr. Tyler believed they had thought through in details ways to address loading and unloading.

Mr. Tyler stated that from a parking perspective he anticipated that most people would use Main Street and either park in China Bridge or down Park Avenue and walk everywhere. However, if there is inclement weather the bride and groom and others would not want to walk and having limited loading/unloading would provide an opportunity for drop-off directly in front of the building for the event.

Commissioner Thimm stated that when he thinks of loading/unloading he thinks of trucks delivering to a restaurant. He pointed out that other urban areas have restrictions in terms of time of day and days of the week where a property owner is limited. He asked if that was something this applicant would be open to considering. Mr. Tyler believed that restriction already exists in Old Town. In terms of loading and unloading equipment and food service items, they would follow the restrictions already in place. Mr. Tyler did not believe it was an unusual request. The only issue separate from that was catering. They were not planning on having a full-service kitchen attached to the facility. They will have a prep area or finishing kitchen associated with the space, but if the cooking occurs off-site, the food would have to be dropped off immediately before it is served. Mr. Tyler believed all other deliveries could occur within that specified time period.

Commissioner Phillips asked where they anticipate entertainment or food deliveries parking and unloading. He asked if they have access from the back side on the DeVanza's area. He was trying to understand where those people will park to unload and load their equipment.

Mr. Tyler replied that it would be treated the same as any business in Old Town. The delivery truck would either take a parking stall or park in the middle of Main Street and wheel across. He noted that the building design has a substantial storage area in the subgrade basement level and it has elevator service. They anticipate that most of the items needed for an event center would be stored in that location to reduce the requirement to bring in tables and chairs from Diamond rentals, as well as reducing deliveries of other items that could be stored on site in the storage area. Most of the unloading and loading would be done by the entertainers, the caterers and trash removal, and they would operate like any restaurant.

Chair Strachan opened the public hearing.

Sanford Melville, a resident at 527 Park Avenue, thanked the Planning Commission for allowing public input this evening. Mr. Melville had submitted a four-page summary to

the Planning Commission earlier in the week and he hoped they had had the opportunity to read it.

Mr. Melville referred to the Land Management Code conditional use review process, Section 15-1-10. He read some of the paragraphs that he believed were relevant to this CUP. "There are certain uses that because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land uses may not be compatible in some areas, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts". He read from another paragraph, "If the reasonable anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with the applicable standards, the Conditional Use may be denied".

Mr. Melville stated that when the City Council, on appeal, reviewed the proposed CUP for the indoor/outdoor private events facility on the roof, they found that detrimental impacts were not mitigated. They provided specific findings and instructions in their remand letter, which is Exhibit A of the Staff report, pages 213-215. Mr. Melville noted that some of the unmitigated impacts that the Council identified included traffic, and they were concerned about items such as bottlenecking on the corners of Heber Avenue and Park Avenue, and Heber and Main Street, particularly during the peak load in/load out times. They were concerned that there was not a traffic mitigation plan for this facility, and they were concerned about the traffic from deliveries. The City Council requested that more specific conditions were needed to mitigate the loading and traffic impacts. Mr. Melville asked the Commissioners to keep in mind that this CUP was for a 480 person private events center operating 365 days per years. Operating hours would be 8:00 a.m. to midnight. He emphasized that this was not a little deck on Main Street. It is a big time facility for 480 people. He remarked that Miners Camp at PCMR had an occupancy of 460 people.

Mr. Melville stated that the City Council addressed traffic in paragraphs 2, 6, 15 and 16 of the remand letter. Parking. Again, Council found that the impact of the increased parking demand from the proposed use was not mitigated. That is addressed in remand paragraphs 7 and 15. Mr. Melville stated that the City Council asked the Planning Commission to closely review and address impacts related to the CUP criteria for parking, and stated that more conditions are needed to mitigate the current impacts.

Mr. Melville remarked that the City Council also had an issue with the incompatibility of the use of the roof deck as an event space. The Council found that the proposed use of the roof deck was not compatible with surrounding residential uses, since it was very visible due to its neighborhood location at the bottom of the street and too public and impactful to the surrounding neighborhood. That language was in paragraphs 9 and 10

of the remand. Mr. Melville provided a photo to show that anything that occurs on the roof of the building would be very evident to the neighborhood. Mr. Melville noted that the City Council suggested a number of restrictions on use in remand paragraph 21. The applicant has provided a list of neighboring businesses as a point of comparison. He thought it was important to note that none of the businesses are commercial private event facilities. This business would require an administrative CUP to conduct a large outdoor private event.

Mr. Melville stated that the City Council was concerned about visibility of use of the roof deck. Again, the Council found that the proposed use of the roof deck was not compatible with surrounding residential uses because it is very visible to its neighborhood location at the bottom of the street, and that such use conflicted with the Board of Adjustment findings that activities should be visually minimized. That language was addressed in paragraphs 10 and 11 of the remand. He noted from the photo that the visibility of activities on the roof was in conflict with the BOA findings. Mr. Melville stated that in remand paragraphs 14, 27, 21 and 25, the City Council suggested possible mitigation of impacts could include limitation on the number of days and times of roof use, ongoing monitoring with the Planning Commission to ensure compliance with conditions of approval, reducing the visibility of the roof deck, and at a minimum, a strong re-evaluation of the design to reflect the Board of Adjustment's requirements in their decision. Mr. Melville stated that the applicant's withdrawal of the tent from the CUP to be handled on an Administrative CUP basis does not fully address the visibility issues that were a concern to the Board of Adjustment. Mr. Melville remarked that another concern for the City Council was the unrestricted use of the roof deck and monitoring by the City, as cited in remand paragraph #10. The Council found that the use of the roof deck was too unrestricted. In paragraphs 13, 21 and 23, the City Council suggested limits on its use, monitoring with the Planning Commission, affirmative review by the City. The Council was particularly concerned that it should not be up to the neighbors to file complaints to assure compliance with any condition of approval.

Regarding noise impacts, Mr. Melville stated that the City Council found that the noise impacts were from amplified outdoor music and human chatter on the outdoor deck, as addressed in remand paragraphs 3 and 15. In remand paragraphs 4 and 15, the Council found that the glass railings and open space on the deck would amplify the noise and create noise impacts on the roof deck, which cannot be mitigated. The Council asked the Planning Commission for further review of noise impacts. The City Council was unable to find a way to mitigate for noise, and they asked the Planning Commission to find a better way to mitigate or to restrict the event usage to limit noise, as stated in remand paragraphs 22 and 25.

Mr. Melville again asked the Commissioners to keep in mind that this CUP is for a 480-person private event center operating 365 days a year. Operating hours, 8:00 a.m. to midnight. Outdoor speakers would be allowed between 11:00 a.m. and 10:00 p.m. Mr. Melville understood from the comments this evening that the applicant has supplied a noise management plan. It is a high-tech plan with a lot of procedures, tracking and forms. In his opinion, Mr. Melville did not think it was workable, and it still relies on the neighbors to file complaints. There may be a way to limit the impact of amplified music on the outside deck somewhat; but there is no way to limit the noise produced by hundreds of partying people outside, short of possibly moving them inside. Mr. Melville pointed out that the geographic reality is that the outdoor event deck is located at the bottom of a canyon and sound travel upslope. The noise cannot be contained when it is outside.

Mr. Melville read from LMC Section 15, "If the reasonable anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied". He noted that the City Council found that none of the detrimental impacts had been mitigated, and they were concerned whether mitigation was even possible. The reality is that some impacts cannot be mitigated. Mr. Melville suggested that the best way to handle this is to require that the applicant obtain individual Admin CUPs for any large outdoor events on the rooftop deck. The City would then at least have some control over the inevitable detrimental impacts that will occur from significant outdoor private events.

Sandra Morrison with the Park City Historical Society and Museum stated that she was also chair of the Historic Park City Alliance. Ms. Morrison thought the applicant had brought up some interesting questions. She did not intend to address whether it meets the LMC because that was already discussed numerous times. However, in regards to removing the tent from the conditional use application, she thought they still needed to add a condition regarding the tent because it does not mean that there will never be a tent. The Code allows for a tent up to 70 days per year. If they want to avoid having a KOA campground on the top of a historic building, she urged them to consider some conditions regarding the tent. Her preference would be to restrict no tents at all. She believed the Board of Adjustment never expected there would be a tent on the roof. Ms. Morrison was surprised to hear about the permanent outdoor speaker system because she did not think the Board of Adjustment realized that was part of the proposal.

Ms. Morrison commented on compatibility. She noted that the City Council recently implemented new ordinances to protect Main Street, as well as protecting the surrounding Old Town neighborhoods. Statistics show that 30% of homes in Old Town

are owned by local residents and 70% by second home owners. If they ever did a study of how many people actually live in Old Town they would be surprised at the low number. Ms. Morrison stated that the HCPA talks about hot beds, which helps to keep Main Street vibrant year-round. The applicant has been taking about turns, and she believed that if they asked members of the HCPA they would say they like turns because people leave the bar and restaurant and go shopping, or shop first and then go to the bar and restaurant. She pointed out that Mr. Elliott had said that when people attend an event at the Kimball they would come to the event and stay. She questioned whether that would add to the vibrancy of Main Street.

Ms. Morrison believed a big difference between this proposal and a bar and restaurant on Main Street is that the community is welcome to go into the bars and restaurants whenever they want. This would be a special private event facility where no one can attend the event unless they receive an invitation. If the residents hear something going on at the Alamo they can choose to participate if they want. Ms. Melville pointed out that the Planning Commission did not have to approve a conditional use permit. The applicant could apply for a bar and restaurant use and if they wanted 480 people on an outside deck they would have to obtain a special event permit.

Jim Tedford, representing Preserve Historic Main Street, stated that many members of this group live immediately adjacent to the Kimball building. Mr. Tedford stated that their main concern is outdoor noise, and they did not believe events should be allowed outdoors. Special events inside an enclosed building are totally acceptable. Event outside on an open deck will have a terrible effect on the neighborhood, particularly with an unlimited number of events throughout the year with 480 people. Mr. Tedford believed it would also set an unwanted precedent for similar requests in the future, and the City would have no choice but to allow these everywhere on Main Street. He pointed out that comparing this event facility to restaurants with outdoor seating was inaccurate because the uses are completely different. Outdoor seating at a restaurant only accommodates a few people and there is no outdoor music. The hours are different and it is not unlimited all year long. Mr. Tedford recommended that no outdoor activities be allowed to take place on the deck of the Kimball after 6:00 p.m., and absolutely no music outside.

Jill Lesh, a resident at 320 Woodside, stated that she can hear music from Main Street. As a permanent resident she was concerned about noise. If there is noise frequently and a night and Park City gets the reputation of being an undesirable place to live in Old Town, the residents will not want to maintain permanent residency and the occupancy could change to nightly rentals. She thought it was important to keep a core of residents. It's what the residents want and what Park City wants.

Mark Stamor stated that he resides at 450 Park Avenue and he owns property at 502 Park Avenue. His primary concern was public safety. Mr. Stamor pointed out that currently there is total gridlock in the area many weeks of the year; not just during Sundance. If someone has a need for an emergency vehicle, the fire trucks or ambulances cannot get up there. Mr. Stamor stated that the City recently announced that there are now 1300 parking spots in the Old Town corridor. It is a huge advancement and the first time they have had that number in a long time. However, if they take the floor area ratios and the uses, he wondered how many parking spots they would be short. He noted that Boulder has a population of 808,000 and they are short 1700 spots. Mr. Stamor stated that based on his over/under line Park City was short 3900 spots, which was causing most of the gridlock. People drive around looking to park and it is a dangerous situation from the standpoint of public safety.

Mr. Stamor remarked that this event facility is called an assembly area, and the IBC Code requires one parking spot per every hundred feet. That would be 10 spots per 1,000 feet. An event that accommodates a population of 480 people requires the need for 200 parking spaces. He questioned where they would put those spaces. Mr. Stamor noted that Mr. Elliott keeps saying that they paid into the China Bridge, however that is incorrect. No one paid into the China Bridge. The taxpayers paid into Phase I of China Bridge. The Kimball location, like the No Name property he owns, paid into the Swede Alley Improvement in 1974. That was the first time they saw the real numbers. When that was done the architect told the people in town that had 700 parking spots, but they were still 130 parking spots short from what they should have. Mr. Stamor noted that the City has given 100% exemptions, including to himself. The City never asks them to pay for a parking impact regardless of how much they increase the size of their occupancy. In the end it is making the town dangerous and ruining the community. Mr. Stamor suggested that the City needs to go back and assess because they cannot keep going forward as they are now. It is dangerous and it is a public safety issue. He believed the citizens have a right to know the total number of parking spaces needed and how many they are short. If there is enough parking, then the City needs to show the people that as well. Mr. Stamor stated that this was not just the fault of this Planning Commission. It started back in 1984 when the City allowed a 100% exemption. He noted that the IBC recommended never giving more than a 30% exemption. It is a fundamental key to successful business.

Andy Byrne stated that he has lived in town for 33 years and in this particularly neighborhood for more than 30 years. Mr. Byrne attended the City Council meeting on March 30th when this was remanded back to the Planning Commission. It was a standing room only crowd and the meeting lasted until 10:00 p.m. There were a lot of very good comments. He pointed out that there were 27 bullet points in the remand letter. He did not believe that many of the 27 points had been addressed this evening.

Mr. Byrne thought the 27 points were great and reflected most of the comments that were made to the City Council. He requested that the Planning Commission review each point individually and pay attention to each comment. Mr. Byrne concentrated his comments this evening on the bottleneck at Heber and Park Avenue. It is a problem now and he could not imagine what it would be like on a snowy evening having a 55 passenger bus unloading in front of the Kimball Center. Adding Diamond Rental, the catering trucks, the band bus and trailer, employees being dropped off and the event attendees will only exacerbate the problems that currently exist. That corner has become worse in the last five years. Mr. Byrne noted that there are currently seven free parking spots in front of the Kimball building right now. He did not believe those spots should be turned into a de facto parking area. Trucks or employees for the event center should not be allowed to park in those spots all day to set up for an event. He was also opposed to the City allowing them to pay to tie up those spots all day long because those are free public parking spaces. The Kimball Arts Center had a loading zone and 12 parking spots in the on the north side behind where the plaza used to be. They also used it as their loading dock, which went into the lower area of the Kimball Arts Center at the gallery. This applicant decided to maximize their building and eliminate the 12 spaces and the loading dock, and now they want to foist it on the neighborhood by eliminating the parking and putting in a 15 minutes loading zone. Mr. Byrne did not understand how the applicant was able to increase the building occupancy to 480 people and then subtract 12 parking spots.

Mr. Byrne stated that several of his neighbors were not able to attend this evening for various reasons. However, Gary and Jane Kimball, residents on Tram Line; John and Diane Browning, 561 Park Avenue; Linda and Will Cox, 575 Park Avenue; Steve Swanson, 602 Park Avenue; and John, 565 Woodside Avenue wanted him to mention their names on the record and to let the Planning Commission know that they had concerns.

Chair Strachan closed the public hearing.

Chair Strachan noted that he was the only Commissioner who was opposed to this at the last meeting, and he felt that he should have better clarified his reasons. He wanted to make that clarification this evening, because most his concerns matched what the City Council had said in the remand.

Chair Strachan stated that when the Code lists allowed uses versus conditional uses, in the HCB an entertainment facility indoor is an allowed use. He believed the drafters of the Code differentiated between indoor and outdoor uses, and viewed the impacts of those uses differently. Therefore, they consciously ruled out making an outdoor special events center an allowed use. Chair Strachan thought the reasoning was clear. An

outdoor event has much greater impacts. He did not think it was fair to equate it apples to apples with a bar or restaurant because the uses are different. An outdoor event space is not a bar or restaurant and it is classified under the Code differently than a bar or restaurant. It is a separate section under the Code and the impacts have to be mitigated differently.

Chair Strachan stated that from a codification standpoint, the structure of the Code would prohibit that outdoor space from being enclosed because of the height. He thought the applicant had a difficult choice. They could comply with the Code and have an outdoor event space as long as the impacts are mitigated; but they could not seek a conditional use permit for a use that is conditional for an outdoor event space and not have a difficult uphill battle in terms of mitigation. He believed it needed to be one or the other.

Chair Strachan pointed out that the Heber Avenue subzone is a very specific zone. It is not Main Street and mitigating the impacts of commercial deliveries the same as on Main Street cannot be done in the Heber Avenue subzone because it impacts the residents who live there. Main Street has very few residences if any. The drafters of the Code, which included himself, recognized the difference in the residential uses on Main Street and, therefore, allowed Main Street to have deliveries between midnight and 6:00 a.m. In the Heber Avenue subzone that is an additional impact, not a mitigator.

Chair Strachan thought the noise management plan proposed by the applicant could help with mitigation, but the Planning Commission would have to look at that more closely to determine whether or not it would actually mitigate the impacts. Not being acoustic experts, he was unsure how the Commissioners would be able to assess the proposed system. He stated that the Planning Commission would need some type of proof that it would work. It is impossible to find adequate mitigation without some evidence that it actually mitigates aside from the expensive cost and an advertisement claiming that it works.

Chair Strachan thought the vestibule on the event space and removing the tent was a step in the right direction towards mitigating some of the noise impacts. However, he was unsure whether it would mitigate other impacts such as traffic because it would not change the number of people attending the event.

Chair Strachan was troubled by the parking solution proposed this evening. He has never seen a use that proposes to buy spaces in order to address its special event uses on a permanent basis. He has only seen it with temporary special events where someone can buy the right to use spaces for an unloading zone for a specified period of

time. He thought the comments during public hearing were completely accurate. If the applicant can permanently buy parking spaces, what happens to everyone else who needs to park because they are not allowed to buy parking spaces from the City.

Chair Strachan reiterated that the structure of the Code is not framed to allow this use. A temporary use is appropriate and there is a process to follow that allows for a temporary outdoor event. The Staff reviews the application and if the impacts can be mitigated as best as possible the Admin CUP is issued for the temporary event. In his opinion, the Bridge is the outdoor space most similar to the Kimball Events Center, and the Bridge is not permanent. Events on the Bridge require an Admin CUP. He pointed out that if a use fits nicely within the Code these analyses are not too difficult. This does not fit, which is why he and the City Council have issues with mitigating the impacts.

Commissioner Joyce stated that the hardest part for him it that is seems up in the air in terms of what mitigations work and what does not, and how much impact they have. He noted that the Planning Commission has had a lot of issues regarding enforcement, particularly noise enforcement. The City is working on a new noise ordinance and trying to provide the police with new equipment to make enforcement better, but historically, the City is not good at enforcement.

Commissioner Joyce stated that even though the use is different, comparing the event facility to bars and restaurants gave him a place to focus. However, there were a number of comments that did not make sense and the point they were making was unclear. Commissioner Joyce noted that most of the restaurants named in the comparison have 90% indoor activity and only a handful of people using the outdoor space. For example, if 15-20 people are outside on the deck at High West the deck is packed. The same with Butchers and other restaurants or bars. Commissioner Joyce stated that he was trying comprehend what it means to have 480 people in a space the size of the Council Chambers room they were in this evening. He counted approximately 40 people in the room and he tried to visualize 12 times the number of people in the same space, regardless of whether indoors or outdoors. Commissioner Joyce pointed out that the area would be packed with people in a way they would never see in a bar or restaurant. Commissioner Joyce agreed that an indoor event space was an allowed us.

Commissioner Joyce commented on noise behavior. In a restaurant the noise gradually increases and there is some threshold where it gets noisy enough to where it is uncomfortable talking to the people around you and so people raise their voice. The noise level increases and gets louder as more people come in, and then suddenly everyone in the room raises their voice to have a conversation. Commissioner Joyce

felt that 480 people standing in a small area trying to carry on conversations would hit the noise threshold where people begin to raise their voices. Commissioner Joyce understood that warning systems would show they were getting too loud, but no system can shut off 480 people.

In terms of traffic, Commissioner Joyce referred loading and unloading and Mr. Elliott's comment that there was more impact on a restaurant. Commissioner Joyce stated that he would agree with Mr. Elliott in terms of the number of people who come to that restaurant over the course of the entire evening. However, people arrive at a restaurant and leave at different times throughout the evening, as opposed to a wedding or other event that begins at a certain time and ends at a certain time. Unlike a restaurant where people trickle in, the guests of the event arrive and depart very close to the same time period. Having 480 people come and leave in a very short time period is very different from a restaurant or bar. Commissioner Joyce pointed out that when the event is over and people wait for Ubers or walk to their cars, the noise and traffic impacts would be great. He did not believe the comparison of bars and restaurants was accurate because the impacts of a private event facility are much greater and much more difficult to mitigate.

Commissioner Joyce thought the Code was lacking in terms of parking. He disagreed with the Code that if the FAR is less than 1.5 and the owner paid into the parking, their parking requirement is met. He believed the Code needed to be rewritten to address the issue, but from a Code standpoint he was unsure how they could hold this applicant any more accountable than the No Name or any other business. Commissioner Joyce stated that he recently learned that the City had hired a Parking Data Analyst, and he hoped they would get better statistical analysis to help the City figure out the best approach to parking. Currently, the City's approach is to not add parking in an effort to get people out of their cars and on to mass transit and other alternatives.

Commissioner Joyce was still unclear about the monitoring piece in terms of where they would monitor from and how that would match the Code. In fairness to the applicant, if they monitored to the decibel levels required as the maximum decibels, that should be measured from across the street and not on the deck. He pointed out that 65 decibels on the deck is just easy conversation. He asked if they would have to somehow ramp up the system to something higher that would reflect a decibel that would be legal across the street. Commissioner Joyce stated that if that was what the applicant intended to propose, he needed to understand how that shut off mechanism would work at enforcing the Code. He questioned whether it would work or what it does for people and conversations. Commissioner Joyce noted that he lives in April Mountain and often times he can sit on his deck and hear people talking on Main Street because the noise travels up the hill.

Commissioner Joyce noted that Mayor Thomas had commented on the glass on the outside walls acting as a speaker. He would like to hear a response to that concern regarding the design and what could be done to mitigate the impact of the glass pushing sound up into the surrounding houses.

Commissioner Joyce remarked that people can come to the Special Events Department and apply for exceptions to the noise ordinances so live bands can play louder, etc. He would like to prevent allowing exceptions for the Kimball because the impacts are already greater without exceptions.

Commissioner Joyce addressed the public comments about this being a private facility versus a public facility. He pointed out that nothing in the LMC says that places open to the general public follow a different set of rules than places or events that are closed to the general public. He named the Victory Ranch Club as an example of something that is not open to the general public, but has to follow the same Code restrictions as everyone else. He wanted the public to understand that the public versus private issue was not relevant for the Planning Commission in making their determination.

Craig Elliott did not believe he had explained some things well enough on the number of people. He needed to check the submittal for a permit, but he recalled that the roof terrace was capped at approximately 146 people. He recalled that the interior space was 250 people. Mr. Elliott remarked that 480 people on the roof terrace would not be allowed. In addition, 480 people would not fit on the terrace. He would double-check the numbers and come back with more accurate numbers at the next meeting. Chair Strachan stated that the Commissioners were definitely interested in seeing the actual numbers.

Commissioner Phillips thought the last Staff report had numbers showing a different occupancy for the deck. Mr. Elliott stated that he would be clear in identifying the numbers for the next meeting. Chair Strachan pointed out that if it is indoor/outdoor facility, people can go in and out. In the example of a wedding, if someone outside gives a speech, all the people inside will come outside to hear it. Under that scenario, there could be 480 people on the deck at one time. Mr. Elliott reiterated that the deck would not accommodate that many people and they would come back with options for handling that issue. It has been discussed but they have not done a good job of presenting it clearly.

Commissioner Joyce stated that if the number goes from 480 to 200, he would still have questions about the impacts generated by 200 people.

Commissioner Band agreed that this use could not be compared apples to apples with bars and restaurants. The second story open air facing up is entirely different than High West facing towards Butchers on the first level. High West has heat lamps but she believed their outside seating was no more than 50 people. Commissioner Band emphasized that sound and visibility were definite issues. She reiterated her earlier comment that most people would not want to be outside after the sun goes down, unless it was lighted and heated well.

Commissioner Band remarked that no one wants 200 people on a deck at any time of the day, especially the neighbors. However, it would be less impactful during the day when there are cars, people and other things going on. People would also be less likely to drink heavily and get louder and louder during the day. Commissioner Band thought time limitations were important.

Commissioner Band noted that Mr. Elliott and Mr. Tyler kept referring to the Bridge, but she did not believe there are many functions on the Bridge at night. Most of the events she has attended were during the day and ended by dusk. She thought the applicant was genuinely trying to mitigate the impacts. She thanked the applicant for their efforts and the public for their comments.

Commissioner Band was pleased that the public went to the City Council for this to be reviewed and that the City Council had questions and remanded it back to the Planning Commission. However, she felt like this application was framed a little differently when the Planning Commission previously reviewed it and took action. The HPB had said yes and the Board of Adjustment said yes, and it was presented to the Planning Commission as a yes or no on the use. At the time she thought it was a simple decision, but after the remand and hearing the presentation this evening, she realized that it was not simple. Commissioner Band read a comment from Jennifer Franklin, a member of the Board of Adjustment. "If the CUP is approved in some form she would personally like any conditions to consider that the new addition would be undertaken in such a manner that if removed in the future the essential form and integrity of the historic property and its environment could be restored". Commissioner Band questioned whether the Planning Commission would consider doing something like that, but it was not a bad suggestion.

In terms of traffic, Commissioner Band agreed with Commissioner Joyce about people not trickling in. However, when the City Engineer and the City's traffic experts say they are not worried, it makes it harder as a Commissioner to think she is smarter than the City Engineer and the Planning Director. Commissioner Band requested clarification on how they should be reading that. She recognized that it was also using their own best judgment and knowing that peak times are a problem.

Director Erickson thought the applicant had characterized that the matter was under additional review. At this point they were not seeing any tremendous breakdowns. It was the same level of service discussion they went through on a number of previous projects. The level of service will not be degraded, and there are other transit options and walking options. Director Erickson stated that the Planning Department was opposed to doing anything that would affect the ability of transit to run on Heber Avenue and Park Avenue. The load/unload issue was more than just losing a few parking spaces. For that reason, the Planning Department does not concur with Engineering and Transportation on Heber Avenue or Park Avenue.

Commissioner Band stated that at some point this was part of a bigger picture where Planning and Transportation were coming up with long term solutions, and they were not willing to approve or deny the mitigations for one building because they wanted to look at the District as a whole. She thought that made it harder for the Planning Commission to do their job. Commissioner Band agreed that with an event like a wedding people will arrive at the same time and leave at the same time, and she wanted to know the solution if it is part of a larger problem.

Commissioner Phillips remembered when this application came before them last time, and that he was uneasy after that meeting feeling like they had not vetted it enough. He was pleased that it was remanded back to the Planning Commission. He appreciated that the applicant's time and effort, and the fact that they requested this Work Session. He believed the applicant has been creative in many ways, and he was interested in seeing what they would come back with after hearing all the input. Commissioner Phillips acknowledged that it was a unique situation. Commissioner Phillips appreciated the great input from the public and he thanked them for their perseverance in continuing to care about this City.

Commissioner Phillips concurred with the comments of his fellow Commissioners. His biggest concern from the meeting tonight was the load/unload and the fact there is really not a plan. He would like to see some creativity and more thought put into that issue. From the presentation he understood that they intended to do it the same as the rest of town, but Heber Avenue is not like Main Street. If the entertainment is not informed ahead of time on where they should specifically unload, they could pull up anywhere and block the bus route. Commissioner Phillips requested that the applicant put more attention into a viable plan because it is a sensitive issue in this subzone. He agreed with previous comments that this zone is different.

Commissioner Phillips remarked that the impacts of this space are different based on geography, location and the specific zone. He was not in favor of turning the parking

into a 15-minute unloading/loading zone. In his mind it is reducing parking because existing spaces will be removed. Commissioner Phillips felt it went both ways and they needed to help the applicant facilitate a way to offload without creating traffic impacts.

Commissioner Phillips was interested in seeing the actual occupancy numbers for the deck. He would like the applicant to consider putting a limit on the number of people below the maximum allowed. Commissioner Phillips liked what the applicants were proposing with the sound limiting devices because it showed creativity and the eagerness to address these issues and mitigate the impacts. He thought it would be helpful if there was a way to put up speakers and do a dry run to help determine an acceptable level. If it was possible, it would be helpful for the Commissioners to do a site visit and have a demonstration. Commissioner Phillips stated that if the Planning Commission does not make sure this is mitigated correctly, everyone will have to live with it. He thought the sound limiting devices on the amplified music would work, but as other had mentioned, no system can shut off people. He was unsure how to address that issue other than possibly tying it into the lights and when the noise level reaches the maximum the lights shut off.

Commissioner Campbell was concerned that the Commissioners comments would be construed as negativity towards the overall project, and that is not the case. He believed everyone in town favors projects like this one where the applicant is willing to spend a lot of money on these historically significant buildings. Commissioner Campbell did not want the applicant to have the impression that they were trying to stop this project. This process is important because in the end it will be a better project for everyone.

Commissioner Campbell was unconcerned about parking because he has consistently said that parking is self-regulated. If there is not enough parking the first event will fail and there will not be a second event because no one will rent the space due to the lack of parking. He believed Uber, Lyft and other transportation modes would fix that problem. Commissioner Campbell stated that he would feel more comfortable with the project if they could provide a place where the Uber drivers could pull off the street altogether. He thought it would be a benefit to the project. Commissioner Campbell thought the City should have minimum parking spaces rather than maximum parking spaces on every commercial project because more parking spaces bring more cars to clutter up the roads.

Commissioner Campbell noted that the phrase "outdoor events" is mentioned 62 times in the LMC and in every case it is followed by the phrase, "and music". "Outdoor events and music require an Administrative Conditional Use Permit". Commissioner Campbell thought there was no other way to look at this except to say they missed the mark at the

last meeting. He did not believe the Planning Commission has the purview to give the applicant full carte blanche for outdoor events every time they want them. It would be difficult for the City to take back the CUP a year from now if the events are out of control. If they applicant has to go back to the Planning Department for each outdoor event, the Planning Director could assess the last event and whether or not there were complaints, and adjust the next CUP accordingly. Commissioner Campbell believed the Code mandates requiring an Administrative CUP for each outdoor event. He pointed out that if the outdoor events are going to be less impactful than the concerns expressed, then the applicant should have nothing to fear by having to come back for an Administrative CUP. Commissioner Campbell agreed that when the sun goes down people will move inside and that issue will be self-regulated.

Commissioner Campbell thought the City Council was right in remanding this back to the Planning Commission and he was happy they had another opportunity to look at it. He favored the project but it has to fit the Code. Commissioner Campbell stated that he could not support it unless they came to the Planning Department for a CUP for each outdoor event. He did not believe it was an onerous requirement because everyone else has to do it.

Commissioner Thimm stated that when he applied to become a member of the Planning Commission one of the things he mentioned in his application was that he wanted to see something happen to this building to actually bridge upper and lower Main Street. He was happy to see that happening. He agreed with Commissioner Campbell in wanting this to be successful and to be the right use.

Commissioner Thimm stated that in going through the points in the Council's remand, he thought it was important to readdress this project. With regard to outdoor noise, he believed the noise mitigation plan appears to be technically advanced, but he was unsure how it could be regulated. He was concerned about the amount of noise that could occur there. Commissioner Thimm was curious about the true occupant load for the outdoor space, and he favored the idea of limiting it further. During the presentation the applicant mentioned that people might outside from time to time. Commissioner Thimm suggested that the type of activities and the amount of available space for those activities needed to be closely looked at.

Commissioner Thimm did not believe the issue of loading and unloading was adequately addressed. They talked about ideas for solutions, and Heber Avenue might be a solution; but there was not a concrete plan. Commissioner Thimm pointed out that there are intersections in close proximity that need to be taken into account in terms of adding traffic congestion.

Regarding parking, Commissioner Thimm stated that parking provided for Main Street and what they have with China Bridge and other parking areas depends on shared parking as a mitigator because people park in one stall and walk up and down Main Street to shop, go to dinner or for other events. It is the concept of shared parking because a parking stall is used for more than one use. Commissioner Thimm noted that the applicant said that these would be destination events where people would come and stay until the event is over. He did not believe that concept works with the precept of the mixed-use application of Main Street. Commissioner Thimm thought the parking solution needed to take into account the result of zoning that might allow something that becomes a destination for 200 or more people, losing the concept of shared parking. He recommended that the City look at that very closely.

Commissioner Joyce noted that they talked about loading/unloading and the potential of having the piece on the north side of Heber as a possible part of the solution. However, a lot of people drive up Park Avenue and make a left turn on to Heber. One of the downfalls of Heber is that unlike Main Street, when somebody blocks a lane it tends to block the whole road. People coming from Deer Valley to unload might not be as great a problem, but people coming up Park to make the left turn will end up across the street resulting in people coming both ways to unload in the same vertical spot. Commissioner Joyce asked the applicant to address the issue of where people making a left off of Park Avenue on to Heber Avenue would load and unload.

Mr. Tyler stated that if they were not interested in integrating the people coming to an event into the surrounding uses, they would not have built their event center on Main Street. He explained that the point of having a space where people can gather in this location is the idea that before the event and after the event, people will disperse to the other uses. For example, after a daytime business conference the attendees would leave the conference and head to the bars and restaurants on Main Street. Mr. Tyler thought it was a mischaracterization to say that everyone would come and leave at the same time and create a massive impact. He remarked that the key benefit of having an event space in this location is to allow that dispersion on Main Street before and after an event.

Chair Strachan suggested that it may be an opportunity to add further mitigation into the equation. If the applicant was willing to limit the types of events to business meetings that take place during the day, the conversation would be different. However, until the applicant defines the types of events and rules out certain events at certain times, Commissioner Thimm's comments were all valid concerns.

The Planning Commission adjourned the Work Session and moved into the Regular Agenda

CONTINUATIONS - (Public Hearing and Continue to date specified.)

1. 1011 Empire Avenue – The applicant is requesting to subdivide the existing four (4) lots of record into three (3) lots. The property currently consists of Lots 3, 4, 5 and 6 of Block 28 of Snyder’s Addition to Park City. (Application PL-17-03625)

Planner Grahn reported that a continuation to a date uncertain was being requested because the applicant wanted to go through an HDDR application first and they were also looking at setback issues.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 1011 Empire Avenue to a date uncertain. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 2463 Iron Mountain Drive – the applicant is proposing to adjust the building pad on Lot 42 of the Iron Canyon Subdivision. The building pad is currently 4,000 square feet and the newly proposed building pad will be less than 4,000 square feet. (Applicant PL-17-03641)

Planner Tippe Morlan reported that the applicant was proposing to adjust the building pad on Lot 42 of the Iron Canyon Subdivision. She noted that building pad amendments require plat amendments. Planner Morlan stated that the Iron Canyon subdivision all had building pads of 50' x 80' recorded into the plat. This plat amendment is proposing to change the shape, but not the general location, and not the size. The size was changing from 4,000 square feet to 3,998.5 square feet. Planner Morlan remarked that all previous plat amendments have maintained the 4,000 square feet or less building pad size for this Subdivision. Planner Morlan noted that the entire site is 2.75 acres.

Planner Morlan stated that the building pad amendment in these two areas at approximately 24' on the west side and 23' was getting slightly closer to the side property lines. The remainder of the building pad was being pulled in, and the proposed building

pad still meets all setback requirements. Planner Morlan remarked that the only uniqueness of this site is that a stream runs along the west side of this property. It runs close to the property line but mostly on the neighboring lot. There is a 60' stream protection zone that was recorded in the original plat in 1983 over the property lines. This property is within the Sensitive Lands Overlay Zone; however, this plat and this stream protection zone was platted prior to the enactment of the SLO. Planner Morlan stated that the SLO would require 50' on each side of the stream from ordinary high water mark, and that includes adding the width of the stream. However, since this was recorded prior to the SLO, the Staff considered this a legal non-complying lot. Based on the graphic in the Staff report, the Staff believes this plat amendment would decrease the area of non-compliance.

Commissioner Band thought a non-complying structure was grandfathered in until the structure is changed or an addition is requested, at which time it needs to be brought into compliance. She questioned why that was not the case with this application. Commissioner Campbell pointed out that in this case it was getting further from the stream. Commissioner Band understood, but noted that the applicant was not bringing it into compliance with the requested change. Commissioner Phillips thought Commissioner Band was saying that since the building was not yet constructed it is not legal non-complying because there is nothing there to be non-complying. Commissioner Band clarified that she was curious as to why they were not bringing it until full compliance.

Planner Morlan believed it was due to the platted building pad. Many subdivisions prior to the SLO did not have the platted building pads. In this case, the building pad was not tied to the points of the property. It was allowed in this general location; however, a specific length is not identified on the plat and the specific location is not identified on the plat.

Commissioner Campbell asked how far it would have to move to the right to get out of the stream area. Planner Morlan replied approximately 1 foot, however, this was not an exact analysis because the Staff did not request or receive the ordinary high water mark from the applicant. The applicant would have to provide that before the Staff could do the analysis and get an accurate line. Asked if any other lots that stayed under 4,000 square feet were required to come into compliance. Planner Morlan believed these were the only two lots that have the stream. Chair Strachan assumed that all the lots were in the SLO. Director Erickson replied that he was correct. Planner Morlan believed the SLO setback requirements only apply to streams and wetland areas. She reiterated her belief that none of the other lots that requested plat amendments had wetland or stream areas on or near them. Commissioner Campbell clarified that the proposed location moves the lot further away from the stream. Planner Morlan answered yes.

Commissioner Joyce understood that since there was not a building on the lot they were only talking about a plat; and the result is that the moved plat is non-compliant. He agreed

with Commission Band that the idea of being less non-compliant did not make sense. He wanted to know why it did not have to be compliant. If the movement was only a foot it was not a problem; however, he was concerned about setting a precedent for doing plat amendments that do not have to be brought into compliance. It may not be a problem for one foot.

Assistant City Attorney McLean explained that the legal theory for the Staff analysis was to treat it as a non-complying structure because the building pad was already delineated. Therefore, the analysis focused on whether the degree of non-compliance was reduced. Ms. McLean thought they could make that other argument, which would be defensible.

Commissioner Band questioned why they would not require compliance in this case when it was required in almost every other case. Commissioner Joyce noted that they clean up almost every plat amendment that comes in.

Commissioner Phillips thought it looked more like 4 or 5 feet rather than just one foot. Chair Strachan did not believe it was drawn to scale.

Scott Jaffa, representing the applicant, asked if they were measuring the 50' from the stream to the setback or horizontal in the air. He noted that the stream is very far down the hill. If they measure it from the stream it is considerably more than 50'. Measuring it horizontal it is not more than 50'. He personally has never measured it. Mr. Jaffa stated that his clients purchased this lot knowing that they could build a house where this was located. They never thought it would be an issue because it was a legal document. He pointed out that they were only morphing the shape of the house and moving it further away from the stream. Mr. Jaffa was confused as to why there was an issue.

Planner Morlan stated that the initial thought before she worked with Ms. McLean on the analysis was that because the stream protection zone was recorded prior to the SLO that it satisfied the requirements of the SLO. They tried to use it as a way to measure the degree of non-compliance since it met some standard of the stream protection prior to the SLO being enacted.

Mr. Jaffa noted that the stream protection ordinance was shown on the plat with the building envelope on the plat. Chair Strachan replied that it would not be an issue if the applicant wanted to build within that building envelope. However, the applicant was asking to move the plat and build in a different location. Chair Strachan understood that they were only talking about a few feet, but he thought they needed to add a condition of approval and move it out of the SLO. Mr. Jaffa asked if he could just agree to move it a couple of feet. Chair Strachan suggested that Mr. Jaffa should get a survey showing the high water

mark of the stream and move it 50' back from that location. The Planning Commission could add a condition of approval this evening so it would not slow down the process.

Mr. Jaffa asked if they would put something in the conditions saying that he could submit to the Building Department and the Planning Department. He would not pull a permit until this was completed and signed off. Chair Strachan answered yes.

Assistant City Attorney noted that this plat amendment would be forwarded to the City Council and the survey would have to be completed prior to going to the City Council. She explained that the Planning Commission would add a condition of approval making sure that the building pad is at least 50' away from the high water mark. The City Council will look at it and give the final approval. The plat itself will have to reflect the location of the building pad before Mr. Jaffa could pull a building permit.

Director Erickson clarified that this was the Sensitive Lands Ordinance. It is a stream protection zone that was put in place before the SLO. It is a 30' easement on either side of the high water mark. They have to be 30' back from the high water mark on the lot. Assistant City Attorney McLean explained that it was currently within the SLO, and therefore, the SLO would apply based on the law. Ms. McLean stated that because the SLO is more restrictive, part of the LMC would apply. As long as the lot is not changed it is grandfathered in; but once they start making changes the SLO applies.

Chair Strachan thought the condition of approval could be simple by saying that the applicant must show compliance with the Sensitive Land Overlay Zone. Commissioner Erickson added, "for stream bank setbacks".

Assistant City Attorney McLean reiterated that the applicant needed to submit the high water mark between now and when this item goes to the City Council. She cannot sign off on a plat until she knows the location of the building pad on the lot. Planner Morlan noted that the item was noticed for the City Council on October 12th, but that date could be moved if the applicant needed more time.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 2463 Iron Mountain based on the Findings of

Fact, Conclusions of Laws and the Condition of Approval as amended. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2463 Iron Mountain Drive

1. The property is located at 2463 Iron Mountain Drive.
2. The property is in the Single Family (SF) District.
3. Adjacent land uses are single family residential.
4. The subject property consists of Lot 42 of the Iron Canyon Subdivision, approved in 1983.
5. The plat amendment changes small portions of the building pad area shown on the Iron Canyon Subdivision plat (recorded in 1983) to adapt to the current proposed design of the new residence.
6. The building pad is proposed to be approximately 1.5 square feet smaller than the platted building pad which is 4,000 square feet in the same general location.
7. On August 18, 2017, the City received a Plat Amendment application for the Iron Canyon Subdivision Amendment to Lot 42. The application was deemed complete on August 30, 2017.
8. The existing platted building pad is a 50 feet by 80 feet rectangular shaped pad generally located toward the front of the lot. The building pad is not tied in to the survey with exact dimensions and bearings.
9. The applicant is requesting a modification to the shape and location of the pad to result in an odd-shaped building pad.
10. The entire site contains a total area of 2.75 acres.
11. The proposed building pad complies with setback requirements of the SF zone.
12. The proposed plat amendment will not result in any further changes to the Iron Canyon Subdivision plat.

13. No remnant lots will be created as a result of this plat amendment.
14. Five (5) lots within the Iron Canyon Subdivision have completed similar building pad adjustments including the following: Lots 4, 5, 11, 29, and 43.
15. The subdivision has an Architectural Review Committee in place of a formal HOA which has granted approval of this proposed building pad adjustment.
16. There is a stream to the west of the property following close to the western property line with an existing 60 foot Stream Protection Zone recorded over it.
17. The Stream Protection Zone is shown on the proposed plat and on the recorded Iron Canyon Subdivision plat.
18. The lot is located within the Sensitive Lands Overlay zone.
19. The Iron Canyon Subdivision was platted prior to the adoption of the SLO ordinance with a recorded building pad in the same location where the new building pad is proposed.
20. The proposed building pad does not encroach into the Stream Protection Zone that is shown on the recorded subdivision plat.
21. The current SLO zone requires setbacks from stream corridors to be a minimum of 50 feet from the Ordinary High Water Mark; this means the protected area should be greater than 100 feet with 50 feet on each side of the stream plus the width of the stream.
22. The existing easement was recorded as a 60 feet protection zone with 30 feet on each side of the average centerline of the stream.
23. Because the Stream Protection Zone and building pad have been recorded prior to the adoption of the SLO, the existing lot and building pad location are legal and noncomplying.
24. A majority of the identified "creek flow line" is shown on the neighboring property as indicated on the survey of this property.
25. Assuming the ordinary high water mark falls along the property line, the proposed building pad amendment decreases the level of non-compliance reducing the amount of the building pad which falls within the 50 feet area.

26. Using the “creek flow line” on the survey as a point of reference, the existing building pad is setback from that line by 49 feet to 80 feet, and the proposed building pad is setback by 55 feet to 74 feet. This indicates decrease in non-compliance.

27. Staff finds that the proposed plat amendment results in a building pad that is consistent with the pattern of development in the neighborhood.

28. This plat amendment results in a building pad that is not greater than 4,000 square feet; however, there is no maximum house size indicated on the recorded subdivision plat.

29. No gutters exist on Iron Mountain Drive. Drainage is provided by a parallel swale.

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

Conclusions of Law – 2463 Iron Mountain Drive

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 – 2463 Iron Mountain Drive

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 along the frontage of Iron Mountain Drive shall be shown on the plat.

4. Modified 13-D sprinklers are required by the Chief Building Official for new construction at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. New construction shall comply with Land Management Code Section 15-2.2 regarding setbacks, building height, building envelope, building pad, etc.
6. The Construction Mitigation Plan shall include stream protection measures during construction at the time of building permit.
7. The applicant must show compliance with the Sensitive Lands Overlay Zone for stream bank setbacks.
8. All other conditions of approval and platted requirements for the Iron Canyon Subdivision continue to apply and shall be noted on the plat.

2. **Consideration of an ordinance amending the Land Management Code Section 15, Chapters 2.1, 2.2, 2.3 and 2.5 regarding roof pitches and limiting the use of flat roofs to protect streetscape facades.** (Application PL-16-03352)

Planner Grahn reported that the last time this came before the Planning Commission the Commissioners requested additional background on why the Staff was looking at flat roofs. She stated that it was less about the roof form and more about being compatible with the Historic District and maintaining the look and feel and character of the Historic District.

Planner Grahn stated that the Staff has been talking with the Preservation Board since 2015 in terms of what it means to be compatible and potential amendments to the design guidelines to promote compatible infill and new additions. One of the re-occurring themes was the overall house form. Planner Grahn remarked that it was not a new topic for the Planning Commission because whenever they look at height, whether it is interior height or the height above existing grade, they talk about ideas for which pitches do or do not work and whether flat roofs work. She stated that flat roofs were added in by the City Council to promote sustainability.

Planner Hannah Tyler presented a slide showing an excerpt from the General Plan. She explained that part of the exercise of adopting the General Plan and going through that process was to look at what compatibility means in the historic portions of Park City, which drove a lot of the historic preservation goal setting. Planner Tyler noted that compatibility is defined as being in scale with the neighborhood, in context, sustainable, small scale, and subordinate. Not being compatible is obtrusive, stands out, an outlier in the neighborhood, an overbearing mass of large scale. Planner Tyler stated that these were the general

themes they talked about extensively with the Historic Preservation Board throughout the process over the last few months.

Planner Tyler stated that part of those elements were defining what the HPB found were portions of compatibility in the District, such as form, mass and scale, building height, repetition, streetscape. They went back and forth with the HPB and crafted something that accomplishes these goals in terms of compatibility at the streetscape, while still achieving the goals of sustainability for the community.

Planner Grahn presented a slide that was pulled out of the previous 1983 Design Guidelines which talks about the how the shape of the building impacts the streetscape. She noted that it is difficult to get a photograph of the streetscape in Park City because of the grade and the narrow streets. She thought the image showed an idea of how the wall heights are similar on the lower level. Everyone has pitched roofs whether they are parallel to the street or perpendicular. She pointed out that a pattern was forming. However, an image above showed a flat roof boxy house from the 1960s, which was the outlier. Planner Grahn commented on character defining features of compatibility such as window openings, materials, spacing on the lot, etc.

Planner Grahn stated that in looking at Old Town in general, one of the overall themes outside of the commercial district is that everything tends to have a gable.

Planner Tyler noted that the hand drawn images presented were from the Park City Design Guidelines, and it is what they see today in terms of what the architects want to do. Part of the direction and the beginnings of ordinances and enforcement in the District was to avoid that. Planner Tyler stated that the changes they made towards flat roofs have brought them to what their predecessors had tried to avoid. Rather than point out actual structures in Old Town, she and Planner Grahn decided to scour the Internet for something they have been getting requests for from architects in the District.

Planner Tyler stated that they took a step back to look at the intent of the ordinance and what the HPB wanted to accomplish. They started looking at the mass and scale of the neighborhood and specifically the streetscape. Planner Tyler remarked that common themes were flat roof options at the street. The developer and architect defended that they had done a good job of breaking up the windows on the front façade, and they had transoms. They were defending it based on materials and ratios, but the Staff did not find that the mass and scale of the buildings fit in with the overall streetscape. The mass was smaller on the buildings that had gables. Planner Tyler pointed to an image that meets all the height requirements but it has a larger presence on the street.

Planner Tyler asked whether the Planning Commission thought what they were seeing would fit in with the Historic District. The Commissioners answered no. Planner Tyler noted that the current Code would allow it and it could be defended. They would make a few tweaks in the Design Guidelines, but in theory that type of design could be approved.

Commissioner Campbell believed there were other things about the house that would not meet the compatibility standards. Planner Grahn agreed, but they were specifically talking about massing.

Planner Tyler presented another image that she believed had done a better job of breaking up the front façade and adding more articulation. She noted that the Staff gets a lot of requests for this design as well based on the defensibility that they are using traditional materials and modern form. However, the Staff found it to be obtrusive to the streetscape and appears to be more massive at the street. Planner Tyler stated that some of the LMC amendments coming forward tonight would encourage more gable roof forms on the front façade. There could be some flat roof elements, but they would reduce the massing and still maintain a modern feel. Planner Tyler believed it was a step in the right direction but not completely where it needed to be. Chair Strachan agreed.

Planner Tyler presented another image with a blend of gable roof forms and flat roof elements. With this image they were trying to articulate that flat roof elements would be allowed at the street, but the most prominent feature should be meeting the contributory roof form clause.

Chair Strachan referred to the redlines provided, and asked what the Staff thought was the secondary roof. Planner Grahn explained that it would be the contributory roof form, which is visible along the street front. She pointed to the gable, and stated that it would be better if it were taller because it would block the shed roof, which was more of a secondary roof form when viewed from the primary public right-of-way. Planner Grahn remarked that the area above the entry door would also be a secondary roof form. She believed the majority of the roof form would be either gables or pitched roofs. Chair Strachan clarified that those would be the primary roof. Planner Grahn answered yes. She thought the other visuals they planned to present this evening would help them understand the definitions.

Commissioner Thimm noted that there was a definition of primary roof, but it has to do with area. Chair Strachan thought the confusion was that the Staff was talking about form.

Director Erickson explained that they were using three categories to make sure this works. The Contributory roof form is the one that is contributing to the streetscape from the street. There is a specific distance that it is allowed to go back before the roof form can be changed. The Primary roof form is the total area of the roof looked at from the view of

looking down from the sky. The Secondary roof is the smaller portion of the primary roof form.

Planner Tyler remarked that Essential Historic Form is already a defined term. The Staff wanted to make sure they were strengthening the language to make the meaning clear. She pointed to the redlines where they had added what physical characteristics make up essential historic form and what that form is. The intent is to add more clarity in this LMC amendment.

Planner Grahn stated that they looked at the definitions from the standpoint of a house that is listed in the current design guidelines, which was on the screen. Planner Tyler had created various roof plans to help the Commissioners understand it. Planner Grahn noted that the primary roof shape would be the largest total roof measured in level square feet. This house was easy to demonstrate because it had three descending gables. The primary roof form was shown in blue. That area takes up the largest amount and it appeared that they were all the same roof pitch.

Commissioner Thimm thought the image was showing three roof forms as opposed to just one. Chair Strachan agreed. He believed the largest of the three was the primary based on the definition provided. Planner Grahn remarked that the Staff looked at it from the standpoint that the roofs were pitched the same and, therefore, the roof shape was the same. However, she liked Commissioner Thimm's thinking where the primary is the largest overall roof form.

Chair Strachan stated that if the Staff went with Commissioner Thimm's thinking, they would have to eliminate the language that says, "copulas, chimneys, elevators, and dormers are not included in that calculation" because a flat roof would not have those elements. Commissioner Campbell pointed out that it could not be a flat roof because the contributory cannot be flat. He remarked that the only thing that matters is what the Contributory looks like from the street. Planner Grahn replied that he was correct. She referred to language on page 282 of the Staff report which says, "The primary roof form cannot be a flat roof". She requested discussion from the Planning Commission on whether or not that language should be removed; and whether they want to allow the primary form to be flat as long as the streetscape presence is pitched.

Commissioner Phillips was not opposed to allowing the primary to be a flat roof. He completely understood and agreed with the contributory. Commissioner Campbell thought it would be difficult on a 75' lot for the contributory to not be the primary. Commissioner Phillips disagreed. Planner Tyler had done the math and based on setbacks, not taking into account footprint, there would be the first 20 feet and another 35 feet left within the setback. Commissioner Campbell believed they needed to take the footprint into account.

Chair Strachan asked Commissioners Phillips, Campbell and Thimm if they used these terms in their general day to day work. All three answered no. Commissioner Thimm stated that this language was not typical and specific to Park City.

The Commissioners discussed calculations and roof forms. Commissioner Phillips referred to the design of his own house and he believed he had accomplished what the Staff was trying to accomplish. He thought the primary roof could be flat and still accomplish the Staff's goals. Planner Tyler agreed. Commissioner Phillips remarked that the contributory was the most important part by definition. Chair Strachan was not clear on what he meant. Commissioner Campbell explained what he and Commissioner Phillips were trying to convey.

Commissioner Phillips passed around a drawing of his own roof from the street showing how the primary roof was flat and the contributory roof was pitched.

Director Erickson stated that the objective was to try and allow for smaller bulk and mass behind the contributory roof form, and a flat roof can accomplish that. He noted that the buildings behind the High West have contributory facades and fairly good sized flat roofs behind them. The flat roof would be limited to 23' if it has a deck on it. Director Erickson explained that the highest deck on a flat roof can only be 23' tall to its guardrail. Therefore, the flat roof that people would use as a party deck would be subordinate to the contributory roof form and subordinate to the height of the zone.

Commissioner Phillips asked if the 23' mark applied to the front and the back. Planner Grahn answered yes, because the goal was to keep people from putting them on the third floor where it can impact the people living next door. Commissioner Phillips was comfortable with the 23' metric, but he drove up Empire and counted 10 ten homes in a row that had third story balconies and decks. He was uncomfortable with the third story language because they are all over town. Director Erickson remarked that the distinction is that they are not functioning as large flat roofs. Commissioner Phillips stated that he was not bothered by a small balcony as long as it is not on the roof. He was trying to prevent taking away the tool for an architect to break up a façade on a four-story house.

Commissioner Campbell generally favored this amendment. He appreciated that the Staff has listened to the Commissioners and to the architects and developers who got involved. He understood that the 27' height was measured from existing grade. Director Erickson replied that he was correct. Commissioner Campbell noted that fences, retaining walls, and front porches are measured from final grade. He believed the 23' rule should be from final grade rather than existing grade to avoid the unintended consequence of not being able to do it on half of the steep lots.

Commissioner Phillips agreed. He thought the constraint would force people to dig deeper and force them into a direction that they do not have to take to achieve what the Staff is trying to do.

Commissioner Campbell pointed out that the rules regarding green and flat roofs are only in the HR-1 zone. If they adopt this amendment it would be pushed to the HR-2 and HRL zones. Planner Grahn remarked that HR1, HR2 and HRL have the pitched language in the zone. The HRM zone does not have that language.

Chair Strachan asked if the 23' changed the 35' rule from lower to highest joist. Planner Grahn answered no. It was measured from the interior. Commissioner Campbell drew a diagram to visually help Chair Strachan understand the 23' rule.

Commissioner Joyce asked if this would change anything for a corner house or if they care that the side is exposed to a street. Planner Grahn replied that they care if a side is exposed to the street, however, they would consider the main entry point as the primary façade.

Commissioner Campbell referred to page 297 of the Staff report, second paragraph of point 2. He read, "Decks, hot tubs, other cooking areas and seating areas are not permitted on green roofs". He thought green roofs were prohibited. Planner Grahn replied that if the primary roof form is flat, it has to be green. The majority of the roof form must be green; however, someone could put a hot tub on the rooftop deck that is part of the primary roof form. Commissioner Campbell stated that he was trying to protect them from unintended consequences. The people he builds for would rather have a chair than grass. Therefore, they would direct him to minimize the amount of green and maximum the amount of deck.

Assistant City Attorney McLean thought this amendment proposes that the primary roof form could not be flat. Commissioner Phillips replied that the contributory roof form could not be flat because it is the façade. Planner Grahn stated that the original language was that the primary roof form could not be flat, but the feedback was to remove that language. Commissioner Phillips was not opposed to limiting the flat roof to a certain percentage.

Commissioner Joyce thought the goal was the view from the street. He understood that a flat roof was acceptable as long as it could not be seen from the street. Commissioner Thimm stated that it was his understanding as well. Commissioner Phillips pointed out that if the flat roof could not be the primary it would create larger gabled roofs that would be out of scale. Commissioner Campbell believed that would be one of the unintended consequences.

Planner Grahn noted that the Staff had taken out the piece regarding green roofs, and she asked if the Commissioners wanted to add it back in. The purpose of the City Council allowing flat roofs was to have vegetated green roofs as a sustainability benefit. If every flat roof can become a rooftop deck, it would defeat the purpose of a green roof. Planner Tyler explained that the language was initially removed because in theory the primary roof could not be flat, and there was no point in requiring green roofs. The intent was to eliminate the unintended consequence of allowing a mile of flat roof.

Chair Strachan clarified that the Staff was proposing to put the flat roof language back in. Planner Tyler answered yes. Commissioner Campbell pointed out that they did not want to unintentionally stop people from doing green roofs.

Commissioner Campbell thought the word Contributory roof form was confusing because “contributory” sounds like the smaller roof form. Commissioner Phillips concurred. Director Erickson stated that the reason for using “contributory” was to link it to the compatibility definition. If the Commissioners preferred to use a different word, the Staff could relook at the definition of compatibility and find a better word that would be less confusing for the community.

Commissioner Band thought it made sense that the Contributory roof form is the part of the roof that contributes to the Historic District. Planner Grahn noted that the Staff originally called it the Principle roof form, but principle and primary sounded too much alike and they changed principle to contributory.

Director Erickson stated that the Staff would relook at the language and find another term that ties to the definitions of “compatibility” and “essential historic forms”, which are two defined terms in the Code. He suggested that it may be better to keep Contributory and change the name of the Primary roof form.

Chair Strachan understood from the comments that the Planning Commission was comfortable forwarding the general idea and structure of the proposed amendment to the City Council, and let the Staff work on terms for the roof forms.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to forward a POSITIVE recommendation to the City Council on consideration of Ordinance amending the Land Management Code Section 15, Chapters 2.1, 2.2, 2.3 and 2.5 regarding roof pitches and limiting the use of flat roofs to protect streetscape facades, pursuant to the draft ordinance found in the Staff report and the amended language per the discussion this evening.

Commissioner Campbell wanted to make sure that the language changes they were proposing this evening were duplicated on the other three zones identified.

Director Erickson thought the motion should be amended to forward a positive recommendation to the City Council pursuant to the attached draft ordinance in all four zones with the modifications made.

Chair Strachan pointed out that it was already stated in the draft ordinance. Planner Grahn understood Commissioner Campbell's concern and the Staff would make sure the change was made in all the pertinent zones.

Commissioner Joyce seconded the motion

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 8:45 p.m.

Approved by Planning Commission: _____