

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 9, 2008

COMMISSIONERS IN ATTENDANCE:

Chair Michael O'Hara, Rory Murphy, Dick Peek, Julia Pettit, Evan Russack, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Patrick Putt; Principle Planner, Brooks Robinson; Kirsten Whetstone, Planner; Katie Cattan, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Michael O'Hara called the meeting to order at 6:30 p.m. and noted that all Commissioners were present.

II. ADOPTION OF MINUTES

MOTION: Commissioner Pettit moved to APPROVE the minutes of December 12, 2007 as written. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

John Vrabel, a resident at 143 Upper Norfolk Avenue, commented on an upcoming project at 16 Simpson Avenue and 201 Sampson. He had prepared a packet regarding these properties and asked that the Planning Commission pay particular attention to that information when these items come before them for review.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Planner Robinson announced that a special work session to discuss Park City Heights was scheduled for Wednesday, January 16, at 5:30 p.m. The public is welcome to attend, although it is not a public hearing. The intent of that meeting is to discuss the concerns raised by the Planning Commission relative to the General Plan.

Commissioner Thomas disclosed that he designed a house for the owner of the Park City Mountain Resort a number of years ago; however he did not believe that would impact his ability to make a decision matter before them this evening.

Commissioner Thomas stated that he would recuse himself from 100 Marsac Avenue based on

the potential that low income housing could affect a project he is currently involved in.

Commissioner Murphy disclosed that he has done a significant amount of work with the Park City Mountain Resort through the Silver Star project. He also disclosed that for many years he was an employee of United Park City Mines, the applicant for 100 Marsac Avenue. Commissioner Murphy did not believe these associations would affect his judgement on either project this evening.

Commissioner Pettit announced that she would be unable to attend the Planning Commission meeting on January 23rd. Commissioners Wintzer and Thomas stated that they were unable to attend that meeting, also. Planner Robinson commented on the importance for the other four Commissioners to attend in order to have a quorum. He expected it to be a short agenda.

V. CONSENT AGENDA

1. 60 Sampson Avenue - Steep Slope Conditional Use Permit

MOTION: Commissioner Pettit made a motion to REMOVE 60 Sampson Avenue from the Consent Agenda to address the conditions of approval.

VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS

1. 60 Sampson Avenue - Steep Slope Conditional Use Permit

Planner Katie Cattan reviewed the application for a steep slope CUP at 60 Sampson Avenue. The Planning Commission previously reviewed this application on November 28, 2007. At that time the Planning Commission conducted a public hearing and provided direction to the applicant to eliminate the proposal to convert the existing garage to living area, and to enhance the connection of the addition to the existing historic structure. Jonathan DeGray, the architect, complied with that direction.

Commissioner Pettit referred to Finding of Fact #14, which states that Sampson Avenue is a narrow road with high intensity residential uses and limited construction staging area. She wondered if the conditions of approval should be strengthened to take into consideration the number of already approved projects in that area and to provide the Building Department with the ability to coordinate efforts among the different projects.

Planner Robinson offered to draft language to that effect. He noted that the construction mitigation plan that is filed with the Building Department at the time of building permit addresses staging and any possible road closures. Those dates are provided a week in advance and the Building Department tries to coordinate those times with other construction projects to avoid conflicts or multiple road closures.

Commissioner Pettit asked if the applicant has any idea where they will stage construction for

the 60 Sampson Avenue project. Mr. DeGray replied that the objective is to access most of the site from King Road.

Commissioner Peek felt that Condition of Approval #9 was redundant. He suggested eliminating Condition #9 and adding that language as the first sentence of Condition #4. Planner Robinson was comfortable with that revision.

Commissioner Murphy echoed Commissioner Pettit's comments. Because of the snow, Sampson Avenue is literally a one lane road and he preferred adding a separate condition that requires construction from King Road. Mr. DeGray remarked that it was reasonable to limit all parking for construction workers; but occasionally it will be necessary for a vehicle to drive down the road going into the parking area of the existing driveway of the house. Mr. DeGray preferred a condition that says "no construction parking on Sampson Avenue." Commissioner Murphy felt that was a fair compromise.

Planner Cattan was unsure if Condition of Approval #9 should be eliminated, since City Engineer Eric DeHaan was not present to give his reasons for adding that condition. She noted that the difference between Condition #4 and Condition #9 are the calculations involved in Condition #9. Commissioner Thomas suggested that they add the word "calculations" to the first sentence of Condition #4.

Planner Robinson noted that Condition of Approval #2 talks about a construction mitigation plan being a condition precedent to issuance of any building permits. To address Commissioner Pettit's concern, he added language stating that, "The construction mitigation plan shall coordinate staging, possible road closures, and parking with other area projects to the satisfaction of the Chief Building Official." Commissioner Pettit was comfortable with that language. She also agreed with Commissioner Murphy that language should be added to prohibit construction parking on Sampson Avenue. Mr. DeGray requested that it specify no construction parking within the City right-of-way.

MOTION: Based on written support from the adjacent neighbors, Commissioner Murphy moved to APPROVE the steep slope conditional use permit CUP for 60 Sampson Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 60 Sampson Avenue

1. The property is located at 60 Sampson Avenue within the HRL zone, and is subject to regulations provided in Section 15-2.1 of the Land Management Code.
2. The HRL zone is characterized by medium to smaller sized contemporary and historic residential structures, and is a transitional zone from the historic district to the larger contemporary zones.

3. The applicant provided the Planning Department with a visual analysis of the project from key vantage points.
4. The minimum front yard setback for a lot of this size is 10 feet. The historic building will remain in its current location.
5. The minimum rear yard setback is 10 feet. The applicant proposes 120 feet.
6. The minimum side yard setback is 5 feet with a total of 14 feet. The applicant proposes 14 and 10 feet on the sides.
7. The minimum number of on-site parking spaces required for a new single-family home in the HRL zone is two. This is a historic home.
8. The applicant is proposing two on-site parking spaces.
9. The applicant proposes a 15 foot wide driveway accessing the property from Sampson Avenue.
10. The proposed building footprint is 2,220 square feet.
11. The maximum footprint for a lot of 6,663 square feet in the HRL zone is 2,290 square feet.
12. The maximum height for a single-family home in the HRL zone is 27 feet above existing grade, unless the Planning Commission grants an exception.
13. The applicant is proposing a height of 25 feet above existing grade.
14. The project is located off of Sampson Avenue, a narrow road with high intensity residential uses, and limited construction staging area.
15. The applicant stipulates to the conditions of approval.
16. The discussion in the Analysis section above is incorporated herein.

Conclusions of Law - 60 Sampson Avenue

1. As conditioned, the application complies with all requirements of Section 15-2.1-6(B) of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.
3. As conditioned, the use is consistent with the Park City General Plan.

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

Conditions of Approval - 60 Sampson Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The construction mitigation plan shall coordinate staging, possible road closures, and parking with other area projects to the satisfaction of the Chief Building Official. No construction parking shall be allowed within the City right-of-way.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. Prior to the issue of a building permit, the applicant shall submit a detailed shoring plan with calculations that have been reviewed and approved by a licensed geotechnical engineer. A detailed grading and shoring plan will demonstrate how the proposed excavation will protect King Road from being compromised during construction.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage doors shall be "carriage" style doors made of wood.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.

2. 650 Rossi Hill, Tahoma Condominiums - Condominium Conversion

Planner Katie Cattan reviewed the application for a condominium conversion for a triplex located at 650 Rossi Hill Drive. The triplex complies with all the Land Management Code specifications for the RM zone.

Planner Cattan stated that pursuant to the plat notes that were added when a plat amendment occurred, the applicant has provided two parking spaces for each of the units. Each unit varies in floor area.

The Staff found good cause for this condominium conversion as the units comply with the

regulations of the Land Management Code and can be sold separately. The City Staff reviewed this application and resolved all issues with the applicant. Planner Cattan stated that the property was properly noticed.

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

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

Commissioner Wintzer remarked that the contractor had done an exceptional job clearing the road and he asked Jonathan DeGray, the applicant's representative, to thank him on their behalf.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council with respect to 650 Rossi Hill Drive record of survey plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 650 Rossi Hill Drive

1. The property is located at 650 Rossi Hill Drive, Lot #5 of the Snow Park subdivision.
2. The property at 650 Rossi Hill Drive is referred to as the Tahoma Condominiums.
3. The zoning is Residential Medium Density (RM).
4. The area of the lot is 13,299 square feet.
5. The existing conditions comply with the 60 percent open space requirement of the zone.
6. A triplex is an allowed use within the RM zoning district.
7. The triplex at 650 Rossi Hill Drive complies with the setback requirements and the open space requirements for multifamily dwellings in the RM District.
8. The LMC requires two parking spaces per unit for a triplex.
9. Each unit within the triplex at 650 Rossi Hill Drive has two dedicated parking spaces within the garage.

10. The findings within the Analysis section are incorporated within.

Conclusions of Law - 650 Rossi Hill Drive

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

Conditions of Approval - 650 Rossi Hill Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey 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 record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. 99 King Road, Conditional Use Permit

Planner Kirsten Whetstone reviewed the request for nightly rental use in an existing single family house at 99 King Road. The structure is located in the HRL zone, which requires a conditional use permit for nightly rental uses. The Staff had reviewed this application under the conditional use permit criteria found in Chapter 15-1-10 of the Land Management Code. The Staff analysis was provided in the Staff report.

Planner Whetstone stated that the structure is a 1400 square foot three bedroom, two bath single family home. It was constructed in 1970, therefore, it is not historic. The home is located on the east side of King Road. A portion of King Road has an existing prescriptive easement across the front of this lot.

Planner Whetstone reported on a change that occurred after the Staff report was written. The applicant was able to provide a driveway across the front of the house and provide two off-street parking spaces. The Staff report indicates that there was at least one off-street space. Planner Whetstone noted that the two off-street parking spaces are 16 feet, which is shorter than the required 18 feet. There is 18 feet on the property but it would extend into the King Road prescriptive easement.

Chair O'Hara asked if that complied with Condition of Approval # 7. Planner Whetstone stated that the space size is addressed in Chapter 3 of the Land Management Code parking section and allows for the City Engineer to provide exceptions to the size. In some cases in the past, the City Engineer has allowed shorter spaces because 18 feet would hang into King Road. Planner Whetstone noted that Condition #7 should be revised.

Commissioner Wintzer asked about the size of the current parking spaces. Mike Ruzek, the applicant, explained that there are two parking spaces side by side that are slightly larger than 16'6" to the curb. Planner Whetstone referred to Exhibit B in the Staff report that shows those parking spaces. She noted that the Staff was requesting discussion on parking and the parking impacts.

Commissioner Peek asked if the 16'6" was measured to the inside edge of curb or edge of asphalt. Mr. Ruzek replied that it was inside edge of curb.

Planner Whetstone noted that the Exhibit on page 85 of the Staff report no longer applied because the applicant had modified the plan. The Exhibit on page 86 was a picture of the house as it existed before they removed the deck and added the parking and a new smaller deck.

Planner Whetstone referred to the fifteen criteria for the CUP and requested discussion on Criteria 5 and 6, regarding off-street parking and internal circulation. She stated that the item was properly noticed and posted and letters were sent to property owners within 300 feet.

The Staff requested that the Planning Commission conduct a public hearing, discuss any issues, and provide further direction or take action on this CUP. The Staff had prepared findings of fact, conclusions of law, and conditions of approval.

Commissioner Peek asked for clarification of the snow storage easement. Planner Robinson explained that an exterior parking space anywhere in town is 9' x 18' and that can be at the property line. Therefore, the snow storage easement does not come into play because people can move their cars. The measurement would be from the edge of the property line or the edge of asphalt, whichever is the shorter distance. Planner Robinson pointed out that this is an existing non-compliant situation which is getting better and not worse. One benefit of this proposal is that the existing deck was removed and replaced with a smaller deck to provide better parking.

Commissioner Murphy stated that even a small amount of snow will push the cars back on to King Road. With nightly rentals, he is concerned that people who are unaware of the situation in Park City will park along King Road. He asked if it was possible to add a condition requiring the removal of snow from the porch.

Chair O'Hara opened the public hearing.

Steven Elrick, a resident at 97 King Road, stated that the home at 99 King Road was his first home in 1987. Mr. Elrick has lived on King Road for 20 years and he would rather have that

house be a nightly rental as opposed to the other scenarios that have occurred on that property. He noted that the nightly rental issue for the HRL zone was addressed in 1999 and at that time he believes the neighborhood supported allowing nightly rentals.

Susan Palmer, a resident at 95 King Road, echoed the comments by Mr. Elrick. She lives across the street from the triplex and has never had any problems with the nightly rentals. The people have always been gracious and friendly. Ms. Palmer supported Mr. Ruzek's request for nightly rentals.

Chair O'Hara closed the public hearing.

Commissioner Pettit referred to Condition of Approval #5 which states that a parking permit may be required to park in a municipal lot. She wanted to know who would be responsible for obtaining that permit and how the permit would be utilized. Planner Whetstone replied that the intent was to mitigate the potential of people parking everywhere or anywhere when they are unable to get up the road. She identified some of the parking lots in the City that might be available. Planner Whetstone was unsure if a parking permit is currently required but; if one is required in the future, it would be the responsibility of the property owner to obtain one when they become available.

Commissioner Pettit commented on the enforceability issue and felt it would be incumbent on the neighbors to watch for violations. Commissioner Pettit suggested that nightly rentals be limited to one car. She felt this would provide more flexibility in utilizing the parking space. Planner Whetstone stated that enforcement would be on a complaint basis. She noted that a nightly rental requires a business license and they could place a condition on the business license that limits one car. Planner Robinson explained that the property owner provides a copy of the lease when applying for a business license, but unless a neighbor complains, the City has no way to enforce those restrictions. If a complaint is logged, the City can revisit the CUP to see if enforcement action is necessary. Commissioner Pettit proposed that the property owner attach a map to the rental agreement that shows other parking areas when someone is unable to gain access up the road.

Mr. Ruzek noted that for 30 years the home has been used for long-term housing with 3+ cars parked there all the time. A nightly rental would reduce the occupancy from 100% to 50%. He noted that a three bedroom home could accommodate six people and it would be difficult for everyone to come in one vehicle. Mr. Ruzek favored the idea of including a map with appropriate verbiage. He stated that the lot on the uphill side has land that was part of a rezoning swap with 127 Ridge Avenue. A piece of City-owned property is off the road and does not belong to the adjacent land owner. Mr. Ruzek believes that piece could also be used for parking if necessary.

Commissioner Thomas commented on the possibilities and the unknowns with this CUP and suggested that they move forward and review the CUP in one year if there are complaints.

Commissioner Wintzer preferred to review the CUP after one ski season. He was unsure how the City could enforce the conditions and agreed that it would be incumbent on the neighbors to

bring any violation to the City's attention.

Commissioner Russack suggested that Mr. Ruzek pay to have that piece of City-owned property plowed so it can be used as parking. Planner Wintzer clarified that the Planning Commission cannot consider that piece with this application because it is not on Mr. Ruzek's property. Planner Whetstone agreed but noted that Mr. Ruzek could use that piece for snow storage.

MOTION: Commissioner Murphy moved to APPROVE the conditional use permit for 99 King Road with the conditions as outlined in the Staff report, with the additional condition that this CUP will be reviewed at the conclusion of the 2008-2009 ski season, and with the condition that a map be included with the rental agreement showing public parking in the event they cannot access the house during a heavy snow period. Commissioner Thomas seconded the motion.

Commissioner Peek asked if they should make the review period more specific, such as one year from issuance of certificate of occupancy. Planner Whetstone suggested one year from the issuance of the business license. Mr. Murphy pointed out that the business license may not be issued in a time frame that allows for a full ski season.

Mr. Murphy amended his motion to specify April 15, 2009 as the CUP review date. Commissioner Thomas seconded the motion as amended.

VOTE: The motion passed unanimously.

Findings of Fact - 99 King Road

1. The property is located at 99 King Road. The property is improved with a 1,400 square foot, three bedroom, two bath, single family house. The house has no garage and one parking space is currently provided on a paved strip along King Road.
2. The house at 99 King Road is located on Lot 20, Block 76 of the Park City Survey. This lot is approximately 2,250 square feet in area. Minimum lot size in the HRL district is 3,570 square feet.
3. The house was constructed in the 1970's and has a non-conforming north side yard setback of 2.5'. The archived planning files indicate that the house was approved to be constructed with one on-site parking space. Additional parking was allowed on an adjacent lot (under common ownership at the time). This adjacent lot has since been replatted with the 147 Ridge Avenue replat and the parking area was dedicated as ROW for King Road. The house is a legal, non-conforming structure according to the current Land Management Code.
4. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
5. Nightly rental uses are subject to a Conditional Use Permit in the HRL district.

6. On November 2, 2007, the owners of 99 King submitted a complete application requesting approval of a Conditional Use Permit to allow nightly rental use of the existing home. The applicant's propose a minimum stay of 3 days and they intend to manage the nightly rental use as owner/manager.
7. Access to the subject property is off of King Road, a public street. Existing paved King Road is partially located across the front 4' to 0' of Lot 20, the subject property. Paved Ridge Avenue is partially located across the rear 8' x 15' of Lot 20. Both streets cross the lot at an angle.
8. The applicants are not proposing to increase the floor area of the house. They have proposed to reconstruct the front deck and stairs as a condition of the nightly rental application to improve the parking situation by providing two 16'6" in length, perpendicular parking spaces.
9. In July of 2007, an Historic District Design Review and building permit were approved to upgrade the front facade, add two dormers to the south facing roof and to add skylights to the north facing roof.
10. According to the City's business license records, there are currently 10 existing nightly rental uses in the surrounding neighborhood on King Road, Sampson, and Ridge Avenue.
11. A business license and inspection of the property by the building department are necessary to ensure that the business owners are verified and the property meets all applicable fire and building codes.
12. The applicant stipulates to the conditions of approval.

Conclusions of Law - 99 King Road.

1. The proposed nightly rental use is compatible with surrounding structures in use, scale and mass, and circulation.
2. The proposed nightly rental use is consistent with the Park City General Plan.
3. Any effects in difference in use or scale of the nightly rental use have been mitigated through careful planning and conditions of approval.

Conditions of Approval - 99 King Road

1. All standard project conditions shall apply.
2. All existing and any new exterior light shall be subdued in nature and shall conform to the City's lighting ordinance LMC Section 15-5-5-(I) and 15-3-3(c) prior to the issuance

of a nightly rental business license.

3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of business license application is required as a condition precedent to issuance of a business license.
4. No exterior commercial signs are approved as part of this CUP. All signs are subject to the Park City Sign Code.
5. All lease agreements for nightly rental of 99 King Road shall include the following language. King Road is a narrow, steep street. During snow storms and other events, including construction projects in the area, King Road is often not passable. Snow removal in Park City is on a priority basis and it may be several days before snow is removed from King Road. During these times you may be required to park your vehicle in an approved overnight parking lot, such as the China Bridge parking structure and walk to 99 King Road. A parking permit may be required to park in a municipal lot.
6. Nightly rental leases for 99 King Road shall be allowed to one person or single entity. Nightly rental does not include the use of the dwelling unit for Commercial uses, such as hospitality houses, screening rooms, reception centers, etc.
7. The front deck and stairs shall be reconstructed to improve the parking situation by providing two 9' wide parking spaces of approximately 16'6" in length. No more than 2 cars are allowed on the property as part of the Nightly Rental business license.
8. This CUP will be reviewed in on April 15, 2009.
9. A map shall be included with the rental agreement showing public parking in the event they cannot access the house during a heavy snow period.
4. 154 McHenry Avenue - Plat Amendment

Planner Whetstone reviewed the request to create a three lot subdivision by combining Lots 12 and 16-18 of Block 52 and Lots 6 and 9 of Block 60, into three lots of record. This subdivision is being proposed at the south end of McHenry Avenue, located to the east of Ontario Court. The property is in the HRL zone and located at 154 McHenry Avenue. An existing single family home is located on the proposed Lot 1. Lots 2 and 3 would remain vacant. Any construction on Lots 2 and 3 would require a steep slope conditional use permit, as well as a Historic District design review.

Planner Whetstone noted that the Planning Commission previously reviewed this application, at which time an issue was raised regarding emergency access to Lot 3. To mitigate this concern, the applicant is proposing to construct and maintain a private stairway up from Ontario Court, which is a private street, to provide additional emergency access to the lot. A fire hydrant is located at the base of the proposed stairs and all the utilities are stubbed in for this lot. Planner Whetstone stated that the stairway would be located in an easement on the replat of Block 52.

On November 28, 2007, the Planning Commission reviewed a concept plan for these stairs, which was located in the 2nd street right-of-way. The idea was that the lot owner would build these stairs to provide emergency access. The stairs would be private and located by an encroachment agreement within the public right-of-way. The lot owner proposed to maintain the stairs. At that meeting, the applicant stated his preference not to maintain the stairs and thought it might be confusing to have a private stairway in a public right-of-way. In reviewing the minutes from November 28th, Planner Whetstone noted that the applicant's representative had mentioned a strip of land between this lot and Ontario Court that could be used for access. According to the minutes, the Planning Commission directed the applicant to come back with a concept plan that actually showed the stairs on private property. They would be private stairs that would be privately maintained and privately constructed. The new concept plan was presented to the Planning Commission this evening.

The Staff recommended that the Planning Commission conduct a public hearing on this three lot subdivision, consider any input, and forward a positive recommendation to the City Council with the findings of fact, conclusions of law, and conditions of approval as outlined in the ordinance.

Planner Whetstone reported on a letter she had found in the file from an adjacent property owner that was sent to the Planning Department in December. She also made corrections to page 99 of the Staff report regarding the setbacks and the footprint. She noted that Lot one is a standard 3750 square foot lot and therefore, the maximum footprint that is listed as 1,212 should be 1,519 square feet. The others are based on the formula. Lot 2 is 6,430 square feet and the maximum footprint should read 2,240 square feet rather than 2,231 as stated in the Staff report. The front and rear setbacks are 15 feet and not 10 feet, as stated in the Staff report, with a minimum side setback of 5 feet, for a total of 14 feet. Planner Whetstone clarified that these numbers are the minimum setbacks: however, a steep slope CUP could increase the setbacks. Planner Whetstone corrected the minimum front and rear setbacks on Lot 3 should be 12 feet rather than 10 feet, for a total of 25 feet. The minimum side setbacks are five feet for a total of 18 feet. These are based on the Planning Director's determination of the side, front and rear, as well as the Land Management Code. An exhibit in the file identifies the Planning Director's comments on this matter.

Planner Whetstone reported on input she received today from an adjacent property owner. His comments pertain to the easement and what it can be used for. Planner Whetstone remarked that both the City Engineer and the Chief Building Official have indicated that an access easement for pedestrian access would indicate that you could construct something that pedestrians would use. At this point the City is saying that there is an easement which needs an access to Ontario Court. A set of stairs meets the Chief Building Officials requirement for emergency access.

Steve Deckert, representing the applicant, clarified that the applicant was not opposed to maintaining the stairs in the 2nd Street right-of-way; but he was uneasy with the liability associated with the stairway being public. Mr. Deckert noted that Jim Ivers was the one who negotiated the right -of-access across the Block 52 replat, Lot1. According to the grant of easement, it gave ingress and egress rights for vehicular or pedestrian passage. Mr. Deckert stated that presumably that granted the right to cross that property with a driveway and to have

some pedestrian means of access. Mr. Deckert understood that Mr. Ivers spoke with Jamie Thomas, the owner of Lot 1, and at the time Mr. Thomas did not have an issue. Mr. Deckert remarked that Ron Ivie did not care where the stairway was located as long as it provides emergency access from Ontario Court.

Commissioner Murphy disclosed that he was involved with the Lot 52 replat as an employee of United Park City Mines. He did not believe that would affect his decision this evening.

Planner Robinson clarified that the December 6th letter from Michael Kaplan was a request that the City purchase this property as open space. He noted that the COSAC committee met last night and declined to make a recommendation to purchase.

Chair O'Hara opened the public hearing.

Jamie Thomas stated that he and his family live at Lot 1, Phase 2, on Ontario Court, which is immediately south of the proposed replat of Lot 3 at 154 McHenry. Mr. Thomas had concerns with the access going across his property. He presented drawings to explain his concerns. Mr. Thomas stated that he supports the idea of Mr. Ivers improving his lot and building a single family home. However, there are inconsistencies in the findings of fact and conclusions of law, and inconsistencies between what is proposed and what they are asking to have approved. Mr. Thomas outlined a time line of events that started with a request to Mr. Ivers that he be involved in the process and be updated on details about the access. He was told that he would be kept informed but that did not happen. Last night he received a phone call from Steve Deckert who wanted to talk about the proposal. Mr. Thomas was interested in meeting with Mr. Deckert but he wanted time to talk about it and to finalize the stairs because it impacts his property. Mr. Thomas had additional concerns with the project. He noted that Ontario Court is a private driveway and the people who live on that court are responsible for anything on that driveway. The City mandated that the driveway allow ingress and egress access along the course of the driveway, yet the owners of the driveway would be responsible. Mr. Thomas believes the situation would be compounded by allowing private stairs to cross private property and then exiting on to private property. He felt that more details need to be worked out before the City approves a primary source of access to these lots. Mr. Thomas presented a document that was required by the City prior to plat approval for Phase 1 and Phase 2. The document is five pages long and includes four working drawings for utility and all other services. Mr. Thomas presented this document as evidence that the City should have more information and more clarity before granting an approval, particularly given the constraints on this lot.

Peter Barnes stated that he had designed Jamie Thomas' house and he is familiar with the area. Mr. Barnes stated that he is also painfully familiar with the process he is forced to go through. He remarked that Mr. Thomas has expressed support for the Ivers replat in general; however it came as a shock to read that the applicant and the City wrote a contract together allowing the use of Mr. Thomas' property without asking him. Mr. Barnes noted that he visited the Planning Department today and pulled the file and reviewed the drawings. In his short analysis, he could not find a plat application that had dimensions for any of the lots. He stated that the topo drawing is the same drawing that was used when he built Mr. Thomas' house. When he tried to use it to pull a building permit, the City said the topo map was not valid. They

said it was inaccurate and needed to be redrawn. Mr. Barnes thought it was odd and wrote a letter to Tom Bakalay, Patrick Putt, Eric DeHaan, and Ron Ivie to find out what was going on. Planning Director Patrick Putt was the only one who replied. In order to understand the difficulties of trying to place the stairs, Mr. Barnes felt it would be helpful to have a topo map in a larger scale and with greater detail so they can decide whether to agree or disagree. They are unable to make that call right now because what is being proposed is unclear. Mr. Barnes remarked that the Planning Commission was looking at a replat that involves building on a piece of property that does not belong to the applicant. He believes that should raise a red flag. The easement currently allows people to walk on it and drive over it, but there is nothing that says someone can build on it. Mr. Barnes stated that this is a design issue that involves two neighbors who are generally in agreement and supportive of each other, and it is important to get them communicating. Mr. Barnes commented on noticing issues and the fact that they had missed a public hearing on November 28th. They were willing to accept that as their mistake for not reading a letter; however, the Land Management Code requires that the affected property will be posted. Mr. Thomas was unaware of any posting on his property and if they intend to build on it, that property will be affected. Mr. Barnes felt the City should have at least made a phone call to update Mr. Thomas. Mr. Barnes stated that he would like to increase the setbacks and explained his reasons for making this request. Mr. Barnes was sorry that the Ivers' have spent time and money on this matter and he would like to discuss the details at the first available opportunity. From a legal perspective, he questioned the posting and the ordinance. The ordinance states that the proposed plat amendment allows the property owner to combine two lots into one lot of record. He noted that the proposed plat amendment combines Lots 12, 16-18 and Lots 6,7,8 and 9. Mr. Barnes remarked that the Planning Commission should continue this item with an abundance of caution, while they discuss the actual, legal, and technical implications on the neighboring properties.

Michael Kaplan, a resident at 227 McHenry, stated that he owns property on both sides of the street and any construction would go through his property. Mr. Kaplan had mixed feelings because he strongly believes the Baer's should have a garage and he supports their endeavors to get one. However, in terms of noticing, he never received a letter and the sign on the property was up and down in different places and then eventually removed and put back up in the wrong place. Mr. Kaplan agreed that the sign of notice should be placed on the property that would be affected. He asked that people consider keeping defined space as open space. He also asked that they find a way to mitigate the hassle of construction. McHenry is 12 or 14 feet wide and other than Sampson, it is the hardest street in town to park on. Building two 3,000-5,000 square foot homes with all the construction equipment going through McHenry will be a nightmare. He suggested alleviating some of the problems to McHenry by building up from Ontario Court.

Chair O'Hara closed the public hearing.

Commissioner Murphy supported the idea of combining eight lots into two or three lots. He was still unsure about the layout and he thinks the maps are unclear. Commissioner Murphy expressed a desire to see a map with the topo on it showing the existing structures. In addition, he would like to see something with a photograph so they can get an idea of how it looks with the vegetation and the roads. That would help him better understand what they are being asked

to approve. Before he could consider a positive recommendation he needed a site map with the contours on it and showing the existing structures and the proposed lot amendment.

Commissioner Murphy stated that public safety is an issue that cannot be compromised and he had concerns about the stairs being adequate for emergency access. He requested that the applicant obtain a statement of positive affirmation from Ron Ivie saying that this is what he wants and why he is comfortable with it. Mr. Ivie is the expert and he would personally like to see his opinion in writing or hear him speak about it.

Planner Whetstone reported that Ron Ivie was unable to attend this meeting, but he did tell her that the staircase absolutely meets the emergency access requirements. He did not care about the location as long as the staircase is constructed at the time the house is constructed. The stairs will go through the building permit process simultaneous with the building permit for the house. The hydrant is located below and he does not want the firefighters coming from above because of the steep slope. That is reason for requiring the staircase without exception.

Mr. Deckert pointed out that the project was delayed for nine months because Ron Ivie had initial concerns. They went through a detailed urban wildland interface analysis assessing the fuels on the site and making proposals as to how they could mitigate his concerns. The eventual result was the stair access for emergency responders. After hearing Planner Whetstone's explanation and hearing about the nine month analysis process, Commissioner Murphy was satisfied with the emergency access.

Commissioner Wintzer stated that when the application came before them the first time they were able to walk the site. At that time they were given a better drawing that showed the location of the other buildings and he wondered if they could see that drawing again. Commissioner Wintzer felt that Commissioner Murphy might feel more comfortable if he had also had the opportunity to walk the site. Commissioner Wintzer believed the property issue with Mr. Thomas needed to be resolved before the Planning Commission could approve the plat amendment.

Planner Whetstone remarked that the stairs would come down to Ontario Court and the Lot 52 replat lot line adjustment specifies that private Ontario Court has an access easement for utility, driveway, and public trail and access.

Commissioner Pettit stated that her primary issue is the easement. She favored a continuance this evening to allow the property owners the opportunity to work together and try to reach an agreement.

Chair O'Hara noted that Condition of Approval #6 states that the a building permit for the house is subject to building the stairs concurrently. He felt the condition could be read backwards to mean that the Planning Commission was not approving the stairs, but building the stairs was the only way to get the house. Chair O'Hara was not opposed to a continuance, but he felt Mr. Ivers was forced to resolve the easement issue regardless of their decision because he could not build the house without the stairs. Planner Whetstone stated that this was correct. Planner Robinson noted that the Planning Commission would also need to approve the steep slope

CUP, and that would provide the applicant additional time to resolve the issue.

Mr. Deckert pointed out that Ron Ivie has stated that he does not care where the stairs are located so they still have the bona fide option of putting it in the Second street right-of-way.

Commissioner Thomas clarified that the stair access location is still undecided. Mr. Deckert reiterated that they could still go back to the Second Street right-of-way. He explained the reasons why other options were explored and why they decided on the location proposed. Given that explanation, Commissioner Thomas believed that the details and the location of the stairs could be worked out during the steep slope CUP process.

Commissioner Wintzer asked Mr. Deckert if the applicant is willing to accept the condition that the stairs may need to be public if they are located on public property. Mr. Deckert was not opposed and noted that Mr Ivers had expressed a willingness to allocate a pro rata share of the funds to construct the stairs. Mr. Ivers had an issue with being the one responsible for maintaining the stairs.

Commissioner Wintzer recalled that in previous meetings everyone had agreed that the Second Street right-of-way was not the proper location for the stairs. He believed the Planning Commission had expressed a preference to have the stairs below the house rather than on the piece of open space. He encouraged Mr. Deckert to work it out with Mr. Thomas, but if they can live with the conditions associated with the stairs being public stairs, the City cannot deny access to his lot.

Commissioner Russack was not opposed to the plat amendment, but he felt they needed an alternative access in order to make these lots work. Commissioner Russack preferred to know the stair location before voting to approve. He supported a continuance to give the applicant time to resolve the issue of locating the stairs.

Commissioner Peek remarked that the concerns relative to the stairs are legitimate. If the stairs cannot be built they would be creating an unbuildable lot with this subdivision; however, that could motivate the Ivers' to negotiate and resolve the issues regarding the stairs. Commissioner Peek was willing to approve the subdivision as presented.

Planner Whetstone commented on the noticing issues that were raised during the public hearing. She reported that a letter was sent on November 12, 2007, noticing for the November 28, 2007 public hearing. Both Mr. Kaplan and Mr. Thomas were on the list and she assumed they had received their letter. She noted that a sign had been posted, but it was placed in various locations and is probably buried by snow at this point.

Planner Whetstone referred to the comment regarding the ordinance that allows the property owner to create three lots of record. She noted that the ordinance Mr. Barnes read from was a draft ordinance and that was amended before going to the City Council for approval.

Planner Whetstone noted that the setback and footprint information listed in the Staff report was for information purposes only and was not included as part of the findings. Those were the inconsistencies that Mr. Barnes spoke about with Mr. Deckert.

MOTION: Commissioner Russack moved to CONTINUE 154 McHenry Avenue to February 13, 2008. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

5. 61 Thaynes Canyon Drive - Lot Line Adjustment

Planner Whetstone reviewed the request to remove a lot line between Lot 75 and Lot 75A of the Thaynes Canyon Subdivision. The property is located at 61 Thaynes Canyon Drive. The newly created lot would be contain 14,438 square feet. The property is currently improved with a single family house and mature landscaping. Because the existing house was constructed within the rear setback area of Lot 75, the home is now non-conforming and expansion of the home is not permitted. Planner Whetstone noted that this fact was not recognized until after construction was somewhat underway.

The Building Department requested that the property owner apply for a plat amendment to remove the lot line between the original Lot 75 of the Thaynes Canyon subdivision and the remnant parcel, Lot 75A, which was subject to an agreement in 1977 between the Royal Street Land Company and Park City Municipal Corporation. This land was subdivided and recorded and an agreement was put in place stating that these remnant parcels could only be purchased by the owners of Lots 65-84. Conditions were placed prohibiting construction on that parcel without a conditional use permit. Planner Whetstone noted that the Staff recommended combining Lot 75 and the remnant parcel as one lot of record to resolve the non-conforming situation, attaching the conditions relative to the 1977 agreement.

The Staff recommended that the Planning Commission conduct a public hearing, consider public input, and forward a positive recommendation to the City Council with the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Commissioner Russack noted that the Staff report talks about sale of the remnant lots and indicates that the use is limited to landscaping, private recreational facilities, and fencing. However the purpose of this plat amendment is to allow for an addition. Planner Whetstone clarified that the addition occurred on Lot 75 and not on the remnant parcel. The setback could not be met because the lot line between these two parcel is considered a rear property line. The applicant is requesting to combine the lots to resolve the setback issue. Planner Whetstone clarified that no construction is allowed on that remnant parcel as described by the agreement. She noted that a condition of approval requires the applicant to cross-hatch on the plat that portion that is remnant and refer to that agreement to avoid any question that construction is prohibited.

Chair O'Hara opened the public hearing.

Brad Smith, representing the Thaynes Canyon HOA, stated that the HOA is in the process of re-writing their CC&R's. Mr. Smith wanted to know if this plat amendment is approved, where is the property line that they would address for the setbacks in the CC&R's. He noted that language in the Staff report indicates that the addition could be constructed up to the currently

existing lot line. Mr. Smith stated that this would be in conflict with their CC&R's because of the setbacks. He wanted to make this work for the applicant but felt it needed to be clarified for their CC&R's. Mr. Smith noted that additional language in the Staff report indicates there was a question regarding whether an addition could be constructed across the common property line between Lot 75 and 75A. It further states that the issues have been resolved by additional information from the applicant and/or conditions of approval. Mr. Smith wanted to know how the HOA should address the location of the property line to maintain the integrity of the setbacks for their CC&R's.

Planner Whetstone reviewed a site plan contained in the Staff report showing the existing house with the additions as currently constructed. She indicated the existing property line that would be removed. Planner Whetstone noted that no part of this house or the addition would cross that line. She explained that if a conditional use permit application was submitted for a garage, the rear setbacks for that garage would be measured off the property line for Lot 75A. Planner Whetstone remarked that the 1977 agreement says they could go back ten feet from the new property line for a garage or other ancillary buildings at the discretion of the City, provided that a conditional use permit is first obtained. She noted that the City does not enforce CC&R's, however they do enforce the setbacks of the zone. Planner Whetstone clarified that any new construction on the dwelling could come up to the new lot line but it cannot cross that line. The setback is the whole remnant parcel. Constructing a garage is subject to the 1977 agreement.

Commissioner Wintzer commented on the number of other lots that have remnant parcels attached. To avoid future problems with other lots, he thought it might be easier to move the property line far enough to make the setbacks work and leave the second lot as unbuildable property. Planner Whetstone replied that they could take this approach, but past applicants have requested that one lot of record be created with conditions placed on the plat. She noted that the Building Department required this applicant to apply for a plat amendment.

Assistant City Attorney, Polly Samuels McLean, clarified that the City does not enforce individual CC&R's and explained that there is a civil cause of action if someone does not abide by the HOA or the Covenants.

Mr. Smith clarified that he was not asking the City to enforce their CC&R's. His intent is to match their CC&R's with the City's requirements for setbacks. Mr. Smith understood that the new lot line is the expanded two lots. Planner Whetstone replied that the new property line would be expanded out to that point, but the setback would be dictated by the restrictions of the 1977 Agreement.

Chair O'Hara closed the public hearing.

Chair O'Hara summarized that the 1977 agreement would restrict construction from crossing into the newly created area. Commissioner Thomas pointed out that an owner could cross over into that area for a garage if one was approved by the Planning Commission through a conditional use permit. Planner Whetstone replied that this was correct.

Commissioner Peek thought Condition #4 further restricts the Land Management Code and

reflects a private agreement between a developer and a group of land owners. Planner Robinson explained that the City was a party to that agreement.

MOTION: Commissioner Thomas moved to forward a positive recommendation to the City Council for the 61 Thaynes Canyon Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated in the draft ordinance. Commissioner Wintzer seconded the motion.

Commissioner Murphy asked if the Planning Commission was agreeing to not have structures of any kind on Lot 75A. Chair O'Hara clarified that a garage would be allowed with conditional use permit approval. Commissioner Wintzer noted that the Planning Commission was actually reiterating the agreement that is already in place and putting it on the plat.

VOTE: The motion passed unanimously.

Findings of Fact - 61 Thaynes Canyon Drive

1. The property is known as Lots 75 and 75A of the Thaynes Canyon Subdivision, is located at 61 Thaynes Canyon Drive.
2. The property is located in the Single Family (SF) zoning district.
3. The Thaynes Canyon Subdivision plat was approved by City Council in July of 1971. An addition to the plat, to add Lots 65A084A was approved in February of 1977. The added land was deeded to the adjacent lot owners for their private use and maintenance subject to a 1977 recorded agreement, known as the 1977 Agreement, entered into by and between Royal Street Land Company (owner of the land at the time) and Park City Municipal Corporation.
4. Lots 75 and 75A are under common ownership.
5. Lot 75 consists of 7,938 square feet and the adjacent remnant lot. Lot 75A consists of 6,500 square feet. The plat amendment creates one lot of record consisting of 14,438 square feet for an existing single family house and associated landscaping and outdoor amenities.
6. The existing house is a legal non-conforming structure because the rear portion of the house is located within the existing rear setback area of Lot 75.
7. The plat amendment would remove the common lot line between Lots 75 and 75A, which is the current rear lot line of the house. The house would no longer be a non-conforming structure. Additions could be proposed provided the additions meet all applicable requirements of the LMC, the 1977 Agreement, and conditions of approval of this plat amendment.
8. There is an existing utility and drainage easement located along the shared lot line. This

easement would be vacated with this plat amendment. Upon recordation of the plat, additional 7' utility and drainage easements will be dedicated along the side and rear lot lines of the new Lot 1.

9. The applicant has verified through Blue Stake that there are no existing utilities in the existing utility easement area between Lots 75 and 75A.

Conclusions of Law - 61 Thaynes Canyon Drive

1. There is good cause for this subdivision, being a replat of two existing lots, in that one lot of record is created under common ownership from a lot and a remnant lot and no remnant lots are created. Any development on the remnant lot would be subject to the 1977 Agreement, the LMC, and these conditions of approval.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding plat amendments and subdivisions.
3. As conditioned, neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned, approval of the plat amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 61 Thaynes Canyon Drive

1. The 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 of the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Thaynes Canyon Subdivision shall continue to apply in full force and effect. A note shall be added to the plat to this effect.
4. A note shall be added to the plat restating items number 2 and 3 of the 1977 Agreement as follows, 1) That portion of Lot 1, previously known as Lot 75A, is restricted and limited to uses of landscaping, private recreation facilities (as defined by the LMC), and fencing, and 2) No construction, erection or maintenance of any buildings for use as primary dwelling buildings on that portion of Lot 1 that was previously known as Lot 75A, is allowed, but the construction of garages and other ancillary buildings may, at the discretion of the City, be permitted provided that a conditional use permit is first obtained from the City.
5. That portion of Lot 1 previously described as 75A shall be cross hatched and so noted

as a condition precedent to recordation of the plat.

6. Applicant shall get written approval from all franchised utility providers agreeing to the extinguishment of the utility easement prior to plat recordation.

6. 439 Ontario Avenue - Plat Amendment

Planner Whetstone reviewed the application for a plat amendment to reconfigure two lots. She explained that three Old Town lots previously had a lot line plat amendment that took two of the lots and left one. The applicant would like to take one lot and combine it with half of the other lot, which would still leave two lots and one single lot. Planner Whetstone clarified that this request is a reconfiguration of a previous plat amendment.

Planner Whetstone noted that an existing house is located on the lot that is currently 50 foot wide lot. After the reconfiguration the lot would be reduced to 25' x 75'. The other 25 feet from that lot would be combined with the vacant 25' x 75' lot. The vacant lot would be available for future construction subject to a steep slope CUP and a design review and it would be a 50' x 75' lot. The property is located at 439 Ontario Avenue.

Planner Whetstone referred to conditions of approval regarding an existing deck that was constructed with the existing house. The plat amendment could not be recorded because that would create an encroachment situation and a non-conforming setback situation for the deck. A condition of approval requires the deck encroachment to be removed.

Planner Whetstone noted that an existing driveway crosses the eastern portion of the property and provides access to both of these lots; as well as Lots 25 and 26 to the south. The Staff has requested that the owner dedicate a 12' wide easement for the benefits of these adjacent lots, as a condition of the plat amendment.

The Staff recommended that the Planning Commission conduct a public hearing, consider input and forward a positive recommendation to the City Council with the findings of fact, conclusions of law, and conditions of approval as outlined in the draft ordinance.

Commissioner Wintzer asked if the existing house would meet all setbacks with the new lot configuration, once the deck portion is removed. Planner Whetstone replied that it would.

Chair O'Hara opened the public hearing.

Dave Semmel, stated that he owns the home at 421 Ontario, which is Lot 25, directly to the south. He has had amicable contact with the applicant and he supports the idea of the in general. Mr. Semmel expressed concerns on behalf of himself and the owners of Lot 26 regarding the easement being proposed. It is a shared driveway and it is very narrow. In the past he has had discussions with the previous owner and the owner of Lot 26 on ways to make it amenable and easier for all parties to co-exist on that driveway. He commented on issues of snow removal, emergency access, and construction impacts. Mr Semmel wanted clarification on what would occur if construction takes places on this newly proposed lot. He understood that a duplex could potentially be built and that would require providing four parking spaces.

The space is tight and it was hard to imagine having space for that much parking. Mr. Semmel had heard that the applicant wanted the replat so he could sell the property. He had attended this evening to understand exactly what the applicant intends and to request that there be some sort of understanding or proposal for exactly what will be done on those lots to alleviate impacts on the neighbors to the south.

Scott Cote, a neighbor to the south stated that he has lived in his house for 24 years and the driveway has always been treacherous. He expressed concerns with snow removal because currently the driveway is very narrow and you can barely get in and out. He was not opposed to a property owner building on his land, but he had definite concerns. Parking was another concern and he commented on the hassles they encountered when the existing homes was remodeled. Emergency access was another issue because the driveway was blocked a lot by construction vehicles. Mr. Cote felt the idea of building a duplex was ridiculous because of the parking issue. He favored the condition for a dedicated easement. He also hoped that any construction would be done according to the rules of the City.

Chair O'Hara closed the public hearing.

Jonathan DeGray, representing the applicant, stated that this application is for a plat amendment and Lot 2, which combines Lots 23 and 24, would be encumbered by the new platted driveway, which is the existing 12' wide driveway. He noted that a duplex in the HR-1 zone is still a conditional use permit application. Chair O'Hara pointed out that any structure on that lot would be subject to a steep slope conditional use permit. Mr. DeGray believed the logistics of providing four parking spaces might prohibit a duplex.

Mr. DeGray stated that the neighbors will benefit by a platted right-of-way that defines their rights from now into the future. He noted that the neighbors will have further opportunities to voice their concerns about any construction proposed on these lots as they move through the additional processes.

Commissioner Murphy stated that if this driveway is to be used as a common access, he requested that it not be included as an area of off-street parking. Mr. DeGray agreed. The new structure would have to provide parking on its own site. Commissioner Murphy requested adding a separate condition of approval stating that the easement cannot be used as required parking for any future building.

Assistant City Attorney, Polly Samuels McLean noted that finding of fact #9 addresses this issue. She was not opposed to adding a condition of approval to reiterate that no off-street parking may be allowed on the driveway.

Commissioner Peek asked if the building on Lot 1 is a historic structure. Mr. DeGray replied that it is not historic. Commissioner Peek suggested adding a note on the plat about obtaining a building permit for relocating the deck. Mr. DeGray pointed out that removing the deck would be required before the plat can be formally recorded. Planner Whetstone noted that this was addressed in Condition of Approval #4. Commissioner Peek asked if Condition #4 allows the deck to be removed without a permit. Planner Whetstone replied that any demolition requires a permit.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 439 Ontario Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as modified and included in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 439 Ontario

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The replat will reconfigure the Lot 1 of the Anderson Replat and Lot 24 of Block 55 into two lots of record; Lot 1 consists of 1,875 square feet and Lot 2 consists of 3,750 square feet.
4. There is an existing non-historic, contemporary, single family house on Lot 1 and lot 2 is a vacant lot with various decks and landscape improvements that will be removed.
5. Access to the property is from a private driveway off of platted Ontario Avenue. Ontario Avenue is a steep, narrow street with a steep embankment on the western edge that limits direct access to the lots.
6. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
7. The maximum building height limit in the HR-1 zone is 27 feet above existing grade. A maximum of 27' from final grade around the perimeter of the building is also required. Building height is reviewed further at the time of the Design Review, as well as during the required conditional use permit for Steep Slope review.
8. Minimum setbacks for the existing house on Lot 1 are 3' on the sides and 10' in the front and rear. Minimum setbacks for the future house will be determined by the LMC in effect at the time of the Historic District Design Review and Steep Slope CUP applications.
9. A shared driveway providing access to Lots 21 through 26 crosses the easterly portion of the subject property. A minimum 12' clear and unobstructed drive lane needs to be maintained on this private driveway. Required off-street parking shall not interfere with this driveway. The property owner has agreed to place an access easement on this driveway and to show this easement on the plat.
10. Snow shedding easements along side property lines are necessary to accommodate snow shedding off of adjacent buildings, due to the minimum side yard setbacks.

11. Minimal construction staging area is available along Ontario Avenue. Reciprocal construction easements with the adjacent may be necessary.
12. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.
13. The amended plat can not be recorded until the encroaching deck at 439 Ontario is relocated onto new Lot 1 to remove the non-conforming building setbacks and encroachments.

Conclusions of Law - 439 Ontario

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.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned, the plat amendment is consistent with the Park City General Plan.

Conclusions of Law - 439 Ontario Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval - 439 Ontario Avenue

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.

3. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for a Steep Slope Conditional Use permit, if any portion of the proposed construction is located on a slope of 30% or greater.
4. The encroaching deck on Lot 1 shall be removed or relocated prior to plat recordation.
5. A fire protection plan shall be included with the building permit submittal for review and approval by the Building Department prior to permit issuance. A note shall be included on the plat requiring residential modified 13-D fire sprinkler systems for all new construction on Lot 2.
6. The applicant will record the plat amendment at the County within one year within one year's time, this approval and the plat will be void.
7. Reciprocal snow shedding easements shall be dedicated on the plat along all side property lines for adjoining lots.
8. Access to the proposed lots shall be from a 12 foot wide private access drive off of Ontario Avenue. This driveway shall be shown on the plat as a private access easement for the benefit of the adjacent Lots 25 and 26, as well as for the benefit of Lots 1 and 2 of the First Amended Anderson replat.
9. A construction mitigation plan to address mitigation of construction impacts specific to this neighborhood, lot configuration, and driveway access situations shall be presented to the Planning Commission at the time of the Steep Slope CUP public hearing to allow sufficient opportunity for public input from the immediately affected neighborhood.
10. All standard conditions of approval shall apply.
11. No off-street parking may be allowed on the driveway.
7. 1310 Lowell Avenue - PCMR Angle Station Restaurant - CUP

Planner Brooks Robinson reviewed the conditional use permit for an adaptive reuse of the Angle Station at Park City Mountain Resort. The building has been vacant for a number of years and the Resort has submitted a proposal for a restaurant in that structure. This use would require additions and upgrades to the building. Part of the proposal is to use some of the existing equipment as a historical marker. Improvements include adding a kitchen to the west side of the building and to add a second story deck for outdoor dining. Underneath that deck would be an entrance with stairs and an ADA elevator; as well as additional restrooms and other storage and ancillary facilities.

Planner Robinson remarked that part of the proposal is to make this a LEED energy efficient design at a platinum level. Becoming more Green is a policy that the Resort has followed for the past several years. Planner Robinson noted that the proposal is to add a 1300 square foot kitchen and 4400 square feet of restroom, storage, and basement area under the proposed

deck. They also propose to provide 230 indoor seats and 150 outdoor seats, along with 1,000 square feet of restrooms.

The Staff had provided analysis on the conditional use criteria and found no unmitigated impacts. A condition of approval addresses the concern of emergency response in a remote location. Planner Robinson understood that Jenni Smith, a representative for the Resort, has been talking with Ron Ivie about finalizing access, personnel training, and a management plan required for instituting the use.

Planner Robinson remarked that another concern is access for other vehicles. There is a plan to use this building in the summer time since it is easily accessible from the Town Lift and all the hiking trails are in the vicinity. If this building is used for weddings or special events, the Resort has said that the use of the private King Road would only be through their vehicles or a shuttle van. Personal vehicles would not be allowed up through King Road to this site.

This item was scheduled for public hearing this evening and the Staff had provided findings of fact, conclusions of law, and conditions of approval for consideration.

Jenni Smith, with Park City Mountain Resort, believes this is a great re-use of this building. She was excited about incorporating some of the Gondola parts into the interior design. She noted that additional restaurant seats and additional restrooms are much needed.

Commissioner Russack referred to an access road to the east of the building that is used heavily as a bike trail. He asked if this building would come out into that road and take away that trail. Ms. Smith did not believe the building would come out that far because the Resort still needs to use that road as mountain access.

Hans Hoffman, representing the applicant, explained that the building will come out but no more than 30 feet. There are two ski ways on that side as well and they need to maintain 32 feet for equipment.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

Commissioner Thomas favored the proposal and what they were doing with the building. It is an attractive building and a great re-use. He championed the idea of the LEEDS certification and noted that Park City Mountain Resort has made a great commitment. He was also excited about having more restrooms on the mountain.

Commissioner Murphy felt they could do much better than the split block that was shown as the primary material. Mr. Hoffman stated that they have been working through constructability issues and currently they are leaning towards pre-cast concrete panels. The look would be architectural concrete or stone if they can obtain local stone from the site. Commissioner

Murphy stated that this is a key site for the Resort and he liked the idea of the adaptive reuse. However, the look is critical because there are very unique historical things around it. Mr. Hans explained that the split block shown in the drawings is being reconsidered. He noted that the majority of the main space will be primarily glazing. The existing space will have infill panels of glazing in between the existing columns. The new kitchen addition and the basement portion is where they would look at using a pre-cast concrete system. Mr. Murphy requested a material board and Mr. Hoffman offered to provide one.

Commissioner Murphy wanted to know Ron Ivie's opinion on this use. Ms. Smith stated that Mr. Ivie is comfortable with the use as long as the Resort can meet all his requirements for emergency response and fire needs. So far they have been able to address most of those needs and they are still working on wild land fire issues. Mr. Hoffman noted that they are preparing a fire protection plan that includes a pretty extensive list of items, including evacuation plans and emergency response plans. Mr. Murphy requested that the Planning Commission see the emergency response plan when it is completed.

Mr. Murphy asked if the Resort has thought about incorporating winter quarters for employees. Ms. Smith did not believe they have the ability to do that. Planner Robinson explained that the recent annexation of PCMR stripped all residential density off the Mountain. Mr. Murphy argued that employee quarters is affordable housing and not density. Planner Robinson replied that it would still be considered density. Mr. Murphy disagreed based on the LMC.

Commissioner Wintzer applauded the use of the building and the proposal, but he was concerned about additional traffic on King Road. He wanted to know how many people would be anticipated for weddings or private parties. Mr. Hoffman replied that the inside occupancy of the building would be 150 people. Commissioner Wintzer calculated that 10-15 vans would be needed to transport wedding guest. Ms. Smith replied that vans would be used, which is the same way they transported people when they had weddings at Mid-Mountain. She explained that weddings are an option they would like to have but they do not expect to sell a lot of them. She noted that PCMR is the most adamant about reducing traffic on King Road because it is the main way to get in and out of the Mountain during the winter and summer. She stated that their preference would be for guests to ride the Pay Day lift or the Town Lift and to transport the bridal party by van.

MOTION: Commissioner Murphy moved to CONTINUE this item to January 23, 2008 to allow time for the applicants to provide a materials board and to get a statement from Ron Ivie on the emergency response to that site for both winter and summer. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

8. 100 Marsac Avenue, Marsac Affordable Housing - Pre-Master Planned Development

Due to a conflict of interest, Commissioner Thomas recused himself from this item.

Planner Robinson stated that the objective this evening is conduct a master planned development pre-application public hearing. The purpose of these public hearings is to hear direction from the Planning Commission and the public on a potential application. The process also helps the applicant move forward on their designs before spending a significant amount of time and money preparing plans that are eventually modified.

Planner Robinson reported that the application this evening is for an affordable housing project located at 100 Marsac Avenue, directly across from the Hillside Avenue intersection at the site of the old Ontario Mill. This site was identified originally in the affordable housing/employee housing technical report with the Flagstaff Mountain annexation. This site, along with a couple of others in town and outside the current City limits, were identified as areas for the non-mountain units that can be located off-site.

Planner Robinson reviewed the proposal for 20 dwelling units in both a single bedroom and two-bedroom configuration and ten buildings of a duplex configuration. Parking would be associated with each bedroom as required in the Affordable Housing MPD section of the Land Management Code, at one space per bedroom, for a total of 30 spaces. They are still looking at potentially two driveway accesses into the parking area. One would be directly at the Hillside Avenue/Marsac Avenue intersection to create a full T-intersection. The other access would be further to the south up the Mine road.

Planner Robinson stated that another aspect of this meeting was to look at the General Plan policies and whether any proposal for an MPD would meet those policies. The Staff had provided analysis on the historic core policies, the community design policies, and the housing element policies. He noted that the analysis shows the project as in-partial fulfillment.

Planner Robinson remarked that a Staff concern with one of the historic core policies was promoting a continuation and augmentation of pedestrian friendly environment in downtown. He stated that affordable housing helps in that pedestrian friendly environment; however, they need to see how that connection is actually made from the site into Old Town and the Main Street core.

Planner Robinson noted that this proposal substantially exceeds the open space requirement, which is 50% minimum. He pointed out that the minimum could be reduced by the Planning Commission in an affordable housing MPD. This project proposes 68%. Another aspect is the potential vacation of a City right-of-way in that area. The concept plan shows some of the units going over into that right-of-way. The Staff has discussed this at a conceptual level and does not find great utility both for infrastructure or other City services that would need to be there. The Staff would support a request for vacation with a subdivision that would come through at a later date.

Planner Robinson commented on the existing trail on site that comes off McHenry and Ontario Court and noted that the trail would not be impacted by this construction. A remnant wall from the Old Ontario Mill is on site that was part of an agreement in the realignment of Marsac Avenue. The Historic Preservation Office determined that it was a local issue and was not a State recognized landmark. In the past, and in keeping with this application, the City looks to

removing the stone and saving it to be used on an engineered structural wall. A plaque will be put in place to identify the site as the former site of the Ontario Mill.

Mark Cohen, representing Talisker, emphasized that Talisker sees this as employee affordable housing. He believed this mitigates the traffic issues because people will be able to get to their jobs via walking and biking versus car travel. Those who work on the mountain will be going in the opposite direction from the majority of traffic. Mr. Cohen preferred to hold further comment until after the public hearing so he could address some of the comments.

Chair O'Hara opened the public hearing.

Ruth Gezelius stated that she first addressed this issue a number of years ago during the Flagstaff annexation. At that time she suggested that the beneficiaries of this development provide all of the employee housing on site, rather than shifting it to neighborhoods and busy traffic corridors. Mr. Gezelius believes this is a real denial on the part of high developments to push their employees to live some place else. She thinks this is wrong and that the Planning Commission and the City Staff have gone away from the direction of providing and requiring on-site housing for employees in the Resort industry who are paid such low wages. These people cannot afford market rents, much less the ability to purchase. Ms. Gezelius pointed out that the traffic count in this location has doubled since Flagstaff was annexed and it is not a safe place for pedestrians. It is an increasingly dangerous intersection because of the street improvements and the volume of traffic that is expected to double in this location in the next five to ten years. Mr. Gezelius stated that the City has the opportunity to provide an entry corridor to Silver Lake, Flagstaff, and Empire Pass that makes people feel that they have arrived in the mountains and someplace special. If they cover every hillside with housing, cut down every tree, and take away every rock wall, they will have destroyed the resort feeling. Mr. Gezelius felt the Planning Commission and the City Council need to go on the line about not trying to cover every inch of the City. They ask the taxpayers to vote for huge bonds to purchase open space for recreation. She believes the visual open space driving up the Mine Road is far more useful to people than open space they cannot see or use.

Bill Hummer, a resident at 32 Prospect, asked the Planning Commission to consider the historical significance of that area. It was the loading station area for the Judge Mine. A couple of years ago, when Talisker wanted to move the road over, there was a lot of discussion about the historical nature of the area. Mr. Hummer recalled that a meeting was held on site with representatives from the Utah Historical Commission, the Park City Historic Commission, Talisker, and some of the residents. He stated that at that time there was a vision to return that area to what it might have looked like 50 years ago and to make it the entrance to the Upper Deer Valley area. Those plans obviously went by the wayside. Mr. Hummer understood from a conversation with Sandra Morrison that she was unaware of this particular development. He felt she should have been included in some way so she could provide the historical significance of that area in the discussions. Mr. Hummer outlined an overall plan Sandra Morrison talked about for that area and it appears that part of the plan is being ignored. He commented on the walls and how the City did everything it could to preserve those walls. Once you remove the wall and put up a cement wall and reattach the original stone, you lose all the historical significance. Mr. Hummer expressed concern with the slope and questioned whether or not

there is room to build once the 40% slope is taken out of the equation. He thinks a study should be done on the impacts to the wildlife and they need to protect that habitat. He worried about capping contaminated soils and strongly believes that any contaminated soil should be trucked from the site. Mr. Hummer felt the City should determined whether or not there truly is a need or a desire from the community for affordable housing in Park City.

Alan Schuler, a resident at 9 Prospect Avenue, commented on the Staff report. As he reads the document, he sees that the opening is a coercion and recommendation that the Planning Commission find the conceptual plan in compliance with the General Plan. The conclusion at the end has the same recommendation. Mr. Schuler remarked that the text of the Staff report includes the General Plan and some responses to the policies of the General Plan. Mr. Schuler outlined what he considered to be glaring bias and discrepancies in the Staff report. The historic core policy in the General Plan is to promote continuation and augmentation of a pedestrian friendly environment. He is convinced that this location is the most dangerous place in the State of Utah and was astounded that it could be on any list of a pedestrian friendly environment. Ms. Schuler noted that the General Plan also suggests working to insure the continued livability of residential areas. If this plan is approved, he could possibly see an entire decade of approved construction programs adjacent to his home. Mr. Schuler stated that the community design policies under the General Plan encourage comprehensive and efficient developments that consider the overall impact on surrounding properties. He noted that the Staff dismissed this policy as not applicable. He could not understand how allowing this to take place across the street from his house would not have an impact on he and his property. In concluding his opinion of the Staff report, Mr. Schuler felt this could be nothing more than Brook Robinson's opinion after consulting with Talisker. He could find no opposing points of view or rationale discussion of the General Plan. Rather than avoiding the guidelines and rules, he suggested that they look at why these guidelines are there in the first place. Mr. Schuler felt that all points of view should be presented in a Staff report that requires Planning Commission approval. In the name of fair government, Mr. Schuler believes the people should be allowed to meet with a Staff member other than Brooks Robinson and come to their own conclusions after both sides of the argument has been presented. Mr. Schuler recommended that a new Staff report should be prepared by a non partial Staff member that recommends why this proposal does not comply with the General Plan. The current Staff report should be eliminated or at least paralleled with another report before the discussion goes any further.

John Poole, a resident at 42-1/2 Chambers Avenue, noted that his home is located half way up Chambers Avenue and is directly across from the Mine Road and the proposed site. Mr. Poole stated that he has lived through numerous projects and thousands of trucks hauling dirt from Empire Pass. He finally got a road realignment and a beautiful historic park across the street. He has lived through a lot and the safety in his location improved significantly with this realignment. He can now walk safely to Main and Old Town. Mr. Poole remarked that this project will be placed directly above a very dangerous intersection and on a highway with a 14% grade. He could not think of a more dangerous location for a dense housing project and explained why. Mr. Poole wanted to protect this beautiful and historically significant site and the park across the street, and help some poor soul from getting injured or killed while trying to get to town. He proposed that the City and Talisker find a new location for this project and protect this historic location.

Mark Burningham, a resident on Chambers Street, stated that all the neighbors share Mr. Poole's frustration. He felt there was a giant bait and switch by Talisker from what they were led to believe at the time the road realignment was proposed. He was shocked that this proposal is being done in that particular area. The berm they were promised during the road realignment was nothing more than a dirt bump that cars were driving over. The neighbors used their own money to plant trees on that lot because the area was left with nothing. To learn that what they thought was going to happen across the street is now being proposed as low income housing is very disappointing. Mr. Burningham stated that this is not the right location for affordable housing for all the issues raised by previous speakers. They are valid issues and he could not see the sense in this project. He has a lot of friends who work in town and this project would not benefit any of them because they cannot afford it. This is not what the community needs and there is not much desire for it.

Pamela Pyke, a resident at 74 Prospect Avenue, stated for the record that she agreed with all the comments made thus far. They talked about historical issues, density issues and more specifically, traffic. She posed a challenge to anyone who thinks this project is a valid project or a meaningful project relative to its location. She asked the Planning Commission to stand at the corner of Hillside, Prospect, Marsac, and Deer Valley Drive and decide for themselves whether or not this is a safe and valid location for this type of structure.

Conan Orcus, a resident at 22 Prospect Avenue, agreed with everyone who spoke this evening. Mr. Orcus reiterated that this is an extremely high traffic area and adding another intersection coming into that would be a very bad situation. He emphasized the historic significance and was opposed to putting in something with a conspicuous skyline across the way. He preferred to see a historic park that would represent Park City's history and provide a nice entry way into Deer Valley and the upper mountain area. Mr. Orcus believed this particular location could be better served in other ways than low income housing.

Chair O'Hara continued the public hearing.

Commissioner Russack stated that he visited the site today and he agrees that it is a tough spot because of the traffic. He likes the idea of having additional affordable housing in town and he likes the idea of making it pedestrian friendly because it supports a lot of the elements in the General Plan. Commissioner Russack was concerned with how they plan to move the cars in and out of that location. He was also concerned with how they can move people around to get them safely across the street and in to town. Commissioner Russack stated that neighborhood compatibility is an issue and if the affordable housing ends up in this location, it is important to make the feel compatible with the rest of the area. A large parking area in front of the building is not compatible with the neighborhood and the parking either needs to be in garages beneath the homes or in spaces behind the homes. If they are trying to create a sense of pedestrianization in the urban core of the community, he questioned whether that much parking was actually needed. Planner Robinson clarified that the Affordable Housing MPD requires one space per bedroom. Commissioner Russack requested information from the applicant and from Phyllis Robinson regarding the need for affordable housing and the type. He wanted to understand how this proposal would fulfill the voids.

Commissioner Pettit asked for clarification on what percentage of the affordable housing requirement is being met with this project. She also wanted to know how much has been moved off the mountain versus what was envisioned in the technical report. Commissioner Pettit had concerns with taking employee housing off-site and moving it out of town. She was not convinced this was the right site for the density. In terms of the comments heard tonight and the issues with the General Plan, her most poignant issue is protection of the entry corridor up that canyon and the impact this project would have on that corridor. She was also concerned about the impacts this project would have on that historical site. She agreed with Commissioner Russack that it would be helpful to have information on the affordable housing needs and the distinction between for-sale affordable housing versus short term employee housing.

Commissioner Murphy echoed Commissioners Russack and Pettit. He supports the idea of affordable housing in town, but it depends on what it is. The need is clearly for seasonal housing. However, this project appears to be for-sale units. Commissioner Murphy stated that the whole idea of affordable housing for Flagstaff is to offset some of the impacts inherent with service employees. He was unsure if providing houses for lower tier professionals was meeting that obligation. Commissioner Murphy wanted a better understanding of the pedestrian circulation plan. He agreed that there are very serious safety issues at that intersection and it is important to know how that will be addressed. Commissioner Murphy understood the historical significance of the site. He felt some of the neighborhood compatibility issues could be resolved. He requested to see a vegetation plan. Commissioner Murphy encouraged the applicant to have neighborhood meetings to resolve some of the issues.

Commissioner Wintzer stated that he lived in Prospect for ten years and it is a very unique street. Each house is different and represents the old Park City. He believes it would be a travesty to put a row of townhouses across the street from that unique area. Commissioner Wintzer stated that he supports putting affordable housing in the core of Park City. He agreed with Commissioner Murphy that the applicants need to meet with the neighbors to see if they can agree on something that works. Commissioner Wintzer did not believe this project would improve property values in the neighborhood and he would have a hard time supporting it.

Commissioner Peek asked if this site was included in the historic preservation plan with the Flagstaff agreement. He requested a copy, if it was. Commissioner Peek read from the General Plan in the Historic Preservation Element, under Historic District policies, "Identify those buildings, structures, and sites in Park City which are historically significant, historically contributing, and historically insignificant to the Historic District." The next policy read, "Enact regulations to protect those building structures and sites." The third policy read, "Support preservation efforts towards building structures and sites." Commissioner Peek stated that based on the site plan with the parking lot in the location of the mill wall, this clearly does not meet the General Plan. He echoed support for affordable housing but he had serious issues with the proposed site and could not see it as appropriate for affordable housing.

Chair O'Hara stated that in general he thinks this meets the General Plan. He had a different perspective than the Staff regarding the first two bullet items under Community Design Policies

in the Staff report. The first item was to encourage comprehensive, efficient developments that consider the overall impact on surrounding properties. The Staff felt this was not applicable and he disagreed. The second bullet item was to encourage neighborhoods surrounded by open space and promote neighborhood cohesiveness. The Staff felt this was not applicable and he disagreed. The Staff comment was that the project is surrounded by open space. Chair O'Hara requested more detail on the type of open space.

Chair O'Hara commented on the transportation element and agreed that this is a difficult place to put any type of development. If this moves forward, the transportation portion must have some component that limits the use of vehicles coming in and out of the development. There would have to be reasonable access to either walking or public transportation. He believed the historic issues raised this evening are valid issues. Chair O'Hara stated that he could possibly find compliance with the General Plan but he was not to that point because they have insufficient detail.

For the next meeting, Chair O'Hara requested that Planner Robinson provide a review of the General Plan, CUP, and MPD processes and how they relate to each other. Planner Robinson stated that the pre-application for the MPD was for public hearing this evening and the Planning Commission would need to make a finding of compliance with the General Plan. Failing that, they would either amend the General Plan, which is not likely, or the applicants could modify their application. He understood from the Planning Commission that it would be a good idea for the applicants to meet with the neighbors to hear their ideas and potentially modify the plan. Planner Robinson stated that once they reach the point of having another public hearing and to make a finding for compliance with the General Plan, the applicants could file the MPD. Planner Robinson explained the process that would follow once the MPD is filed.

Dave Smith, representing the applicant, asked if the Planning Commission wanted Phyllis Robinson to answer the questions that were asked regarding affordable housing. Ms. Robinson stated her preference to provide that information in writing.

Mr. Smith explained that this was one of the four sites identified in the Flagstaff Development Agreement for Affordable Housing. It has incorporated into it a significant amount of open space. Mr. Smith remarked that they are flexible with regards to whether the units are for-sale or for rent. In contrast to Quinn's Junction, which is more family oriented, the perception for this affordable housing is geared to actual in town employee housing. He stated that they could fill 100% of the units with Talisker employees. Mr. Smith remarked that they have an affordable housing obligation off mountain and this is one of the few remaining sites identified for that. They either need the ability to move forward with something in the City or else they need flexibility to go off site. There is no where else to put the required affordable housing units.

Mr. Smith remarked that this site is unique because the neighborhood impacts are more mitigated in this location than in other locations. He agreed that there are traffic and pedestrian concerns that need to be addressed. Mr. Smith requested guidance on the global solution rather than just this site in a vacuum. They are dealing with the whole component of Talisker's affordable housing obligation and it cannot be viewed in a vacuum.

Mr. Cohen provided a brief background of the documents for the new commissioners. He noted that there was a memorandum or understanding between Talisker, UDOT and the City in terms of the historic nature and what was to be through the road alignment. UDOT involved their historic group and the State Historical Preservation Office was also involved. That memorandum of agreement identified the preservation of the existing tram towers in the area and it talked about plaques that have not been done. Mr. Cohen remarked that the agreement did not mention the reconstruction of any buildings. He stated that there was some discussion about keeping the walls that were there, but some of those walls had already been replaced with other walls. Therefore, the original walls have already been impacted. Mr. Cohen remarked that he met Barbara Murphy at the State Historical Preservation Office, as well as the person involved with UDOT, and both of them said they were not involved with this discussion nor would they ask to stop this project from going forward. They were involved from the standpoint of the road realignment.

Mr. Cohen stated that in his mind, the really historically significant pieces are not on the site. They are adjacent on the JSSD site. Mr. Cohen noted that conceptual ideas have been proposed to the Staff and they are preliminary with JSSD in terms of developing a nice park. They would clean up the mine entrance and secure it and make it safe.

Mr. Cohen addressed the need for affordable housing. The company in which he is an owner has a long history of affordable housing in Park City. He stated that the City report shows a huge gap in the number of affordable housing that is either being built or is proposed versus what they currently have. Mr. Cohen pointed out that this project is not envisioned as family housing. They are proposing smaller units that would not encourage front yards and children on a street corner that might be unsafe. Mr. Cohen believes they can mitigate a number of the pedestrian concerns and they are more than happy to meet with the neighbors. He had a hard time believing that anyone could honestly say there is not a need for affordable housing in the community. Mr. Cohen was perplexed over the General Plan issues. Even though they need conditional use permits, they are meeting the requirements of the zoning on that site. If the property is properly zoned and they abide by the zoning, he was unsure how they were not meeting the General Plan.

Commissioner Murphy remarked that affordable housing in town is generally supported by the Planning Commission. The problem is with the configuration and compatibility with the existing neighborhood. The challenge for the applicant is to convince them that a row of town homes with 30 parking spaces in front is compatible with a very unique and authentic historical neighborhood.

Commissioner Russack stated that the community character element of the General Plan is the basis for his comments and the comments made by Commissioner Murphy. He agreed that the applicants have met some elements of the General Plan but there are other elements that have not been met. Commissioner Russack asked about the other locations identified in the Flagstaff agreement. He asked for clarification on a comment by Mr. Smith about looking at this from a global perspective.

Mr. Smith stated that when he first started working full time in Park City four years ago, he attended a Planning Commission meeting and the affordable housing topic came up. The comment was made by someone on the dias that Talisker has all kinds of places to put affordable. However, when they actually sat down to consider locations, there was not a magic inventory of places that work. He explained that they are again dealing with a situation where they have a site that is fairly ideal from their perspective. Mr. Smith pointed out that they have an affordable housing obligation with an on-site and off-site component. They either have to look at taking the few remaining spots available in town and look at dramatically increasing the density, or they have to have some ability to move this off site.

Mr. Cohen listed the four properties identified as affordable housing locations; Quinn's Junction, a site further up the canyon on the opposite side of the street, Upper Daly Avenue, and the proposed site.

Commissioner Russack wanted to know how the four sites were identified. Planner Robinson explained that with the Flagstaff Annexation agreement there was a large scale MPD. Part of that approval was the requirement to come back with fourteen technical reports, one of which was affordable/employee housing. That report contained a needs analysis and identified sites that Talisker and United Park City Mines owned within the City limits, in addition to the Quinn's Junction site outside the City limits. Commissioner Russack clarified that the four sites were part of the Large Scale MPD for Flagstaff and they are now dealing with the specific MPD for this selected location.

Planner Robinson responded to Commissioner Pettit's comment regarding the percentages based on the technical reports. He stated that 25% was required on mountain. Initially, with full build out that number was approximately 91 units total. The Montage added an additional 20 units at Quinn's Junction. Planner Robinson clarified that with 25% of the units on-mountain and 75% off mountain, they are looking at approximately 75 units somewhere outside of the Empire Pass/Flagstaff annexation area. Commissioner Murphy felt it would be helpful to have that information in a tabular form.

Chair O'Hara summarized that the Planning Commission needs to make a finding that the project complies with the General Plan and they can make that finding tonight or at a later time.

Planner Robinson stated that the Planning Commission could continue the current application with a request for further information.

Commissioner Pettit was not ready to move forward this evening.

Assistant City Attorney, McLean, outlined the options for the Planning Commission. They could continue the item and request additional information, they could vote to deny, they could vote to approve, or they could ask the applicant to modify the application.

Commissioner Russack felt it was unfair to deny the proposal before the applicant had the opportunity to meet with the neighborhood and consider their input and the input they heard from the Planning Commission this evening.

MOTION: Commissioner Russack moved to CONTINUE the application for 100 Marsac

Avenue to February 13, 2008.

Mr. Cohen asked for a neighborhood contact they could communicate through. Bill Hummer would be the neighborhood contact.

Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

9. 1790 Bonanza Drive, Rail Central - Amendment to MPD

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

MOTION: Commissioner Wintzer moved to CONTINUE this item to January 23, 2008.
Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

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

Approved by Planning Commission_____