

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 11, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Planning Manager, Kayla Sintz; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Polly Samuels McLean, Assistant City Attorney

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Thomas who was excused and Commissioner Savage who arrived later.

General Plan – Discussion and Public Hearing

Director Eddington thanked the stakeholder committee who worked diligently on the General Plan. He named the committee members and recognized their time commitment over the past year.

Director Eddington started the General Plan discussion this evening with some of the questions submitted to the Staff and other issues the Commissioners wanted to address.

Natural Setting

Director Eddington referred to page 3 under Natural Setting and a previous request to add language at the top of the page. The Staff had made corrections, fixed typos, and added language a few weeks earlier. He believed that issue had already been addressed. Director Eddington referred to page 5 of Natural Setting and a request to add item 4(e), develop small neighborhood open spaces and parks. The language was added and it was shown in blue on the draft.

Directed Eddington commented on a request to protect significant vegetation and noted that vegetation was addressed in four different strategies; 4.1, 4.6, 4.13 and 4.16. He asked if the Commissioners wanted a separate strategy to protect significant vegetation or if it was sufficient in how it was currently incorporated in terms of private lands, open space lands, walkability lands, and trail lands. Commissioners Wintzer stated that Old Town and other areas in the LMC talk about significant vegetation and he thought it should be addressed separately in the General Plan. Director Eddington clarified that Commissioner Wintzer wanted to add an independent Strategy 4.22 that recommends protecting significant vegetation.

Commissioner Hontz stated that in the comparison of the Old General Plan to the New General Plan, she found language in the current General Plan, "Manage our limited forest with care to preserve and improve the overall health of the mountain vegetation." She did not believe that

statement was represented in the new General Plan. Director Eddington stated that the language was included as included as a strategy in the new General Plan because the strategy was dissolved and put into an ordinance. He stated that the Landscape Ordinance has a significant vegetation section and they were building the new Forestry Plan off of that particular ordinance.

Commissioner Hontz asked if there was agreement among the Planning Commission that since this was a tenet of the existing General Plan, which is different than an ordinance, that it should be incorporated into the new General Plan. Commissioner Wintzer wanted it incorporated because protecting existing vegetation is something they talk about with every Steep Slope CUP. It is helpful when they have the ability to say that something does not comply with the General Plan or the LMC.

Director Eddington stated that 4.22 would be added as a separate strategy. Commissioner Hontz thought it was two parts. One was to protect significant vegetation and the other was to manage the existing forest and overall health of the mountain vegetation. They could be addressed in the same sentence but both parts needed to be listed. The Commissioners concurred.

Director Eddington referred to page 10 and recalled a previous discussion about removing 5.5. He noted that 5.5 had been updated and a new strategy 6.14 on page 17 was added to address issues regarding heated driveways, etc. Director Eddington stated that Strategy 5.5 was reworded to “adopt requirements for new development to be oriented for passive and/pr renewable energy.” Strategy 6.14 “Consider the option of surcharges or offsets for heat melt driveway systems that do not utilize renewable energy resources.”

Director Eddington referred to Strategy 5.15 on page 11 and noted that per the Commissioners request the Staff had added screened recycling areas for easy pickup. He stated that 5.22 addresses outside energy uses.

Director Eddington stated that the fire break and fire risk maps were included in the original General Plan. However, the task force recommended that they be taken out and the Staff removed them. He explained that the language on page 38 still talks about the importance of fire breaks and the wildlife urban interface and the maps could be added back in if the Commissioners wanted. The Commissioners were comfortable leaving the language and removing the maps.

Commissioner Wintzer referred to page 14 and asked for an explanation of 6D, “Encourage regional planning efforts as a mechanism to mitigate population growth.” Director Eddington stated that at the last City Council meeting a question was raised about whether to encourage regional planning efforts to mitigate population growth. The Staff thought they had covered that issue in the Regional Section Goal 2 of Small Town, but it was not there. Therefore, it was added as Strategy 6D because it was a good crossover to put mitigating population growth in the Natural Setting section.

Commissioner Wintzer wanted to know how addressing something outside of the City boundary would fit within the General Plan. Director Eddington replied that it was talking about collaborating with their neighbors to help Summit County, Wasatch County and Park City all work together to mitigate and shape future population growth.

Director Eddington stated that language was added on page 16, 6.7, "Work with State and regional entities to incorporate gray water systems in large-scale projects."

Director Eddington remarked that a question was raised regarding fire pits and he asked if the Commissioners wanted fire pits addressed. He noted that there were discussions in both Planning Commission meetings and stakeholder meetings about whether it would be a challenge to the resort character for anyone trying to create that ambiance.

Commissioner Wintzer suggested that it be treated the same as a heated driveway. If someone wanted an outside fire pit that dispels natural gas into the air, it should be offset with additional insulation in the house or better windows. Director Eddington asked if the Planning Commission was willing to consider energy offset on a resort or hotel. He assumed it would be included in 6.14 on page 17. He suggested revising 6.14 to read "...heat melt driveway systems and/or outdoor fire pits."

Director Eddington stated that there were questions about the language regarding open space. He referred to the new page 21, which was revamped to incorporate what the Commissioners had questioned, as well as City Council input. Commissioner Wintzer remarked that his question was, if the public cannot see it or use it is it open space, which includes roof top gardens, etc. counting as open space. Director Eddington replied that the Staff was not recommending counting roof tops as open space under Urban Open Space.

Commissioners Gross pointed out that language under Urban Open Space specifically says accessible rooftop gardens. Commissioner Wintzer stated that the issue is whether or not it is open to the public. Director Eddington recalled a previous discussion where the Commissioners were not opposed to counting roof tops if it was accessible to the public. He clarified that green roofs would not count as open space unless they are publicly accessible. Commissioners Wintzer and Gross did not believe the language was clear. Commissioner Wintzer thought they needed definitions for urban open space and private open space. He suggested that the definitions might be better in the LMC rather than the General Plan.

Commissioner Hontz thought the language as written allows someone to consider their rooftop in their application as open space and later tell the Planning Commission that it is not open space. Only open space that is available to the public should be considered open space. For example, a rooftop with a gate at the bottom that limits access is not open space. Commissioner Hontz did not believe the language as written met what the Commissioners asked for in terms of what they would consider applicable open space. Director Eddington agreed that it made sense to add the word "publicly" in front of rooftop gardens.

Planning Manager Sintz recommended that they remove the phrase, "accessible rooftop gardens". Commissioner Gross preferred to eliminate it because it was undefined. Commissioner Wintzer concurred. Director Eddington remarked that the Staff was trying to anticipate what could occur in the future, because currently there was no requirement. Commissioner Wintzer pointed out that Main Street was the only area without a requirement. Everything else is an MPD that requires open space.

Commissioner Hontz did not believe the definitions were sufficient to address open space and how they relate. She encouraged the Staff to look at other communities to further define it better. Commissioner Hontz stated that labeling a Park as passive open space was inaccurate. Director Eddington explained that the Staff was careful to define open space based on how it is used rather than who owns it.

Commissioner Hontz remarked that the Commissioners have not been heard throughout the entire General Plan process and she felt like she was still not being heard this evening. She asked if there was concurrence among the Planning Commission to direct the Staff to relook at the definitions, or whether they would allow the Staff to move forward with the definitions as written.

Commissioner Wintzer was unsure whether the General Plan was the document to have specific legal definitions. He stated that if "accessible rooftops" was removed from the Urban Open Space, he would agree with the concept of the definition because it was vague enough. Commissioner Hontz replied that the definitions did not need to be legal definitions, but she thought they should be the parameters for what an applicant should expect. Commissioner Wintzer suggested adding a statement in the General Plan about treating public and private open space differently; and let the Code define how they should be treated.

Director Eddington stated that the definitions were expanded in an earlier version; however, in meetings with the City Council and others, the Staff was asked to narrow it down. He pointed out that language was added that talks about the need to address public and private designations in an MPD. However, it was difficult to know how that would play out without knowing the specific project. Commissioner Wintzer stated that if they wait to anticipate it during an MPD it would be too late, because the applicant would have already anticipated their side of it. Commissioner Wintzer reiterated that the General Plan was not the document to define it, but he felt strongly that it needed to be defined before an applicant submits an MPD application.

Commissioner Strachan was not bothered by the definitions with the exception of Urban Open Space and the disclaimer at the bottom right in italics. He thought the disclaimer was a problem waiting to happen. Commissioner Strachan believed the rest of the definitions were generally understood within the community and they were reflected in the LMC. He stated that there were no road maps for Urban Open Space and it was better defined in the LMC. Commissioner Strachan suggested adding a general statement in the General Plan to encourage Urban Open Space where appropriate, and let the LMC to define Urban Space. Commissioner Wintzer concurred.

Commissioner Gross suggested that they take a closer look at the COSAC definitions and tie them together. If the City spends citizens money for open space it would be nice if the definitions could flow from one thing to the other. Commissioner Strachan asked if COSAC defines Urban Open Space. Commissioner Gross was unsure. He would like to take another look at the COSAC definitions to see if there were similarities. Commissioner Strachan agreed with looking at the COSAC definitions, but he did not think the General Plan was the appropriate document to define those.

Chair Worel asked if there was consensus among the Commissioners to support Commissioner Strachan's suggestion. The Commissioners concurred. Director Eddington clarified that the

direction was to uncapitalize urban open space and take out the public/private designation, and add one or two sentences to better define it within the LMC.

Commissioner Hontz was comfortable leaving the last sentence, "Does not include roads or parking lots (pervious and impervious)." Commissioner Strachan thought that sentence should also be for the LMC. The Commissioners agreed to remove it from the General Plan. Commissioner Hontz was willing to support the changes suggested by Commissioner Strachan, but she still did not think the definitions were where they needed to be.

Director Eddington stated that at the request of the Planning Commission a specific strategy was added as 6.7 on page 16 to address gray water.

Commissioner Wintzer referred to page 50 and the photo of a canal walk in Indianapolis. He requested that the photo be replaced with one that would be more indicative of what Park City could accomplish. Director Eddington replied that the photo was a good example of how to daylight a stream; not a representation of what they would actually do in Park City. Commissioner Wintzer thought it was important to use photos that capture what Park City wants. Commissioner Strachan thought the streams in Park City were daylighted already. Commissioner Wintzer replied that Poison Creek was the only stream that was daylighted and that was only after the trail leaves Old Town. The Commissioners discussed daylighting and decided to remove the reference from the General Plan.

Director Eddington stated that stream daylighting was added primarily because the Sustainability Department was talking about opportunities to daylight in the area of the Brew Pub lot and/or to recreate something. There was a lot of interest in trying to get back to water. Commissioner Wintzer stated that it was something he would like to see, but he did not think it was practical.

Commissioner Strachan remarked that his approach to the General Plan has been to shorten it wherever possible. He thought this was an opportunity to delete text and eliminate full pages from the document.

Commissioner Savage thought it was an opportunity to make the creek that runs through town something nice to walk along where people could stroll through Old Town on the creek side. Commissioner Wintzer preferred to remove it from the General Plan. Commissioner Hontz agreed with removing the language because it would not prohibit the concept from being approved. Commissioner Strachan noted that the language states, "The City would not restore the original creek bed, but rather introduce a new path for the stream that accommodates the neighborhood needs along Swede Alley." If anything were to occur he thought it should be to restore the creek bed. He was not in favor of encouraging something artificial with the creek that would alter the natural setting.

Historic Character

Director Eddington noted that on page 3, language was added to say, Historic Preservation is the economic driver to Old Town. The language was shown in blue in the first column. On page 4, language was added to the heading Goal 15, "...preserve the integrity, scale, mass and compatibility...". The added language was shown in blue.

Director Eddington stated that there was a question regarding ridge lines. Since it was already addressed in Natural Setting, the Staff added language as a specific strategy in Old Town. The language was shown in blue on page 7 as Strategy 15.9 - "Protect the ridgelines and hillsides from development." Director Eddington noted that the language in Strategy 15.14 on page 7 reflected their discussion to educate the public.

Director Eddington noted that page 6 talked about increasing the role of the HPB and 15.10 talks about augmenting some of what the Historic Preservation Board does with regard to their review including the grant program, a potential revolving loan fund, and inform property owners of state and federal preservation tax credits. Director Eddington stated that the Staff has been working with the HPB to talk about pro-active opportunities.

Director Eddington noted that a strategy was added on page 7 as 15.20, per the request to add, "Partner with the US Post Office to ensure a continued presence on Main Street." Director Eddington referred to page 9 and new language that was added to the end of 16B, "Uses that should be limited include office space, real estate show rooms and parking." The added language was shown in blue. He stated that the LMC is much more explicit, but the language was added to the General Plan for clarification. Commissioner Strachan asked about the origin of the initial language in red. Director Eddington replied that the Staff had drafted language and the City Council asked for clarifying language. The language in red was revised per City Council direction. The language in blue was added at the request of the Planning Commission.

Commissioner Strachan remarked that it was the City Council's prerogative to revise the language, but in his opinion, "uses that engage visitors" meant real estate agents and timeshares. Director Eddington did not believe the City Council would be opposed if the language was further clarified. Commissioner Wintzer suggested that they tie it into vertical zoning instead of trying to address it separately.

Director Eddington noted that language was added to 16.3 on page 10 to address educating business owners. Director Eddington referred to page 15 and noted that the good neighbor program has been utilized throughout the Nation and the Staff thought it would be good in the toolbox to help promote public/private partnerships. On page 18, column one, language was added to the end of the first paragraph stating, "In areas in the HR1, HR-2, and HR-L zones where no lots are platted, new lots shall respect the historic lot patterns of 25' x 75'. Regarding Rossi Hill, Director Eddington referred to language on Page 18 that talked about options for single family detached garages. The language was added as a result of discussions with the Planning Commission and the HPB. Commissioner Wintzer stated that the Planning Commission discussed smaller lots. He pointed out that there were combined lots on Rossi Hill with smaller houses. He was not in favor of encouraging people to break up everything because historically some of the lots were large and used for agricultural purposes. Director Eddington stated that the language focused primarily on HR-1 and HR-2. He assumed they would not want the same thing for the HRL zone.

Director Eddington referred to page 20 and asked if they should show images of houses with flat roofs. Currently, there were no structures with flat roofs but it has been proposed for consideration when the design guidelines are revised in 2014. Director Eddington stated that flat roofs were more

of an HDDR issue relative to the design guidelines and he was unsure if it belonged in the General Plan.

Commissioner Strachan thought flat roofs should be an LMC issue and not addressed in the General Plan.

Commissioner Hontz referred to page 18 and the paragraph that talked about reducing parking requirements for single lots. She recalled that the Commissioners were concerned that it would actually increase the parking issues for the neighborhood and that it would only make sense if the overall footprint and square footage of the house was also reduced. Commissioner Hontz stated that the Planning Commission had mentioned this several times but it was never changed. Director Eddington explained that it would result in less square footage for the house because currently incorporating the garage into the house allows a footprint for three stories. If the garage is detached, there would be an opportunity to put something above it. Commissioner Hontz read the paragraph and noted that the word "detached" was not in the language.

Commissioner Wintzer calculated that setbacks and parking spaces to show how it would increase the size of the house and potentially the use of a car, but the parking requirement would be decreased. Planning Manager Sintz stated that it was a discussion of reducing the parking requirement from two to one, but it was also a discussion on wanting people to commit to reducing the use of their vehicles. Commissioner Wintzer agreed with the concept of encouraging people to reduce the number of vehicles, but he did not believe the language accomplished that goal. He believed that people with two vehicles would park one on the street. Commissioner Wintzer was certain that the language as written would encourage someone to build a larger house and only have one parking space. Commissioner Wintzer stated that the Planning Commission raised this same issue at the last meeting. Commissioner Hontz thought there was consensus that this was a problem.

Commissioner Hontz suggested adding language indicating that the overall footprint and square footage of the unit would need to be reduced in order to get the parking reduction. Otherwise, they should remove the incentive. They should not offer an incentive that pushes the burden on to the rest of the neighborhood.

The Commissioners agreed to delete the first paragraph on page 18 under Incentivizing Development on Single Lots, as well as the next paragraph that was written in red.

Commissioner Hontz referred to the photos on pages 21-25 and stated that the comments she had made in March were not incorporated. She liked the green and red border around each picture because it was easier to identify acceptable and unacceptable; however, many of the photos were not helpful because it was difficult to see what it was showing. Commissioner Hontz suggested that 30% of the photos should be replaced. If they want to tell a story through photos, the story should be easy to understand.

Director Eddington remarked that the photos were new, but they could do more circling to make it more explicit. Commissioner Hontz stated that the pictures were the same ones she had in March. Commissioner Wintzer thought they could find better examples for some of the photos.

Director Eddington noted that there was a question on page 30 regarding the design guidelines, historic preservation deed restrictions, restrictive covenants, and historic preservation easements. Commissioner Wintzer stated that he thought language should be added to work on enforcement. Director Eddington asked if he was referring to enforcement of what was approved at the Building Department. Commissioner Strachan thought it should be that and general enforcement of the Code.

Director Eddington referred to page 31, Park City Preservation Easement. He explained that they were not using Park City easements as much since they implemented the 2009 HDDR. Commissioner Wintzer suggested the idea of a tool to incentivize building smaller structures.

Small Town

Director Eddington noted that a question was raised about whether they were adding density in the first section. He explained that the language had been changed to capture what the Planning Commission and City Council expressed in previous meetings, which was to not add density unless there was a give and get. Director Eddington stated that page 3 addresses TDRs and he asked if that was an appropriate tool for Small Town.

Commissioner Wintzer had raised the question and he thought the Staff had missed his point. He was asking if the language should be in the Small Town section or in Sense of Community. Director Eddington recalled having that discussion early in the process and they said that the Sense of Community section was more about the policy and the Small Town section was more about land use and the regional approach. For that reason, TDRs seemed more appropriate in Small Town. In addition, TDRs allow the opportunity for smaller nodes and smaller neighborhoods, which helps achieve small town.

Commissioner Wintzer agreed with the concept but he was unsure if it belonged in Small Town. Director Eddington stated that after the last meeting the Staff changed the language that talked about opportunities for internal TDRs and to explore the opportunity for jurisdictional TDRs. That was not allowed by the State at this point, but it may be a future opportunity. Either way it would come before the Planning Commission as an ordinance.

Commissioner Wintzer reiterated that he did not believe it belonged in Small Town. Commissioner Hontz stated that if it was TDRs that involved any type of regional discussion, then it definitely should not be in Small Town. If it was within the community, she could still see Commissioner Wintzer's point. She could see no harm in moving it to Sense of Community.

Commissioner Wintzer stated that in reading through Visioning the idea was to keep Park City small and to keep Park City Park City. He could think of three or four places within the City limits where TDRs could be used now. However, regional TDRs could possibly mean moving density into town. Director Eddington noted that Goal 1 on page 6 talks about protecting undeveloped land, discouraging sprawl, etc., and TDRs is a potential tool to help accomplish that. The Small Town section primarily dealt with land use, which is why they put TDRs under Small Town.

Commissioner Wintzer referred to the picture on page 8. It showed bringing the Osguthorpe Farm into the City and he thought it was a terrible example of TDRs in a small town. Director Eddington clarified that the photo was showing how to protect the farm. Commissioner Wintzer pointed out that the Osguthorpe Farm was outside of the City limits and the City did not have property like it within the City limits. Director Eddington agreed that there was nothing now, but there could be opportunities in the future through potential annexations where they would want to protect the land.

Commissioner Savage understood that the concept would be to eliminate development of parcels that are currently open, but have development rights by allowing TDRs to create areas of higher density inside the City; for example, concentrated areas of affordable housing. Director Eddington replied that this was correct. Commissioner Savage supported that idea. Commissioner Gross remarked that the idea was not the issue. The question was where to place it within the General Plan. Commissioner Savage thought they would want to stimulate people to think about higher density housing situations that are close to the hub of town.

Director Eddington stated that the challenge is that the goals in Sense of Community talk about work force housing, lifelong housing, diversity of jobs, parks and recreation and world class recreation and the way they live in the community. He thought TDRs were much more limited.

Commissioner Wintzer was not opposed to leaving TDRs in small town, but he still thought the picture on page 8 showed something he would not want to see occur. He disagreed with Commissioner Savage because if they bring all the density into town, they would lose what they have. Director Eddington stated that they were afraid of both density and sprawl and it was a balancing act.

Commissioner Savage remarked that they continually talk about getting families and full-time resident into Old Town. In his opinion, the best way to do that was to focus on more density and more cost-effectiveness so retirees and young families have places where they can afford to live. Commissioner Wintzer pointed out that the language brings density into town but it does not mention anything about being affordable. He could not support it.

Director Eddington stated that when they get into the strategies section, they begin to talk about reasons for utilizing TDRs for affordable housing and open space preservation in terms of a get for the give.

Commissioner Gross asked if Commissioner Wintzer would support removing regional TDRs and just make it City-wide TDRs. Commissioner Wintzer replied that city-wide TDRs was a great tool. Regional TDRs was a way of making their small town bigger. Director Eddington clarified that Commissioner Wintzer was suggesting some type of qualifier that outlines what might be an allowed regional TDR, such as affordable housing. Commissioner Wintzer stated that he would be more comfortable with a qualifier but he would have to see the wording. However, at this point he preferred to eliminate Regional TDRs because it had not been defined. Director Eddington stated that the Staff would add a qualifier for affordable housing. He noted that the General Plan is a living document and it would change over the course of the next year. Anything related to TDRs would come before the Planning Commission and the City Council.

Director Eddington referred to page 7 and the language the Planning Commission had deleted in Objective 1A. He recalled a discussion where the Commissioners thought it should be qualified. He asked if that was enough qualifier. Commissioner Gross asked if "should only be considered" was the qualifier. Director Eddington answered yes. He revised the stricken language to read, "...should only be considered for offsetting the development pressures and creating affordable housing."

Commissioner Hontz stated that it still did not address her point from previous meetings. She believed there was consensus on why they would want density moved around or increased. Her point was that the other jurisdictions did not have the same code and methodology system of accounting for density. Her concern was that people would manufacture density in other jurisdictions that did not actually exist, and they would want to bring it into Park City because the value would be higher. Commissioner Hontz stated that it is a major problem that has never been addressed.

Commissioner Wintzer thought a prime example was what the City thought they had entitled the Sweeney's versus what the Sweeney's thought they were entitled to. Director Eddington noted that Strategy 1.12 on page 11 says that the TDR system shall reflect market rate valuation. Commissioner Hontz stated that it was more than dollars. It was the actual number of units.

The Commissioner discussed appropriate language to address the concern. Commissioner Savage asked why they had to accept County based TDRs at this point. He could not understand why they were spending time contemplating it if they have no control over how the other jurisdictions set their values.

City Attorney, Mark Harrington, referred to page 8 and suggested adding language under A Legal Approach to TDRs, "The City should explore a Regional TDR program with our partners provided that such program is consistent with Park City's core values and visioning statements, and mitigates transportation traffic impacts." Commissioner Wintzer was comfortable with the suggested language.

Commissioner Strachan thought they needed to revise the language on page 10, Strategy 1.1. The language as written says to amend the LMC to allow TDR credits to be used within defined receiving zones for additional development. City Attorney Harrington stated that the language needed to be clarified to indicate that it was language for the current program within the City limits.

Commissioner Hontz referred to page 8 and thought it was important to keep the language, "The Planning Commission is strongly indicated that TDRs should only be granted where there is a tangible 'get' realized." The Commissioners concurred.

Director Eddington summarized that they should add the language City Attorney Harrington had recommended on page 8, revise the second paragraph to address the concerns, and note that Strategy 1.1 is for the existing ordinance within Park City limits.

Director Eddington understood that there was a concern regarding the photos shown on page 11. The intent was to look back at good examples where sprawl was utilized at a minimum. He explained that the photos were used because they did not have a good local example and they do not what the County will do with regard to future development.

Commissioner Wintzer thought Redstone was a good example because the density from Swaner was transferred to Redstone.

Commissioner Wintzer referred to page 10, Strategy 1.2, and asked for clarification on the transition zone. Director Eddington replied that a transition zone is the area within a neighborhood that may have been lower density that moves to higher density. Commissioner Wintzer thought the language was confusing because the only transition zone is HR-2. The Commissioners changed the language to transition areas.

Commissioner Wintzer asked for clarification of 1.5 on page 10 regarding revising the minimum lot size within primary residential neighborhoods. Director Eddington stated that it was looking at options in the future for cluster zoning and smaller step down housing zoning. It stems from the original intent to keep the properties in Old Town smaller. Commissioner Wintzer remarked that the smaller they make the lot the bigger the ratio between lot and house. Nothing is gained except big houses on smaller lots. Director Eddington explained that part of this would include re-examining setbacks, etc.

Commissioner Hontz did not believe they could make the minimum lot size any smaller in Old Town. Director Eddington agreed; and clarified that the idea stemmed from the typical Old Town lot size.

Director Eddington referred to page 14 which addressed the Local Government Commission. He stated that the LGC was started in Yosemite National Park by a group that came up with a series of principles regarding land use planning. He thought many of the principles tied in with Park City's core values. Director Eddington remarked that the LGC is something that planners look to in terms of guiding ideologies.

Commissioner Wintzer stated that he raised the issue not because it was good or bad, but because they had not had enough conversation about it. Commissioner Hontz requested that they eliminate the entire page. Commissioner Strachan did not believe much of it was applicable. Commissioner Wintzer concurred. The Commissioners supported the suggestion to eliminate the entire page.

Director Eddington noted that page 14 was included to reference the parameters of the Wasatch Back, which includes Park City. Commissioner Wintzer questioned why they were talking about areas outside of their jurisdiction, as referenced on page 15. Director Eddington stated that the idea was to show some of the challenges relative to their small town.

Chair Worel noted that page 35 included Morgan County. Director Eddington stated that page 35 showed the impact of some of the regional open space land and opportunities for overall connectivity. Some did go into Morgan County in terms of the Uintah Wasatch National Forest.

Commissioner Wintzer referred to page 19 and noted that the Huntsman property showed up as a receiving zone but it was never discussed. He pointed out that it would be sending density to the top of the mountain when they were trying to keep it down in the valley. Director Eddington explained that it was only talking about opportunities in looking at potential resort areas for consideration. He

noted that there have been discussions about a gondola and additional transportation modes to reach that area. Commissioner Wintzer was comfortable talking about it but he was not comfortable adding a picture in the General Plan before it was discussed. Commissioner Wintzer stated that his reading of the language was that the Huntsman property could be a receiving zone. Director Eddington noted that it talked about PCMR and Deer Valley as well. Commissioner Wintzer stated that they have talked about PCMR and Deer Valley, but they never had a discussion about Huntsman. Commissioner Hontz explained why she thought it was a misrepresentation compared to the other bubbles on page 19.

Commissioner Savage suggested removing the Huntsman bubble at this point until they have the opportunity to discuss it as a receiving zone. The Commissioners concurred.

Director Eddington noted that page 29 talked about clustering opportunities. Commissioner Wintzer understood the idea but he did not think there was a piece of property in Park City that looked like the image shown. Commissioner Hontz preferred to eliminate the section. Commissioner Savage recalled a previous conversation about whether or not there were areas in Park Meadows where they might be able to encourage a greater amount of density. He understood that there was a lot of skepticism, but the question was whether this was a concept that was worthwhile promoting as a way to enhance the sense of open space. Commissioner Savage personally thought the answer was yes. He wanted to know the downside of leaving in the language because it was not specific to a particular area. Commissioner Hontz reiterated her preference to remove the section for two reasons. One is that she did not believe in it and secondly because it was an unusable document.

Commissioner Strachan stated that he did not know enough about the conservation subdivision design. He thought it was an institution that the planners were familiar with, but again it was a topic that was never discussed. Commissioner Wintzer remarked that his issue was with the ideas that were presented in the General Plan that have never been discussed. Director Eddington stated that it would be a tool the City could use if they ever annexed a piece of property. There were limited opportunities in town but the concept was something they have looked at for Old Town and other areas. Commissioner Wintzer thought the language implied something completely different that would encourage urban sprawl.

Commissioner Savage thought the section provided a tool that the City could use in future annexations and he supported leaving it in. Commissioner Gross also favored leaving it in. After further discussion the majority of Commissioners preferred to remove the section as suggested by Commissioner Hontz.

Director Eddington referred to a question regarding a photo on page 32 and explained that it was showing the Estate neighborhood concept relative to the resort. Commissioner Savage referred to the middle photograph on page 32 and suggested that the Staff take an updated photograph showing the current use or replace it with a different photo.

Commissioner Wintzer questioned the regional map on page 35. Director Eddington stated that the language talks about connectivity for open space and a balance for development. Commissioner Wintzer reiterated his earlier comment Small Town was not the appropriate place for regional issues.

Commissioner Wintzer thought page 37 was more about County issues than small town issues. Director Eddington noted that page 38 shows how Park City fits into the Wasatch Choice Plan. The following pages talk about opportunities to connect Park City to the commercial corridor and the need for alternative transportation modes in the future.

Sense of Community

Director Eddington referred to page 6 and noted that 7.1 talks about opportunities in other neighborhoods within the City to utilize smaller lots. This was based on previous discussions about encouraging smaller lots and smaller houses outside of Old Town.

Director Eddington referred to page 8 and noted that Objective 8C talks about increasing housing ownership opportunities for the work force within primary residential neighborhoods. Commissioner Wintzer agreed with the concept but he wanted to know where they were trying to do it. Director Eddington replied that specific areas have not been identified within the existing primary neighborhoods. Commissioner Wintzer stated that the Planning Commission has never had this discussion. Director Eddington remarked that throughout the neighborhood discussions there was a general sentiment to locate future primary residences, including workforce housing, in primary neighborhoods as opposed to upper Deer Valley or other areas. Commissioner Wintzer recalled a specific conversation about Commissioner Gross' neighborhood and that the Commissioners were uncomfortable subdividing lots in existing neighborhoods. Director Eddington stated that the language regarding subdividing lots was eliminated. The current language looks at future opportunities other than subdividing.

Director Eddington referred to 8.6 on page 10, the fee in lieu concept. He explained that the fee in lieu concept was still part of the affordable housing ordinance and the City Council has generally recommended working with developers to build on-site affordable housing. However, sometimes the fee in lieu is more preferable than building affordable housing in the resort areas. Commissioner Wintzer stated that every time the City tried to put an affordable housing project somewhere, it was always in someone's back yard. Director Eddington agreed that affordable housing projects will never be popular. He pointed out that there were opportunities in Lower Park Avenue which might be the next logical location to utilize fee in lieu. Commissioner Wintzer thought the policy should be to find the property before they take the fee in lieu.

Commissioner Hontz thought the fee in lieu concept needed to be reviewed per the language in 8.6, including the amount paid. She suggested adding a sentence stating that a fee in lieu would not be accepted until appropriate properties for affordable housing are located. Commissioner Hontz thought the current fee was too low and should be reviewed.

Commissioner Savage pointed out that building up fee in lieu builds assets that can be deployed for a more significant affordable housing initiative. The City currently does not do significant initiatives in that way because it is not easy to fund. For that reason he would support fee in lieu. Commissioner Wintzer supported adding the language suggested by Commissioner Hontz. He also thought the City should find a way to purchase property that could be used for future affordable housing. Commissioner Savage stated that if the City does not have a reserve to purchase the land

it would not happen. However, the fee in lieu would allow them to build up that reserve to purchase a future piece of property for that objective.

Commissioner Wintzer asked for clarification on 8.17. Director Eddington stated that the Planning Commission had talked about reassessing fees for affordable housing projects and reducing HOA fees for affordable housing projects. As the City utilizes payment in lieu fees for an affordable housing project, they would work with the City Council and the Planning Commission to set a lower cap for HOA fees. Commissioner Wintzer questioned how they could reduce HOA fees that were not controlled by the City. Director Eddington replied that the City could set the initial fees before the HOA was established.

Director Eddington referred to page 21, Objective 11A, and noted that the idea was not to provide flexibility for the application but rather to provide flexibility for the Planning Commission and the City Council to relook at old MPDs. Commissioner Wintzer remarked that the word "flexibility" made him uncomfortable, particularly if it is based on the Staff interpretation.

Director Eddington referred to page 26 and clarified that the intent was to focus on architectural issues and not to support a certain business. Commissioner Gross recalled that the Planning Commission had eliminated the coffee shop because it was a drive-thru and a temporary building. Commissioner Strachan had the same recollection.

Director Eddington referred to page 30, Strategy 13.1 and the reference to street lights along Main Street. He understood that some people believe that could be disruptive. Commissioner Wintzer stated that the goals of bringing primary residents into town and encouraging more activities on Main Street were in conflict. Chair Worel thought the language "review, revise" would address those concerns.

Director Eddington noted that 43 showed recent commercial establishments. It was not intended to support a particular use. Commissioner Wintzer stated that they spent a considerable amount of time discouraging chain stores and big box stores, yet one picture on page 42 was Home Depot. Director Eddington replied that they had not recommended controlling chain stores at Kimball Junction. Director Eddington stated that the language on page 46 talked about limiting the restrictions on chain stores to some zones. Commissioner Wintzer questioned the wording. Director Eddington stated that if the Planning Commission agreed with the concept he could wordsmith the language for clarification.

Director Eddington noted that page 60 talks about what other communities have done to help resolve affordable housing. The opportunity lies in whether it is an accessory use. The opportunities are limited and this was one opportunity in the vast tool box.

Commissioner Strachan questioned why they would want to change typically single family neighborhoods for the sake of increasing density. He was not opposed to doing it for affordable housing, but the language basically says that a creative way to increase density is to change the zone. He pointed out that lower cost housing was different than affordable housing. Director Eddington agreed and clarified that it would be market rate lower cost housing. The intent was to offer another alternative. Commissioner Strachan thought there was enough language in the

General Plan that says the City should be looking at ways to encourage affordable housing. However, the General Plan should not say they should be looking at ways to change zoning through creative density increases.

Commissioner Savage remarked that the City would have to deal with growth either by sprawl or density. He thought the Planning Commission was in a position where they have unique opportunities to control where they want the density take place, and at the same time achieve some of the other objectives such as getting more families in old town and having the diversity of different housing opportunities. Commissioner Savage stated that they could not achieve those goals without having to make sacrifices related to the nature and location of where the density should be allowed. Commissioner Strachan agreed, but he felt there were other more descriptive areas in the General Plan that do a better job than one quote that was taken from the Portland Municipal Plan. Commissioner Wintzer pointed out that the goal should not be to increase density for no reason.

The Commissioners agreed to eliminate the language.

Director Eddington referred to page 61 and noted that the only way to work with the International Building Code is through the Utah League of Cities and Towns and/or lobbyist state reps.

Commissioner Wintzer referred to page 62, and asked for clarification on “create a one-stop shop for development permits.” Director Eddington stated that it talks about a creating a coordinated approach towards development.

Commissioner Hontz assumed the language was from the Urban Land Use Institute. She noted that Park City is A-typical in the West in terms of preparing the Staff reports and recommending findings to the Planning Commission. She believed it sets a false sense of what might happen with the applicant in terms of approval or denial. If the Planning Commission does not agree with the Staff, it sets up the Staff and the applicant for disappointment. Commissioner Hontz thought a better approach would be to have a work session first to gather the opinions of the Planning Commission, since they were the decision makers, before moving forward with a Staff report and findings. She also thought the Staff reports were too lengthy and offered suggestions on how the reports could be simplified to simplify the process. The Commissioners asked Commissioner Hontz to draft appropriate language.

Commissioner Wintzer noted from the minutes of the last meeting that the Planning Commission had given the Staff a list of items to be incorporated, but he could not see where it was done. He had highlighted the items that were missing and submitted them to the Staff.

Chair Worel opened the public hearing.

Tom Fey commended the Planning Commission for their work and the detail in reviewing the General Plan. He had several pages of questions and he was pleased to say that the Commissioners had addressed most of his concerns with the same conclusion. Mr. Fey remarked that the Planning Commission had spent a significant amount of time this evening discussing transfer of density rights. He personally believed that transfer of density rights could be frightening for the community unless it is well-defined and managed. Mr. Fey used PC Hill as an example to

support his concern. PC Hill used to be owned by the Osguthorpe family until the City decided to purchase it. They allowed the Osguthorpe family to take the density rights they believed they had on that hill and transfer the density to a meadow. Mr. Fey stated that anyone who tries to climb PC hill knows that there is no way houses could be built on the hill, yet the Osguthorpe family was allowed to transfer the density rights. The City later paid \$5 million to extinguish those density rights in the meadow. Mr. Fey thought this was a good example of the drawbacks of transferring density. Mr. Fey agreed with the comments that Park City is too small to receive density from the County. They already have enough density issues within the City. Mr. Fey questioned why pictures were included in the General Plan that did not apply to Park City because it suggests things that are not wanted in the community. One example was running the BART system down the highway from Park City to Kimball Junction. If the goal is to maintain a small town community feel, running a trolley into the middle of town tell visitors that Park City is no longer a small community. Mr. Fey referred to a comment in the General Plan about taking climate change mitigation to the next level. However, it was not defined and he was unsure what the next level would be and what it would cost the community. They need to have that understanding before they authorize the Staff to move to the next level. Mr. Fey had the same issue with being "The greenest town in the United States." Nothing was defined and the cost was unknown. Before they put things in the General Plan that drives the direction for the Staff they need to understand exactly what they were being directed to do. Mr. Fey noted that paragraph 5.9 talks about legally limiting the size of a house that the person can build on their property. He was unsure if placing that limit was legal in the State of Utah. If it is not legal it should be removed from the General Plan. He stated that one reference in the General Plan talks about limiting airline travel. He asked if they were discouraging visitors from coming to Park City. The General Plan talks about spending money on a communication facility for internet conferencing rather than having people come to Park City for a conference and spend their money. Mr. Fey questioned why they would limit the number of visitors coming to Park City. If that was not the intent, the language should be changed. Mr. Fey disagreed with the idea of a pool of grant money to help fund start-up businesses. He thought they should simplify the General Plan and remove all photos and analogies that do not pertain to park City. Mr. Fey referred to an earlier comment about the Planning Commission voting this evening to approve the General Plan and forward a recommendation to the City Council. Due to the number of changes, additions and deletions, the community should have the opportunity to look at a clean copy and make comments before the General Plan is approved.

Ruth Meintsma, a resident at 305 Woodside, commented on page 5 of Historic Character. She referred to a note on the new edits that mentioned the graphics of what is and is not compatible in Historic Park City. She could not recall whether the Planning Commission had talked about the graphic. Ms. Meintsma stated that one was quaint and charming versus cold and hostile. In her opinion, for someone who wants to build it does not have to be quaint and charming. She apologized for not having had the opportunity to draft language for their consideration. Ms. Meintsma thought quaint and charming was too specific. It is compatible but it does not have to be quaint and charming to be compatible. She stated that no one would ever build something under the description of cold and hostile. Ms. Meintsma thought it was interesting that architecturally significant was compatible because vernacular housing is not considered architecturally significant. Regarding modern and sterile, she understood that the Planning Department was considering modern and how that fits in. She thought it was too soon to say that modern was not compatible. Ms. Meintsma pointed out other areas where the wording needed to be better defined and she

offered to draft better descriptive words to support her comments. Ms. Meintsma referred to 15B, maintain context and scale of locally historic districts. She thought the word character was missing and it should read, "maintain character, context and scale." She noted that character was alluded to in other areas but in her opinion it could not be mentioned too much in the context of historic character.

Dennis Hanlon, representing the Thayne 1 HOA, read from page 11 of the neighborhood section for Thaynes Canyon, 1.4, "Thayne neighborhood, a local neighborhood in which primary residents choose to live. Of the neighborhoods in Park City Thaynes has the highest percentage of primary residents. Planning within the neighborhood should be focused towards sustaining the primary residential population." He agreed with that statement. Mr. Hanlon read from 1.5, "Thaynes should remain a quiet residential neighborhood dominated by single family homes." He also agreed with that statement. However, language further in the document contradicts what he had read from 1.4 and 1.5. "Some options for Thaynes may include single family homes, attached accessory dwelling units and detached accessory dwelling units." Mr. Hanlon referred to 1.6, second paragraph, "The Planning Commission should consider adopting increased rear yard setbacks or building pads to limit future development." He thought it was in line with what was being done, with the exception of the part about accessory apartments and detached dwellings. Mr. Hanlon stated that Thaynes is a single family neighborhood and accessory apartments were in direct conflict with the CC&Rs. He was concerned that having that language in the General Plan would create problems that the HOA would have to deal with at a great expense. Mr. Hanlon requested that "accessory apartment" be removed from the General Plan. He pointed out that Thaynes was the only neighborhood where they talk about this specifically. He could not understand why they singled out Thaynes when it would only create problems. Mr. Hanlon echoed Mr. Fey's comment about waiting for a clean copy before voting.

Mary Olszewski thanked the Planning Commission for the hours of work they put in. It was truly appreciated. She stated that her comments would focus primarily on the Thaynes Canyon neighborhood. Ms. Olszewski felt they had reached a juncture of whether to protect the uniqueness of each neighborhood and its own character, or to sacrifice these neighborhoods through a rushed statistical goal of higher density. She believed the idea of higher density was a strong motif in the General Plan based on the number of times she counted the use of the word. Ms. Olszewski stated that it was impossible to adding rental units to an established neighborhood and keep the same flavor to the neighborhood. Also, adding detached dwelling, human nature is to maximize the financial gain from those additional units. She contends that the units would probably not be affordable. If the intent was to provide affordable housing in these established neighborhoods, she believed they would fail. She has attended many meetings, read the editorials and knows that the City had received at least a 100 emails questioning this and other parts of the document. She had not heard one person give public comment embracing the Thaynes Canyon neighborhood section. She had gone door to door and did not find it there either. It was mainly confusion due to the lack of simplicity and clarification. Ms. Olszewski stated that lack of clarification leads to misunderstandings and dilemmas for buyers and sellers, realtors and the Planning Department. She would like to see each section of the Thaynes Canyon neighborhood lined out in map; and if possible, she would like to see the CC&Rs of each HOA state whether they prohibit or allow rental units. At that point the document would be easier for the public to read and make a better determination. Ms. Olszewski was concerned about entering a realm of unintended consequences. She did not believe there was

a mandate for this type of density in an established neighborhood; or there was a misinterpretation of the vision sessions that took place. Ms. Olszewski asked the Planning Commission to take their time and that the document be refined because some areas necessitate it to avoid unintended consequences.

Jo Scott appreciated the time the Planning Commission has taken to discuss the General Plan. She also appreciated the opportunity to give public input. Ms. Scott asked the Planning Commission to delay their vote on the General Plan for three reasons. First, Commissioner Thomas was absent this evening and as the future Mayor, his input and vote was critical. She believed that was a reason to delay a vote. Ms. Scott had listened to Director Eddington on the radio and he pointed out that the plan was a guide and a reference that is referred to often in the planning process. She understood that it was a basis for the LMC. When she heard him talking she was struck by the importance of this document and how it would affect Park City for many years. Ms. Scott did not think it was right to vote when one member was absent. Her second reason for delaying the vote was the lack of time to clear up conflicting and confusing language in the General Plan, as evidenced by their discussion this evening. She has attended every General Plan meeting and until this evening she had not heard any discussion on the basic concepts of the General Plan. Her third reason for delaying a vote is that Park City citizens have not had enough time to read this document and comment on it. She wanted to know how they went from the community visioning process to a few people writing the General Plan in the Planning Department and then to the Planning Commission and the City Council as a finished document before it was put on line a month before the City Council was scheduled to vote. This is a busy time of year and it is difficult to get people to take an interest and attend a public hearing to give the variety of input that is important. Ms. Scott begged the Planning Commission to delay this process and give it more time so they end up with a clear and consistent General Plan that is easy to understand and has been thoroughly vetted.

Lisa Wilson stated that she is in the property management business and she owns apartments and condos in Alaska. They started in the business in the late 1980's when they started buying foreclosures from Freddie Mac and HUD. Ms. Wilson provided practical experience of what happens with renters. She learned that one bad tenant can ruin your life. Ms. Wilson stated that if they start putting affordable housing in the midst of a residential area, she guaranteed there would be problems. Based on her experience it would change the fabric of residential neighborhoods.

Chair Worel closed the public hearing.

Chair Worel stated that because Commissioner Thomas was unable to attend this evening he had emailed his comments and asked her to read them into the record. Chair Worel noted that Commissioner Thomas had outlined 13 points.

- 1) The process for reviewing and adopting the General Plan has been complicated and confusing for the Planning Commission and the public. We received the General Plan in March but didn't begin discussing it until June. The Planning Commission and the City Council are simultaneously focusing on different sections in order to meet an arbitrary deadline. The City Council has not seen the last round of Planning Commission edits for sections that they have already reviewed, while the Planning Commission has yet to receive a draft containing its most recent edits or a packet containing any other General Plan material, yet we are expected to vote on in 48 hours.

- 2) When do we get to talk about trends and go over the comparison of old and new.
- 3) There are a lot of good things in this Plan but they are too hard to find. The General Plan is too big and has too many words to be useful.
- 4) We need priorities in a General Plan. This is more like a shopping cart of random ideas. It also lacks structure and contains too many sidebars, the significance of which is unclear. The Plan should answer the question, what is most important to Park City; affordable housing, open space, etc.
- 5) This plan talks about adding density in every section of a neighborhood. When and where has the Planning Commission or the public talked about this?
- 6) Do we really want to expand the City limits? What is the source of this idea? How can we expand our boundaries and still stay a small town.
- 7) How connected do we want to be to Salt Lake City? The more connected we are to Salt Lake City the more we become a suburb to them.
- 8) All the comparisons in this Plan are about big cities; (Oregon Metro, Pineland, New Jersey, City of Atlanta to name a few). We need to see things that talk about resort communities that are close to our size.
- 9) We are asked to approve maps and charts we cannot read. We cannot and will not approve something we have not read.
- 10) We are working off of three versions of this plan that are not dated and have changes in them that we have not talked about. We now have a fourth, as of Monday morning, December 9th, we have not seen and are asked to pass on a recommendation to City Council.
- 11) We have asked numerous times for meetings with Staff so we could go over this Plan page by page and have never gotten one.
- 12) There are several recurring themes in this General Plan that were never talked about that keep coming up, such as moving density from County to City, expanding the City boundaries, putting more density in existing neighborhoods, flexibility and speeding up the approval process. We should have talked about these ideas and received public input before Staff scattered them throughout the Plan.
- 13) The Planning Commission continues to feel strongly that the Planning Commission meeting format and document control by the Staff has failed to afford the Planning Commission an interactive and comprehensive review of the complete and updated draft of the General Plan. To meet the spirit of Land Management Code Section 15-12-15(B), "The Planning Commission shall have the primary responsibility to initiate and update the General Plan." While that may seem an odd position to take given the amount of time the General Plan review has been pending, please

understand that our perspective is numerous requested edits that were never incorporated by Staff or done so only partially. Some sections with significant policy matters were sent to Council before we finished and now returned with only a few days to review yet more changes. While we recognize the State Code ultimately allows the Council to be the final decision maker on the Plan and edits may be made without return to the Planning Commission, a truly inclusive process would not be rushed for an artificial deadline, notwithstanding the desire to finish the document prior to upcoming changes in officials. The Planning Commission has implicated meetings to allow for an orderly page by page review as the Council has been affording with real time edits. A more substantive dialogue and better product would have assuredly been the result. Therefore, regardless of the negative or positive or continuing recommendation from the Planning Commission, we believe it is the Council's obligation to remand the General Plan back to the Planning Commission to conclude a full and proper review of a complete draft document. We would not make this request if we did not feel it was imperative not only for the health, safety and welfare of the residents, but more importantly, to maintain the civility and consensus based approach of community planning and citizen engagement that has set this community apart, and which keeps Park City Park City.

Chair Worel reiterated that those were the comments Commissioner Thomas had forwarded to her to be read into the record.

Commissioner Wintzer stated that he and Commissioner Thomas had talked about this and he agreed with his comments. They had worked on it together, along with Commissioner Hontz. Commissioner Hontz confirmed that she was a part of it and she supported the comments that were read into the record.

Commissioner Hontz stated that she had many issues of her own to discuss. Commissioner Strachan suggested that the Planning Commission decide whether or not they would take action this evening before spending hours on edits. Commissioner Hontz concurred; however, if she came back with her edits it would be as a member of the public since this was her last time on the Planning Commission. She was not opposed to doing that but she wanted everyone to be aware that she, Commissioner Wintzer and Commissioner Thomas would no longer be on the Planning Commission.

Chair Worel stated that if the Commissioners had general comments they wanted on the record they should state those now. She was not interested in going through the edits until the Planning Commission decided whether or not to vote this evening.

Commissioner Hontz stated that she had spent a significant amount of time on the comparison that had not yet been discussed. She wanted her thoughts on the record as to how they should move forward. In terms of future edits, Commissioner Hontz was willing to submit her edits to the Planning Department, which included the toxic soils at Quinn's Junction that have not been adopted, ridgelines, and the map in the neighborhood section of Bonanza Park that have not been addressed. She had spent over nine hours reviewing the comparison of the old General Plan with the new General Plan item by item. She encouraged the Commissioners and the public to do the same. Commissioner Hontz stated that she went through each bullet listed and each section and compared the two to see if they said the same thing. She thought the comparison format was what the General Plan should be. It was concise and easy to track the community vision all in one place.

It was a bullet point format that was easy to comprehend in terms of what is and is not allowed. The larger document was good information but it was painful to work through and unusable. Commissioner Hontz suggested that everyone contemplate whether the comparison format would work or some other concise format that people would be able to use.

Commissioner Hontz stated that in going through every bullet point she realized that the people who wrote the General Plan lived here and wanted to continue living here. Those people cared about Park City and keeping Park City Park City. Commissioner Hontz did not have that feeling when she read the new General Plan. She felt it was more about trends that were trending everywhere in the United States. Some things were too general and too urban to be in a General Plan for Park City. Commissioner Hontz cited examples to make her point. She noted that throughout every section things are either no longer included or they have changed sufficiently enough that they do not reflect the current General Plan. Commissioner Hontz believed the General Plan needed to be updated but she thought it was important to note that those who wrote the current Plan had a lot of powerful things to say. Some of those need to change but many of them need to stay and they need to continue to support what made Park City what Park City is. She was not willing to erode on the issues and weaken the language. There needs to be a forum where this could be addressed.

Commissioner Hontz thought the public comments were fantastic and she was pleased that more people were attending and showing an interest. Another element of keeping Park City Park City is to keep the lines of communication open and to welcome and encourage input. The public's ability to participate will make a great Plan and so far they have failed on that element. She had encouraging public outreach since June and she will continue to advocate for it.

Commissioner Wintzer stated that with the new General Plan he was unsure how they could go through an MPD or a major project and say that it complies or not complies with the General Plan. The document is very vague and it is primarily a list of items that have been done around the world; but it does not provide the needed direction. He could cite seven or eight places in the current General Plan under the Old Town section that says new construction was threatening the core, size and mass. Three or four times it talked about protecting ridgelines and hillside. He did not believe the language in the new Plan was that strong and it was not present in a way that shows what is most important. Commissioner Wintzer was concerned that the new General Plan was big and massive without saying what they want. He was also concerned that there were several dominating themes that go through the General Plan. He counted 25 places that talked about adding density. He pointed out that they have never talked as a community about adding density. They now have the right under existing Codes to add 3400 units of residential construction and a 1.8 million square feet of commercial space that could be built today. On top of that they were talking about adding more density in town. They have taken small town and added TDRs and pictures of big rails. He believed they misinterpreted the core values. His issue about missing items that were in the minutes was small compared to the big items they should have started with. Commissioner Wintzer appreciated Commissioner Hontz's work on the comparisons. He had started the same exercise and it was very daunting. Commissioner Wintzer believed they had started in the middle of a concept and kept going without stopping to regroup.

Commissioner Strachan concurred with the 13 comments submitted by Commissioner Thomas. He believed an arbitrary deadline was being imposed. He was unsure that it needed to be imposed or

what advantage the community, the Planning Commission or the City Council would gain by sticking to the December deadline. Commissioner Strachan was troubled by the scattered process. The Planning Commission and City Council were making simultaneous edits, and he was certain the Staff had to be overwhelmed by input from 14 people and trying to filter out where there was consensus and which changes should be made. Commissioner Strachan agreed with the public comment that at some point the City Council and the Planning Commission have to give the document to the public for review and input. It was not a cohesive and decided process because they were in a rush to get it finished. In terms of the overall structure, Commissioner Strachan believed they were closer than what Commissioners Hontz and Wintzer thought. He did not think it was necessary to revamp or restructure the document. His issue was that they had not gone through it thoroughly enough and it was impossible to do so by December 31st. Commissioner Strachan did not think it was the fault of the Planning Commission or the Staff. It was a giant plan and an important document and they did not get it done as fast as they thought they could. Commissioner Strachan thought the solution was to extend the deadline.

Commissioner Gross concurred with all the comments. He thought they were pushing a deadline as opposed to working the Plan, and he wanted to hear citizen feedback on a final document. Commissioner Gross stated that he would have a hard time voting on the General Plan this evening.

Commissioner Savage stated that when he joined the Planning Commission five years ago he joined at Commissioner Thomas' encouragement to participate in the process of developing the General Plan. Commissioner Savage noted that this was also his last meeting as a Planning Commissioner. One comment he has tried to be consistent on is the idea of starting at the end and working back to the beginning. Commissioner Savage stated that they do not have a concise, straightforward executive summary of what the General Plan is supposed to be, where someone could get a very good idea of the overall structure of the General Plan, the goals, objectives and the schedules for implementation that could inform the LMC and have a balance of this information available to back up the information contained in the summary. Commissioner Savage remarked that currently they have a tremendous amount of information with all kinds of content; but it lacks context. It is important to have the summary for people to understand how all this information plugs with the rest of the data. Commissioner Savage recommended that someone sit down with what they have and try to structure a straightforward, understandable summary of the overall General Plan and utilize it as background and support for the summary document. Commissioner Savage believed the likelihood of someone being able to read the document, digest it and understand it was mind numbingly painful. If it was that difficult for the Planning Commission, he was concerned about people who just wanted to be involved from the point of view of good citizenship and/or putting forth an application.

Chair Worel commended the Staff for their amazing work and the work they will continue to do on the General Plan. She understood that it was a colossal undertaking and she personally appreciated all the work they did. She also appreciated the work of her fellow Commissioners. Chair Worel thanked the public for taking the time to read the document and provide input. She agreed with her fellow Commissioners that the document was not ready for a vote.

Commissioner Wintzer thanked the Staff, understanding that the process has been as painful for them as it has been for the Planning Commission. He realized that they worked diligently to get it done and their effort was commendable.

MOTION: Commissioner Hontz moved that the Planning Commission CONTINUE the General Plan to a date uncertain with the following proposals. First, to incorporate all the comments and proposed changes discussed this evening. Second, to have the City participate in significant outreach to the public to encourage their participation moving forward. Third, to produce a document that takes all of the key bullets out of the master document, puts them in one place and possibly add additional components so the document is in summary form before going forward. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

ADOPTION OF MINUTES

November 20, 2013

Commissioner Wintzer stated that his comments reflected on pages 10-15 of the Minutes were not incorporated into the General Plan. He requested that the Staff relook at the comments and add them to the General Plan. Commissioner Hontz remarked that her comments from that particular section were also not incorporated.

Commissioner Hontz referred to page 3 and noted that she was not shown as being in attendance for the PCMR Work Session item. She corrected the minutes to reflect that she was in attendance. After announcing that she would be recusing herself, she was told by the Legal Department that she could stay for that discussion.

MOTION: Commissioner Wintzer moved to APPROVE the minutes of November 20, 2013 as amended. Commissioner Gross seconded the motion.

VOTE: The motion passed. Commissioner Savage abstained from the vote since he was absent on November 20th.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Strachan thanked Commissioners Wintzer, Hontz and Savage for their time and effort serving on the Planning Commission. He has the most respect for each of them and he will miss them dearly. The new Commissioners would have big shoes to fill. Commissioner Strachan hoped to see the outgoing Commissioners frequently attend public hearings.

CONTINUATION(S) – Public Hearing and Continuation to date specified.

Risner Ridge Subdivision 1 & 2 - Plat Amendment (Application PL-13-02021)

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

MOTION: Commissioner Savage moved to CONTINUE Risner Ridge Subdivision 1 & 2 – Plat Amendment to a date uncertain. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

Chair Worel stated that due to the late hour and the complexity of the agenda, it was likely they would not make it through all of the remaining items this evening. The Planning Commission would hear the first two items regarding the Park City Library, followed by a change in the agenda to discuss 916 Empire Avenue and take public comment on 7101 Silver Lake Drive, Lot 2B Subdivision. The other items would be heard in order as time would allow.

Chair Worel noted that the Planning Commission had agreed on a hard stop of 10:30 p.m.

1. 1255 Park Avenue, the Park City Library – MPD (Application PL-13-02085)

Commissioner Hontz recused herself from discussing this item and left the room.

Planner Anya Grahn noted that the Library MPD was heard by the Planning Commission on November 20th. At the time the Commissioners agreed on the 10' foot reduced setback along Norfolk Avenue, the removal of 10 to 12 parking spots in order to improve the pedestrian connection between the Park Avenue bus stop and the entry. The Commissioners opposed the book drop along Norfolk Avenue. Since the applicant was no longer pursuing the book drop he did not have to move the driveway; therefore, the requested overlay was not included for the driveway move.

Planner Grahn remarked that any signage would have to be approved by a sign permit application. The City Engineer may choose to approve alterations to the existing signage and determine whether it was in the setback area and not increasing the non-conformity.

The applicant was proposing outdoor dining as part of this MPD with tables and chairs taking up 25% of the 1891 square feet terrace. The dining operation would be limited to the hours the building is actually open. Activity would cease by 10:00 at all times.

Planner Grahn stated that the application meets the criteria of the CUP. The Staff had added a condition of approval regarding the roof top decks being maintained under the City noise ordinance and also being limited to when the building is open, but no later than 10:00 p.m.

The Staff found that the proposal complies with the MPD requirements and recommended that the Planning Commission conduct a public hearing and approve the MPD based on the Findings of Fact, Conclusions of Law and Conditions of approval outlined in the Staff report.

Matt Twombly, representing the applicant, Park City Municipal Corp, had nothing further to add.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to APPROVE the Master Planned Development and Conditional Use permit for 1255 Park Avenue, the Park City Library and Education Center based on the Findings of Fact, Conclusions of Law and Conditions of Approval included in the Staff report. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hontz was recused.

Findings of Fact – 1255 Park Avenue, Library MPD

1. The application for the MPD was received on October 3, 2013. The application was deemed complete on October 22, 2013.
2. The Carl Winters building is a historic building designated as a “Landmark” on the Historic Sites Inventory (HSI).
3. The Park City Library and Education Center (Carl Winter’s School Building) is located at 1255 Park Avenue. The property consists of the north half of Lot 5, all of Lots 6 through 12, the south half of Lot 13 and all of Lots 23 through 44 of Block 6 of the Snyders Addition as well as Lots 1 through 44 of Block 7 and the vacated Woodside Avenue. Upon recordation of the plat application submitted on June 14, 2013, the property will be known as the Carl Winters School Subdivision and is 3.56 acres in size.
4. City Council will consider vacation of the portion of Woodside contained on the Library property. Such vacation is required for the Plat Amendment.
5. The Planning Commission will hear the plat amendment for 1255 Park Avenue Carl Winters Subdivision on December 11, 2013 and forward a recommendation to City Council for their review and approval
6. There is a Master Planned Development from 1992 for the property; however, the changes purposed to the concept and density justify review of the entire master plan and development agreement by the Planning Commission. The library footprint will be expanded by approximately 2,400 square feet. A new terrace will also be created on the north elevation of the structure, adjacent to the park. In addition to these community gathering spaces, the library will temporarily

house the Park City Senior Center.

7. The Park City Library contains approximately 48,721 square feet and was originally approved through two (2) MPDs in 1990 and 1992, as well as a Conditional Use Permit in 1992 to permit a Public and Quasi-Public Institution, the library.

8. Access is from Park Avenue, with a secondary entrance along 12th Street.

9. The proposed facility open space is 70% and includes a landscaped entry sequence from the Park Avenue bus stop to the Library entrance.

10. The total proposed building footprint is 19,519 square feet and gross square footage is 52,151.

11. The property is in the Recreation Commercial (RC) and Recreation Open Space (ROS) Districts—the structure is located in the RC District, whereas the open space to the north of the structure is in the ROS District.

12. This property is subject to the Carl Winters School Subdivision plat and any conditions of approval of that plat.

13. The existing Park City Library and Education Center contains 92 parking spaces.

14. The proposed parking is being reduced to 86 parking spaces.

15. Setbacks within the Recreation Commercial (RC) District are fifteen feet (15') in the front, fifteen feet (15') in the rear, and ten feet (10') on the sides. The MPD requires twenty-five (25') foot setbacks from all sides. The applicants have requested a setback reduction to ten feet (10') along the rear (west) yard.

16. A 315 SF interior Café is proposed. A Café is a Conditional Use in the RC District and is a support Use to the primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development. Hours of the café will be limited to the hours in which the building is open.

17. The *Analysis* section of this staff report is incorporated herein.

18. This project is subject to a Historic District Design Review.

19. The Planning Commission reviewed the Park City Library and Education Center MPD as a Pre-MPD during Regular Session on September 25, 2013.

20. The Planning Commission also reviewed the MPD as a work session on September 25, 2013 and held a public hearing on November 20, 2013.

Conclusions of Law – 1255 Park Avenue Library MPD

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD is not subject to the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and lease visually obtrusive portions of the Site.
10. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections by the location on a proposed bus route. Bicycle parking racks will be provided.
11. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval – 1255 Park Avenue Library MPD

1. All standard conditions of approval apply to this MPD and CUP.
2. All applicable conditions of approval of the Carl Winters School Subdivision shall apply to this MPD.
3. The Carl Winters School will be restored according to the Secretary of the Interior's Standards for Rehabilitation and the structure will be listed on the National Register of Historic Places. A Historic District Design Review and approval will be required prior to building permit submittal.
4. A final water efficient landscape and irrigation plan that indicates snow storage areas and native drought tolerant plant materials appropriate to this area, is required prior to building permit issuance.

5. All exterior lights must conform to the City lighting ordinance and included in the Historic District Design Review. Parking lot and security lighting shall be minimal and approved by Planning Staff prior to issuance of a certificate of occupancy.
6. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
7. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. Recycling facilities will accommodate materials generated by the tenants, users, operators, or owners of the project and shall include, but are not limited to glass, plastic, paper, cans, cardboard, or other household or commercially generated recyclable and scrap materials. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project.
8. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.
9. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on December 11, 2013, and shall be approved by staff at Historic District Design Review (HDDR) application. Materials shall not be reflective and colors shall be warm, earth tones that blend with the natural colors of the area.
10. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on December 11, 2013. The Historic District Design Review (HDDR) application will also be reflective of the drawings reviewed by this Planning Commission on December 11, 2013.
11. The City Engineer prior to Building Permit issuance must approve utility, storm water systems and grading plans, including all public improvements.
12. Staff must approve the Construction Mitigation Plan to issuance of any building permits and shall include appropriate contact information as required. Signs posted on site will indicate emergency contacts.
13. Lay down and staging will be restricted to existing parking lots and disturbed construction area. Applicant will minimize placement adjacent to housing units as much as possible.
14. The applicant will notify all affected property owners within 300 feet prior to construction commencing of conditioned work hours, contact information and general project description.
15. A limit of disturbance area will be identified during the building permit review.
16. The applicant shall submit a total employee count at time of building permit. Prior to

Certificate of Occupancy the applicant shall provide verification that the employee count has not increased. Should there be an increase in the total employee count the applicant shall be subject to the terms and conditions of Housing Resolution 20-07; Section E Redevelopment.

17. An internal parking review will occur one year after Certificate of Occupancy (or the facility is fully operational) to analyze parking load and demand. The number of parking spaces will not be reduced less than 86 spaces.

18. The Mawhinney Parking Lot shall be used as overflow parking. At no time in the future shall this parking area be converted to affordable housing use or any other use without modifying this MPD.

19. The Café Conditional Use shall only operate in conjunction with hours the building is open, Film Series operation, or as approved under a Master Festival License or Special Event.

20. The proposed outdoor dining shall not extend beyond the 1,891 square foot terrace. Additionally, any proposed outdoor furniture will be reviewed and approved by the Planning Department prior to purchase and installation.

21. The hours the rooftop deck will be utilized will be in conjunction with the hours the building is open, and no later than 10pm.

22. An internal review will occur one (1) year after Certificate of Occupancy (or the facility is fully operational) to analyze trash generation and demand. If necessary, trash pick-up will be increased at that time.

**2. 1255 Park Avenue, Park City Library – Plat Amendment
(Application PL-13-01950)**

Planner Grahn reviewed the application for a plat amendment at the Park City Library at 1255 Park Avenue. The lot contains 73 full lots and two partial lots on 3.816 acres. The property is located along Park Avenue, 12th, 13th and Norfolk.

The goal of the Library plat amendment is to remove all interior lot lines. A portion of Woodside Avenue was vacated in 1940; however, a portion along 12th Street was not vacated. The City Engineer was going before the City Council to request a street vacation. Planner Grahn stated that a portion of the lot with the Library was zoned Recreation Commercial and the larger field was zoned Recreation Open Space. In previous meetings they talked about how the historic structure did not meet the setbacks; however, it is a legal non-complying structure because it is historic and the 1992 MPD approved a zero foot lot line along Norfolk Avenue.

Planner Grahn reported that this was the largest MPD that would be done in this neighborhood. The second largest was the Park City High School mechanical arts buildings, which was also the Yoga studio just south of this location. The plat amendment would provide snow storage easements on all four streets and it would resolve an existing encroachment, which includes the retaining wall along the driveway on Norfolk Avenue.

Planner Grahn pointed out that most of the issues related to the plat amendment had been addressed in previous meetings during the MPD discussion.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Carl Winters School Subdivision Plat Amendment according to the Findings of Fact, Conclusions of Law and Condition of Approval as found in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed. Commissioner Hontz was recused.

Findings of Fact – 1255 Park Avenue Library Plat Amendment

1. The property is located at Carl Winters School Subdivision within the Recreation Commercial (RC) and Recreation Open Space (ROS) Districts.
2. The applicants are requesting to create one (1) legal lot of record from 73 full lots and two (2) partial lots as well as the vacated and to-be vacated Woodside Avenue. The property contains a total of 3.816 acres.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of an addition to the landmark Park City Library.
4. Currently the property contains 73 full Old Town lots and two (2) partial lots.
5. The existing historic 48,801 square foot structure is listed as “Landmark” on the Historic Sites Inventory (HSI).
6. A three (3) story addition was introduced in 1992, wrapping the historic auditorium wing. The applicant is proposing to reduce the height of the 1992 addition and adding a side addition along the north elevation. Thus far, no HDDR application has been submitted; however, Planning Staff has been serving on the Design Team to guide the development of the project.
7. Per LMC 15-2.16-6, existing historic structures that do not comply with building setbacks are valid complying structures. The historic structure is a valid complying structure, though it straddles Lots 1 through 6 and Lots 29 through 44 of the Snyder’s Addition.
8. As part of the 1992 Carl Winters Library Master Planned Development (MPD), two (2) setback exceptions were approved including the encroachment of the 1993 addition into the rear side yard setback (Norfolk Avenue) as well as the permanent parking encroaching into the side yard

setback (12th Street).

9. Any proposed additions to the existing historic structure will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.

10. The maximum footprint in the RC district located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area shall be 4,500 square feet, or 24% of the lot. As existing, the library structure has a footprint of 17,171 square feet or 10.3% of the lot. The proposed addition will create a total footprint of 19,519 square feet. The total footprint of the building and addition overall consumes approximately 11.7% of the lot and is significantly less than the 24% of footprint allowed on lots exceeding 18,750 square feet.

11. The proposed 7,730 square feet addition is significantly larger than additions seen on other neighboring historic buildings; however, the library structure is also much larger than surrounding historic residential and commercial sites. The addition must adhere to the Design Guidelines for Historic Sites would require that the mass and scale of any new additions is compatible with the historic structure.

12. The amendment of seventy-three (73) lots of record and two (2) partial lots would be the largest plat amendments in the neighborhood. The second largest of these plat amendments is the Park City High School Mechanical Arts Building at 1167 Woodside which contains seven (7) lots.

13. New additions to the historic structure would require adherence to current setbacks as required in the RC District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites. The Planning Commission may grant exceptions to these setbacks through the MPD.

Conclusions of Law – 1255 Park Avenue Library Plat Amendment

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

Conditions of Approval - 1255 Park Avenue Library Plat Amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions

of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the structure or would first require the approval of an HDDR shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers may be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. A 10 foot (10') wide public snow storage easement is required along the street frontages of the lot with Park Avenue, 12th Street, Norfolk Avenue, and 13th Street and shall be shown on the plat.
6. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.
7. City Council must approve the street vacation of the portion of Woodside Avenue, directly east of Lots 1 through 6 of Block 7 of the Snyders Addition.

**3. 530 Main Street, River Horse – Conditional Use Permit for a seasonal tent
(Application PL-13-02066)**

Director Eddington requested that the Planning Commission continue 530 Main Street to the next meeting because the applicant had to leave.

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

MOTION: Commissioner Strachan moved to CONTINUE the conditional use permit for 530 Main Street to January 8, 2014. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**4. 916 Empire Avenue – Steep Slope Conditional Use Permit
(Application PL-13-01533)**

Planner Whetstone reviewed the application for a Steep Slope CUP for a new single family home on a standard 25' x 75' Old Town lot at 916 Empire Avenue. She noted that the application was submitted in the Spring of 2012 and the applicants came before the Planning Commission a number of times. Because a split level design was interpreted to be a five-story structure, it did not meet the

LMC requirement of no more than three stories. The applicant was advised to wait until the height/story issue could be addressed in the LMC before moving forward with the application. The LMC was amended and approved by the City Council and the applicant revised the plans to comply. The issues were the overall height from the lowest finished floor to the height of the wall plane of 35-feet, as well as the horizontal step occurring at 22-feet and no higher than 23-feet with a ten foot step. This proposal has a 15-foot step and complies with the requirements of the newly revised LMC as outlined on page 120 of the Staff report.

Planner Whetstone handed out an 11" x 17" drawing. She indicated a change in the elevation on the site plan and clarified that it did measure a little more than 23-feet from the lowest point of existing grade. Planner Whetstone verified that the driveway was 12-feet. A second page of the handout showed that the only difference was that the height of the ridge was amended to confirm that the height does not exceed 23 feet. The actual height is 22'6" from the lowest existing grade to the ridge.

Planner Whetstone stated that since this was new construction consisting of more than a 1,000 square feet and is located on areas of a slope greater than 30%, the applicant was required to file a conditional use permit application for review by the Planning Commission pursuant to Section 15-3.2-6. The applicant did not have an approved HDDR at this point.

Planner Whetstone reviewed the Steep Slope Review Criteria outlined on page 122 of the Staff report. The Staff had conducted an analysis and found that there were no unmitigated impacts as designed or as conditioned.

The Staff recommended that the Planning Commission conduct a public hearing and approve the conditional use permit for 916 Empire Avenue per the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Craig Kitterman, representing the applicant, thought Planner Whetstone had done a good job representing what had been done with the project over the past year and a half. He appreciated the fact that the revised language of the LMC was more flexible in allowing for the houses to be stepped with the grade, irrespective of the stepping inside the structure.

Commissioner Hontz read from page 121 of the Staff report, "The current design will require a slight modification to the rear roof element, as the current design exceeds the 23' by approximately 7" at the lowest point of existing grade." She noted that the cross section Planner Whetstone handed out this evening highlighted the 23'; however that would be the southeast corner. Commissioner Hontz asked for clarification because it was also in the findings and conditions. Planner Whetstone stated that she should have also highlighted the left elevation because it also meets the 23'. She recommended keeping the condition of approval because it was a necessary requirement before obtaining a building permit.

Commissioner Gross referred to page 127, Finding #11, which showed the dwelling square footage at 2,208 square feet, including the basement and single car garage. He pointed out that all other references indicate approximately 1,994 square feet. He assumed the 2,208 number in Finding #11 was wrong.

Planner Whetstone reviewed the floor plan on page 132 and noted that the total floor area was listed in the top corner. The gross floor area was 1,793 and the square footage was 2,208 including the basement. She did not believe that included the garage. Mr. Kitterman stated that the garage was approximately 200 square feet. Commissioner Gross thought Finding of Fact #11 should be corrected to reflect the real number. Commissioner Strachan pointed out that the actual number was 2,208 square feet if the garage and basement were included. Therefore, Finding of Fact #11 was correct as written.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Wintzer thanked Mr. Kitterman for his patience over the past year and a half. The Planning Commission had been trying to address height issues and this application got caught in the middle. Mr. Kitterman believed the result was a better product.

Commissioner Hontz referred to page 121 of the Staff report and stated that this was the first time she had seen language approved by the City Council in terms of the LMC changes to the height. The Planning Commission recommended 33-feet and the language shows that it was approved at 35-feet. She found the second paragraph more concerning because it was difficult to understand and adds an element of subjectivity that was not part of the Planning Commission recommendation.

Commissioner Hontz urged the other Commissioners to take a close look at the language and understand it because it was radically different from what they had crafted. She asked if the Planning Commission intended to measure the height from wherever the existing grade was compared to the proposed grade.

Commissioner Hontz was unable to do the math to figure out the distance between the driveway and the decking in the 14% slope area. She suggested that the front decking may have to be modified to pull back a little bit to accommodate parking a larger vehicle.

MOTION: Commissioner Hontz moved to APPROVE the Steep Slope Conditional Use Permit for 916 Empire Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Planner Francisco Astorga stated that he was the project manager for the LMC regulation and he encouraged the Commissioners to contact him with any questions. Planner Astorga clarified that the only change the City Council made to the two provisions was the increase from 32' to 35'. Everything else remained the same. Commissioner Strachan had questions and he would contact Planner Astorga.

Findings of Fact – 916 Empire Avenue

1. The property is located at 916 Empire Avenue.

2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot 28, Block 15 of the Snyder's Addition to the Park City Survey. The lot area is 1,875 square feet. The lot is vacant.
4. The property is not listed as historically significant on the Park City Historic Sites Inventory.
5. A Historic District Design Review (HDDR) application is currently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
6. This is an infill "Old Town" lot. There is no existing significant vegetation on this lot. A previous, non-historic wooden parking platform was demolished and removed in 2012. This is a downhill lot.
7. There is an existing significant historic structure, in poor condition, located on the adjacent lot to the north. A wooden walkway and concrete steps located on the adjacent property (920 Empire) encroach onto this lot. This adjacent property is also owned by this applicant and the shared stairs will remain as they are, reconstructed to maintain shared access along the shared lot line with 920 Empire, or removed if alternative access for 920 Empire is approved in conjunction with an approved HDDR application for 920 Empire Avenue.
8. Access to the property is from Empire Avenue, a public street.
9. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes. There are condominium buildings to the north on Empire Avenue.
11. The proposal consists of a single family dwelling of 2,208 square feet, including the basement area and a single car garage.
12. The driveway is designed with a maximum width of twelve feet and is approximately thirty feet in length from the garage to the existing edge of street with a minimum of eighteen feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.
13. The proposed driveway has a maximum slope of 14% with sections at 5% (in front of the garage) and 10% (from property line to edge of street). Overall slope is 9.7% as measured from the front of the garage to the edge of the paved street.
14. An overall building footprint of 812 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.

15. The proposed structure complies with all setbacks.
16. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
17. The proposed home includes a split level configuration created by a mezzanine level for the front interior entry area. The proposed structure complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC amendments adopted by City Council on November 21, 2013.
18. There is a fourteen and one-half foot (14.5') step back from the first two stories. The stepping occurs within the first twenty- three feet (23') of the rear (lower) facade. The rear roof form exceeds, by approximately 7", the twenty-three feet at the lowest point of existing grade and will have to be modified prior to submittal of plans for a Building Permit.
19. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Empire Avenue streetscape.
20. Retaining is necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at 4' (four) feet or less. Retaining of grade at rear is minimized by the stepping foundation. There are no window wells.
21. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.
22. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% slope areas.
23. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
24. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
25. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

26. This property is required to have separate utility services, independent from 920 Empire Avenue, for water, sewer, power, etc. Stubbing of these utilities was completed during the Empire Avenue reconstruction project.

27. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

28. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.

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

30. The applicant stipulates to the conditions of approval.

Conclusions of Law – 916 Empire Avenue

1. The Steep Slope CUP application is consistent with requirements of the Park City Land Management Code, specifically Section 15-2.2 for the HR-1 zoning district.

2. The Steep Slope CUP application is consistent with the Park City General Plan.

3. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.

4. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

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

Conditions of Approval – 916 Empire 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 CMP shall include language regarding the method of protecting the historic house to the north from damage.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.

4. Separate utility service is required for 916 Empire Avenue; services may not be shared with 920 Empire Avenue as these two structures are not attached and are not located on the same lot.

5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites and the Land Management Code. The rear roof form shall be redesigned to be lowered in order to comply with the maximum height of 23' at the lowest point of existing grade.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions and that the driveway complies with the required slope restrictions.
9. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north and existing retaining wall on the south property line.
10. This approval will expire on December 11, 2014, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted.
11. Plans submitted for a Building Permit must substantially comply with the plans reviewed by the Planning Commission on December 11, 2013.
12. An access easement for the wooden walkway and concrete stairs shall be recorded at Summit County prior to issuance of a building permit, unless these encroachments are removed and alternative access is provided to the house at 920 Empire Avenue, consistent with an approved HDDR application for that structure.
13. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
14. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.
5. **7101 Silver Lake Drive, Lot 2B Subdivision of Lot 2 North Silver Lake – Conditional Use Permit for Lockout Units (Application PL-13-02034)**

Planner Astorga reported that the applicant had submitted a conditional use permit modification request to incorporate 85 lockout units within the approved multi-unit dwellings. The Staff report outlined the history from 2009 through 2012 due to the different extensions issued by the City Council and Planning Commission. In 2010 the Planning Commission approved a CUP for a 54 Unit development consisting of 16 single-family dwellings/duplexes around the periphery of the project and 38 multi-unit dwellings which are privately owned.

Planner Astorga read the definition of a lockout, "An area of a dwelling with separate exterior access and toilet facilities, but no kitchen." The definition of a dwelling unit is "a building or portion thereof designed for use of the residence or a sleeping place for one or more persons or families and includes a kitchen, but does not include a hotel, motel, lodge, nursing home, or lockout unit." Planner Astorga explained that the issue is that the request is for a lockout unit, but not as a separate dwelling unit. A lockout unit per the LMC definition is simply part of the multi-unit dwelling. Planner Astorga clarified that per the LMC definition, a lockout unit, bed and breakfast or boarding houses are not hotels.

Planner Astorga stated that during the work session on November 6th the Planning Commission identified two items that needed to be mitigated. One was related to the capacity of the existing streets and the other related to parking. Following the work session discussion the applicant updated the study which indicates that the level of service would remain as Level A. The City Engineer, Matt Cassel, has indicated that his real concern is when the Level of Service drops to a D or E status. Planner Astorga reiterated that according to the traffic study, which incorporates the worst case scenario of 125 keys utilized, the Level of Service would still remain an A as indicated in the Staff report.

Planner Astorga noted that the required parking must be provided within the development. The Deer Valley MPD specifically states that the parking requirement shall be determined in accordance with the LMC at the time of the conditional use permit. Per the Staff analysis, the modification which changes the use to add lockout units triggers a parking requirement of 76 spaces. At one point the Planning Commission had issued a parking reduction from 106 spaces to 80 spaces. The 80 spaces are still being provided but at this point it is not longer considered a reduced number.

Planner Astorga noted that Exhibit H that was included in the Staff report showed a breakdown of every unit and the required parking spaces per each unit. The Exhibit also showed the square footages of the main dwelling versus the lockout unit.

The Staff found that the conditional use permit modification meets the Land Management Code Section 15-1.10, criteria for a conditional use permit. Conditions of Approval indicate that all standard of conditions shall apply. Because of the various extensions and appeals, the Staff continued to apply the City Council 2011 Order. It should also continue to comply with former approvals in that the support commercial and amenities shall be for the exclusive use of the owners, residents and their guests. Also, per the traffic study the applicant shall work with the City Engineer to ensure proper compliance with the recommendations outlined in the Staff report regarding sight distance and special warning signage during construction.

Planner Astorga reported that the Planning Department had received a significant amount of public input on Monday, Tuesday and Wednesday, which was forwarded to the Planning Commission. The comments were both negative and positive for this application.

Rich Lichtenstein, representing the applicant, noted that six or seven speakers had attended to speak in support of the project, but due to the late hour they had left. However, they met with Planner Astorga and provided their written names and comments. They were in addition to a dozen others who submitted letters of support. Mr. Lichtenstein stated that their attorney, Tom Bennett, had prepared a response to a letter that was received by the City and the applicant from attorney Robert Dillon. He believed there was evidence of an enormous amount of public support for this project and their relationship with Stein Eriksen going forward.

Mr. Lichtenstein introduced Russ Olsen, the CEO of Stein Eriksen, Steve Brown, the Stein Development Consultant, Johnny Shirley of THINK Architecture, as well as the representative from Regent Properties and the Traffic Engineer. Mr. Lichtenstein reviewed the changes and updates to the plan since the November 6th work session, most of which were outlined in the Staff report. Mr. Lichtenstein stated that after conversations with a number of the neighbors over several weeks, they were offering a new condition to read, "Lockouts shall be an approved use so long as the project is managed by Stein Eriksen Lodge Management Corporation or other manager in a luxury manner." Luxury means equality comparable to the quality of Stein Eriksen lodge as of December 2013, which has received five diamonds from AAA, five stars from Forbes, and Travel of Gold List recognition. They also agreed at the request of some of their neighbors that in the event that vehicles driven by owners, guests or employees of Stein Eriksen residents are found to be parked illegally on Silver Lake Drive, the manager of the project would seek to immediately have the vehicle towed.

Mr. Lichtenstein addressed other issues raised during the November work session. He remarked that in all the meetings and conversations with the neighborhoods and during the public hearings, it was always understood that lockout were a permitted use in North Silver Lake and on their property. Regent Properties voluntarily offered not to pursue lockouts during the original CUP application with the absolute understanding that if desired they would come back to the Planning Commission for subsequent approval. For anyone to suggest that the language of this particular condition has suddenly appeared in Staff report was disingenuous to the Planning Staff. Mr. Lichtenstein stated that as Mr. Olsen testified during the work session, the long term viability of this project is significantly enhanced by creating the lockouts. The Stein Eriksen Residences is not a hotel, which was well-articulated by the Staff report. There are no public meeting rooms, restaurants or other public amenities associated with a typical hotel. To alleviate any continuing concerns on this matter, Regent Properties and Stein Eriksen fully support the Staff recommendation to add a condition of approval indicating that support commercial amenities shall be limited to the exclusive use of the owners, residents and guests of the Stein Eriksen Residences.

Mr. Lichtenstein noted that Regent Properties broke ground on the property earlier this year and the model home was nearly complete. They are in full preparation to begin taking sales reservations this ski season. The request before the Planning Commission was not to revisit the original CUP approval, but rather to seek approval for a modification to include the 85 lockout units. The requested modification proposes no additional square footage, no reduction in open space and no additional height. The project has been found by the Staff to be in substantial conformance and

compliance with the approved CUP. No impacts have been identified from the proposed addition of lockout. Mr. Lichtenstein requested Planning Commission approval this evening.

Commissioner Hontz referred to page 224 of the Staff report, Item 1, "All conditions of approval of the City Council July 21st, 2011 order continue to apply." She noted that those conditions were listed on page 335 of the Staff report and Condition #18 states that, "No lockouts are permitted within this approval." Commissioner Hontz understood that currently the conditions of approval that apply to this project include no lockout units.

Planner Astorga explained that in 2009 an appeal was filed to prohibit lockout units. Subsequently, through the 2010 approval that condition of approval was later amended to reflect that lockout units were not part of that approval. Because a lockout unit is a conditional use in the District, the condition specified that no lockout units were permitted within this approval. It did not say "within this development." Planner Astorga clarified that the condition was added to the original approval to make sure that if a lockout unit was every requested it would have to be done through a CUP modification.

Commissioner Hontz stated that she had a different reading of the condition, particularly related to the other conditions that the applicant stipulated to. Planner Astorga agreed that the modification request was a substantial deviation from what was originally approved, which is why it requires Planning Commission approval. Commissioner Hontz thought Planner Astorga's explanation was clearer than how it was represented in the Staff report.

Russ Olson stated that as Stein Eriksen Lodge got involved with the developer on this project, a discussion they had early on was the important of having lockouts from an operational perspective from the standpoint of selling real estate and the future ongoing operations of a project of this magnitude. The request to modify the CUP to allow lockouts was important for the enhancement of the development and this project in particular.

Commissioner Savage referred to a comment that the property would be managed by Stein Eriksen or another luxury management firm. He assumed that if Stein Eriksen discontinued their management responsibility that the management company hired to replace them would have the same level of credentials. Mr. Lichtenstein answered yes. Commissioner Savage asked for the number of management companies that operate at that credential level. He was told that no other company had the same credentials. Commissioner Savage wanted to know why the Planning Commission could not add a condition of approval stating that Stein Eriksen would be the operator of the property. Mr. Lichtenstein stated that they did not see the relationship with Stein Eriksen ending, and he was comfortable adding a condition stating that if Stein Eriksen discontinued management then the lockouts would go away.

Mr. Olson reiterated that Stein Eriksen has a long term agreement with Regent Property that would transfer over to the HOA. It was a fact that they would be there for many years. Commissioner Savage calculated that the number of keys would increase by 300% over the original approval, going from 40 to 125 keys. Mr. Lichtenstein replied that the increase was actually 54 to 125. There were 54 units on the site and they were only proposing to add the additional 85 lockout units within the condo buildings. Commissioner Savage was concerned about the increase in the number of people coming and going.

Chair Worel opened the public hearing.

Bob Dillon, representing a number of adjoining residents in the neighborhood, assumed that the Planning Commission had received the two letters he sent dated December 6th and December 11th. He noted that the December 6th letter laid out the history of this project and how it got to be what it is today. Mr. Dillon stated that at one point the neighbors realized that if they let these big units have lockouts it is a completely different project than what was proposed. Mr. Dillon provided a hand out to the Planning Commission. He has been involved with this project for many years and it was very clear that the City and Deer Valley Resort wanted this project. It went through a multi-unit dwelling process; however, he and others always asserted that the City really did not know what the project would be until they saw the condo plan because that relates directly to how this project operates and what it is. Mr. Dillon stated that in large units with a full kitchen, people generally live within those units the same as they would within a dwelling unit. Once they add 85 lockouts as part of those units, they create a necessity to have restaurants, bars, and other retail, which is consistent with a hotel use. He used Stein Eriksen and the Chateau as examples. Mr. Dillon watched the approval process and in the October 15 City Council/Staff hearing he made the argument for why lockouts would be a material change and make this a 135 unit project instead of a 54 unit project. Mr. Dillon noted that during the process the Staff relayed that the developer was not contemplating lockout; and therefore agreed to the insertion of the condition stating that no lockouts are permitted within this approval. Mr. Dillon stated that no action was taken on October 15th and the matter was continued several times after that. It was finally discussed on April 28, 2010 with the hearing that resulted in the approval of the project. That approval added Condition #18 that said no lockouts are permitted within this approval because it would be a major deviation and to add them would require approval by the Planning Commission.

Mr. Dillon stated that he has been called ingenuous and a crappy lawyer, but he always thought that if a project was approved that was the project that stood. Mr. Dillon noted that the applicant went through a series of extensions and reached the point where the CUP was ready to expire if they did not pull a building permit. They have still yet to file any condo plats or subdivision plats.

Commissioner Wintzer asked Mr. Dillon to keep his comments focused on the lockout units.

Mr. Dillon believed his comments were on point and continued. Mr. Dillon stated that the neighbors objected and the Legal Department came forward with a labored interpretation to allow this project to start. For the second time excavation started on this property on a project that had not been fully defined. Mr. Dillon reviewed the Legal Department's response and he told his clients that it was clear that the building permit would be allowed by the City. Their choice was to raise money to take it to 3rd District Court, which would be a long arduous process. Even if they won it would put them back in the same place. Therefore, the neighbors decided that modest improvements were made to the project and the applicant had made some concessions to address their concerns. The neighbors also thought they had succeeded in getting a lockout prohibition. For those reasons the neighbors decided to forego their legal option to appeal the decision of starting construction. Mr. Dillon was dismayed to see this lockout application with Staff support. He believed it was totally contrary to their understanding. He was also surprised to find that the applicant had filed their condo and subdivision documents. He had copies and asked if the Planning Commission had seen them.

He noted that the documents revealed exactly what the neighbors were saying. The project was not a multi-unit dwelling. He has worked with Stein Eriksen for years and they run a good hotel. Mr. Dillon stated that the condo documents had commercial units, which per the Code, are units that could be rented out for businesses. He reiterated that 85 lockout units would eventually require restaurants and other hotel amenities. Mr. Dillon felt strongly that the applicant's request for lockout units was a material and substantial deviation from the project that went through the CUP approval process. Mr. Dillon stated that he later learned that the applicant withdrew the filed condo documents, which was why they were able to tell the Planning Commission this evening that they were not a hotel. Mr. Dillon pointed out that Black Diamond has support commercial but they do not have restaurants and they are not run by a hotel operator. If they intend to define support commercial in the context of a multi-unit dwelling, this applicant should not be allowed to have any of that because it runs counter to the definition of a hotel. A hotel is a building that has restaurants, spas, etc. connected with the use. If the applicant intends to have a hotel they should be required to file for a new CUP and prove that their project complies with the Code requirements for a hotel.

Mr. Dillon stated that his clients requested that the Planning Commission disapprove this application this evening and direct the developer to move forward with the multi-unit dwelling project that was approved, and to add a condition of approval that there will be no lockout units permitted in this project. They would like the Planning Commission to instruct the developer to file the condo and subdivision documents as required by the Code before any further building permits are issued. Mr. Dillon pointed out that this was the process required by Code. If the Planning Commission was unwilling to deny the lockouts, their documents should show no material deviation in nature or use of the project, since it will not be a unit project as required by the approved CUP. Otherwise, the developer should have to file a new CUP for a hotel.

Commissioner Strachan thought the Planning Commission should make it clear to the public that due to the late hour they would not be making a decision this evening. He would be moving for a continuance to give the Commissioners the opportunity to read the recently submitted public comment. He was willing to hear additional public comment this evening or those wishing to speak could refine their comments and come back at a later date.

There was no other public comment. Chair Worel closed the public hearing.

Director Eddington noted that the January 8th agenda was quite full. Planner Astorga stated that since the Planning Commission was only meeting once in December and once in January due to the holiday and Sundance, the agendas were anticipated to be large for January 8th and the first meeting in February.

Mr. Lichtenstein understood the scheduling predicament, but his preference was to be back on the January 8th agenda.

Regarding the condominium plat issue, Planner Astorga presented the site plan that was approved in 2010. He noted that two separate applications were filed. One was a subdivision application for the 16 homes around the periphery and the other was a condo plat. However, the Staff identified an issue with the duplex regarding lot lines. The applicant decided to withdraw their applications and do one master record of survey application for the entire application including the 16 single family

dwelling/duplexes and the 38 condo unit buildings. Planner Astorga was informed today that the application would most likely be submitted on December 20th.

Assistant City Attorney McLean asked if it would make sense to continue this item to the date the condo plat would be on the agenda. Planner Astorga was unsure of the exact date because it could change depending on when the application is actually submitted. The applicant wanted to get it right this time and the surveyor was still working on the documents. Commissioner Strachan requested that the Planning Commission hear the two together. He thought it would be more beneficial to allow the public to comment on what might be overlapping issues. Director Eddington suggested February 12th.

Planner Astorga stated that if they continue this item to February 12th it should be done so with the condition that all public comment must be received one week prior to that date. Commissioner Strachan thought they could implore people to meet that deadline but they could not force them.

MOTION: Commissioner Strachan moved to CONTINUE the Conditional Use Permit application for Lot 2B of Subdivision 2 of North Silver Lake until February 12, 2014. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

6. 543 Woodside Avenue – Steep Slope CUP (Application PL-13-02034)

Due to the late hour and the need to have sufficient time to discuss the application, the Planning Commission decided to continue this item to the next meeting.

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

MOTION: Commissioner Savage moved to CONTINUE 543 Woodside Avenue to January 8th, 2014. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 11:00 p.m.

Approved by Planning Commission: _____