

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
JULY 31, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Mick Savage, Charlie Wintzer, Kayla Sintz, Francisco Astorga, Polly Samuels-McLean

Commissioners Thomas was excused.

City Manager Diane Foster introduced Matt Diaz, the new Assistant City Manager, and provided a brief history of his experience.

Mr. Diaz stated that he previous lived and worked in Park City he was very familiar with the City. He felt fortunate to be back in Park City and looked forward to meeting the Commissioners.

WORK SESSION ITEMS

LMC Amendments to the HRM District

Planner Astorga remarked that this work session item related to the LMC amendments in the HRM District. He referred to Exhibits B and C in the Staff report and noted that the Staff chose to put the District on two maps because it was too difficult to read on one map.

Planner Astorga stated that the HRM District is basically Park Avenue from 15th Street down to 12th Street on both sides. On the east side it goes down to 10th Street. Planner Astorga noted that page 3 and 4 of the Staff report contained information related to applicable compliance and general terms related to the General Plan. He explained that the primary changes begin on page 4. The first one addresses open space, where through an MPD the open space requirement is 60%. The proposed change for consideration suggests a reduction in open space.

Planner Astorga remarked that consistency was the main driver. The HRM District indicates that under special requirements for triplexes and multi-unit buildings, the open space requirement is 60%. Everywhere else in the Code mentions 60%, but it also indicates an exception that if the site can qualify as re-development, the open space requirements drops down to 30%. He noted that the first LMC amendment was proposed for the purpose of being consistent with the language included in the MPD requirement criteria for review or approval.

Planner Astorga stated that the second proposed change was to the language for existing historic structures, that the Planning Commission has the ability to reduce setbacks for additions to historic sites. Instead of going through a variance it is a conditional use permit through applicable compliance in terms of compatibility and form, mass, volume, and scale. The Planning Commission has that ability and they have exercised that right through specific requests. Planner Astorga explained that the Staff was proposing to add language indicating that it would apply to additions, but also new construction. In the HRM District multiple buildings are allowed on the site for whatever reason. The Staff asked if the Planning Commission was willing to entertain the concept of allowing the exception of reduced setback for new construction similar to the conditional use permit for additions to historic sites. Planner Astorga clarified that the exception would only apply to a historic sites listed on the Historic Sites Inventory.

Planner Astorga remarked that the last proposed change related to affordable housing. In an effort

to incentivize Affordable Housing in the HRM District, the Staff was proposing to deviate from some of the LMC requirements for the HRM District, specifically the one for compliance with access to Sullivan Road.

Planner Astorga noted that the Staff had drafted proposed language as shown on Exhibit A in the Staff report, the HRM District, Chapter 2.4. The potential changes were highlighted in red beginning on page 14 with the two amendments regarding open space and setback exceptions. The proposed amendment for Affordable Housing was outlined on page 17.

Planner Astorga disclosed that the proposed changes would affect the current application filed within the Planning Department for a conditional use permit for a multi-unit building, co-housing project at 1450/1460 Park Avenue. The amendments would change the requirements related to parking spaces of five or more and access off of Sullivan road. Planner Astorga stated that if the City decided to move forward with the proposed changes, it would positively affect that site.

Planner Astorga noted that this was a work session and a public hearing was not scheduled. However, members of the public were in attendance and he recommended that the Planning Commission take public input.

Assistant City Attorney remarked that even though the proposed amendments would affect issues that arose with a specific application, she felt it was important to recognize that it would be a legislative change and not specific only to the Green Housing project. Ms. McLean recommended that the Planning Commission focus on the policy decisions regarding the LMC amendments rather than on one project.

Commissioner Wintzer asked if an application would have to be resubmitted if it was originally submitted under the existing Code and the Code is changed. Ms. McLean replied that the applicants would have the benefit of the Code change without resubmitting the application. Commissioner Wintzer understood that if it was turned around they would not get that benefit. Ms McLean replied that he was correct.

Planner Astorga believed it would depend on whether the Code was changed to be more restrictive or less restrictive. Ms. McLean stated that an application is vested under the current Code; however, the applicant could choose to take advantage of the changes and move forward with the revised Code.

Commissioner Hontz referred to page 4, the last bullet point under Historic Core Policies and noted that some of the words were missing to complete the sentence. She noted that words were missing from the second bullet point under Historic Core Actions and asked for clarification. Planner Astorga apologized for the error and offered to find the exact language from the General Plan.

Planner Astorga stated that he looked at the vicinity map to contemplate what the change might allow in terms of the properties in the zone. He was concerned about setting a precedent and creating a future problem. Planner Astorga stated that it was impossible to predict future problems because everything depends on what currently exists and what the property owner wants to do with his land. However, as indicated on the HRM maps on page 20 and 21, the second amendment proposed would only apply to the historic sites identified as significant or landmark on the Historic

Sites Inventory, and those were indicated on the map with yellow dots or orange triangles.

Commissioner Hontz clarified that for MPDs or anything else, any applicant could come in at any time and use the benefit of the Code changes. The benefit of the Code changes would affect every person in the HRM District. Commissioner Hontz commented on City-owned property in the HRM District, some of which was identified in blue on the map. She pointed out that the City would be one of the property owners affected, as well as private property owners.

Chair Worel opened the public hearing.

Planner Astorga handed out a letter that Clark Baron had emailed earlier in the day.

Clark Baron, an owner in the Struggler Condominiums located at 1470 Park Avenue adjacent to the project stated that he had made comments at the last two public hearings and the Planning Commission was given a written copy of comments. Mr. Baron stated that during the last two meetings the owners of the Struggler Condominiums have made it clear that the concept of co-housing is a good concept; however, putting ten units on a property of this size in the Historic District does not meet Code. They have tried to indicate that it is a good project but on the wrong property.

Mr. Clark stated that he and other Struggler owners were opposed to the changes in the LMC. Making public policy changes to benefit a specific private development looks bad for the City. The project is too large for the property and he encouraged the Planning Commission to consider the density. Mr. Clark stated that one of the changes in 15-2.4-9 attempts to exempt the project from all requirements related to Sullivan Road. He felt it was inappropriate to negate a full section of the building code based on the fact that a percentage of the project is affordable housing. The goal of the City is to maintain the historic nature of the area and also to do affordable housing. He believed they could both, but not with this project on that property. It is too big and does not match the surrounding development. Mr. Clark asked the Planning Commission not to support the proposed changes to the LMC.

Dan Moss, a Struggler Condominium owner, stated that there is very little developable land left in the historic district and this was not the time to compromise the standards they have all worked so hard to craft through the years. He felt it was important to hold fast to the values and not snub the efforts of the City forefathers who gave their all to ensure a future Park City that holds true to its beliefs. Mr. Moss stated that the wording that defines the City Code was well-thought out by those who had the foresight to know how best to proceed. He did not think those valiant efforts should be compromised. Mr. Moss remarked that the Historic District of Park City was the last place where they should ease the requirements to promote affordable housing. If the proposed project cannot be built on this parcel without the aid of compromise and the easing of standards, then it should be built on a different parcel of land that could better facilitate the proposal.

Chair Worel closed the public hearing.

Planner Astorga read the language from the General Plan to complete the incomplete sentences that Commissioner Hontz had pointed out earlier. The first was the last bullet point under Historic Core Policies. "Work to ensure the continued livability of residential areas around the historic commercial core." The second was the second bullet point under Historic Core Actions, "Encourage

residential development that will provide affordable housing opportunities for residents, consistent with the community's housing, transportation and historic preservation objectives.”

Commissioner Hontz noted that pages 3 and 4 of the Staff report highlighted some of the sections of the General Plan that the Staff had chosen to support the potential Code changes. However, when she reads the language it does not support the changes. Commissioner Hontz stated that both of the bullets highlighted under Goal 7 do not relate to the changes proposed. She remarked that livability was a key element in the historic preservation objectives. She intended to focus on both issues in her comments.

Commissioner Hontz summarized her comments in six points as follows:

1) Open Space – In her opinion none of the proposed changes were acceptable and none of them would make for a better District or zone that would benefit the entire community and building district. Commissioner Hontz referred to the first bullet point in the consistency question regarding open space, and stated that if she had been aware that the unintended consequences of allowing MPDs in Old Town would mean reduced open space and not specifying no roof tops and no side yards, she would have never allowed MPDs in Old Town. Commissioner Hontz stated that the reason for having an open space requirement in MPDs and for larger units was due to the context of the neighborhood and the relationship with the historic structures. She believed the open space needed to be maintained, especially in Old Town, where a few feet is precious space. Commissioner Hontz remarked that open space is a mandatory requirement for larger density in order to fit into that part of Town. In her mind it was not a consistency issue.

2) Relationship – Commissioner Hontz felt like the City was shifting from the number one goal in the Historic District, the word “historic”, to pushing another goal for affordable housing. She recognizes that affordable housing is important and she supports it, but it should not compromise the “historic”. Commissioner Hontz noted that the current General Plan has supported existing affordable projects, and they can be done under the existing Code. She was not willing to further degrade the historic district and run the risk of making it less valuable and livable by allowing the proposed change outlined under Existing Historic Structures. Commissioner Hontz thought the situation would be worsened by making the conditions fit the historic structures instead of new construction.

Commissioner Hontz stated that a relationship has been established between the historic structures, other structures and the street, and she believed those needed to be maintained. She felt the proposed change was the wrong direction to go in Old Town.

3) Affordable Housing and the Sullivan Road Access – Commissioner Hontz stated that she has lived in Park City for 19 years, and she has learned over time that the Planning Commission exists for a good reason. She found it interesting that they would consider exasperating the problem in this area rather than to enforce the rules that were put in place to stop this type of situation from occurring. In looking at the corridor along Sullivan Road, the proposed change would undo the important regulations intended to stop the type of development in the parking lot and the facades that were occurring along the Park. Commissioner Hontz did not believe it fits the neighborhood and it was not a good direction to consider.

4) Commissioner Hontz believed the points she outlined shows that the proposed changes do not

support any of the community ideals and it would erode what they have worked hard to put into place.

5) Keeping her focus on the legislative action, Commission Hontz could see this policy change causing problems for the City in terms of how the process was initiated and moved forward.

6) Commissioner Hontz believed her points against making the Code changes were strong enough to convince them not to move forward in any aspect.

Commissioner Wintzer concurred with all of Commissioner Hontz's comments. However, he would put more emphasis on the comment that the process is flawed. If this is a big issue, the Planning Commission should be looking at it in comparison with the General Plan and looking at the bigger picture rather than just one isolated area. Commissioner Wintzer agreed that Sullivan Road needs to be maintained as a special area. It was abused when it was first put in and the proposed changes would weaken it even more.

Commissioner Strachan agreed with the comments. He believed the trend throughout the community is to increase the amount of open space. People have voted for million dollar bonds to gain more open space, and the idea of changing the Code to decrease the amount of open space is not in concert with the community trend. Commissioner Strachan stated that in Old Town where the houses are so close together, open space is an important element. There needs to be room between structures for storage of bikes, etc., but particularly for children. If they want to encourage families to move back into Old Town they need to have yards for their children. He remarked that yards are still important for projects along Sullivan Road, because even though the Park is on the other side of the road, people cannot send their children to play in the Park without having a parent with them. Families need to have open space next to their homes where the children can play and the parents can supervise.

Commissioner Strachan needed more time to think about the changes proposed to the Historic District section. This was the first time he had seen the changes and he needed to look at the map and physically walk by the historic structures to figure out what the Code change would mean for each of those homes.

In terms of process, Commissioner Strachan felt this was similar to when the Kimball Arts Center requested a Code change to accommodate their project. At that time the Planning Commission viewed it as being reactive planning instead of progressive planning. He thought they should be planning for the projects they want to see as opposed to reacting to projects that come before them.

Commissioner Strachan recognized that the change may be good overall, but putting it in front of the Planning Commission as an effort to approve what they all agree is a good project may have unintended consequences. Knowing the trends that occurred in the past when patchwork changes were done to the LMC, he would anticipate abuse of the Code.

Commissioner Savage stated that he had given the matter considerable thought and he spent a lot of time driving the area. He took exception to the earlier comments, not because of the unintended consequences, but rather trying to do something that supports intended consequences. He disagreed with Commissioner Hontz's comment that the proposed changes do not support any of the community ideals, since one of the primary community ideals is affordability and integrating

people of various economic means into the community as broadly as possible. The idea of bring families back into the historic area without providing a mechanism to achieve it was frustrating. Commissioner Savage believed this was an opportunity in this area to contemplate a range of possible projects that could help achieve some of the intended objectives. He remarked that in talking about open space in the area around Sullivan Road, he could not think of many places in all of Park City that offer a more direct access to significant open space for children and families and recreation in terms of having a Park all along the back of the homes. In relations to the yellow dots on the map, he felt the achievement of open space and the desirability of functional open space was well achieved in that area. If they could find a way to encourage development that would create that as an asset, it would attract the families they want to see in Old Town.

Commissioner Savage stated that when he looks at the purposes in this part of the General Plan and the Land Management Code, he finds it very supportive for what they were trying to achieve. Commissioner Savage supported the proposed changes because it makes sense for Park City. Commissioner Savage agreed that the desire to maintain historic compatibility was of paramount importance and they need to be good stewards of that, but not to the exclusion of flexibility as it relates to allowing the higher population of family units.

Commissioner Savage referred to the City properties in the area and he believed those properties were ripe for development in terms of higher density and affordability for families, particularly due to the proximity to the Park and transportation corridors.

Commissioner Gross believed that Lower Park Avenue would be a very important aspect of the City and some of the things being planned in the redevelopment areas. He thought the Code changes would help take it in the direction of additional density in the right places, walkability, transportation, etc. Commissioner Gross stated that in looking at the area identified in the Staff report, it appeared that the Struggler lots to the north only had five units on one lot equaling the same size of property as the two lots to the south with ten proposed units. Commissioner Gross was unsure if density was the real issue. He thought affordable housing was critical and there has been heard good feedback with regards to projects along Park Avenue. Without talking about the Green Co-housing project specifically, Commissioner Gross thought the Planning Commission needed to pay attention to the importance of setbacks and open space. He suggested that 60% open space may be too aggressive; but he would not want green roofs or patios being considered as part of the 30% open space.

Chair Worel stated that from her perspective open space was a key factor and she had an issue with potentially cutting the open space requirement in half. Chair Worel agreed that they need to protect the historic structures and carefully consider what they put next to historic structures in terms of additions, etc. Any additions or construction should be compatible with historic structures and with the streetscape. Chair Worel liked Commissioner Strachan's comment about planning rather than reacting. She was concerned about setting a precedent for changing the Code every time a project comes along that they all like and believe in. Chair Worel was opposed to setting the precedent by changing the Code.

Commissioner Savage stated that for the years he has been on the Planning Commission he could count on two fingers the number of times there has been a change in the LMC that has come to the Planning Commission as a consequence of a specific application. He was not particularly

concerned about the issue of precedence. However, he was concerned about the issue of higher purpose in terms of their intentions. He noted that the Planning Commission has had extensive discussions in relation to the development of the new General Plan having to do with the concept of gives and gets. Commissioner Savage stated that there was no perfect way. Any time they are faced with making a decision that supports the vision they want for the community in the future, there will have to be compromises. Commissioner Savage did not argue the fact that there were compromises associated with the proposed changes; but when he looks at the implication it could have relative to the integration of affordable housing in a very high-quality location in the community, he felt strongly that this was a good opportunity to act in a constructive way.

Commissioner Hontz stated that the City has four community ideals; historic character, small town, natural setting and community. She would argue that the historic core is what distinguishes Park City the most as a unique ski town that is both livable and interesting to visitors. In order to accept any of the proposed changes they would have to buy into the fact that it would benefit the four community ideals. Commissioner Hontz remarked that she has looked at this area for various projects and as a Planner she understands that the existing regulations work quite well. She was not convinced that the proposed changes would help someone succeed. She believed that accepting them would be reacting in a negative way.

Commissioner Hontz stated that a 50% reduction sounds significant, but on a plan with significant density, that could mean four feet on one side yard, which is important in Old Town. She realized that it was hard to understand what 30% means, but she does understand it and making it smaller would not work. Going back to the historic character, she was not willing to erode what they have any further.

Commissioner Wintzer stated that he had calculated the setbacks on a 50' x 150' lot and they equaled 36% open space. The proposed change would essentially mean that the Planning Commission was willing to accept only the setbacks as open space. Commissioner Wintzer remarked that he personally was not willing to accept setbacks as the only open space.

Planning Manager Sintz pointed out that MPDs are now allowed in the HRM zone. Under the current Code, reductions of open space from 60% to 30% can be granted when there is affordable housing or rehabilitation of historic structures. She liked the discussion regarding open space and whether it was enough in setbacks. Planning Manager Sintz noted that the variation of setbacks can be a bonus for historic structures if an applicant is not actually attaching an addition to, but is instead doing new construction. It allows a greater separation from two buildings. She was unsure if that had been contemplated as a mechanism.

Planning Manager Sintz asked if there was consensus among the Commissioners to bring back the proposed changes for further consideration. If the consensus was no, she asked if there were specific items or sections that the Staff should bring back for further discussion.

Commissioner Savage reiterated his support for implementing the changes as proposed.

Commissioner Strachan wanted to know the catalyst for proposing changes to the Historic District setbacks for new construction. Planning Manager Sintz replied that greater separation allows for more space between a historic structure and new construction on the same site or an addition to a

historic site. Planner Astorga stated that unlike the HR-1 or other districts, the HRM District allows multiple buildings within a lot. If new construction that is not necessarily attached to the building it could be shifted towards the back, it would achieve greater separation between the historic structure, but the setbacks would still be reduced.

Commissioner Hontz wanted to know what would keep the new construction from creeping closer to the historic structure but still be allowed a reduced setback. Planning Manager Sintz stated that it would be part of the Planning Commission review process. Commissioner Hontz remarked that it would not end up being a benefit unless the Code specified that in order to receive the reduced setback, the structure would have to be set back for further separation.

Planner Astorga clarified that the Staff chose not to specify the separation because compatibility is addressed in the conditional use permit criteria. Each site is different and it is better to address it on a case by case basis.

Chair Worel asked if the Planning Commission was interested in further discussing the proposed change regarding open space. Commissioners Hontz, Wintzer, Strachan and Worel were not interested in discussing it further. Commissioner Gross was interested. Commissioner Savage had already made his position clear for supporting the proposed change.

Chair Worel asked if the Commissioners were interested in further discussing the proposed changes regarding Existing Historic Structures. Commissioner Strachan wanted to see additional analysis. He had walked around Rossi Hill and went up the Shorty steps. Some of the homes are close together and he found it to be quaint and interesting because it had the feel of an old mining town. Commissioner Strachan stated that if the proposed change allows the ability to shrink the setbacks to achieve that feeling, he would be willing to look at it. He understood that it was only for new construction and he recognized the issues related to a new structure abutting a historic structure. However, he was interested in seeing the Staff analysis and how that could be mitigated. If compatibility is the only regulator to address that problem, he would not support it.

Commissioner Hontz noted that all the pieces of the Code were entwined. If the other Commissioners concurred with Commissioner Strachan, she would want strong language in terms of what instances it would make sense, and she would also want to mandate more open space.

Commissioner Wintzer referred to Commissioner Strachan's comment about the quaint neighborhood up the Shorty Stairs. He explained that it is a unique neighborhood because there is no road and no cars. There is no chance for a mega-building in that area because it cannot be accessed by car. He pointed out that decreasing the amount of open space essentially increases the size of a structure. At this point, Commissioner Wintzer was not interested in pursuing it further. He believed the only way to draw families and children back into Old Town is to create more open space.

Commissioner Savage stated that in the category of gives and gets, having the ability to encourage people to build affordable housing in a location proximate to City Park and the park at the Library, was very consistent with the desire to encourage families to move back into Old Town. He believed they were putting so much emphasis on the open space issue that it becomes the defining constraint without looking at the benefits from developments that include a significant percentage of

affordable housing. Commissioner Savage thought the Planning Commission was being inconsistent. They talk about affordable housing but they are unwilling to do what is necessary to achieve it.

Commissioner Hontz reiterated that the point she made that was not resonating is that the amount of open space is three or four feet, which is not enough space to do anything or store anything. She emphasized that 30% open space is only the setbacks, which is not usable open space. Commissioner Hontz noted that there are still no yards in Old Town at 60% open space. Families are already forced to go to the Park. She believed that 60% open space was a necessity.

In response to the question of whether the Planning Commission wanted the Staff to come back with more analysis on existing historic structures, Commissioner Strachan answered yes. Commissioners Gross, Savage and Worel concurred. Commissioners Wintzer and Hontz were not interested in further analysis.

Chair Worel asked if the Commissioners were interested in further analysis regarding the proposed change to explore the concept of removing the Sullivan Road access requirements if the development contains 50% or more deed restricted affordable housing units. Commissioners Hontz, Wintzer, Strachan and Worel were not interested in pursuing this change. Commissioner Gross and Savage were interested in more analysis. Commissioner Gross clarified that he would like to see more analysis because he still struggled with why they were calling it a parking lot and access road. He thought it needed further analysis so they could call it what it is. If they do not want housing and people they should put in another parking lot for the Park.

The Work Session was adjourned.