

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 23, 2010

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Dick Peek, Brooke Hontz, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Brooks Robinson, Principal Planner; Kayla Sintz, Planner; Jacquelyn Mauer; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

I. ROLL CALL

Vice-Chair Peek called the meeting to order at 5:42 p.m. and noted that all Commissioners were present except Commissioners Wintzer, Luskin, and Pettit, who were excused.

III. PUBLIC COMMUNICATIONS

There were no comments.

IV. ADOPTION OF MINUTES OF JUNE 9, 2010

It was noted that the minutes and work session notes were incorrectly dated June 10, 2010.

MOTION: Commissioner Hontz made a motion to change the date of both the Work Session Notes and the Minutes to reflect the correct date of June 9, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

V. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Planning Director Eddington announced that the General Plan Neighborhood input sessions were scheduled for July 20th and July 27th at the High School from 6:00-8:00 p.m. He encouraged the Commissioners to attend at least one of those meetings. The goal is to obtain neighborhood input to help with land use and the proposed goals.

Director Eddington stated that on July 6th and July 13th the City will hold a Treasure Hill open house at the High School beginning at 6:00 p.m. The purpose is to show the public the direction Treasure Hill is taking and where they are in the negotiation process.

Commissioner Hontz disclosed that she would be recusing herself from the 6808 Silver Lake Drive plat amendment item because she has a ski instruction relationship with the owner.

Vice-Chair Peek pointed out that 6808 Silver Lake Drive would be continued to July 14th because they would lack a quorum.

Vice-Chair Peek referred to the 1310 Lowell Avenue application and disclosed that he has used the same subcontractor on that project for other projects in the past. However, he is not involved with 1310 Lowell Avenue and did not believe it presented a conflict.

Regarding the 1310 Lowell Avenue project, Commissioner Strachan disclosed that his firm represents Park City Mountain Resort on personal injury cases and a commercial disputes. He did not believe that representation would affect his vote in any way.

CONSENT AGENDA

1. 6808 Silver Lake Drive - Plat Amendment
(Application #PL-10-00955)

MOTION: Commissioner Savage made a motion to REMOVE 6808 Silver Lake Drive from the Consent Agenda for continuation. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. 1144 Woodside Avenue - Plat Amendment
(Application #PL-10-00961)

Vice-Chair Peek opened the public hearing. There was no comment. Vice-Chair Peek closed the public hearing.

MOTION: Commissioner Strachan made a motion to forward a positive recommendation to the City Council for the 1144 Woodside Avenue Plat Amendment, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the attached ordinance to the Staff report. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1144 Woodside Avenue

1. The property is located at 1144 Woodside Avenue within the HR-1 zoning district.
2. The plat amendment is for the existing Lots 20 and 21 of Block 5 of Snyder's Addition to the Park City Survey.
3. The proposed plat amendment will create one lot of record that is 50 feet wide by 75 feet deep. The minimum lot width in the HR-1 zone is 25 feet.

4. The area of the proposed lot is 3750 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet.
5. The lot is vacant with an existing asphalt driveway.
6. The neighborhood is characterized by single family and multi-family homes and condominiums.
7. All findings within the Analysis section are incorporated herein.

Conclusions of Law - 1144 Woodside Avenue

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

Conditions of Approval - 1144 Woodside Avenue

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the subdivision 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 and the plat will be void.
3. A ten foot wide public snow storage easement is required along the front of the property.
4. No remnant parcels are created.
5. There are several existing encroachments on the property including a shed, two fences, and a portion of the neighboring driveway. The applicant must either remove the existing encroachments or record encroachment agreements with the neighboring property owners prior to plat recordation.
6. Modified 13-D sprinklers shall be required for all occupied structures.

2. 321 McHenry Avenue - Plat Amendment
(Application #PL-10-00973)

Vice-Chair Peek opened the public hearing. There was no comment. Vice-Chair Peek closed the public hearing.

MOTION: Commissioner Strachan made a motion to forward a POSITIVE recommendation to the City Council for the 321 McHenry Avenue plat amendment according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the attached ordinance to the Staff report. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 321 McHenry

1. The property is located at 321 McHenry Avenue within the HRL zoning district.
2. The Plat Amendment is for the existing Lot 28 and portions of Lots 3,4,5, 29,30,31,and 32 of Block 59 of the Park City Survey.
3. The proposed Plat Amendment will create one uniquely configured lot of record that is approximately 123 feet wide by a varying depth of 75 to 17 feet. The area of the proposed lot is 4,610 square feet. The minimum lot size in the HRL zoning district is 3750 square feet. The minimum lot width in the HRL zone is 35 feet.
4. There is an existing non-historic home located at 321 McHenry Avenue.
5. The neighborhood is one characterized by single family and multi-family homes.
6. A right-of-way dedication of 1195.94 square feet will be dedicated to the City upon recordation.
7. The maximum footprint based on the property owned prior to right-of-way dedication (5806.79 sf) is 2095 square feet. The maximum footprint based on the proposed lot after right-of-way dedication (4610.85 sf) is 1779 square feet. By allowing the footprint to be calculated including the dedication, the property owner receives the right to an additional 316 square feet of footprint.
8. All findings within the Analysis section are incorporated herein.

Conclusions of Law - 321 McHenry

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

4. As conditioned, the plat amendment is consistent with the Park City General Plan.

Conditions of Approval - 321 McHenry

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. 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 and the plat will be void.
3. A ten foot wide public snow storage easement is required along the front of the property.
4. No remnant parcels are separately developable.
5. A plat note will be added to the parcel, which allows a maximum footprint of 2095 square feet.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

6. 6808 Silver Lake Drive - Plat Amendment
(Application #PL-10-00955)

This item was removed from the Consent Agenda for continuation since Commissioner Hontz needed to be recused and there would not be a quorum.

MOTION: Commissioner Strachan moved to CONTINUE 6808 Silver Lake Drive plat amendment to July 14, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

7. 692 Main Street - Amendment to Master Planned Development
(Application 692 Main Street - Amendment to Master Planned Development)

Planner Brooks Robinson reviewed the application to amend the master planned development at the Marriott Summit Watch Town Lift MPD, for one building at 692 Main Street, which had been the Summit Watch Sales Gallery. It is a two-story building with a basement. In 1994, after several amendments and agreements between the City and developers in the lower Main Street area, there was a revised master plan, at which time this building was constructed and approved at 7200 square feet of commercial space, being 7.2 unit equivalents.

Planner Robinson stated that the applicant is requesting to amend that MPD to create a mixed use rather than all commercial. They propose to stay under the 7.2 UEs, but still have a mix of residential and commercial. Planner Robinson explained that one residential unit equivalent is 2,000 square feet versus 1,000 square feet for commercial. He noted that it is possible to stay under

the UEs, but increase the size of the building. The proposal is to add a third story and a fourth story that would then step back.

Planner Robinson reported that the applicants had revised their plans after the Staff report was distributed. The UEs for the residential portion shows 3.38 throughout the report. With the revisions, that number increases to 3.78. The total is 6.83 instead of 6.43. Planner Robinson noted that those numbers were also identified in Findings of Fact #9. If the Planning Commission chooses to move forward, that correction should be reflected in the motion.

Planner Robinson stated that the configuration was changed to add approximately 800 square feet for a total of 2400 square feet instead of 1600 square feet.

Vice-Chair Peek asked if the 6.83 UEs were identified in the conditions. Planner Robinson replied that it was not shown and recommended that it be included in Finding of Fact #9, "total unit equivalents would be 6.83".

Planner Robinson referred to Condition of Approval #4. He recalled discussion at the pre-MPD stage about the main floor level and the market deli and grill/bar. The applicant has stipulated that the market area would be open to the public. However, if the use changes over time, language was added to the condition to state, "...or any other commercial use of that space will be open to the public". He noted that the grill/bar may be open to general public, but is likely to be for the members of the timeshare project.

Vice-Chair Peek recalled that this issue came up last time regarding the vertical zoning ordinance. He asked if there was an allowed use. Planner Robinson explained that they need to see if a business license has been in continuous operation or if operation has been stopped for more than a year. Planner Robinson stated that even though the use went from a sales gallery/real estate office to a use that is partially sales tax generating, it would still be grandfathered under the vertical zoning ordinance.

Commissioner Hontz wanted to know when the time would expire. Planner Robinson stated that he would check with the Finance Department to see when the business license expires. He believed it was in October.

Commissioner Peek asked if the use as a sales gallery generated walk-in traffic for real estate sales. Planner Robinson explained that Summit Watch was selling their time shares out of that building. The building is currently vacant. Commissioner Peek pointed out that the use allowed public access to the building. Planner Robinson clarified that under the vertical zoning, real estate offices, because they do not generate sales tax, and law offices or other office type uses are not allowed under the vertical zoning ordinance unless it has been a continuing use. If a developer had an office on the street when the ordinance was passed, that use could continue.

Commissioner Peek reiterated that those uses are all accessed by the public. Planner Robinson agreed, noting that the purpose of vertical zoning is to put retail sales businesses on the Main Street level. It is for more than just public access. Commissioner Peek felt that a private restaurant

use was radically different and was not a contiguous use consistent with the business license. Commissioner Hontz agreed that it was not a renewal of the use.

Commissioner Strachan remarked that regardless of whether the use satisfies the vertical zoning ordinance, the Planning Commission could condition the approval to be open to the public at all times. Commissioner Hontz did not favor approving a use that did not meet the ordinance.

David Luber, representing the applicant, stated that they intend to continue selling real estate in a portion of the building. He understood that if they did not have the ongoing sales operation that is still licensed by the City, they would have a use problem. The difference is that the use would be present, but not in the entire building. Mr. Luber believed that a sales office would not prohibit them from converting this building back to its intended residential and commercial purpose, as long as they remain under the 7.2 UE's, which they would under the 6.83 designation proposed in the current plan.

Mr. Luber stated that they would continue to have commercial, residential and a degree of sales activity. Commissioner Peek asked if the uses would be open to the public or if it would be a private club use. Mr. Luber replied that the grill/bar private club is initially designed to be a ski lodge private club and not open to the public. It may be opened to the public but that is not mandated. Mr. Luber remarked that the market, which was a conversation point during the pre-application discussion, is intended to be open to the public at all times.

Mr. Luber clarified that the intent is to take a defunct or non-operating building asset and turn it into something that is profitable for the developer and for the City in terms of tax base. He believes this project would generate amenable traffic into the 7th Avenue District. Mr. Luber remarked that the mix of uses proposed meets the criteria.

Commissioner Savage understood that the developer was asking for the right, but not the obligation, to convert the restaurant space into public space. He clarified that the issue was whether or not the bar/grill would be open to the public and that Mr. Luber believes they already have the right for that option. Mr. Luber replied that this was correct. However, without question, the market will be a public facility.

Commissioner Savage asked if the Planning Commission has a right to question the public/private issue as a point of approval. If the developer's right is stipulated in the Code, he thought they should move forward.

Assistant City Attorney, Polly Samuels McLean, noted that currently it is non-commercial. However, in looking through the MPD criteria, one of the criteria addresses compliance with the General Plan and whether or not it increases livability, impacts to the neighborhood, etc. She advised the Planning Commission look at the project based on that criteria, regardless of whether the use is public or private.

Planner Robinson reviewed the building elevations and the floors going up to the residential, which is currently part of the commercial space in the existing building. The third level would be added with additional residential units. Planner Robinson presented a slide with the corrected numbers he

had outlined at the beginning of the presentation, with the three bedroom unit being larger overall. He noted that the revisions did not change the parking calculations identified in a table on Page 60 of the Staff Report. Based on the size of the units and the commercial space, the requirement is a total of 23 parking spaces. The applicant provided 23 spaces under an easement that was granted in the 1990's with the original Summit Watch development.

Planner Robinson stated that the Staff reviewed the General Plan Compliance, Historic Core Policies, as well as the MPD requirements and found compliance with each of the criteria.

Commissioner Peek pointed out that Level 4 as shown was different from what was in their packets. Mr. Luber stated that after they met with the Planning Commission on April 23, they were able to do additional market research in terms of the residential sale component. In meeting the objective of one of the historic core policies to promote residential viability on the street, they found that a three bedroom unit on the Penthouse was attractive to some of the potential buyers of the project. Square footage was added to continue the livability of residential areas in that component of the project and part of the street. However, they were still under the 7.2 UE and fall within the requirements.

Commissioner Peek clarified that the proposal provided in the Staff report had been adjusted. Planner Robinson concurred. Commissioner Peek asked if the elevations had also changed.

Kevin Horn, the project architect, stated that more historic detail had been added to the elevations. Commissioner Peek asked if the top elevation on the west side stepped back. Mr. Horn answered yes. Commissioner Peek pointed out that it steps back from the front facade, but there is no articulation and it creates one plane across the building north to south. Mr. Horn stated that the floor plan shows an indent in the spa area, which creates two elevations. Commissioner Strachan noted that it appeared to be on the 4th floor only. Mr. Horn replied that this was correct. He explained that the first and second floors were on the same plane and the third story continues that single plane.

Mr. Luber noted that this project was simultaneously going through the Historic District Review process. He recalled that on April 23rd the Planning Commission unanimously recommended sunsetting the task force of the previous concept, and that was approved by the City Council.

Commissioner Hontz asked about the exterior material on the fourth level. Mr. Horn stated that the plan was showing a stucco material, which is the same material used on the balcony of the building. They are also considering other materials. Mr. Luber stated that the material could be brick to the fourth floor, however, the market speaks to something that individualizes the penthouse. It is a smooth concrete that is intended to blend with the rest of the building and concrete work.

Mr. Horn reviewed a slide and indicated that they would cut out the arch and expand the balcony. Commissioner Peek understood that they would demolish the arch and create a new balcony in the same footprint. Mr. Horn replied that this was correct.

Mr. Luber stated that the goal was to achieve an exterior look that is a harmonious historic element, which has been lacking in the building up until now. He noted that the Design Review Staff enthusiastically supported that element.

Planner Robinson clarified the intent of the Summit Watch project in the early 1990's. He noted that some of the initial concepts were more commercial laden and the intent of the City was to have a better ratio with more residential. The Summit Watch building ended up being all commercial, even though initially it was intended to be a mixed use. Planner Robinson stated that the intent of the proposal presented this evening was to stay under the unit equivalents that were approved, and go back to the original intent of a mixed use with less commercial and more residential.

Planner Robinson remarked that the applicant was requesting action on the MPD amendment to allow a mixed use project.

Commissioner Peek noted that when the Planning Commission reviewed a pre-MPD application in April, they did not find compliance with the General Plan. He asked if that was because the original MPD was found to be in compliance with the General Plan, and there was no need to find compliance again. Planner Robinson noted that Conclusion of Law #3 in the Staff report states that the amended MPD is consistent with the Park City General Plan. He clarified that at the last meeting the Planning Commission discussed the design review process and made that recommendation to the City Council. The City Council acted on their recommendation, which consolidated that particular finding into the findings provided for this meeting.

Commissioner Peek understood that the application was an amendment to an MPD. However, the Code states that a pre-MPD meeting needs to be conducted to find compliance with the General Plan. He asked if that step is not required for an amendment to an MPD.

Mr. Horn pointed out that the original MPD was found to be in compliance and this amendment does not change the MPD.

Assistant City Attorney McLean remarked that in April this application was noticed as a pre-MPD. It did not go through the typical Staff report, but it was discussed as a pre-MPD and the language shows initial compliance with the General Plan.

Commissioner Peek clarified that the motion was a recommendation to the City Council for design review. The Planning Commission did not take action on the actual pre-MPD application. Ms. McLean requested time to review the Code before commenting on Commissioner Peek's concern.

Mr. Luber reiterated that they tried to meet the objectives of the historic core policies; specifically the point to continue the livability of residential areas around the historic commercial core. He stated that the purpose was to design a project that is commercially feasible within the guidelines currently permitted under the LMC and the MPD. Mr. Luber requested approval from the Planning Commission to move forward and build out their projects as suggested in the amendment.

Vice-Chair Peek opened the public hearing.

Rob Murphy, representing the Marriott Summit Watch Management Company commented on two issues in the Staff report. A paragraph under site planning talks about refuse facilities and indicates that the Summit Watch project has dumpster in the underground parking area. Mr. Murphy clarified that those dumpsters and the refuse facilities are paid for and operated by the Summit Watch Condominium Owners Association, which is a privately-owned entity. The trash facilities are in no way affiliated with this building and cannot be used by this project. Mr. Murphy pointed out that the only access they have to enter the property is their parking easement recorded under 384600.

Mr. Murphy noted that Paragraph 9 in the Staff report references service and delivery on the adjacent plaza and the underground parking garage. He clarified that the only rights this applicant has are 23 parking spaces granted in that easement.

Vice-Chair Peek closed the public hearing.

Commissioner Strachan remarked that the Planning Commission was looking at a totally different plan. Two floors were added, the density was increased and the plans contained in the Staff report were incomplete based on changes that were submitted after the Staff report was prepared. In addition, a trash issue was raised this evening and he was unsure if closing the bar and grille to the general public meets the intent of the General Plan. Commissioner Strachan felt that the three Commissioners who were absent this evening should have the opportunity to review this application, particularly if they look at General Plan compliance. Based on the reasons stated, Commissioner Strachan thought this item should be continued for further review.

Commissioner Hontz stated that when considering the historic core policies of the General Plan, as well as the viability and increase in traffic, they have a duty to support this end of Main Street. Therefore, allowing any part of the main floor of this building to be private would go against the plan for helping this end of Main Street become viable again. Commissioner Hontz believed the historic core policies on page 58 of the Staff report supports her comment, specifically the 2nd bullet point, "to maintain commercial viability, promote year-round demand by residents and workers for services, restaurants, entertainment and similar uses in the core". Commissioner Hontz remarked that if an approval could be conditioned to keep the entire main level open to the public, she felt that would meet the General Plan. Commissioner Hontz read bullet point #4, "Support programs that make the downtown attractive to potential businesses". She stated that if the entire area were open it would be more attractive and encourage people to spend time there. She noted that bullet point #5 talks about pedestrian-friendly environment. If the space can be utilized by the public, it would be more pedestrian-friendly, particularly if the market was located on that level. Commissioner Hontz remarked that public space speaks to the livability issue addressed in bullet point #6. She believed this project had the opportunity to meet the intent of the vertical ordinance.

Commissioner Hontz stated that she could not support the application unless that portion of the project comes into compliance with the General Plan.

Commissioner Savage felt the issue was whether or not this was an allowed use, and acknowledged that he did not have the ability to determine that with respect to the General Plan.

Commissioner Savage commented on the number of restaurants in that area and he believed the owners of those restaurants would favor less competition. He did not think the public lacked opportunities to find good places to eat. In thinking about a viable property, Commissioner Savage thought that a distinctive character like a private club inside that property would help create the value and ambience they want in terms of having the building properly occupied. He was more concerned about non-vacancy signs.

Commissioner Savage asked if there could be an alternate use for the private club space, such as a gym or spa for the homeowners. If the answer is yes, he was unsure why the space could be private for that purpose but not as a restaurant. Commissioner Savage remarked that incorporating the market would be a great value for that portion of Main Street and represents a good contribution to the neighborhood.

Commissioner Savage understood that the applicant was asking for the right, but not the obligation, to turn that space into a public facility. He thought it was likely that they would do that in any event once the units are sold and people realize the benefits of having a better economic base. Commissioner Savage clarified that he was not particularly concerned about the private space issue, unless they find that it is not allowed by Code. However, at this point, the Legal Department and the Staff recommend supporting this proposal with the understanding that it is compliant with Code.

Vice-Chair Peek agreed with Commissioners Strachan and Hontz that the matter should be continued to address the service delivery issues with the Marriott Summit Watch HOA. In addition, the Planning Commission needed to see complete updated plans with the appropriate density numbers, as well as an analysis of the vertical zoning ordinance as it applies to this use and any vested rights from the former use.

Commissioner Strachan noted that stucco was mentioned as a proposed material. In the past the Planning Commission has not been favorable to stucco, and he thought the Commissioners who were not present should have the opportunity to voice their opinion. He suggested that the Planning Commission direct the applicant to reconsider the use of stucco and provide alternative materials.

Vice-Chair Peek stated that because this would be a four-story building next to a historic structure, he would like to see an articulation of the view as seen from the Zoom Restaurant.

Assistant City Attorney McLean had researched the Code regarding the pre-MPD. She stated that even though the Planning Commission had not made a motion for compliance with the MPD, after reading the Code and the minutes from the April meeting, she was comfortable with the action taken. Ms. McLean explained that the Code requires a finding and per the minutes, the Planning Commission had discussed whether or not this initially complied with the General Plan. The minutes show that Commissioner Peek thought it did comply and the Commissioners concurred. Based on that language, Ms. McLean believe it was appropriate for the Planning Commission to consider this application as an MPD.

MOTION: Commissioner Strachan moved to CONTINUE 692 Main Street, Master Planned Development Amendment to July 14, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

8. Ratification of Little Kate Road - Ratification of Development Agreement
(Application #PL-09-00965)

Planner Kayla Sintz reported that this item was the Development Agreement for the Park City Racquet Club MPD. She noted that Section 15-6-4(G) of the Land Management Code states that once the Planning Commission has approved a master planned development for a project the approval shall be formalized in the form of a development agreement. The development agreement must be ratified by the Planning Commission, signed by the Mayor on behalf of the City Council and recorded with the Summit County recorder.

The Staff recommended that the Planning Commission review the proposed development agreement and consider ratifying the agreement as written. Planner Sintz clarified that the Planning Commission may recommend amendments to the Development Agreement, but shall consider that this action is an administrative action ratifying that the January 20, 2010 final approval is correctly memorialized in the Agreement.

MOTION: Commissioner Strachan moved to RATIFY the Development Agreement for 1200 Little Kate Road. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

9. 1310 Lowell Avenue - Conditional Use Permit
(Application #PL-10-00965)

Due to issues related to Commissioner Strachan's business association with PCMR, Assistant City Attorney McLean advised the Planning Commission to continue this item July 14 2010.

The item had been noticed for public hearing.

Vice-Chair Peek opened the public hearing.

Terry Whitney, representing the Snow Flower Condominiums stated that the Resort has been a great neighbor. Brent Child contacted the owners a month ago and met with them on site to show what they were planning. Mr. Whitney stated that his efforts helped the owners understand what the Resort was asking in this application. She remarked that the concerns relating to the height of the poles, the direction of the lighting and the lighting hours appeared to be addressed. Regarding the terrain park, Ms. Whitney was concerned that the issue of music and porta-pottys had not been addressed.

Vice-Chair Peek continued the public hearing.

Commissioner Hontz stated that Park City is a ski town and she favored the idea of adding to the night skiing terrain. She liked the concept and was happy to hear that the Resort has been good neighbors in working with the adjacent property owners. Commissioner Hontz referred to the CUP Criteria #3, Utility Capacity, and expressed concern that there might be issues with capacity in the community. She requested additional information from Staff to better understand the capacity and to make sure the Planning Commission would be approving something that is actually buildable. Commissioner Hontz suggested that they do their due diligence before July 14th.

Commissioner Savage requested an explanation of the before and after pictures contained in the Staff report.

Brent Child, representing the Resort, explained that there was very little difference between the before and after pictures. He noted that the pods shown would be new lighting and the race arena northwest of those pods already have lighting. The run to the east, towards the bottom of the picture is already lit. He clarified that the new lighting is in between those two.

Planner Jacque Mauer pointed out that currently 44-1/2 acres are lit. This proposal would increase the lighted area to 54.7 acres.

Planner Mauer noted that the Staff report states that there are 49 poles and lights. She corrected that to indicate 49 poles and 76 Metal Halide light fixtures. Planner Mauer stated that the number of lights and poles would be accurately reflected in the July 14th Staff report.

Mr. Child stated that the race arena has approximately 75 lights that are a 1,000 watt metal halides. The First Time run has approximately 40-50 1,000 watt metal halide. The 76 lights proposed for the center section are 150 watt metal halide. He noted that they would see a half to two foot candles of steady, consistent even lighting. The 1,000 watts on the other two runs would have bright spots and then feather out to half foot candles. He believed the proposed lighting would be more visually appealing and more efficient in terms of energy consumption. The old lights were 1500 watt porch halogens that were upgraded this year to 150 watt metal halides with an 82% savings in power.

Director Eddington asked if the existing poles would be utilized with the same color of lights. He was told that the lights would be the same type but the existing lights would be brighter. The new lights would be the same color but less wattage.

Commissioner Savage asked if there would be a change in total power demand after lighting is replaced, eliminated and added. He was told that the power demand would be less. Mr. Child calculated that they would use approximately 53,000 kilowatt hours less on Pay Day and 20,000-30,000 less on Three Kings. Even with the additional lighting they would still save power. Rocky Mountain Power had provided an email stating that there was enough power to support this new project.

MOTION: Commissioner Hontz moved to CONTINUE 1310 Lowell, Three Kings Ski Run lighting to July 14, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

10. 1750 Park Avenue - Conditional Use Permit
(Application #PL-10-00960)

Planner Sintz reported that the Planning Commission approved a conditional use permit on September 27, 2006. However, the applicant never pulled a building permit and the approval expired.

Planner Sintz noted that the application was under review for a conditional use permit because it is within the Frontage Protection Zone overlay on Park Avenue. The existing building has approximately 6,000 square feet and the proposed addition to the rear area would add 2,704 square feet for a total of 8,719 square feet. The total footprint would increase 590 square feet.

Planner Sintz stated that the parking area currently has 25 stalls, which exceeds the Code requirement of 21 spaces. The addition would decrease the parking to 24 stalls, which still exceeds the 21 spaces required.

The Staff recommended that the Planning Commission conduct a public hearing and approve the conditional use permit based on the findings of fact, conclusions of law, and conditions of approval.

Vice-Chair Peek opened the public hearing.

There was no comment.

Vice-Chair Peek closed the public hearing.

Commissioner Hontz asked if the plan included enhancements or changes to the exterior of the current building. David White, the project architect, replied that the current building would remain the same. Commissioner Hontz asked about paint. Mr. White believed the building was resided and painted a year ago. Commissioner Hontz asked if the materials were a continuation of the siding and existing material. Mr. White replied that this was correct.

MOTION: Commissioner Strachan moved to APPROVE the conditional use permit for 1750 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Staff report. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1750 Park Avenue

1. The property is located at 1750 Park Avenue.
2. The zoning is General Commercial (GC) within the Frontage Protection Zone (FPZ).

3. The proposed Conditional Use Permit is for construction within the FPZ.
4. The existing building is 6,015 square feet.
5. The 2704 square foot proposed addition brings the building to 8719 square feet.
6. The net leasable floor area will be 6954.5 square feet. The footprint will increase by 590 square feet.
7. 25 parking spaces currently exist.
8. The required parking for the site is 21 spaces. Proposed parking is 24 spaces.
9. The proposed addition would be to the rear 2nd story of the building. The building height will not be increased by the addition.
10. Use of the building will remain general office.
11. The building is within the flood plain area and soils district.

Conclusions of Law - 1750 Park Avenue

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

Conditions of Approval - 1750 Park Avenue

1. The City Attorney and City Engineer will review and approve the final construction plans for compliance with State law, the Land Management Code and the conditions of approval.
2. The applicant will apply for a building permit from the City within one year from the date of Planning Commission approval. If a building permit has not been granted within one year's time, this Conditional use Permit will be void.
3. Before a building permit is issued, the building department shall review plans to make sure they are appropriate in the flood area.

4. A soils mitigation plan shall be submitted and approved by the building department before construction and/or excavation may commence.
5. At the closure of the job, the soil shall be tested and approved by the building department before the certificate of compliance to the Soils Ordinance shall be re-issued.
6. Any modifications to signs, lighting, or landscaping shall be reviewed under separate application.
6. General Plan - Amendment to change the title of the Park Bonanza District to "Bonanza Park District" (Application # PL-10-00996)

Planning Director Eddington stated that the City has been working with various neighborhoods, including the Park Bonanza area, as part of the General Plan update. The proposed amendment would change the current name in the supplement to the General Plan from Park Bonanza to Bonanza Park.

Director Eddington explained that a number of property owners agreed on the name change and would like to do banners or some type of branding to identify the area as Bonanza Park. The Staff agreed to look at the name change with regard to the existing General Plan, because it could be a year or two before the new General Plan is completed.

For the sake of consistency and identification, the Staff recommended that the Planning Commission adopt the amendment for the name change.

Commissioner Savage asked if public input was required. Director Eddington stated that the Staff had met with property owners and others over the past few months on this issue. Commissioner Savage asked about noticing requirements. Director Eddington pointed out that it was noticed for public hearing on the agenda this evening. It has also been made public at other General Plan meetings.

Vice-Chair Peek opened the public hearing.

There was no comment.

Vice-Chair Peek closed the public hearing.

MOTION: Commissioner Savage made a motion to forward a POSITIVE recommendation to the City Council to adopt the amendment to the Park City General Plan to change the name "Park Bonanza" to "Bonanza Park" District. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

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The Park City Planning Commission meeting adjourned at 7:50 p.m.

Approved by Planning Commission: _____