

K CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
APRIL 13, 2016

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; Anya Grah, Planner; Hannah Turpen, Planner; Makena Hawley, Planning Tech; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Strachan called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

**ADOPTION OF MINUTES**

March 23, 2016

Commissioner Suesser referred to page 17, last paragraph, which reflected that she asked the applicant to address some of the concerns raised in the letter. She corrected that statement to accurately reflect that she had asked the applicant to address **the** concerns raised in the letter.

MOTION: Commissioner Band moved to APPROVE the minutes of March 23, 2016 as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Planning Director Erickson stated that the Commissioners were sent an update from the County Transportation. He thought the key take away from the update was the number of employee trips and the rate of growth of employment, relative to the rate of growth for

housing. Director Erickson remarked that job growth is at approximately 40%. To the best of his recollection housing growth in the City is approximately 1% and approximately 5% in the County. He pointed out that most of the trip generation is from employees and he believed that would play into the transportation discussions in the General Plan. Director Erickson stated that if the Commissioners had further questions they could be addressed in a work session forum.

Director Erickson reported that the HPB has approved the material deconstruction to do three openings in the roof of the white barn this Spring and insert steel trusses so it is seismically and wind loaded strengthened. CRSA is the project architect and there is a rigorous preservation plan. Director Erickson stated that if anyone had questions, Planner Hannah Turpen had a presentation from the CRSA Architects explaining how they intend to accomplish the work.

Chair Strachan asked if the barn would be closed to the public, and if so, for how long. Assistant City Attorney McLean pointed out that currently the barn is not open not accessible to the public. Planner Turpen explained that a building permit application has not yet been submitted so the Staff was unclear when construction would begin. However, she understood that they would try to keep as much of the property accessible as possible, but still keep the public safe and the site secure. Director Erickson assumed a late May, early June start date. Planner Turpen stated that the goal is to do the work during the shoulder season.

Assistant City Attorney McLean noted that the Treasure Hill application will be coming back to the Planning Commission at some point. She reminded the Commissioners and the public that this is a pending application and any public comment should be sent in writing to the Planning Department or directly to Director Erickson or Planner Astorga. Ms. McLean clarified that if the Planning Commission appears to be rude if they are approached by the public, it is only because they are not allowed to talk to the public about a pending application. All conversations should occur during a meeting.

Commissioner Joyce stated that he would not be able to attend the next Planning Commission meeting on April 27<sup>th</sup>.

Chair Strachan announced an agenda change this evening. He noted that the Blue Ribbon Commission would be the next item on the agenda. The LMC work session items would be discussed at the end of the meeting.

## **WORK SESSION**

Review of the Blue Ribbon Housing Commission Report dated March 30, 2016 and preparation of comments to City Council per City Council Request

Rhoda Stauffer, the Housing Specialist for the City introduced the member of the Blue Ribbon Commission - Meg Ryan, Nicole Butolph, Ron Hunt, Mike Stewart, Glenn Wright, Tom Horton and Mark Sletten.

Ms. Stauffer noted that not every member would be giving a presentation this evening. She assumed the Planning Commission had read the report and would ask questions when necessary. Meg Ryan was also prepared to highlight the high notes if the Commissioner were interested. Chair Strachan thought it would be helpful.

Meg Ryan reported that the Blue Ribbon Commission would be attending the City Council meeting the following evening. They were before the Planning Commission this evening to here initial feedback. This is a work in progress and the Blue Ribbon Commission was asked to provide the Council with feedback on the EPS Study that was commissioned in order to look at the regulatory components of housing in the LMC. Ms. Ryan stated that that piece was still being finalized. She understood that the Planning Commission and the City Council were scheduled for a joint meeting on April 28<sup>th</sup> to discuss the details of the EPS Study. Ms. Ryan noted that what would be presented to the City Council tomorrow is an overview of other policy considerations. The regulatory component is in the EPS study such as the current in-lieu fee, requiring things of developers, etc. She anticipated future conversations once they share their policy thoughts with the City Council.

Ms. Stauffer stated that the Planning Commission was not given the full Staff report, which gives the background on the Blue Ribbon Housing Commission. She explained that the members were appointed in October and they have been meeting two to three times a month since October and they completed their work in March. They were asked to be the community filter for the regulatory work that Economic and Planning Systems are doing, and looking at Code and the Housing Resolution to determine its effectiveness and whether or not changes need to be made. Ms. Stauffer stated that the Blue Ribbon Housing Commission had other thoughts on the education pieces they wanted to provide to the City Council and that would be part of their presentation to the Council the following afternoon.

Chair Strachan stated that Blue Ribbon Commissions are often overworked and under-appreciated. However, this group was very much appreciated and it was a good report. Chair Strachan especially liked the recommendation that all development should pay something towards the affordable goals. He wholeheartedly agreed, and thought it was a good move to make it a top priority.

Chair Strachan asked if the group had discussed requiring that affordable housing be built first in most developments. He noted that many times larger projects are have promised and are legally required to put in affordable housing, but the profitable part gets built first and the affordable housing comes at a later, undetermined time, and in some cases not at all. He asked if that had come up in their discussions and what ideas they had for addressing it.

Mike Stewart stated that it was very appropriate to have milestones depending on the size of the development where affordable housing is provided concurrent with market based housing. Mr. Stewart stated that he is a developer who has done a lot of affordable housing in his past on a number of very large projects, and he always produced it upfront. He has seen a lot of agreements in both the City and the County where it has been discussed and the assumption was that it would be done upfront. He noted that they asked Ms. Stauffer and the Staff why the affordable housing that was supposed to be built with already approved projects was not built.

Chair Strachan hoped the City Council and Summit County would put some teeth in it and issue a stop building order unless they see affordable housing going in.

Commissioner Joyce recalled previous discussions where they suggested withholding a Certificate of Occupancy for any part of the development until the correct threshold of affordable housing is provided. Commissioner Joyce stated that he has also been frustrated by the fee-in-lieu piece. It is not high enough to be sufficient and it does not involve enough projects. He questioned whether a fee-in-lieu was an easy way out. Commissioner Joyce preferred to have the fee-in-lieu be the less desirable option than the building alternative. It should be more punitive so building affordable housing is less expensive than paying the fee-in-lieu. Commissioner Joyce pointed out that fee-in-lieu also puts the burden of land acquisition on the City for providing affordable housing.

Ms. Ryan stated that the group had discussed that at length. One of the things was prioritization and fee-in-lieu was low down on the priority list. They also talked about making it fractional units so it was not used at all.

Ms. Stauffer explained that it was not in the Blue Ribbon Commission report because fee-in-lieu is going to be addressed heavily by Economic and Planning System at the April 28<sup>th</sup> meeting.

Chair Strachan thought they needed to be careful of annexing more land to make room for affordable housing because that is a double-edged sword. Space is scarce, but in his opinion, annexing more space and building homes on it is not the answer.

Ms. Ryan stated that the group talked about that as well, and there are a lot of infill and acquisition opportunities. With the funds committed and the current zoning there are many opportunities. They also had many discussions about being more aggressive with zoning. Ms. Ryan stated that if they choose not to do that there are still opportunities within the parameters. She remarked that it is not a competition between open space and other goals. The housing in town can also solve transportation goals and potentially historic preservation. That led to the conversation about it being instrumental to have a partnership with the County.

Commissioner Phillips stated that the Park City Planning Commission meets with the Snyderville Planning Commission to try to align their goals and to learn from each other as well. He hoped that would prove to be fruitful.

Commissioner Phillips referred to the calculation for single residents and remodels and asked if the group had any recommendations on whether it should be by square foot or by valuation. He understood that they would get into the details with the City Council, but he was curious as to whether the Blue ribbon Commission had even discussed it.

Ms. Stauffer stated that Economic and Planning Systems has gone into more detail in their work, and the Blue Ribbon Commission agreed with where they were ending up. She did not have information with her, but they will learn more about their recommendation on April 28<sup>th</sup>.

Commissioner Phillips clarified that his reason for raising the question is because if it's based off of valuation, being in the construction industry he knows it's very common for applicant's to under value their scope of work. If it's based off of evaluation there should be some standard average number for different types of construction. Based on his explanation, Ms. Stauffer better understood the question. She stated that most of what they do in the Housing Resolution is based on square footage. They do their own valuations. They do not take value from the application.

Commissioner Phillips noted that the report made reference to buying current stock and converting it. Of all things, that is disappearing rapidly. He thought they should buy the current stock before it is no longer affordable to purchase because it may never come back.

Commissioner Phillips stated that on the flip of side of being punitive on the in-lieu-fee, he suggested having incentives on the other end in an effort to change the mood and the way people think about the bonuses, and encourage developers to start using the bonuses. If it gets abused they could scale it back. Commissioner Phillips stated that if affordable housing is a priority he preferred to see it over-used rather than under-used.

Nicole Butolph stated that the Blue Ribbon Commission had a long discussion about in-lieu-fees. Ms. Stauffer made it clear that using in-lieu fees are actually the discretion of the City Council and it is low on the priority list in terms of allowing people to use it. The circumstances in which in-lieu-fees are actually used are very low. Ms. Butolph clarified that because it does not happen often, they decided not to spend an exorbitant amount of time talking about in-lieu-fees.

Ms. Ryan stated that the density bonus was also discussed at length and the group basically thought that it was not being utilized and it was not useful. They thought it should be revisited. Mr. Stewart thought it was a political challenge because in most places the density bonus is insufficient to attract the developer community economically to make it work. In addition, it is very difficult to get approved by the public. The group determined that it needs to be looked at differently than it is today. Mr. Stewart stated that as they looked at the inventory in town and the available development opportunities, they were very few major developments left where that incentive might actually apply. To get the development community engaged it would have to be more substantial, but it is more difficult to get approved from a zoning regulation standpoint as well as from the public.

Commissioner Phillips asked if any of the members of the Blue Ribbon Commission had input on what the Planning Commission could do to make a difference. Ms. Ryan stated that she is the planner out of the group. In her opinion, once the Planning Commission and City Council figure out the policy direction, the challenge is looking at the Code. If they are serious about doing affordable housing they need to streamline the process. If they want affordable housing upfront they need to put that in the Code.

Glenn Wright stated that from a policy standpoint there are difficult but potential decisions to make. There are fewer opportunities to build and if affordable housing is a priority and they want more housing in the City they need to think about allowing more height and density, particularly in the transit corridors. Mr. Wright commented on the importance of having affordable housing in transit corridors.

Mr. Wright stated that the Blue Ribbon Commission also looked at City-owned land. Some of the decision made in the past have excluded some of the land from housing purposes. As decisions are made on City-owned land or purchasing land, affordable housing should be part of the discussion.

Commissioner Band asked how much time the group spent discussing what type of housing is appropriate, such as houses versus apartments. She understood that the conventional wisdom is to keep families in town, and they need to have a patch of grass. She understood there were limited land resources, and she asked how much of that should

be given to make sure people get people get a patch of grass. Mr. Stewart stated that the Blue Ribbon Commission sees this as creating a menu of opportunities because there is not one simple solution. One thing that stood out from an affordability standpoint was the importance of segmenting each affordable section and setting specific goals for each one because the housing need varies. On the low end the City has done well with apartments and what they have today. The middle income families are the ones who are currently lost in Park City. It is one constituency but it is not the only one.

Ms. Stauffer stated that they do regular assessments of need, as well as a survey of the community and what they want. The City was hiring consultants to do the actual study of what people want when they buy to help them understand the market. Ms. Stauffer noted that anecdotally, the best way to get the best housing in Park City is condos and stacked flats. However, she knows from experience that many young families would rather live in Heber than buy a condo in Park City. They do not want to exclude young families but it is impossible to do all single family homes in the City.

Commissioner Band asked if they would be surveying people who already own a house in Park City, or the people who actually have the needs. Ms. Stauffer replied that it would be a survey of people who have the needs and what they would buy.

Commissioner Joyce referred to a comment about more land being available in the County. He stated that when they talk about working with the County it suddenly becomes easier to put housing outside the City limits; but it adds to the existing transportation issues. He asked if the Blue Ribbon Commission had discussed that issue.

Ms. Ryan replied that it was discussed. They concluded that the City should do what it can within the finite borders, but development in the County will occur anyway and there are partnership opportunities that may meet those goals. It would enable corroboration to work with the transit corridors. As they work through joint transportation and recreation, housing is an integral part. Ms. Ryan stated that the City should not ignore the opportunities they may have in a working partnership with the County. The message from the Blue Ribbon Commission is that it was time to explore it.

Mr. Wright remarked that the County has some of the same ideas; and working together with the County they have talked about some type of joint venture Regional Housing Authority. He stated that the key is developing the transportation infrastructure and developing dense nodes in the western part of the County. Park City proper is a dense node, as well as the Canyons base, Kimball Junction, and the new development that has been approved at Silver Creek. Those are the four major dense nodes and that is where the affordable housing needs to be. Mr. Wright stated that both the City and the County have goals of affordable housing and transportation, and energy in becoming a green

community. Those are all centrally related by creating density, creating transportation and doing it together.

Commissioner Thimm agreed with the comment about building height. In his profession he tends to work with developers and property owners who want to get the highest and best use for their property. A density bonus in his mind can be very meaningless if you do not have the platform to have additional density someplace. Commissioner Thimm believed that creating building height or more buildable area was important. He remarked that reducing setbacks was probably impractical, but creating sensitive ways within the zoning ordinance that would allow for a height bonus in addition to a density bonus could make a density bonus more meaningful.

Mr. Wright agreed with Commissioner Thimm; however, it becomes a political issue within the community. The sentiment is that the community will not accept it. Mr. Wright stated that if this is a goal, the political leaders need to lead and recognize that height is a tool they need to consider.

Commissioner Thimm stated that in working with the development community over the years he has found two key interests. One is the profit motive and the other is time. He asked if consideration was given to the notion of reducing or waiving plan check and permit fees, and possibly providing for preferential or accelerate review of documents when the City issues permits.

Mr. Wright replied that the group did not get specific but they did talk about the time it takes. Mr. Stewart remarked that it was part of the menu and he agreed that time is money. They had discussed the possibility of fee waivers and other things the City could do. He believed that with most developers, particularly on larger projects, time savings would be the most impactful thing they could do.

Ann Laurent, Community Development Director, stated that the Building Department was currently talking about what could be most effective from a building perspective. She believed fee waivers could be looked at and recommended. Ms. Laurent stated that expediting the process is more difficult because two parties are involved with plan review. It is difficult to expedite a project when the plans are not complete, and she was concerned that it would give the perception that drawings do not have to be complete or meet Code. Ms. Laurent noted that the City has been careful not to set an expectation that may not come to fruition if there are problems with the plan check. She was more interested in how to move projects through the entitlements and the plan review pieces, as well as the planning and land use components. That has been more controversial in the estimation of why the resolution has not been as heavily applied as they would like. Ms. Laurent

emphasized that from a regulation perspective there is no way to expedite the process.

Commissioner Thimm clarified that he was not suggesting that they ignore the IBC or other Codes. However, he knows of communities where if drawings come and there is some threshold of affordable housing it gets priority. Ms. Laurent thought that could be an option. Another option she has done in past communities is when developments have standard units the City can approve a model for site adapts. So if the developer has pre-approved plans that they want to apply in multiple circumstances, they would not have to go through the whole review. Ms. Laurent was open to options.

Commissioner Thimm stated that in terms of the definition of affordable housing and income basis, he noticed in the report a HUD standard of 80% AMI. He asked if thought had been given to a deeper target. He is involved with multiple projects where 60% AMI is a goal that appears to be attainable. Ms. Stauffer explained that it was only an explanation of how RDAs are run, which is why 80% was cited. She stated that they target a “work force wage” by calculating what real wages are like locally. She is currently in the process of doing that calculation because the 2015 numbers must be completed by April or early May. That is an annual deadline for the prior year numbers to be available. Ms. Stauffer noted that consistently the median wage for Park City ends up equaling approximately 60% of AMI.

Chair Strachan thanked the Blue Ribbon Commission members for their time and a good report. He believed all of their recommendations were right on point. Chair Strachan encouraged them to keep moving forward and to keep the Planning Commission updated.

Commissioner Phillips requested that the Commission members come to the meetings and provide input when the Planning Commission discusses the Code changes.

The Planning Commission adjourned the Work Session and moved to the Regular Agenda.

**CONTINUATION(S) – (conduct a public hearing and Continue to date specified)**

1. 844 Empire Avenue – Plat Amendment creating one (1) lot of record from the lot and portions of Lots at 844 Empire Avenue (Application PL-15-03034)

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

MOTION: Commissioner Phillips moved to CONTINUE Empire Avenue plat amendment to May 11, 2016. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 803 Norfolk Avenue Plat Amendment – Combining lot 1 and the south half of Lot 2, Block 14 of Snyder’s Addition to the Park City Survey (Application PL-15-03049)

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

MOTION: Commissioner Thimm moved to CONTINUE 803 Norfolk Avenue plat amendment to May 11, 2016. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. 7800 Royal Street East #16 – Plat Amendment for Building E Unit 16 of Sterlingwood Condos. The amendment will change a current Common Area staircase to Private Area in order to enclose it. (Application PL-15-03110)

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

MOTION: Commissioner Joyce moved to CONTINUE 7800 royal Street East #16 plat amendment to April 17, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

4. 1000 Ability Way – Master Planned Development (MPD) – request for approval of an MPD for future expansion of the National Ability Center including additional lodging, expansion of the Equestrian Arena and Administrative Building, and other activity additions and/or improvements (Application PL-16-03096)

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

MOTION: Commissioner Band moved to CONTINUE 1000 Ability Way master planned development to May 11, 2016. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

**REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

1. **1280 Park Avenue – 1280 Park AVENUE Condominium Record of Survey – proposal to create a two-unit condominium from the existing two (2) residential units (Application PL-15-03043)**

Planner Hannah Turpen reviewed the condominium plat application for the 1280 Park Avenue condominiums. The property is located in the HRM zone and consists of a historic house in the front and a new addition in the back. The new addition is currently under construction. The property owner would like to create a 2 unit residential condo unit so they can sell each unit separately.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce noted that the house is historic and there is a piece of the house that is not historic. Currently it is one house, but if they cleave it into two condos he wanted to know how the historic registry piece would apply since half would be historic and the other half would not. He questioned how changes could be made to each unit.

Planner Turpen did not believe this was the only condo with this situation. She explained that it is in the Historic District and either unit would have to meet the Historic District Design Guidelines. It would be treated the same as if it were any other single family home or a condo.

Commissioner Joyce pointed out that the older historic piece is listed as a Landmark structure, which has tighter restrictions. He stated that even if it remained a house rather than a condo, what could be done with the addition is different than what could be done to the historic portion. Commissioner Joyce ask if the back half would lose its historic consideration once it becomes a separate condo, or whether it is treated as a Landmark.

Assistant City Attorney McLean explained that it is part of the site. She noted that currently with the addition the structure becomes a duplex. The condominium application allows each unit to be sold to two different owners. Ms. McLean remarked that anything on the site is subject to the Historic District Guidelines, the front of the house will continue to be maintained as a Landmark, but the back of the houses, Unit B, would have to meet the Historic District Guidelines for newer construction. Because they are tied together, it would

be subject to all of the same restrictions that applied when the addition was initially added. Ms. McLean pointed out that the address would be the same because the second unit would not have its own address. Commissioner Joyce questioned why it would not be two addresses since the units front different streets. Planner Turpen stated that Sullivan Road is not a plated right-of-way. Therefore, Park Avenue is the official right-of-way for that property. Ms. McLean noted that the address would be 1280 Park Avenue Unit A or Unit B. Commissioner Joyce asked if the Fire Department would understand that it would not be a Sullivan Drive address if they received an emergency call. Ms. McLean stated that they would check with the City Engineer to make sure the Fire Department has that understanding. Chair Strachan reiterated that Sullivan Road is not a plated road. Ms. McLean assumed that in the event of an emergency the called would articulate that they were the unit in the back.

Commissioner Joyce stated that if he were buying the condo and he looked in the HSI, he wanted to know if it would be obvious that his new address being 1280 B would show up other than just being zoned in the Historic District. Planner Turpen replied that the entire site is known as 1280 Park Avenue. They designate the site and not just the house, so it would be affiliated with that despite it being Unit B.

Assistant City Attorney McLean suggested that the Planning Commission could add a condition of approval regarding that the CC&Rs shall reflect that Unit A is on the Historic Sites Inventory. Commissioner Joyce did not think that was necessary. He was comfortable with the explanations.

Commissioner Campbell asked if there should be a plat note on Unit B stating that all historic restrictions on Unit A are applicable to Unit B. It would be unfortunate if a potential buyer in the future was not aware of the restrictions that may be enforced before they make the purchase. He thought a plat note would make it clear when doing a title search. Planner Turpen offered to meet with Ms. McLean to draft a plat note.

Director Erickson suggested an additional condition of approval #4 that the plat reflect the location and the requirements to comply with the Historic District Design Guidelines. It should also be repeated in the CC&Rs. Director Erickson preferred to address it as a condition of approval because it is easier to find it in the CC&Rs when doing a title search than finding it on the plat.

**MOTION:** Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the 1280 Park Avenue condominiums plat based upon the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1280 Park Avenue

1. The duplex dwelling is located at 1280 Park Avenue in the HR-M zone. A duplex dwelling is an allowed use in the HR-M zone.
2. The duplex dwelling consists of a Historic Structure with a non-historic rear addition. The Historic Structure was constructed in 1904 and the new addition is currently under construction.
3. A Historic District Design Review (HDDR) application for the new rear addition to the Historic Structure (creating the duplex dwelling) was approved on July 20, 2015.
4. The Historic Structure is designated as Unit A and the new rear addition is designated as Unit B on the proposed condominium record of survey plat
5. The site is listed as “Landmark” on Park City’s Historic Site’s Survey.
6. There are no existing physical encroachments on the site.
7. The minimum lot size for the HR-M is 3,750 square feet for a duplex dwelling. The property is 5,154 square feet. In the HR-M zone no maximum footprint calculation is established, as the size of a structure is determined by the setback and height requirements.
8. The maximum height for a structure is 27 feet above existing grade. The maximum height of the new rear addition is 27 feet and the maximum height of the Historic Structure is 18 feet.
9. A lot line adjustment was approved by City Council on March 27, 2003 creating the 1280 Park Avenue Subdivision. The 1280 Park Avenue Subdivision combined the existing platted lots and remnant parcels into one (1) lot of record and brought the lots into compliance with the minimum lot size for the HR-M zone.
10. Historic Structures that do not comply with Building Setbacks are valid Complying Structures. The north Side Yard Setback of the Historic Structure is 2.9 feet to 3.1 feet (west to east). The south Side Yard Setback of the Historic Structure is 3.7 feet to 3.6 feet (west to east).
11. Under § 15-14-1, the Planning Director may deem existing violations in substantial

compliance with the Land Management Code. On April 6, 2016 the Planning Director deemed the south Side Yard Setback violation of the rear addition as 1280 Park Avenue de minimis, and in substantial compliance with the LMC.

12. The south wall of the new rear addition is clad in horizontal cedar siding with a two inch (2") profile. The horizontal cedar siding falls under Side Yard Exceptions in LMC § 15-2.4-4. Therefore, the level of non-compliance of the south Side Yard Setback is reduced from 0.25 feet (3 inches) and 0.4 feet (4.8 inches) (west to east) to .083 feet (1 inch) and .24 feet (2.8 inches) (west to east).

13. The error extends a maximum of 2.8 inches (2.8") beyond the vertical plane of the south Side Yard Setback. As no additional square footage was achieved in the rear addition due to this violation, the Planning Director has determined that the violation is de minimis and not advantageous to the scope of the development.

14. Any new additions to the structure will have to meet the five foot (5') Side Yard Setback as outlined in § 15-2.4-4 (G) SIDE YARD.

15. Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. The new addition (Unit B) creates a Lockout Unit. The new rear addition (Unit B) has a two-car garage arranged in a tandem configuration accessed from Sullivan Road. In addition, the driveway for Unit B has a one-car parking space. In total, Unit B provides three (3) parking spaces

16. The Historic Structure (Unit A) is exempt from Parking Requirements as defined in LMC § 15-2.4-6; however, the Historic Structure has a driveway (accessed from Park Avenue) which provides a parking space for one (1) vehicle.

17. Vehicular and pedestrian access for Unit A is proposed to come from Park Avenue.

18. Vehicular and pedestrian access for Unit B is proposed to come from Sullivan Road.

19. In 2008, a Conditional Use Permit was approved for a concrete driveway and curb cut located in the rear of the Historic Structure. Staff determined that a new Conditional Use Permit would not be required because the new driveway accommodating vehicular access for the new rear addition (Unit B) would utilize the existing curb cut and would not intensify the use of the vehicular access.

20. Unit A contains 2,265 square feet (including the lower level).

21. Unit B contains 3,410 square feet (including the garage). Unit B contains 968 square feet of private interior garage space. The driveway of Unit B can accommodate one (1) car and is designated as Limited Common for the Benefit of Unit B.

22. The driveway of Unit A can accommodate one (1) car and is designated as Limited Common for the Benefit of Unit A.

23. A Common Area and Non-Exclusive Utility and Drainage Easement extend along the entire length of the north lot line. The easement extends to the northern exterior facades of Unit A and Unit B.

24. A Non-Exclusive Utility and Drainage Easement extends along the entire length of the south lot line and west lot line. The easement extends to the southern exterior facades of Unit A and Unit B.

25. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation.

26. Utilities, including sewer, water, gas, and electricity for both units will originate from Park Avenue, as service is not available from Sullivan Road.

27. The findings within the Analysis section of this report are incorporated within.

#### Conclusions of Law – 1280 Park Avenue

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

#### Conditions of Approval – 1280 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey and Condominium Documents and CC&Rs for compliance with State law, the Land Management Code, and conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at Summit 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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The CC&Rs shall include a tie breaker mechanism.
  4. The CC&Rs shall reflect that the site is listed on the Park City Historic Sites Inventory and any development shall be in substantial compliance with the requirements outlined in the Land Management Code for Historic Sites.
  5. A Plat note shall be added and state that the site is listed on the Park City Historic Sites Inventory and any development shall be in substantial compliance with the requirements outlined in the Land Management Code for Historic Sites.
2. **2300 Deer Valley Drive East – Deer Crest Hotel Conditional Use Permit Amendment – request to amend conditions of approval regarding construction phasing for Phases 2 and 3 of the St. Regis Hotel at the Snow Park Site (Application PL-16-03101)**

Planner Whetstone introduced Michael Zicarro and Tom Bennett, representatives for the applicant, Deer Crest Janna, the property owner of the Deer Crest CUP.

Planner Whetstone reviewed the request to amend conditions of approval of the Deer Crest CUP, which is the St. Regis Hotel, regarding the timing of construction of phases two and three. Planner Whetstone reported that the St. Regis was originally approved in 2005 and was amended in 2008. More recently language was extended in 2014. The entire hotel project was approved as a conditional use permit, which included all phases, and everything from the site to the architecture. Conditions were placed having to do with the timing of the parking structures and condominiums at the Snow Park site.

Planner Whetstone noted that the address is 2300 Deer Valley Drive, where the funicular goes up and the funicular building sits in the building. She noted that the north side over by Powder Run was always intended to be the third phase. The south side, which had the temporary sales building was phase two.

Planner Whetstone stated that when this was amended in 2014 to address the timing, it only referred to the timing of Phase 3, and required building plans by June of 2016. She noted that the language did not address Phase 2. Therefore, the owner has submitted an application to request an amendment to the CUP. She pointed out that essentially the amendment changes some conditions of approval, but it actually clarifies and extends the

conditional use for construction of Phases 2 and 3. Planner Whetstone referred to page 91 of the Staff report which contained the proposed request to change Conditions 3 and 4.

Planner Whetstone reviewed the proposed changes to the Conditions.

Condition #3 – Instead of saying that the applicant shall submit a complete application and building plans for construction of the parking structure and condominium units at Snow Park North on or before June 18<sup>th</sup>, the applicant was asking to change that to **construction of the Phase 2, parking structure and condominium units at Snow Park South, prior to December 31, 2017. If plans are not submitted within that time frame that CUP will expire and they will have to submit a new one. The language further states that they will submit a building permit application for Phase 3 within 18 months following the issuance of final certificates of occupancy for the South.**

Condition #4 – This condition would be modified slightly to address updating the parking study. Planner Whetstone noted that this was important because there is existing surface parking at both sites. Certain things have to happen with that parking to ensure that they have the necessary parking for the hotel. She pointed out that some of the required parking is at Snow Park. The new condominiums will require parking but they need to make sure that parking will be provided during construction. Planner Whetstone stated that the City is requesting a parking study at the time of the building permit for Phase 3, but also requesting a general parking study because there have been comments about how the parking is actually working. When the CUP comes back there is the opportunity to get a more general parking study. The study will be presented to the Planning Commission as an information item if the Staff finds any issues in their review.

The Staff had reviewed the request against the conditional use permit criteria and requested that the Planning Commission conduct a public hearing and consider approving the amendments regarding the timing of construction for Phases 2 and 3 at the St. Regis.

Approximately 200 noticing letters were sent out and Planner Whetstone had received four or five emails and phone calls from people requesting the Staff report and the exhibits. She did not receive any follow up on those requests. There was interest from Black Diamond, Powder Run and others in the neighborhood.

Tom Bennett, representing the applicant, stated that this was a situation where it takes a lot of words to lay out something that is quite simple. He thought Planner Whetstone outlined it accurately and he had nothing further to add at this time. He was prepared to answer questions.

Chair Strachan asked why the Phase 2 extension was not requested with the previous amendment. Mr. Bennett Zicarro replied that there was never a timing deadline set for Phase 2. The timing deadline was always with respect to Phase 3. As mentioned in the Staff report, this goes back to an issue that rose in 2009 by a neighbor within Deer Crest. Mr. Zicarro stated that they have a surface lot and the Planning Commission at that time wanted to know whether it would always be a surface lot or whether it would eventually be a parking structure with building above it. Therefore, they were given a time frame to do that. In 2014 the time frame was addressed and extended; however, it essentially put Phase 3 ahead of Phase 2. When they started planning for Phases 2 and 3 last summer they realized that the phases were now out of order. Mr. Zicarro remarked that they have to build on the south side first because that is the parking garage that would add parking availability when they build on the existing parking lot. He reiterated that there has never been a timeframe by which Phase 2 had to move forward. Mr. Zicarro clarified that the intent of this request is to put the phases back in the right order.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce thought this proposal defeated what was originally trying to be addressed. He stated that there is open parking on the north side and the Planning Commission tried to address the concern of how long it would be an open parking space versus a parking structure or parking under condos. That was the big debate and they established an end date. Commissioner Joyce stated that he was on the Planning Commission in 2014 and it was not accidental that they focused on the north side for Phase 3. They specifically talked about when that open parking lot would get its construction. It was the purpose in 2009 and it was talked about again in 2014. Commissioner Joyce did not believe Phase 2 was relevant in 2014. The deadlines were about that north parking lot.

Commissioner Joyce believed the current request exacerbates the concern because instead of having a clear deadline, Phase 2 would be moved out to December of next year and the parking lot would be tied to a building permit within 18 months after the CO of Phase 2. He pointed out that granting this request could potentially extend having the parking lot for another 10 or 15 years without ever triggering the condition that was agreed to with much debate and the appeal process in 2009. Commissioner Joyce thought they were very specific in 2014 and the deadlines were set in place for a reason.

Planner Whetstone explained that in 2009 there was an amendment to the CUP to build a structure. The applicant came in with a request and the condition was changed to say that they could build a parking lot. Planner Whetstone referred to the action letter from the 2009 meeting and read Condition of Approval #14 on page 109 of the Staff report. Condition #14 – “Within five years of approval, the applicant will either submit building plans for construction of the parking structure at the Snow Park north side or apply for an amendment to the Deer Crest Hotel CUP to be approved by the Planning Commission that either extends the time frame for an additional year, or allows the parking lot as a permanent solution at the Snow Park North”.

Commissioner Joyce understood that neither of those were part of the request this evening. Planner Whetstone answered yes. She noted that in 2014 the applicant requested a change to the condition, and at that time a date was set. Planner Whetstone stated that if the parking on the north side is taken away before the replacement parking is built there would be no parking for the hotel. Therefore, Phase 2 has to occur before Phase 3.

Planner Whetstone noted that the Planning Commission could approve the request to amend the conditions for the construction; they could deny the request; or they could continue the discussion and direct the Staff to prepare findings. She pointed out that if the Planning Commission denies the request the applicant would have to bring in plans for the north side by June 2016.

Assistant City Attorney McLean recalled that the issue regarding the building of the parking lot was that initially it was temporary and it needed to be turned into a permanent parking lot. She noted that it was turned into a permanent parking lot as part of what occurred in 2009. Ms. McLean stated that the Planning Commission did not want a temporary parking lot without an end date because then it would not be temporary. She referred to page 109 of the Staff report, which was the exhibit from the Jerry Rice appeal. She noted that the condition #14 talks about within five years of the approval that either extends the time frame for an additional year, or allows the parking lot as a permanent parking solution at Snow Park north. Her recollection wasn't that they needed to build a parking structure, it was that they wanted a permanent parking lot.

Assistant City Attorney remarked that in terms of extending this out, the Staff discussed whether conditions have changed in the Code that would prevent the applicant from getting the CUP if they were to reapply today. She recalled that the Staff conclusion was no, and a Finding was added to make it clear because the City does not like to extend things out.

Commissioner Joyce noted that the Planning Commission has a list of LMC changes they will be looking at over the next 18 months, yet this could possibly extend out ten years. He believed it took away their flexibility.

Chair Strachan agreed with Commissioner Joyce in terms of what happened during the 2014 meeting. However, if they do not grant this request and the CUP expires in June 2016, the applicant will submit a new CUP. The Codes are the same and the Planning Commission would have to approve it because the impacts have already been proven to be mitigated. That would put them in the same situation of having a flat parking lot for the next five or more years while the applicant continues through the process with a pending application for a CUP. Chair Strachan pointed out that they end up in the same place with a flat parking lot and no way out under either scenario. Either they grant the extension this evening, or they deny it and applicant comes back with a new application and the flat parking lot remains.

Commissioner Joyce understood Chair Strachan's point, but based on that logic the whole negotiation for an end date to the parking lot has no teeth whatsoever. He stated that if the options Chair Strachan laid out were the only options, the only teeth would be if somewhere in that time a substantive LMC change was made that would affect bringing the CUP back under a new set of rules, which could be better or worse for the applicant.

Chair Strachan remarked that in many other circumstances there are teeth to deadlines. He believed if they asked the applicant's representatives what the detriment would be, it would be that they have to spend a lot of time and money on a new CUP.

Commissioner Joyce had two issues. One was that he did not agree with the idea that this was a mistake. It was what they talked about and cared about in 2014 and the reason they set a deadline. Secondly, he was comfortable with the extension until he saw it kick off of the Certificate of Occupancy. He was concerned that they got away from a hard date and instead were setting a date based on something that is 95% in the applicant's control.

Commissioner Joyce clarified that he did not want the applicant to repeat the CUP process, but the Planning Commission either needed to reach the conclusion that the parking lot was fine as it; or they set a hard date for Phase 3 and the building plans.

Chair Strachan thought they needed to reach a compromise where the CO does not mark the line. It would be some other benchmark.

Mr. Zicarro noted that something new that they were proposing was to set a time deadline on the start of Phase 2, which does not currently exist. Their goal is to set time frames on this project going forward. Mr. Zicarro stated that they were willing to set an outside date

which is three years from the date that Phase 2 is required to proceed to start Phase 3. He noted that they also agreed to provide a second parking study. One was submitted in 2012 and they were agreeing to do another one over a 12 month period so the Planning Staff could accurately assess the parking for the project and whether or not it is appropriate. If it is not appropriate, the applicant would have to address it before starting Phase 2.

Commissioner Campbell asked Commissioner Joyce if his objection was to the flat parking lot itself or whether he was trying to do a minimum number of parking spaces to make sure the parking does not fall below that. Commissioner Campbell thought the Commissioners had agreed that if they were going to restrict parking spaces generally that they wanted maximum numbers rather than minimum numbers to keep traffic down. He asked if the other Commissioners shared his recollection.

Commissioner Joyce explained that his concern was that in 2009 there was an agreement that said no one wanted a flat temporary parking lot. Commissioner Campbell asked if his opposition was to the big wall or because there were not enough parking spaces. He asked Commissioner Joyce to disregard what was done in 2009 and to explain his opposition based on present day. Commissioner Joyce replied that he was trying to get rid of the big wall. He explained that at some level he personally did not care, but a lot of work and energy took place in 2009, as well as an appeals process, that produced an end result. Commissioner Campbell pointed out that seven years later the Planning Commission has concluded that traffic is a bigger problem than parking, and he thought they had agreed not to impose minimum parking spaces. Commissioner Joyce remarked that when the applicant submits building plans for Phases 2 and 3 and the parking study, they could look back and determine at that point whether they were requiring the applicant to build too much parking.

Commissioner Campbell stated that one of the conditions is a new parking study and if it has more than two spaces he would be against it because each space will be filled with a car that uses City streets and that is what they want to avoid. It would not bother him at all if they build Phase 2 first and it obliterates every parking space up there for five years. In the end parking will be self-regulating and the result will be the right number of parking spaces. Commissioner Joyce believed this was an LMC discussion that needs to take place. However, the LMC currently requires a number of parking spaces based on the type of business or residence. If they want to focus on mass transit and less parking they have to change the LMC.

Commissioner Campbell was concerned about asking the applicant to come back with a traffic study with results that they do not really care about. Commissioner Joyce argued that Commissioner Campbell might not care, but that was not the case for everyone.

Planner Whetstone clarified that the applicants needed the parking to meet the minimum parking requirement for the hotel on top because of the Settlement Agreement restricting the number of overnight spaces at the Roosevelt Gap site. Therefore, they are counting on the parking at Snow Park required by the CUP and the settlement Agreement to meet the parking for the hotel. Planner Whetstone stated that it is fairly under parked because the parking standards do not required parking for employees. They must have a 200 space parking lot on the Mayflower site for the employees that are shuttled up through Deer Crest. She noted that they were already meeting the minimum parking requirements.

Commissioner Campbell recalled from the 2014 renegotiation that the Planning Commission had requested some type of beautification to make the wall look nicer. Planner Whetstone stated that the idea was to make it a permanent parking space with permanent landscaping and drainage. Commissioner Campbell asked if one of the options this evening would be to allow the applicant to make the parking lot as it exists a permanent lot. Planner Whetstone clarified that it is basically a permanent parking lot now. She explained that the original Conditional Use Permit expires in one year unless it is extended. This one is 80% complete. If it were not for the phasing issue and the condition that required the parking structure before issuing the CO, and the fact that no one wanted a parking structure before there were units on top to cover it up, this discussion would not be taking place because the conditional use permit was not expired.

Commissioner Campbell remarked that the language Assistant City Attorney McLean read from page 109 ends with, "...or allows the parking lot as a permanent parking solution". Planner Whetstone stated that the condition was put on the CUP when it was phased.

The Commissioners discussed options to resolve this issue. Chair Strachan noted that the applicant has UEs that they are entitled to. Commissioner Joyce stated that if Planning Commission decides that this was permanent parking, the applicant could come back with a new CUP request.

Commissioner Campbell wanted it clear that he was opposed to any regulation of parking spaces. Commissioner Joyce reiterated that currently the LMC has parking requirements that the Planning Commission needs to enforce. If Commissioner Campbell felt that strongly he needed to raise his concerns and be a big proponent for making changes when they discuss the LMC and whether or not to change the parking requirements.

Chair Strachan understood that the applicant and some of the Commissioners were in favor of imposing a new hard deadline based on a new benchmark that is not just the CO plus 18 months. Everyone concurred. Chair Strachan stated that the next step was to figure out the deadline and the benchmarks.

Mr. Zicarro stated that currently there is no deadline on Phase 2. If they intend to impose a deadline that needed to be done first. He remarked that in discussions with the Planning Staff they talked about various time frames to start Phase 3. They came up with the proposal that was mentioned earlier and they were willing to change that to set a firm date, which is three years of the commencement of Phase 2, or three years from the December 31, 2017 date. Chair Strachan asked how they would define commencement. Mr. Zicarro defined it as building permit. However, if the deadline for Phase 2 becomes December 31<sup>st</sup>, 2017, then they would set three years from that date as the firm deadline for the commencement of the building permit. Mr. Bennett clarified that it would be the submission of an application for a building permit, which would be 12/31/2020.

Commissioner Joyce referred to page 92 of the Staff report, the recommended amendment, and understood that based on what Mr. Bennett had stated, the language would be revised to read, "A complete building permit for Phase 3 shall be submitted by December 31<sup>st</sup>, 2020." Mr. Bennett concurred. Commissioner Joyce noted that the amended language that was proposed already identified the date for a building permit for Phase 2 as December 31, 2017.

Chair Strachan thought it should be clarified that Phase 2 is required to be completed before Phase 3 begins. Commissioner Joyce believed the amended language on the bottom of page 91 already sets the building permit piece for Phase 2. He thought that should be left intact. Planner Whetstone stated that the south side has to be completed so they can use that parking before they tear up the north side.

Chair Strachan was bothered by Mr. Bennett's comment that 2017 is the submission of a building permit. He thought that deadline should be the actual construction of Phase 2 rather than just submitting plans. Mr. Bennett stated that once the permit plans and applications are submitted the timing is out of their hands and in the hands of the City. He preferred the date to be within the developer's control. The submission of a building permit application would be in their control. Commissioner Joyce was comfortable with the timing of the submission of the building permit. He was not interested in forcing the building phases. His concern was to make sure there was an adequate parking plan. Mr. Bennett pointed out that when the Phase 2 building is built, the parking is built first. Therefore, the parking could potentially be serviceable six months before the condos are built on top.

Commissioner Joyce summarized the changes per their discussion. He referred to the bottom of page 91 with the amendment to Condition #3, and suggested that they leave it intact as written. As the language continues on page 92, the bottom sentence should be revised to read, "A complete building permit application for Phase 3 shall be submitted by December 31<sup>st</sup>, 2020". That was the only change he would request. Mr. Bennett and Mr. Zicarro were comfortable with that change.

Commissioner Campbell asked if they could strike Condition of Approval #4 regarding the parking study. Chair Strachan stated that the last time the applicant came before the Planning Commission they had already completed a parking study. His concern then and still now is the fact that everyone parks in the Snow Park parking lots. Not everyone would agree, but he believed it was true based on what he sees. Chair Strachan stated that in regards to the last parking study, the Minutes reflect that Mr. Bennett had said, On the busiest day of the year approximately 40% of the spaces were still open and he was clearly demonstrating to the Planning Commission that the project has more parking than has ever been used. Chair Strachan stated that if that was the case it creates three problems. One is why would they build more parking. The second is how to discourage people from parking in Snow Park. The third was whether they needed another study if the evidence is clear that it is already an over parked facility. Chair Strachan clarified that he was talking about the Deer Valley Snow Park lot.

Mr. Zicarro stated that they have taken great strides to make sure their hotel guests and employees do not park in the Deer Valley lots. Deer Valley is quick to let them know whenever that happens. Mr. Zicarro noted that during the last winter season they were only informed that one employee parked there twice. However, the hotel cannot control people who come to the restaurant and park there. Mr. Zicarro stated that the parking shown in the preliminary plan is exactly the number of spaces they were required to provide in 2009. He explained that the hotel has evolved even since 2012 and the Planning Staff thought it was important to have an idea of the current parking needs. That was the reason for suggesting another traffic study. Mr. Zicarro noted that the results may be the same or similar to what it was in 2012. He noted that in 2012, on a Saturday during Sundance at the busiest hour, they were at 44% capacity. The parking lots are for hotel guests. Employees park outside the lower Jordanelle gate by Route 40 and they are shuttled to the hotel.

Mr. Zicarro stated that they were willing to do the parking study because they have other "homework" to do over that one year period. The parking study would be presented to the Planning Staff and the Planning Commission if the parking result was different. It would be early enough in the process to modify what they were originally directed to provide in 2009.

Director Erickson thought it was important to keep the parking study as a condition for several reasons. If it does support the position of being over parked they would have fact based analysis to consider when they discuss changing the regulations. Combined with other parking studies coming in from other projects, they will have more than an anecdotal set of evidence. Director Erickson could see trip generation for the hotels changing again from hotel shuttles from Salt Lake City to the Black Car solutions. He was unsure where it would shift again for guests in the next five years. Director Erickson stated that they need

to be planning ahead to 2020 to look at changes in the hotel operations and whether or not it would be over parked.

Chair Strachan asked if the parking study was required by the Settlement Agreement. Mr. Bennett answered yes. Planner Whetstone stated that the proposed language in the condition was requested by the City Engineer.

Commissioner Joyce thought the parking studies ignore the one thing that he and Commissioner Campbell disagree on, which is the effects of having insufficient parking. On the ski area it flows over into the Library and surrounding streets and shopping center, and the burden is on those owners to enforce parking. For the Deer Crest Hotel people park in the Deer Valley parking lot and walk up. He pointed out that the parking study does not take into account the people who park where they are not supposed to be parking.

Director Erickson offered to take his comments to the City Engineer, who would be helping with the scope of the traffic study. He agreed that a peak hour of a peak day during Sundance is a high level of high end destination guests. The Saturday before the Fourth of July could more likely be people from surrounding states who choose to drive. Commissioner Joyce thought the worst scenarios were the local events where everyone drives and they all park in the Deer Valley lot. Director Erickson agreed that they should look at that piece as well. He also agreed that the parking study needs to be done correctly with the correct scopes of work, more off-site focus, and less focus on the peak high-end period and more focus on the marginal times when people bend the rules.

Chair Strachan thought it should be tied to Phase 2, the potential construction of the parking structure. Planner Whetstone replied that it was tied to Phase 2. Chair Strachan was concerned that if the study was not tied earlier than the deadline, it would only have to be completed by the end date. Director Erickson suggested that they tie the total number of parking spaces allowed in Phase 2 to the results of the parking study. He noted that as the approval stands, they are vested under the old ordinance, but they could request to be covered under the new ordinance if they reduce the maximum parking demand.

Chair Strachan was concerned that the parking study would be submitted as part of the application for building of a parking structure. Before reaching that point he would like some analysis that may say they are already over parked. In that case, the applicant should come to the Planning Commission with another CUP which may be in their best interest. It would give them the option of using the UEs to put in condos instead of parking.

Mr. Zicarro stated that in Phase 2 the current plan is to build one level of parking with approximately 35 parking spaces. The total requirement for Phases 2 and 3 are 105 spaces. They currently have approximately 68 spaces. If they submit a parking study that

dictates either more or less parking, the Planning Commission would be able to address the requirements for parking for Phase 3, which at this point with no change is an additional 70 parking spaces.

Commissioner Band understood that they should leave Condition #4 as proposed and revise Condition #3 as previously stated by Commission Joyce.

MOTION: Commissioner Joyce moved to APPROVE the amendments to Conditions # 4 of the Deer Crest Hotel CUP as proposed and to revise the proposed Condition #3 to read:

“The applicant shall submit a complete application and building plans for construction of the Phase 2, parking structure and condominium units at Snow Park South on or prior to December 31, 2017. If plans are not submitted within this date, the prior CUP approval for Snow Park South shall expire and a new Conditional Use Permit application will be required to be reviewed by the Planning Commission prior to submittal of such building plans for the Snow Park Site. A complete building permit application for Phase 3 shall be submitted by December 31<sup>st</sup>, 2020”.

Commissioner Band seconded the motion.

Planner Whetstone clarified that they were eliminating the extension that was in the language that was deleted in Condition #3. Chair Strachan answered yes.

VOTE: The motion passed unanimously.

The Planning Commission adjourned the regular meeting and moved back into Work Session to discuss the Land Management Code. That discussion can be found in the Work Session Minutes dated April 13, 2016.

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

Approved by Planning Commission: \_\_\_\_\_

**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
April 13, 2016**

PRESENT: Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm.

Bruce Erickson, Ann Laurent, Kirsten Whetstone, Francisco Astorga, Polly Samuels McLean,

**WORK SESSION ITEMS**

**Land Management Code Amendments 2016 Annual Review**

Director Erickson stated that the Staff had identified a number of LMC changes that are primarily administrative changes that do not require a lot of discussion. These also include definition issues. The changes would not take much time and the Commissioners should be able to take action quickly.

Director Erickson requested that the Planning Commission review a list of items outlined in the Staff report and agree on which items need minimal discussion moving forward, which ones need moderate discussion, and which ones may require significant discussion. Director Erickson stated that the General Plan settles most of the main issues at the policy level. However, if there are new ones that are significant, the Staff could provide additional data and they could schedule the discussion over several meetings. Director Erickson noted that Ann Laurent, the Community Development Director, has offered to work with the Planning Commission on this endeavor. She would also be directly involved with policy matters.

Community Development Director Laurent reiterated that the goal this evening was to go through how they want to categorize and prioritize their discussions for future meetings. She discouraged the Commissioners from talking about specific items; however, if someone has a specific discussion point, they should express it so it can be included as a future discussion item. Ms. Laurent emphasized the importance of first prioritizing the list to help the Staff move forward on which items to bring back for each meeting.

Director Erickson stated that Ms. Laurent would be bringing forth a full list of items having to do with lighting, energy and housing as her part in helping the Planning Department. Ms. Laurent noted that she would be involved with anything related to building code.

The Planning Commission prioritized the list outlined on page 58 of the Staff report. Commissioner Joyce remarked that in addition to deciding the importance of the item, they also needed to consider the amount of work discussion it would take at each meeting.

1. Appeals process for extensions of HDDR and CUP approvals for consistency with Chapter 1 and throughout the Code.

The Commissioners considered this a minimum discussion item.

2. Standards for expiration of inactive or stayed applications (Chapter 1).

The Commissioners thought this item needed a higher level of discussion. Chair Strachan thought this item was important, but he thought the actual work of fixing the Code sections would not take long.

Director Erickson stated that over the course of the past few years the Staff has delayed talking about the State mandated code changes. He believed they would redline those changes and bring them back to the Planning Commission as quickly as possible for compliance with State law.

3. Standards for application revisions and requirements for submittal of new application when changes are substantial (Chapter 1).

Planner Whetstone thought they needed to clarify what would be considered “substantial” because that is currently not addressed in the LMC.

4. Clarify General Plan analysis standard of review for Conditional Use Permits and other types of applications (Chapter 1).

Chair Strachan believed this was a policy issue. Director Erickson thought it was more of a legal issue than policy. Assistant City Attorney McLean thought it was mischaracterized as written. She explained that the LMC should not be separate from the General Plan. For example, currently there is a requirement that there be a finding that it complies with the General Plan. If they move forward and make the LMC reflect what they want it to, they should be referencing the General Plan in the LMC. Ms. McLean stated that the General Plan should be the more policy related items. The Commissioners agreed. Chair Strachan pointed out that there are many things that meet the LMC do not meet the General Plan.

Commissioner Band thought the State Ombudsman was clear when he said that it is not legally defensible and that they should not be referencing the LMC and the General Plan at all. It is more of a Best Practices and visionary statement, but not policy.

Stated that he would draft specific language to address the issue.

5. Review Allowed and Conditional Uses in all Districts for consistency and for consideration of other uses (Agricultural Uses, Accessory Apartments, Portable

Storage Units, Resort Accessory Uses, Resort Summer Uses, Essential Municipal Uses, Temporary Improvements, Tents, Special Events) (Chapter 2).

The Commissioner agreed that this was a minimal discussion item.

6. Clarify Steep Slope CUP and setback applicability (regarding vertical plane) (Chapter 2).

Director Erickson stated that steep slope designation setbacks are on flat ground and the Staff would like to put them on a vertical plane similar to all other setbacks.

This was a definition change and the Commissioners thought it was important.

7. Allow common wall development with Party Wall Agreement for all Districts, as in R-1 (Chapter 2).

Planner Whetstone noted that this was a way to allow units to be individually sold without a condominium plat. Commissioner Band thought they should definitely allow this. Planner Whetstone stated that they would also have the Legal Department review the language.

8. Exception for ten foot horizontal step back for historic structures in HRL, HR-1, HR-2 and RC District as legal non-complying structures (Chapter 2).

Planner Whetstone stated that a historic structure is considered a legal non-complying structure for heights, setbacks, etc., but not for the ten-foot setback. They would not expect the historic structure to go 23 feet up and then create a ten-foot step.

Director Erickson did not believe there were any General Plan implications in making this change.

9. Consistent requirements for screening of mechanical equipment in GC and LI District (Chapter 2).

Director Erickson noted that his change would add language in the LMC that would require developers to identify the location of equipment as well as screening. Chair Strachan thought they needed to be more specific about screening in terms of how it looks.

10. Parking and driveway regulations regarding maximum driveway grades; parking areas for vehicles, boats and trailers; maximum parking standards; parking in

Historic District standards consistent with Parking Chapter (Chapter 3).

Director Erickson stated that this was a bad section of the Code for a number of reasons. He noted that some driveways are twice as steep as the City streets and it allows building to be pushed higher and deeper on a steep slope lot. This proposed change would bring it back down to what can be seen in the foothills of Salt Lake.

Chair Strachan did not believe this would take a lot of Staff and Planning Commission time, but he thought they would get a lot of pushback. The Commissioners listed this as a moderate discussion item. Commissioner Campbell was concerned that half of the remaining lots in Park City would be unbuildable if they made this change.

Director Erickson added that particular concern to the discussion list.

11. Align Special Events regulations with recent Municipal Code changes (Special Events, Temporary Structures and Tents, Outdoor Events, etc. in all Districts (Chapter 2) and in Chapter 4.

Director Erickson remarked that this change would bring the LMC into alignment with the Municipal Code regarding tents, Sundance, large parties, temporary structures, etc.

Chair Strachan was uncomfortable making a decision without knowing what exactly would change. Director Erickson explained that someone could question on what authority special events regulate Sundance with a master festival license when it is not addressed in the LMC. He stated that it would simply the Code and identify Tier 1, 2, 3 and 4 events based on number of people expected. They could also add for City services. Director Erickson stated that the intent is to deregulate a personal wedding, and do a better job of regulating longer term tenants at Stein's, St. Regis, and Park City performances. They would also look at the larger event regulations to make sure it is consistent with the Master Festival Licenses.

Chair Strachan asked if the language would mirror the Municipal Code. Director Erickson replied that it would mirror the intent but it would be written a little different.

This was identified as a moderate discussion item.

12. Portable Storage Unit and Group Mail Box regulations (Chapters 2 and 4).

The Commissioners were in favor but Commissioner Band thought the community might have issues.

13. Landscape review standards for water conservation and energy efficiency, prohibit synthetic mulches (Chapter 5).

Planner Whetstone noted that this change was due to an issue that came up over rubber mulch. However, synthetic mulches was a small part of the proposed change. The rest relates to methods of water conservation and energy efficiency.

Ms. Laurent thought these were standalone issues and she was not comfortable tying it all together. The Commissioners agreed. The items were split into 13a, which was water conservation and energy efficiency, and 13b was synthetic mulches. The Commissioners agreed that 13b was a minimum discussion and 13a would require more discussion.

Ms. Laurent explained that the Environmental Group will be evaluating the General Plan and do an analysis on what items in the General Plan have the biggest impacts to make the biggest gains on the goals. She stated that they could spend a lot of time rezoning some part of the neighborhoods, but they first need to understand the impacts. She wanted to be able to present the Planning Commission with analytical data on energy related conservation measures and associated impacts.

Commissioner Joyce remarked that his frustration is that the City takes measures to conserve energy but they have not done anything to help anyone else in the community. Ms. Laurent noted that the City Council recently split the goals into municipal goals and community goals. This would be the first step in how to meet a community goal. Commissioner Joyce stated that another frustration is that the City studies everything but then does nothing. He will continue to nag on the low hanging fruit that could be done right away. Unless something happens quickly on major items such as housing and energy, he would not be voting to just sick back and wait for studies. Ms. Laurent preferred to call it an analysis as opposed to a study. The idea is that when something is controversial they will have the data point of what the impact would actually be.

14. Lighting standards for energy efficiency (Chapters 3 and 5).

15. Codify requirements for Net Zero Buildings and other energy efficiencies (Chapters 5 and 6).

Director Erickson stated that items 14 and 15 could go into the policy discussion with one exception. He would like to be able to deal with glare as a separate issue. Planner Whetstone replied that color was also a separate issue because glare and color relate to the LED.

Director Erickson requested that glare be singled out as moderate discussion. Commissioner Phillips agreed that glare would require significant discussion because it is a problem in several areas.

The Commissioners agreed that glare should be listed as a moderate discussion item. Commissioner Campbell noted that if they intend to spend a lot of time in discussion the Planning Commission would have to be educated on lighting measurements, etc. He thought this item could be subjective and very controversial. Chair Strachan pointed out that the Staff would do the analysis and that should reduce the amount of time the Planning Commission would have to spend in discussion.

Ms. Laurent suggested that they should leave it in moderate.

16. Barrel roofs as a permitted roof form (Chapter 5) and codify how height is measured (Chapter 2).

Commissioner Band explained that a barrel roof is like half of a circle. Director Erickson noted that they allow height exceptions for roof pitch, but they do not found a way of measuring the pitch of a curved roof.

The Commissioners agreed that this item would require significant discussion.

17. Unit Equivalent requirements in Master Planned Developments (Chapter 6) and for various Public Uses (in ROS and CT Districts).

Director Erickson believed the discussion would be significant for this item. The Planning Commission agreed.

18. Master Planned Development requirements (Ski Lockers, Soils Ordinance, Mine Sites, Support Commercial and Meeting Space, and Back of House Uses) (Chapter 6).

There was agreement to list this item as significant discussion. Director Erickson noted that currently they only require the identification of mine hazard site. As in the case of PCMR, they did not have to identify all mine sites; only mine hazard sites. It was simply a matter of changing the wording and Director Erickson thought mine sites could be pulled out and listed as minimum discussion.

19. Expand Annexation Expansion Boundary to include City Owned property to the North and East of current City Limits (Chapter 8).

Planner Whetstone noted that this item was direction from the General Plan to look at where they might expand and annex in.

Chair Strachan remarked that every annexation he has seen is a large piece of land with

significant sprawl. In his opinion, annexation should be limited to 100% for affordable housing or for open space. He pointed out that Park City Heights has some affordable housing but it was not entirely affordable housing.

Planner Whetstone stated that another part of this is the criteria for allowing expansion. Ms. Laurent noted that annexation criteria would be included as part of the discussion.

20. Definitions in Chapter 15 (agriculture, back of house uses, barrel roof, billboard, portable storage units (PODs), intensive office, setback and steep slope area vertical planes, publicly accessible, and others).

Director Erickson placed this as a moderate discussion item so the Planning Commission could decide whether chickens should be allowed in the Historic District or the Single Family zones.

Chair Strachan believed some of the categories listed in Item 20 would require significant discussion. Director Erickson noted that some of the things were repeats of other items, and this was primarily for definitions. Ms. Laurent questioned whether they should be handling definitions as it relates to other items. Planner Whetstone thought they should if it relates to what is being changed. Ms. Laurent stated that in addition to bringing back the State mandated code changes they would also bring back the sub-standard definitions.

21. Clarification of Planning Director approval of “diminimus adjustments.”

Chair Strachan remarked that they currently enjoy a good Planning Director; however, there have been times when a Planning Director abused the diminimus adjustment loophole. He thought this item was worthy of a moderate discussion. The Commissioners concurred.

Ms. Laurent wanted to use the remaining time to go through the list of items prepared by Commissioner Band, Commissioner Joyce, and Commissioner Strachan. She asked the Commissioners to identify which ones were priorities. Commissioner Band stated that her list was more general than specific. Chair Strachan stated that his list was not ready to be discussed.

Commissioner Joyce stated that the difference between the Staff’s list that they just reviewed and his list, is that is items were more along the lines of driving the City through the Code. It changes things. He thought the list they just went through were more administrative. They need definitions and they need to change language for consistency. Even the more significant ones were still insignificant. Commissioner Joyce was concerned that when all this has been done, they will have made administrative changes but they would not have changed the energy policy or pollution or housing.

Director Erickson explained the strategy they were asking the Planning Commission to put forward. He stated that if they could clean up some of the administration fights they have every day, it would give the Staff more time to focus on the major issues and the big policy decisions. He had reviewed Commissioner Joyce's list and many of the items fit it with what they plan to do. One fit in with Ms. Laurent's energy policy, one fit in with the General Plan first and the LMC second. His item regarding fireplace restrictions is already in the development agreements for Empire and Deer Valley. Director Erickson stated that at the next meeting they will incorporate some of the items into the other calculations.

Ms. Laurent noted that fireplaces is an item that the analysis will address for both gas and burning fireplaces and talk about the impacts. She stated that if the Planning Commission wanted to address fireplace restrictions on principle, they should add it to the list. Or they could address it as part of energy and how to approach the LMC from a carbon reduction perspective.

Commissioner Band thought this was the low hanging fruit that Commissioner Joyce mentioned earlier. She did not believe they needed a study to tell them that wood burning fireplaces are bad. Other cities and municipalities are already enacting laws to restrict them and Park City could do the same.

Ms. Laurent suggested that they add wood burning fireplaces under the significant column.

Director Erickson remarked that Commissioner Joyce had done a great job preparing his list and going through the General Plan. They had two options to address his list. They could either filter it out the same they did with the Staff list, or they could put numbers on them and come back at the next meeting and do a quick filter at that point. He noted that Commissioner Joyce had 20 items on his list.

Ms. Laurent believed that some of the items on Commissioner Joyce's list were already covered tonight with the Staff list. She thought his idea of energy tax was probably not a LMC discussion. Commissioner Joyce clarified that tax was probably not the right word. His intent was to actually imply a program that would include non-profit, prohibitions, fees, alternatives with renewable energy, and many other things that could be part of the energy discussion as well as the LMC. Commissioner Joyce stated that his main concern was that they would wait for all of the energy studies to be completed before they even look at making changes. He suggested that members from the Planning Commission could be part of the energy discussions because at this point they are not contributing at all. Commissioner Joyce understood that the Planning Commission could not set a tax, but there were other things they could be doing.

Ms. Laurent stated that the three critical goals are energy, transportation and housing. She

asked if it made sense to have brainstorming work sessions around those three goals. Planner Whetstone asked if Ms. Laurent was suggesting that their discussion focus on the LMC or if she was talking about general discussion. Ms. Laurent replied that the purview of the Planning Commission would be the LMC. However, the Planning Commission could still make recommendations to the City Council on other policy issues they would like the Council to consider. Ms. Laurent clarified that the ultimate goal at the end of these work session is to recommend changes to the LMC that better supports the Staff and better supports the City's goals.

Commissioner Joyce explained how he compiled his list and his purpose for going through the General Plan. His concern was that a lot of time and effort went into writing the General Plan, but not all of the issues were resolved and there are notes indicating that those issues should be revisited. Some of the issues are big and interesting. For example, one issue was whether or not to set a maximum house size in some districts. Ms. Laurent noted that they could add maximum house size as an item for discussion. Commissioner Band stated that house size also relates to energy.

Commissioner Band stated that TDR is a major issue that needs to be looked at, but no one is currently using it and she personally thought it should be a low priority item. However, she thought Back of House should be a higher priority because Vail is already at the table with their parking lots and Deer Valley will be coming in soon.

Ms. Laurent suggested that they add everything on the list as moderate and significant, as well as the three critical issues as it relates to the General Plan. They could have a discussion on all of those items and then go through the same process after that to determine priority.

Commissioner Joyce pointed out that when they went through the Staff list this evening, they categorized based on how much discussion each item would require, but they did not sort the items by importance. He thought there were some items listed as moderate that may not be a priority versus other items that relate to the three main goals. Ms. Laurent pointed out that Items 13a, 14, and 15 were goal based. Chair Strachan believed the problem is that everything was too broad. For example, screening could be a housing or an energy issue. He believed every item on the list could be categorized under energy or transportation. Ms. Laurent agreed, but she was not confident that they had captured everything in the General Plan that could be Land Management Code. She thought the discussions might flush out the missing items or give them confidence that the list is complete. The suggestion was made to have another work session to prioritize. Chair Strachan pointed out that Commissioner Joyce would not be at the next meeting.

Ms. Laurent suggested that they use the next meeting that Steve is present to prioritize. As part of that she would share the matrix of all the different things in the LMC and they

could decide how they want to tackle getting the confidence that they capture everything.

Director Erickson stated that his preference is to take LMC changes to the City Council about every two weeks, depending on the Staff workload and the significance of the issue.

Director Erickson reported that when he sent out the housing report for the Blue Ribbon Commission and the EPS, he put in the email that this meeting would be held tonight to take their input and to deliver the input to the City Council at the joint meeting on April 28<sup>th</sup>. He stated that apparently he was not clear in his email and he would send it out again tomorrow. Director Erickson noted that the City Council specially asked for input from the Planning Commission on what the Blue Ribbon Housing Committee reported.

The Planning Commission was reminded of the joint meeting with the City Council on April 28<sup>th</sup>.

The Work Session was adjourned.