

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 14, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Brooks Robinson, Principal Planner; Kirsten Whetstone, Planner; Katie Cattan Planner; Jacquy Mauer, Planner; Kayla Sintz, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

II ADOPTION OF MINUTES

MOTION: Commissioner Savage moved to APPROVE the minutes of June 23, 2010 as written. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously by all who had attended. Commissioner Pettit abstained since she was absent from that meeting.

III. PUBLIC COMMENT

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Planning Director Eddington announced that the General Plan open house was scheduled on Tuesday, July 20th and July 27th at 6:00 p.m. at the Eccles Performing Art Center lobby. Assistant City Attorney Polly Samuels McLean stated that per the LMC, the Chair position expires in July. The Planning Commission should plan to elect another Chair at their next meeting. She noted that a Chair can be re-elected for a subsequent term. Chair Wintzer stated that as he walks around town he is appalled at how many projects are unfinished and the number of lots that were disturbed for construction and not put back. He was also concerned with the number of foundations on Daly Avenue, Ridge Avenue and other places where work has been idle. Chair Wintzer was unsure if the City had a policy, but he felt the

unfinished work was not the friendliest environment for pedestrians. He suggested that the City look at ways to make sure projects are completed.

Director Eddington stated that the Staff has been working with the Building Department to finalize extensions or permits that have not been pulled and the Building Department is actively trying to work with owners to complete unfinished projects. Director Eddington noted that the economy is primarily to blame because financing has become more difficult to obtain. Director Eddington offered to have the Staff look at specific projects and provide an update at the next meeting. Chair Wintzer commented on the failed retaining wall at the Echo Spur project. He pointed out that it is unfair to the neighbors when a project is started but not finished.

Commissioner Pettit suggested that it may be time to re-evaluate bonding requirements for certain types of projects. The community was lucky that buildings in Park City progressed quickly and things moved along when times were good. However, this is an uncertain period of time and they need to address the problem and require people to either finish what they started or give the City the ability to use money to complete the project for them.

Director Eddington stated that the City initiated new bonding with regard to historic structures and he suggested that it may need to expand into overall construction.

Commissioner Strachan suggested deadlines coupled with fines or incentives. He noted that the project on Park Avenue across from the Kimball Arts Center has been under construction for two to three years. Commissioner Pettit recalled significant discussion during the planning review of that project regarding the importance of the pathway for pedestrians in Old Town. Promises were made about signage and keeping that as a place where people would continue to walk in the future. She agreed with Commissioner Strachan that those promises were not kept.

Commissioner Peek was interested in hearing an opinion from the Building Department on how the Building Code applies to a project's time line.

Commissioner Pettit disclosed that she would be recusing herself on the 692 Main Street application because her firm represents one of the applicants.

Commissioner Pettit noted that her term expires in July but she had not been notified about the application process. Assistant City Attorney McLean stated that the City typically advertises for the seat. If a Commissioner is interested in reapplying, they should let Patricia Abdullah know and then submit another application. Ms. McLean clarified that a sitting Commissioner continues on the Planning Commission until they are reappointed or someone else is appointed.

Commissioner Luskin referred to the one billboard in Park City that says Colonoscopy. He felt it was odd for the City to have a billboard and asked if it could be removed. Chair Wintzer stated that the billboard was there when he came to Park City in 1970 and how to remove it has always been a point of conversation. He was unsure of the reason, but the owner has legal rights to that billboard.

Planner Cattan stated that the billboard is an existing non-conforming use. No one could put up a new billboard, but they can continue to repair and maintain the existing billboard and change the

message. Director Eddington stated that the Planning Commission could look at opportunities to sunset billboards as part of their General Plan review.

Commissioner Hontz disclosed that she would be recusing herself from the 6808 Silver Lake Drive application because she teaches the family skiing.

Commissioner Hontz thanked the Staff for providing her with the streets master plan. She intended to reference the master plan this evening and in future meetings and thought it would be helpful if all the Commissioners had a copy. She understood that the streets master plan was being updated, but she believed that the existing plan had some good messages. Commissioner Hontz suggested that the Planning Commission look at the streets master plan in conjunction with the General Plan update.

Planner Sintz clarified that the streets master plan was emailed to all the Commissioners.

Planner Cattan requested that the Planning Commission remove the 114 Hillside Avenue plat amendment from the Consent Agenda. Chair Wintzer requested that the Commissioners contact the project planner prior to the meeting if they intend to remove an item from the Consent Agenda. This would alert the Planner to bring the necessary materials and be prepared for discussion.

Commissioner Strachan disclosed that he would be recusing himself from the 1310 Lowell Avenue CUP application because PCMR is a client of his firm.

CONTINUATION(S)

1440 Empire Avenue - Conditional Use Permit (Application #PL-0900725)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE 1440 Empire Avenue Conditional Use Permit to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

114 Hillside Avenue - Plat Amendment

MOTION: Commissioner Peek made a motion to REMOVE 114 Hillside Avenue from the Consent Agenda. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

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

Commissioner Hontz recused herself and left the room.

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek made a motion to APPROVE the plat amendment for 6808 Silver Lake Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached ordinance. Commissioner Strachan seconded the motion.

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

Findings of Fact - 6808 Silver Lake

1. The property is located in the Residential Development (RD) zone and is subject to Section 15-2.13 of the Land Management Code and the Deer Valley Master Planned Development.
2. The RD zone is characterized by single family permanent and second home and resort development condominiums and hotels.
3. The property is located at 6808 Silver Lake Drive in the Silver Lake part of Deer Valley. The property is located next to ski runs of the Deer Valley Resort.
4. The property consists of Lots 16 and 17 of the amended plat of Evergreen subdivision. The amended plat was recorded at Summit County on May 17, 1988. A plat amendment to combine these lots into one lot of record is required before final building permits or certificates of occupancy for new construction can be issued.
5. There is a non-historic concrete wall with rock veneer (5' to 10' in height) in the front yard that encroaches approximately 4' into the Silver Lake Drive right-of-way for a distance of approximately 18 feet.
6. Maximum house size is 11,250 sf for a combination of 2 lots. The existing house contains 10,123 sf of floor area, excluding 600 sf for the garage. This includes the entire basement area. The proposed deck enclosure adds 150 sf of floor area.
7. There is no minimum or maximum lot size associated with the Amended Plat of Evergreen subdivision. The combined lot resulting from this plat amendment is 25,836.44 square feet in area.
8. Lots in the Amended Plat of Evergreen range in area from 10,124 sf to 54,394 sf.
9. The plat amendment does not increase the density allowed by the Deer Valley Master Planned Development.
10. The applicant stipulates to the conditions of approval.

11. The discussion in the analysis section is incorporated herein.

Conclusions of Law - 6808 Silver Lake Drive

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 plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 6808 Silver Lake Drive

1. The City attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law; the Land Management Code; requirements for utility, snow storage, and encroachment agreements; and any conditions of approval, prior to recordation of 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 for the subdivision will be void, unless the City Council grants an extension of the approval.
3. Execution and recordation of an encroachment agreement for the existing wall segment is a condition precedent to recordation of the plat amendment.
4. A note shall be included on the plat prior to plat recordation stating that the maximum house size for this lot is 11,250 sf, excluding 600 sf for the garage.

REGULAR AGENDA/PUBLIC HEARINGS

5. 114 Hillside Avenue - Plat Amendment
(Application #PL-07-00184)

Planner Cattan reviewed the application for a plat amendment to combine lots of record, as well as a parcel of land that was a dedicated road.

Planner Cattan amended the conditions of approval. She stated that because condition of approval #7 was vague, the language was revised to read:

The existence of the historic accessory building located on the lot is encouraged. Any alteration or demolition of the historic accessory building must comply with all the

requirements of the Land Management Code in the Historic District Design Guidelines as approved by the Planning Department. The owner has a right to maintain the existing garage as approved by the Planning Department. If the accessory building was to no longer exist and the owner did not begin the application process for reconstruction of the historic accessory building within one year, the easement would automatically be expanded to the east property line.

Planner Cattan remarked that there has been significant concern for the small historic outbuildings along Sandridge. It is in the best interest for the City and the applicant to preserve that structure. If there was ever an accident where the building was hit or damaged through other means, the Staff wanted to make sure that the owner has the ability to come back and reconstruct the structure. In addition, the Staff wanted to insure that any future changes to the building must abide by the Historic District Design Guidelines and the LMC.

Planner Cattan clarified that Condition #7 as revised does not go beyond anything that would be required of any other building in the historic district. It only eliminates ambiguity in the future.

Planner Cattan added Condition of Approval #8 to read:

An encroachment agreement for the existing historic accessory building must be recorded prior to plat recordation.

Planner Cattan explained that the existing building encroaches on to City property. In the future if the building is damaged or the owner would like to do improvements, an encroachment agreement would be in place and the work could be carried through. Planner Cattan pointed out that Condition #8 was written to protect the City and the owner.

Planner Cattan presented an overview of the site, noting that all the lot lines were not shown. There are several portions of Old Town lots on the portion of the site where the garage is located. She noted that Chambers Avenue was dedicated at one point. Another slide showed Lot 1, the area that would be utilized for the footprint calculation and concluding at Parcel 2, which is the Coleman parcel.

Planner Cattan reported that the easement for Sandridge Avenue, as well as the east easement are not included in the calculation for footprint. The basic calculation for footprint is the area of the lot that would be developed under this plat amendment.

Planner Cattan stated that typically there is a right-of-way dedication for a road; however, in this circumstance they could not create a substandard lot of record for the garage. Therefore, easements were the only option.

Chair Wintzer noted that the house is either over or right against the property on the left side. He asked if the normal setbacks would be 10' in the front and 5' on each side. Planner Cattan replied that it would be 10' in the front, 10' in the back. There would need to be a combination of 30 feet because it is greater than 100 feet wide. Planner Cattan stated that there is a 9' setback on the south side. The setback on the north side would need to be 21 feet to make the 30 foot minimum combined.

Commissioner Pettit asked for the footprint of the existing historic home. Dennis Peterson, the applicant, replied that it is approximately 1,100 square feet. Commissioner Pettit clarified that the lot combination would allow the potential for an additional 700 to 800 square feet. Planner Cattan replied that this was correct.

Commissioner Pettit referred to the table on page 27 of the Staff report and noted that the footprint based on the 4,746 square foot lot was 1,885 square feet. She pointed out that condition of approval #5 mentions a plat note that would make the maximum footprint for all structures on the property at 1,817. Planner Cattan clarified that it was an error and should read "1875".

Commissioner Hontz pointed out that the table on page 27 states that the footprint would be based on a "4746" square foot lot, but the formula shown on page 26 identifies that number as 4992 square feet. She indicated additional places in the Staff report that referenced 4992 square feet. Planner Cattan made the correction and noted that the maximum square footage should be 1885 square feet.

Commissioner Strachan requested to see the revised Staff report with the added condition of approval and the revised square footages. He suggested that it could come back on the Consent Agenda for the next meeting. Commissioner Pettit stated that in the past the Planning Commission has been able to make sure the record reflects the amendments to the conditions of approval. She did not believe it was necessary for this item to come back at the next meeting.

Planner Cattan remarked that the Staff report would be amended and corrected for the City Council meeting.

Commissioner Hontz suggested adding the word "City" to condition of approval #7 to clarify that it is the City's easement. Planner Cattan preferred to say, "The easement of Sandridge Avenue". Commissioner Hontz was comfortable with that language. Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council for the 114 Hillside Avenue Replat, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the attached ordinance and as amended as follows:

Amendments to Condition of Approval # 7 to read, "The existence of the historic accessory building located on the lot is encouraged. The alteration or demolition of the historic accessory building must comply with all requirements of the Land Management Code and Historic District Design Guidelines as approved by the Planning Department. The owner has the right to maintain the existing garage as approved by the Planning Department. If the accessory building was to no longer exist and the owner did not begin the application process for reconstruction of the historic accessory building within one year, the easement of Sandridge Avenue would automatically be expanded to the east property line."

The addition of Condition of Approval #8 to read, "An encroachment agreement for existing historic accessory building must be recorded prior to plat recordation." b

An amendment to Condition of Approval #5 to read, "A plat note will be recorded, stating that the maximum footprint for all structures on the property is 1,885 square feet."

Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 114 Hillside Avenue

1. The property is located at 114 Hillside Avenue within the HR-1 zoning district.
2. The plat amendment is for the existing lots 13-35 of Block 72 of the Park City Survey and portions of vacated Chambers Street.
3. The proposed plat amendment will create one lot that is 7,778 square feet. The total area of the proposed and possible future easement is 2,502 square feet.
4. Within the HR-1 district, the allowable footprint for a structure is based on the total area of the lot. The footprint would be based on the new lot less the easement area and right of way dedication ($7,778 - 502 - 284 = 4,992$ square feet). Under the current Land Management Code (LMC), a lot area of 4,992 square feet would be allowed a maximum footprint of 1,885 square feet.
5. The Colman open space purchase facts and figures outlines that one purpose of the property is "establish a mechanism to assist adjacent property owners in settling boundary disputes and title problems." The parcel may also be utilized to trade/sell. The current application fits within these parameters.
6. The minimum lot size in the HR-1 zoning district is 1875 square feet.
7. There are two existing historic structures located on the property. A historic accessory building and a historic home. Both structures are significant on the Park City Historic Sites Inventory.
8. Existing Sandridge Avenue bisects the property at 114 Hillside Avenue. An easement for the existing Sandridge Avenue will be recorded within the plat amendment.
9. The neighborhood is characterized by single family homes and accessory buildings.
10. All findings within the Analysis section are incorporated herein.

Conclusions of Law - 114 Hillside 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 subdivisions 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 - 114 Hillside 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. No remnant parcels are created.
4. A plat note will be recorded stating that "Historic Preservation of the accessory building is encouraged. The Sandridge easement will automatically be expanded to the east property line if the accessory building no longer exists."
5. A plat note will be recorded stating that "The maximum footprint for all structures on the property is 1885 square feet."
6. Modified 13-D sprinklers shall be required for all occupied structures.
7. The existence of the historic accessory building located on the lot is encouraged. The alteration or demolition of the historic accessory building must comply with all requirements of the Land Management Code and Historic District Design Guidelines as approved by the Planning Department. The owner has the right to maintain the existing garage as approved by the Planning Department. If the accessory building was to no longer exist and the owner did not begin the application process for reconstruction of the historic accessory building within one year, the easement of Sandridge Avenue would automatically be expanded to the east property line.
8. An encroachment agreement for the existing historic accessory building must be recorded prior to plat recordation.

2. 692 Main Street - Amendment to Master Planned Development
(Application #PL-10-00961)

Commissioner Pettit recused herself and left the room.

Planner Brooks Robinson noted that on June 23, 2010 the Planning Commission held a public hearing and discussed an amendment to the master planned development at 692 Main Street, which was originally developed as the Summit Watch project. This building was used as the sales gallery for the Marriott.

Planner Robinson stated that during the June 23rd meeting several comments and questions were raised and the Staff had tried to address those in the current Staff report. The primary issues related to the Vertical Zoning Ordinance and public access. The entire language of the Vertical Zoning Ordinance was included in the Staff report. Planner Robinson remarked that the Staff report also provided clarity on comments that were made during the public hearing from the Marriott Condominium Association regarding service and delivery.

Planner Robinson noted that the applicant had submitted revised plans that were attached to the Staff report and would be presented this evening. He pointed out that these were the same revised plans that were provided just prior to the last meeting, but had not been reviewed by Staff. Also included in the Staff report was the streetscape that Commissioner Peek had requested. Planner Robinson reviewed slides of a rendering of the building and the site plan and elevations.

Planner Robinson referred to concerns regarding trash and delivery issues, and noted that the applicant was not contesting statements made by the Marriott HOA. The applicant was discussing joint use of the loading and garbage dock with the owner of Zoom restaurant, the adjacent property. A second alternative would be to create a screened dumpster location on the south side yard. Service deliveries could also be along Main Street, which is allowed for every Main Street business.

Planner Robinson reviewed the floor plans for each level. He recalled discussion at the last meeting regarding the Vertical Zoning Ordinance and whether the proposed restaurant/grill area needed to be public or private. The Land Management Code is silent on the matter and the Vertical Zoning Ordinance was primarily set up to stop office uses and off-site residential residency clubs. Planner Robinson stated that Promontory has a private residence club in Summit Watch further to the north. However, 692 Main is set up as a time share with residential units on several floors. It would be on-site and would not pertain to the off-site trigger.

Commissioner Hontz felt that issue needed to be addressed before they went further in the presentation if the applicant was proposing a private plan for the use. She believed there was information that did not match the Code that thought it should be clarified earlier rather than later.

David Luber, representing the applicant, stated that regarding the issues raised by the Marriott representative at the last meeting concerning the location of trash and deliveries, the applicant was

making arrangement either with Zoom to share in the area located immediately south of the building to effect use of an enclosed area for trash. They were also in negotiations for delivery services. A second option would be to incorporate the enclosed dumpster within their own building. Mr. Luber clarified that they would not impose upon any trash or unloading areas in the parking garage of the Marriott building. However, they would use the 23 parking spaces, which are reserved by easement with the building.

With respect to the streetscape, Mr. Luber believed they had responded favorably to the suggestion that the fourth floor impose a similar brick as the second and third floors. Mr. Luber stated that the entire brick facade would be taken to the 4th floor or the penthouse floor.

Regarding the bar and grill, Mr. Luber stated that the applicant spent a considerable amount of time with the Staff in looking at the Vertical Ordinance and the Land Management Code. The applicant and the Staff agreed that under all the Codes there was no distinction or requirement of imposing private or a public on the bar and grille within the storefront area of Main Street. Mr. Luber agreed with Staff in terms of the conditions of approval and recommendations going forward. He was willing to answer questions and concerns the Planning Commission had on that issue or other issues to help move the process move forward.

Assistant City Attorney McLean clarified that the timeshare component was also being approved as part of the amended MPD. Therefore, conditions could be imposed based on the conditional use of the timeshare. Ms. McLean felt it was fair to ask the applicant exactly what they were planning in terms of the private bar/grill. She believed nine timeshare units were being proposed and if the restaurant would only be support for those nine units, then it would be on-site. However, if the applicant contemplates the use as support for another off-site residence club, it would fall under the private residence club.

Commissioner Strachan remarked that the LMC does not distinguish between off-site and on-site. In looking at the definition of "private residence club off-site" it does not address a separation between the bar/restaurant and the location of units". Ms. McLean replied that when it is only defined as private residence club off-site, there is no distinction for on-site. When this was contemplated for Vertical Zoning, the idea was that anything in town that would be prohibited could not support a restaurant. Ms. McLean stated that if the applicant is planning on the restaurant supporting nine units and nothing else, it would fit under the definition because it would not be off-site.

Commissioner Hontz referred to page 15-2.6-3 of the LMC in the HCB District and noted that Section 9 addresses Private Residence Club Project and Convergence and Section 23 addresses off-site. She believed the LMC does address on-site and off-site private residence clubs and prohibits both within the zone. Commissioner Hontz referred to the Municipal Code and the section that cites and limits the private use of restaurants and bars. Commissioner Hontz remarked that the analysis that says this could be a bar and restaurant as a private use was incorrect.

Commissioner Hontz stated that she had spent a significant amount of time researching the Code and she was very comfortable in understanding that the Planning Commission did not have to condition the approval because it is not allowed by Code.

Commissioner Strachan asked Ms. McLean to address why the bar/grill would be listed as a conditional use if it is prohibited. Ms. McLean explained that it is a conditional use within the zone, but prohibited outright in certain areas.

In response to Commissioner Hontz, Planner Robinson stated that years ago a definition for private residence club was put into the LMC to make a distinction between timeshare and private residence clubs. Because the applicant is saying this will be a timeshare, the Staff would suggest adding a condition of approval stating that the timeshare instrument needs to be recorded at the State with the replat approval, whenever that occurs.

Planner Robinson emphasized that based on the definition, this was a timeshare and not a private residence club.

Commissioner Hontz read from Section 8, Timeshare Projects and Convergence, subscript (1), "Prohibited in store fronts adjacent to the Main Street, Heber Avenue, or Swede Alley rights-of-way." Based on that language, she believed it continues to be prohibited.

Planner Robinson remarked that it is a grandfathered use because this was a timeshare project when it was first done as an MPD in 1992. Commissioner Hontz pointed out that they are now opening up the MPD.

Commissioner Peek referred to the HCB Conditional Use (8), "Timeshare projects and Convergence", and Conditional Use (9), Timeshare Sales office off-site within an enclosed building. He pointed out that the timeshare sales office was being grandfathered, therefore, they could not expand to other conditional uses that are prohibited in the zone.

Assistant City Attorney McLean clarified that the applicant could not introduce a new use. However, her interpretation of the report was that the timeshare use was contemplated as part of the original MPD. The Marriott Summit Watch is a timeshare and, therefore, is part of this amendment to the MPD, which is not prohibited. Ms. McLean stated that whether or not the office space is grandfathered in was a separate analysis. She noted that a bar or similar use is not grandfathered.

The question of whether an office could continue would be determined by the Planning Director as part of a non-conforming use.

Commissioner Peek read language from the private residence club off-site section of the LMC, "Any use organized for the exclusive benefit and support of or limited to or associated with or in any way offers exclusive hospitality service and/or concierge support to any defined owners association, timeshare membership, residential club, or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, office." Commissioner Peek believed the bar and grill would be inclusive in that language.

Mr. Luber stated that if the Planning Commission would prefer a use in the storefront space that is accessible to the public, the applicants were willing to look at that as a condition of approval. Mr. Luber understood that the Codes were complicated. He also understood that from a practical

standpoint, while the applicant may wish to have a private bar and grill in the storefront, the intent is to maximize the use of that space in any case.

Mr. Luber stated that the applicant would be willing to agree on an additional condition that would indicate that the storefront space would include the market space and the bar and grill and all would be a public space.

Commissioner Strachan thought it was a determinative issue. He referred to Condition of Approval #4 and suggested that the only way to approve this application would be to amend the second sentence of the condition to read, "Any grill/bar **must** be open to the general public.

Mr. Luber agreed with amending Condition of Approval #4.

Commissioner Peek referred to Condition of Approval #8 and suggested replacing the language, "Applicant must provide to staff..." with "Applicant must **record** a written agreement with the owners of Zoom". Commissioner Peek was concerned that the agreement could be lost over time if the ownership of Zoom ever changes.

Mr. Luber understood that as a condition of proceeding with the building permit, the applicant would provide the Staff and the Planning Commission the authority on whether there was an agreement with Zoom. He noted that they were still considering the alternatives and had not yet made that determination. If they could not come to an agreement with Zoom, the design elements of the building would take into account trash and loading within the building. Commissioner Savage asked if there was a plan that accommodates those into the building. Mr. Luber answered yes.

Commissioner Peek referred to Finding of Fact #9 and suggested that the sentence be eliminated and replaced with "Private Residence Clubs off-site is prohibited in storefronts adjacent to the Main Street right-of-way."

Planner Robinson stated that he had spoken with the applicant about adding Condition of Approval #9, "A timeshare instrument shall be filed with the State at the time of replatting." Condition of Approval #10, "No sidewalk hocking is permitted per the Park City Municipal Code." Mr. Luber stated his agreement with adding Conditions #9 and #10.

Commissioner Hontz clarified that other than the private use on the main level, she was comfortable with the rest of the proposal. However, when she reads page 127 of the Staff report, the third and final Development Agreement and Concept Plan, which updated the previous two, she noted that in all three development agreements there is reference to not adding density. In addition, the development agreements were very clear about not wanting additional building height moved around in this project once the project is approved. Commissioner Hontz read from page 127, item 10, "The building heights and density shall not exceed what is shown in this approval. In talking to the Legal Department, she understood they were opening up the development agreement and, therefore, the Planning Commission has the right to give that away.

Commissioner Hontz stated that during the work session they were looking for places to put density. She pointed out that some are looking for density and she believed this was an opportunity to decide that people no longer get it for free. Commissioner Hontz clarified that for this application she was talking about height and not density. She liked the building design and the concept, but in looking back at the Findings and the Development Agreement that control this project, she realized that the Planning Commission had the tools to do something more. If the Planning Commission decides to give away the height as a gift, she wanted to make sure it was specified in the conditions of approval.

Chair Wintzer thought Commissioner Hontz had raised a good point that if the City has the opportunity to work with this, they should take that advantage.

Commissioner Strachan stated that if it is within the approved heights under the original Development Agreement and within the approved density levels of the original Development Agreement, the applicant could build the project. He understood the opportunity to dedicate height and density to some other use, but he was hesitant to do that with just this project. He would be comfortable making it a policy for all future projects as long as they followed through and everyone was treated the same. Commissioner Strachan did not wish to single out this applicant.

Commissioner Hontz felt the Development Agreement clearly singles out the entire Summit Watch project, which included this building. She stated that documents track the evolution of the approval of the Marriot Summit Watch Plaza structures and how people were very concerned about the density and the relationship with other projects on Main Street. The Development Agreement is clear that the intent for the entire Marriott Summit Watch Project was not to have things change per the approval. Commissioner Hontz clarified that she was only pointing out what the City could do and the opportunity that was presented under this particular development agreement. She was not implying that it was the right direction. This situation is different from other projects because the developer agreed to a development agreement in 1994.

Commissioner Hontz referred to page 110 of the Staff report and noted that the first iteration was specifically clear in stating, "No density, gross or net square footages, or building height transfers would be allowed between phases. If a project chooses to use less than the maximum densities, it has no effect on any other portion of the project and cannot be used elsewhere on the project." She believed that language indicates the concerns people had at that time. Commissioner Hontz reiterated that she liked the concept and thought the height should be increased, but her question was whether or not the City should just give it away.

Mr. Luber stated that the process has been educational for the applicant and the Staff. Throughout the process they went through many boxes and the previous MPDs back to 1994. Mr. Luber remarked that they were not transferring density in this project from one phase or one building to another and they were utilizing less than the 7.2 UEs allowed.

Commissioner Hontz agreed with Mr. Luber on density. Her issue was the height. Mr. Luber stated that under the original plan, they are within all the height limits that could be imposed on the building. They conform on every issue in terms of Code compliance.

Mr. Luber liked the idea of going public on the ground floor. He explained that they would like to develop the project proposed because there is a purpose and synergy to having residences and commercial below. It is a dormant building that has not been used in the last several years and this is an opportunity for 7th Avenue and the entire community to get traffic flowing to an area that has needed it in the last few years.

Mr. Luber believed that the project complies with all the Codes, past and present. He did not see the height as a gift. It is working hand in glove with the City, the Planning Commission and the City Council in terms of the task force and now the Historic Design Review Board, to make this project move forward.

Commissioner Hontz agreed with Mr. Luber regarding Code compliance. The issue is that the City has a clear opportunity and the right to do something that benefits the community. Mr. Luber stated that the other structures that are currently on the MPD have been maxed out in terms of density and size. This is the only building that still has the opportunity for height.

Director Eddington understood the issue regarding the height and felt that Commissioner Hontz had raised a good point. He noted that the City currently does not have a policy that talks about transfer of density rights or height rights. Director Eddington thought it was a great idea conceptually, but he was unsure how it would apply to this particular project. He noted that the applicant was under utilizing their density by going to 6.9 UEs instead of the 7.2UEs. Mr. Luber believed they were slightly under the allowed height in the zone.

Chair Wintzer stated that this was one of the first buildings built in the original Summit Watch project. He felt that in the overall picture, if the intent was to have a mix and match and not have everyone build to the maximum, there would be a reason not to grant additional height. He appreciated Commissioner Hontz's research efforts.

Commissioner Hontz referred to the renderings and asked if the applicant intended to utilize the same window placements on the second level. She did not think the rendering matched the hand drawings in terms of number of windows.

Kevin Horn, representing the applicant, indicated an area on the second level facing south. He noted that the lower floor has a covered balcony and the second floor has a built out area. The additional window would be in the enclosed area.

Commissioner Hontz asked if the window placement for the exciting seven windows would remain the same. Mr. Horn answered yes.

Assistant City Attorney McLean advised the Planning Commission to be careful about language and using the term "density" when talking about UEs. She pointed out that currently the unit equivalent is at 7.2. The proposed amendment uses less than 7.2 UEs, but the use would change from commercial to a mix of commercial and residential.

Commissioner Savage asked if Ms. McLean was trying to clarify that a unit of density depends on whether it is residential or commercial. Ms. McLean explained that under the current Code, a residential unit equivalent is 2,000 square feet per unit equivalent. However, commercial is only 1,000 square feet per unit equivalent. The applicant is proposing a change that would increase the square footage but keep the UEs the same. Ms. McLean remarked that "density" is a hard terms to use in this discussion because they are talking more about square footages and a change in use.

Mr. Luber stated that the history of the project included two amendments. The original configuration of the building had a mixed use of residential and commercial, and more residential than commercial was allocated to the original MPD. The amendment took into account the commercial use at 7.2 UEs. Mr. Luber remarked that the applicant is looking to re-convert the use back to its original residential and commercial mix, and to do it in a way that uses less than the 7.2 UEs currently shown on the site.

Chair Wintzer clarified that the Planning Commission was not questioning the unit equivalents. The issue being discussed was the height increase. Commissioner Hontz pointed out that based on the development agreement, the height is limited. She agreed that it refers to the zone height, but that is a separate issue. Item number ten clearly states that the height cannot be increased. She acknowledged that they could increase the height at this point because they have opened up the MPD, and the Planning Commission could either agree to give away the height or require the applicant to keep the height as built. Commissioner Hontz reiterated that the Planning Commission has the right, per the development agreement and the MPD, to make that decision.

Planner Robinson pointed out that Commissioner Hontz was referring to condition of approval #10 of the 1994 concept plan approval. He referred to a separate page in the Staff report which indicates that a revision in the first phase of the project was previously approved by the Planning Commission and that the action would revise the balance of the project. Planner Robinson explained that the condition that says, "No building height and density shall exceed...." applied to the rest of the project, but not to this particular building in the first phase.

Mr. Horn believed that was consistent with the dates because this particular building was constructed in 1993, prior to the 1994 submittal. Commissioner Hontz remarked that the all the documents dated from 1994, 1993 and 1991 all have the same condition and the issue remained the same in every iteration. The question is whether or not the Planning Commission wanted to take it on. She stood by her opinion that it was applicable to this building.

Assistant City Attorney McLean stated that from a legal standpoint, Commissioner Hontz's reading of the documents was a legally defensible interpretation. The Planning Commission does have that ability, which is why the MPD amendment was before them.

Commissioner Savage asked if the applicant was asking for a height exception. Chair Wintzer answered no. Commissioner Savage could not understand why, if they were not asking for a height exception and it was an allowed use, that the Planning Commission would determine it was not an allowed use.

Chair Wintzer explained that the zone allows a certain height. The development agreement said that because the building was designed to a specific height, that height cannot be changed. The zone would allow a height increase, but the development agreement would not.

Assistant Attorney McLean stated that the MPD restricts the height as it was built. However, the zone allows it to be higher. As part of a change in use and UEs, the amendment also requests a gain in square footage by increasing the height. Ms. McLean referred to page 113 of the Staff report, the original MPD approval, and noted that Building A1 was contemplated as being both commercial and residential. At that point it was 6.3 UEs. Once it was built and became only commercial, the unit equivalents increased to 7.1. Ms. McLean could find no discussion in her research that addressed that change. Somehow it just occurred. In 1992 in the MPD, it was contemplated as 1.8 UEs commercial and 4.5 UEs residential. In 1994, the MPD was revised and the building was allocated 7.2 commercial UEs. Ms. McLean clarified that the issue before the Planning Commission this evening was whether or not to change the allocation and use of those UEs. As part of that, the massing would change and increase the height.

Commissioner Savage recalled that the last time the Planning Commission discussed this application, the major issue was public/versus private restaurant. He was unclear whether or not private was allowed, but based on input the applicant had agreed to make it public. Commissioner Savage believed that was a strong indication of the applicant's willingness to respond to their requests. In addition, they resolved the trash issue through two alternatives. He recommended that the Planning Commission allow the applicant to move forward with their project.

Commissioner Luskin concurred with Commissioner Savage. He appreciated the applicant's willingness to address their concerns with the public/private issue. Regarding the height issue, he found Commissioner Hontz's proposal to be insightful, but he was wary of getting involved in selective application without the proper mechanism in place. Commissioner Luskin was comfortable with the changes to the proposal and he was prepared to move forward.

Commissioner Peek stated that Commissioner Hontz raised an interesting point regarding the height issue based on the development agreement. He felt it was clear that what was approved for the height would be the line of the building height. Commissioner Peek noted that they would be modifying the development agreement if they allowed additional height over what was approved. However, if they modify the findings of fact and conditions of approval as he had stated earlier, he was willing to vote in favor of the amendment to the MPD.

Commissioner Strachan stated that at first he was skeptical of Commissioner Hontz's point of view, but after looking at the MPD Code Section 15-6.9, he realized that it was not a question of the Code as much as a question of the development agreement. However, the Code touches on when variations in height should be considered and what criteria should be applied to those considerations. He read, "Height does not result in increased square footage or building volume." "The height increase provides desired architectural variation." Commissioner Strachan thought Commissioner Wintzer made a good point about architectural variation. In looking at the before and after slide of the streetscape, all the structures to the north are the same height and there is no

architectural variation. Commissioner Strachan believed that a slightly lower building in the middle at 692 Main creates a nice transition between the buildings to the north and Zoom Restaurant to the south. He agreed with Commissioner Hontz's interpretation of the development agreement, and confirmed by the Assistant City Attorney. However, architectural variation is another reason for not granting the requested two floors.

Commissioner Luskin believed the rendering was misleading because the buildings to the left are actually three story. The only four story building on Upper Main was the Galleria. Commissioner Luskin suggested that there was variation in height on the street. Commissioner Strachan remarked that it was a matter of perception.

Chair Wintzer concurred with Commissioner Strachan and felt the existing variation is nicer than jumping from Zooms to the next building.

Mr. Luber noted that they had shown a 3-D model indicating a significant transition and pull back in terms appearance. It is not a four story building from the face of a transition between Zooms and the other structures. Chair Wintzer could see where the top floor steps back.

Mr. Luber stated that he had not anticipated an issue regarding the building height. The project was planned to return to the original intent for a commercial/residential mix. It was intended to fit the building site plan and zoning height requirements. For this project to work, additional height is needed in terms of the overall economics of the plan. Mr. Luber was prepared to continue this item and take suggestions from the Planning Commission on how this height issue could be resolved.

Chair Wintzer opened the public hearing.

Lee Gilbert, a member of the Marriott Summit Watch COA and ROA Boards. He noted that many of the issues he intended to comment on were answered this evening. Mr. Gilbert was unclear about the area known as the Town Lift Subdivision and the Summit Watch project. He felt that some of the documents were conflicting. Mr. Gilbert stated that if the 692 Main building was part of the Summit Watch project, it is governed by a Master Condominium owners Association document that is filed with the State. He remarked that certain criteria and other things being proposed were in conflict with that document.

Chair Wintzer asked if the plaza is public condominium land.

Mr. Gilbert stated that there is a public easement for access to the Frozen Creek walking trail and for utility access for the City.

Chair Wintzer clarified that the building line and the property line were the same on the north side. Mr. Gilbert replied that this was correct. Chair Wintzer stated that the concerns Mr. Gilbert had with construction issues would be addressed through a construction mitigation plan. At that time Mr. Gilbert would have the opportunity to voice his concerns and work with the Building Department.

Commissioner Peek pointed out that the Homeowners Association would have to supply a letter to the Building Department prior to permits being issued saying that they support the project. Chair

Wintzer agreed that because the project is on the property line, the HOA and the applicant would need to resolve any issues with the Building Department.

Chair Wintzer noted that a condition of approval could require that the construction mitigation plan must be presented to the homeowners to keep them apprized.

Mr. Luber stated that the general contractor who would be working on their construction mitigation plan has built many projects on Main Street and in Old Town.

Chair Wintzer closed the public hearing.

Planner Robinson referred to the MPD Section of the LMC, 15-6.5(f), under Building Height and read, "The height requirement in the zoning district in which the MPD is located shall apply. The Planning Commission may consider an increase in height based on site specific analysis and determination and the criteria. Increase in height does not result in increased square footage." He clarified that, that goes to anything above the zoning height and not necessarily to this building. Commissioner Strachan understood and explained that he only used those guidelines as general guidelines as to what should be considered when looking at height increases.

Commissioner Savage was unclear as to why if height was an issue, it was not raised earlier in the process and the applicant was not given notice prior to this evening before they spent time and money on the design and modifications.

Commissioner Strachan believed that the original plans that were presented to the Planning Commission in the pre-MPD meeting did not have the additional two floors. Planner Robinson pointed out that those floors were shown in one of the alternatives presented.

Mr. Luber stated that in the pre-MPD application meeting there was enthusiastic support for the plan, which is why they expended the effort, time and expense to do architectural renderings and associated drawings. If they had been given any idea that there was an issue with height, they would have stopped the process.

Commissioner Savage recalled that the only request at the pre-MPD meeting was for the applicant to do a before and after comparison to see how the building looked next to Zoom Restaurant.

Commissioner Hontz stated that she would have shared her concerns during the pre-application meeting if she had been provided with all the documents at that time. She did not receive that information until this Staff report and she took the time to read through it. Commissioner Hontz reiterated that she liked the concept and the design of this project. Her comments this evening were about something larger than just this project and the opportunity the City has to do something good for all of Park City.

Mr. Luber stated that if the Planning Commission has some discretionary approval they can take, which has to do with looking at the overall dimensions of this building and how it fits within the current plan of the MPD, he invited that conversation in a discretionary process to find out where

the Planning Commission might be and the conditions of that discretion. Mr. Luber felt the applicant had been candid and straightforward in saying that this project works because of the four floors and the mix of commercial and residential. It works because of the height and because the storefront will be public rather than private. He stated that the project would not work if they have to start removing floors. Rather than having the project denied, Mr. Luber preferred a conversation on whether the Planning Commission has additional discretion they were willing to adopt.

Planner Robinson responded to Commissioner Hontz's comment about not receiving the information until Friday. He pointed out that all the documents provided in the current Staff report were also included in the pre-MPD Staff report, with the exception of colored drawings and renderings. Chair Wintzer stated that everyone had the same information and they all missed it, but they still have the ability to go back and review it as Commissioner Hontz had done.

Director Eddington stated that Commissioner Hontz was accurate in her point and her research was extensive. However, the Planning Commission has the authority to look at height. As a more proactive approach, he asked if the Planning Commission wanted to consider adding two stories to the building, assuming that it was always two stories in the 1982 and the 1991 Concept Plan. If they presume that it was, the Planning Commission would be looking at this amendment to add the two stories. The Planning Commission would look at this design and consider whether it meets the purpose statements of the MPD Chapter; economic development, preserving open space, mixing uses, positive contribution to the amenities in that area of the community, different housing types being provided, etc. Director Eddington stated that if the Planning Commission wanted a definitive answer as to whether this was originally conceived as a two or four story building, the Staff could research that information. Based on the historic knowledge of some people, Director Eddington thought it may have been a two-story building.

Commissioner Savage thought he heard another element, which is the quid pro quo. If they allow the additional two stories, what else can they extract from the applicant to offset the height increase. In his opinion, at this stage in the process, it seemed unfair and was not the way to run a business.

Commissioner Hontz stated that as someone who works for developers and attorneys and reviews all the materials, it is their job to comb through the documents and find possible deal killers. As Planning Commissioners, they do not have the obligation to tell the applicant what is in their original agreement. The applicant's legal team should have reviewed the development agreement before beginning this project. Commissioner Hontz agreed with Commissioner Savage that it was unfair to bring it up now.

Assistant City Attorney McLean requested that the Planning Commission focus on the application before them. She reiterated her advice that the Commissioner should be careful about terminology because the density is tied to unit equivalents and it is not changing. What is changing is the massing and the square footage and the discussion should relate to those issues. Ms. McLean was uncomfortable with the Planning Commission talking about "density transfers" because the UEs are not changing from the 1992 agreement. Ms. McLean clarified that the Planning Commission was

re-opening the MPD so they could look at the massing in terms of how it fits within the overall MPD.

Assistant City Attorney McLean stated that the discussion should focus on whether the Planning Commission wanted to allow mixed use of residential and commercial or whether it should remain commercial and how it impacts other elements and criteria of the MPD by increasing the massing by having it residential. Those are findings that are applicable.

Commissioner Luskin believed the Planning Commission has the authority, regardless of the timing, to provide input on behalf of the City. He pointed out that this is government and not a business and things can be handled differently. Commissioner Luskin struggled with two hurdles. One was the public/private issue, which had been resolved, and the other was the height issue. The height issue is being wrestled from the vantage of what was contemplated in documents that are a little vague and obscure. Commissioner Luskin stated that he looks at the issue before him as to whether it is a conforming use and whether he feels comfortable that it meets all the criteria Director Eddington had outlined.

Commissioner Strachan felt the public comment raised a good issue. CC&Rs are applicable and they dictate how the architecture must be designed. The Planning Commission needs to know that the plan comports with the CC&Rs.

Planner Robinson explained that the CC&Rs would not apply to this building. The original subdivision, Town Lift Site Phase A, Lot A1, which was this building and Lot A2, which became part of the Summit Watch, as they created the condominiums they also created the CC&Rs and the architectural controls within their condominium association. This subdivision and this building were not part of that. Planner Robinson clarified that the Plaza was dedicated as a public street, 7th Street, between those two buildings. Therefore, it is City property.

Chair Wintzer asked if the City was the governing body the applicant would consult for construction activities near the property line. Planner Robinson replied that the City would be the governing body but it would also be good for the applicant to notify the HOA on construction timing and the construction mitigation plan.

Mr. Luber stated that as a condition of approval, they would agree that prior to any building permit being approved by the City, they would have an agreement with their neighbors and the City regarding the construction mitigation plan.

Commissioner Peek was comfortable with the mix of residential and commercial use. He stated that if they allow the building height to be adjusted, they need to amend the development agreement. He assumed that because the development agreement is a legal document signed by the City and the developer of the original project, the Planning Commission would not be able to just negate it through action.

Assistant City Attorney McLean did not believe it was necessary to amend the development agreement as long as the findings of fact address the issue and the plans are attached.

Commissioner Strachan felt the applicant had expressed an interest in working with the Planning Commission to resolve the height issue. If the applicant was willing to have this item continued and come back with alternative height reductions, the Planning Commission could review those alternatives at the next meeting.

Mr. Luber clarified that he was willing to work with the Planning Commission from the perspective of the plan that was presented this evening. He stated that the additional two floors were very important to the overall financial feasibility of the project, and the conditions of approval set forth in terms of all the requirements of public benefits. He was uncomfortable hearing comments about taking a "pound of flesh" from a building that has produced no tax revenue for a significant period of time, particularly since their plan of mixing the use would provide economic benefit to the City.

Mr. Luber stated that the two floors are critical and coincide with the height requirements of the zone. His earlier comment referred to the discretionary process in terms of what additional discretion the Planning Commission had. He was willing to work with the Planning Commission from a planning standpoint to show the technical, architectural, design elements, and other elements that makes this building fit within a logical model with the Zoom building and the building to the north. He was not interested in coming back with a plan that removed the two floors.

Commissioner Strachan asked if this would come back to the Planning Commission for CUP review. Director Eddington stated that if the Planning Commission approved the amendment to the MPD they would not see it again. It would go to the Staff for Historic District Design Review.

Commissioner Strachan stated that in terms of architectural fenestration and changes in the height, if the Planning Commission was uncomfortable with how it comports with the buildings to the north and south, they would need to continue it. If the Planning Commission was comfortable with the way it comports with the buildings to the north and south, and finds that it is compatible and meets the other requirements of the Code, they should vote this evening.

Director Eddington stated that if the Planning Commission chooses to approve this application, they would still have an opportunity individually to provide input with regard to the Historic District Design Guidelines relative to the Staff's review.

MOTION: Commissioner Strachan moved to CONTINUE 692 Main Street, Amendment to the MPD to a date certain, with direction to the applicant to return with architectural drawings that depict how the building will transition from the buildings to the south to the buildings to north in terms of height.

The motion died for lack of a second.

MOTION: Commissioner Savage moved to APPROVE the Master Planned Development Amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Director Eddington asked if the motion would add a finding of fact or condition of approval noting that the height was being amended for this building from the original MPD. Commissioner Savage stated that he would include that in his motion if it was required.

Chair Wintzer noted that the motion should also incorporate the changes to Condition of Approval #4, that the bar/grill will be open to the general public; to Condition of Approval #8, that the applicant must record a written agreement with the owners of Zoom Restaurant for the joint use of the loading and garbage area or build an enclosed dumpster location on their property; remove Finding of Fact #9 as written and replace with Private Residence Clubs off-site is prohibited in storefronts adjacent to the Main Street right-of-way; add Condition of Approval #9, A timeshare instrument shall be filed with the State; add Condition of Approval #10, no sidewalk hocking permitting per the Park City Municipal Code; add Condition of Approval #11, prior to any building permit, a construction mitigation plan will be presented to the Summit Watch Condominium Owners Association.

Commissioner Savage amended his motion to incorporate the changes as stated.

Director Eddington re-read the motion for clarification.

Commissioner Peek noted that the development agreement was specific about the building height being approved. At a minimum, he felt a finding of fact was needed to address that issue. Planner Robinson noted that Finding of Fact #11 states that, "The building will increase in height by two stories while keeping with the HCB height regulations." Commissioner Peek thought a finding of fact should state what building height was approved for Building A1 to acknowledge the original development agreement that specified a certain height.

Assistant Attorney McLean suggested adding Finding of Fact #13, "The November 23, 1994 revised concept plan Condition of Approval 10, which states building heights and density shall not exceed what is shown in this approval, is amended to increase Building A1 from 2 stories to 4 stories." Commissioner Peek was comfortable with that language.

Commissioner Savage amended his motion to add Finding of Fact #13 as read by Ms. McLean.

Commissioner Luskin seconded the motion.

VOTE: The motion passed 3-2. Commissioners Strachan and Hontz voted against the motion. Commissioner Pettit was recused.

Findings of Fact - 692 Main Street

1. The property is located at 692 Main Street in the Historic Residential Commercial (HRC) zoning district. Historic Commercial Business (HCB) heights and regulations are allowed by the 1982 Agreement.
2. In September 1991, the City Council approved a Concept Plan of the Town Lift Project.
3. The building at 692 Main Street has been used as the Sales Gallery for the Marriott Summit Watch project since its construction in 1992. The Summit Watch project was originally part

of the Town Lift development that included the Sweeney properties to the west but was subsequently bifurcated.

4. The September 1991 Concept Plan of the Town Lift Project laid out maximum square footages for the project as well as anticipating the project would be developed in Phases. In that approval the Council required the Historic District Commission (HDC) to review and approve the volumetrics for Phase 1 (p.4). The HDC was required to approve specific building design for the proposed structures prior to construction.
5. In April 1992, Planning Commission approved a small scale MPD for Town Lift Phase 1. Phase 1 included buildings A1-A3. The building at 692 Main Street was called A1. In the MPD, Building A1 was proposed to have 6 residential units comprising 4.5 Unit Equivalents (UEs) and 1,732 square feet of commercial space (1.8 UEs) for a total of 6.3 UEs.
6. In November 1994, the City approved the Summit Watch Revised Concept Plan. The revised plan superseded the action taken to approve the original concept plan in 1991. Condition of Approval 2 stated that the Town Lift Design Review Task Force shall review and approve plans for each building prior to construction commencing. At that time Building A1 was constructed and the unit configuration for that building was referenced as 7,200 square feet of commercial, or 7.2 Unit Equivalents.
7. The project will be a Timeshare as declared in the original approval of the Summit Watch project.
8. Affordable Housing requirements have been met by previous construction by the original developer.
9. Private Residence Clubs off-site is prohibited in storefronts adjacent to the Main Street right-of-way.
10. Nine residential units (up to 7.85 Unit Equivalents and 3.05 Unit equivalents of commercial space are proposed for a total of up to 6.90 UEs.
11. The building will increase in height by two stories while keeping within the HCB height regulations.
12. Twenty-three parking spaces are required and provided by a recorded easement.
13. The November 23, 1994 revised concept plan Condition of Approval 10, which states building heights and density shall not exceed what is shown in this approval, is amended to increase Building A1 from two stories to four stories.

1. The amended MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The amended MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The amended MPD, as conditioned, is consistent with the Park City General Plan.
4. The amended MPD, as conditioned, provides the highest value of open space as determined by the Planning Commission.
5. The amended MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The amended MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The amended MPD, as conditioned, is Compatible in Use, scale and mass with adjacent properties, and promotes neighborhood compatibility.
8. The amended MPD provides amenities to the community so that there is no net loss of community amenities.
9. The amended MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the application was filed.
10. The amended MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place development on the most Developable Land and least visually obtrusive portions of the site.
11. The amended MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections.
12. The amended MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval - 692 Main Street

1. All applicable conditions of approval of the 1994 Conceptual Approval shall apply to this amended MPD.
2. All applicable conditions of approval of the subdivision plat shall apply.
3. A condominium plat shall be recorded with Summit County prior to selling of any units.

4. The Main Floor market/deli or any other commercial use of that space will be open to the public. The grill/bar must be open to the general public.
 5. The building must receive Historic Design Review approval prior to issuance of building permits.
 6. All exterior lights must comply with Park City's lighting regulations.
 7. Any exterior sign must receive a separate sign permit.
 8. Applicant must record a written agreement with the owners of Zoom Restaurant for joint use of the loading and garbage area or build an enclosed dumpster location on their own property.
 9. A timeshare instrument shall be filed with the State.
 10. No sidewalk hocking permitted per the Park City Municipal Code.
 11. Prior to any building permit, a construction mitigation plan will be presented to the Summit watch Condominium Owners Association.
3. 1310 Lowell Avenue - Conditional Use Permit
(Application #PL-10-00965)

Commissioner Strachan recused himself and left the room.

Planner Jacquelyn Mauer reviewed the application for a conditional use permit at 1310 Lowell Avenue, Park City Mountain Resort. PCMR proposes to install recreational lighting the Three Kings, Quicksilver and Pick-n-Shovel ski runs. This item was continued from the June 23rd meeting because the Planning Commission lacked a quorum and was unable to vote on the project.

Planner Mauer stated that this application increases the Park City Mountain Resort's night skiing area from 44.5 acres to 54.7 acres or 23%. She noted that 49 wood poles were proposed with 76 metal halide, each having 150 watts. The proposed lights comply with the Land Management Code Section 15-5-5(i)(11), which addresses recreational lighting requirements. This application was also reviewed under the CUP criteria.

Planner Mauer remarked that during the June 23rd meeting, concerns were raised regarding the increase in the amount of electricity required to run these lights and whether or not there was adequate electrical capacity. Planner Mauer stated that as part of this application, a condition of approval was added to indicate that the applicant proposes to replace all the existing 1500 watt court halogen lights on the Payday ski run with the 150 watt metal halide lights proposed. The saved wattage would be 138,979 kilowatts per year. The Resort anticipates using 10,000 kilowatts per year on the proposed Three Kings lighting project.

Commissioner Pettit clarified that with the change out on the Payday run and the additional lights on the other three ski runs, there would still be a net savings overall. Planner Mauer replied that this was correct.

Commissioner Luskin appreciated the trade-off in power. He asked if the lighting would be the same after the halogen lights are replaced on Payday.

Brian Suhadolc, Operations Manager for PCMR, stated that Payday was already in process and was not contingent on this application. He noted that the new lights would produce less foot candles and the color would be slightly different.

Chair Wintzer assumed the skiers would be able to see better and there would be less light pollution. Director Eddington asked if the lights would be the same color across the mountain. He was told that it would be the same color.

The Staff recommended that the Planning Commission conduct a public hearing for the Three Kings lighting Conditional Use Permit, discuss the lighting impacts, and consider approving the application based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Commissioner Pettit asked if the Staff had received additional public comment beyond the one mentioned in the Staff report. Planner Mauer had received no additional comments.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Savage noted that this application would have a high degree of visibility and a broader impact for people all around Park City. He asked if notification was provided to people outside of the peripheral location to the project or if the City had any additional obligation for broader noticing because this was a unique situation.

Assistant City Attorney McLean stated that the project is noticed on the website and in the newspaper and a courtesy notice is sent to people within 300 feet. The City had no further obligation.

Commissioner Peek referred to Condition of Approval #6 and suggested adding "prior to the issuance of a certificate of occupancy" to insure completion. Mr. Suhadolc stated that the Payday lights would be completed by August 15th. Commissioner Peek suggested revising Condition #6 to read, "The existing 1500 watt Payday run lights must be replaced with 150 watt metal halide lights to reduce energy usage prior to a CO being issued. Planner Mauer offered to revised Condition #6 to include that language.

MOTION: Commissioner Savage moved to APPROVE the Three Kings Ski Run Lighting Conditional Use Permit for Park City Mountain Resort in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Staff report with the amendment to Condition of Approval #6. Commissioner Peek seconded the motion.

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

Findings of Fact - 1310 Lowell Avenue

1. The zoning is Recreation Open Space.
2. The Three Kings lighting project is located within PCMR at the Three Kings, Quicksilver and Pick-n-Shovel ski run areas. These areas are on the lower portion of the mountain between existing night skiing areas of Payday and the race Arena. No lighting is proposed higher than the top terminal of the Three Kings lift.
3. The proposed lighting will increase Park City Mountain Resort's night skiing area from 44.5 acres to 54.7 acres. This is a 23% increase of the night skiing area.
4. Forty-nine (49) wood poles are proposed. The maximum pole height measures forty-five feet (45').
5. Seventy-six (76) metal halide lights are proposed at 250 watts each.
6. Recreational Outdoor Lighting is a Conditional Use in the Recreation and Open Space (ROS) District.
7. Hours of operation for the lights are sundown until 10:00 p.m. December 15th through April 1st.
8. Rocky Mountain Power has indicated in a letter dated July 6, 2010 that it has adequate power to serve this usage.

Conclusions of Law - 1310 Lowell Avenue

1. The CUP is consistent with the Park City Land Management Code, Chapter 15-1-10, Chapter 15-2-7, and 15-5-5(l)(11).
2. The proposed CUP is consistent with the Park City General Plan.
3. The proposed lighting will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - 1310 Lowell Avenue

1. All standard conditions of approval apply to this Conditional Use Permit.
 2. The lights will be turned off by 10:00 p.m.
 3. A Construction Mitigation Plan and any required building permits will be approved by the Building Department prior to installation.
 4. The closure and re-route of any trails must be approved by Park City Municipal Corporation's Trails Coordinator.
 5. The lights are shielded to direct all of the light downward. Installation of shields to prevent light trespass past the horizontal is required.
 6. The existing 1500 watt court halogen lights on the Payday run must be replaced with 150 watt metal halide lights to reduce energy usage prior to a certificate of occupancy being issued.
4. **1150 Deer Valley Drive, Snow Country - Amendment to Record of Survey (Application #PL-09-00768)**

Planner Francisco Astorga reviewed the application at Snow Country Condominiums for an amendment to the record of survey to amend the survey to convert common space, labeled laundry space, into a private unit. This amendment would also clean up a discrepancy between the built area and the recorded plat in the area located on the northwest corner of the site to make sure it accurately shows what has been built.

Planner Astorga noted that the Planning Commission previously reviewed this application on October 28th, December 9th and April 28th. At that time, the Planning Commission also reviewed a conditional use permit for construction of two parking spaces within the Frontage Protection Zone. The Staff reported contained appropriate information relating to the landscape plan, the snow storage plan, and compliance with the soils ordinance.

Planner Astorga stated that since the previous meeting, the Staff has identified as legal non-complying due to the parking. In the past the Staff indicated that the change from common to private would increase a the level of non-conforming. However, based on updated information submitted by the applicant, as well as the number of parking spaces indicated on the plat, and the fact that Snow Company has kept their reserved parking spaces for the proposed, the Staff still identifies the site as legal non-compliant, but finds the conversion of the common laundry area to a private area does not increase the degree of non-compliance related to parking.

Planner Astorga emphasized that this was a new determination from Staff and it is opposite from their previous finding. The details of this new determination were outlined on pages 152 and 153 of

the Staff report. Planner Astorga noted that a finding of fact was added to correspond with this determination. Regarding building Code compliance for accessibility, the Building Department has chosen to address that issue at the time of building permit, if this application is approved. Planner Astorga clarified that in addition to compliance with accessibility in relationship to the parking, the Building Department would also require an accessibility compliance plan for a unit, and not just the parking.

Based on the new Staff determination, the conditional use permit for this application had been withdrawn.

The Staff recommended that the Planning Commission conduct a public hearing for the Snow Country Condominiums amendment to the record of survey and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Chair Wintzer understood that this item was continued from a previous meeting with direction to the Staff to look at snow storage.

Chair Wintzer opened the public hearing.

Kathryn Knight stated that she has been an owner at Snow Country since 2004 and served on the Snow Country Board. Ms. Knight noted that the Snow Country condominiums were the site of the largest drug sting in Summit County in 2005. Since that time the owners have banded together as a community to make sure that everyone at Snow Country was compliant with the law and with the CC&Rs. Ms. Knight stated that the owners discovered that there had been major over use of the parking lot, which was a huge problem with the drug running activity. Many owners have sold their units and many new owners have come in. The parking lot was resurfaced and they complied with the City's request to enclose the dumpster. Ms. Knight stated that they are also in compliance with snow storage. She acknowledged that Snow Country needed to truck snow from the site one year when Park City had massive snow fall. She pointed out that during that winter, many other condominium projects had to do the same. Ms. Knight stated that Snow Country has complied with the landscape upgrade that was required because they are downtown. The soils tested positive for high lead and arsenic and the property was capped.

Ms. Knight stated that the owners have worked as a community to upgrade the exterior of their property and they completely remodeled the interior stairwells in an effort to create a nice and beautiful place for the residents. The deteriorating sign was also upgrade. Ms. Knight stated that this particular project, as a gateway to Park City, needs to continue to have upgrades and beautification, and as a community they are happy to continue to do that. Ms. Knight stated that the laundry in question was the subject of vandalism and an entryway for cockroaches into the building. She noted that the laundry was closed because the equipment was no longer in good repair. She was on the Board at that time and the Board determined that purchasing new laundry equipment or signing with a new lease was not in the interest of the community owners because it continued to be a huge problem. Ms. Knight stated that the community has adjusted away from that use and they would like to see the laundry unit become an on-site manager's unit. They would continue to

monitor use of the parking lot and the interior area. The parking lot is used approximately 70% in the winter and 40% in the summer, based on her personal observation. Ms. Knight hoped the City would consider the improvements the owners have made and see it as a positive step forward for Snow Country as a community.

Neil Krasnick, a resident at 1150 Deer Valley Drive, provided paperwork and comments that he revised for the last meeting. He noted that page 6 of his handout was a revision for this July 14th meeting. Mr. Krasnick understood that the Planners, the City Engineer and the Planning Director had reviewed the application to change the plat at 1150 Deer Valley Drive. This is a condominium project that has a set density of living space. The City has recognized that living space is tied to automobiles owned, driven, and parked. Mr. Krasnick stated that over time, the City has changed the requirements for the amount of parking required for specific square footage of living space. He believed that the Snow Country condominium did not have the square footage of parking required. However, the Planning Staff, the City Engineer and the Planning Director have decided to disregard the requirement of parking stalls and allow more living space to be constructed at 1150 Deer Valley Drive. Mr. Krasnick explained that the Staff has determined that if 74 stalls were required in 1974, and 92 stalls were required in 2010, then 81 stalls are good enough to satisfy the LMC in 2010. He disputed that determination and believes it is a slipper slope.

Mr. Krasnick could see no reason to burden public parking around 1150 Deer Valley Drive with more cars. More renters is the same as more parked cars.

Mr. Krasnick stated that he has lived there for 22 years and pest control people have never said the laundry room was the reason they had cockroaches. He stated that if the HOA Board is allowed to convert the laundry room into a one-bedroom rental, that person will put in a washer and dryer. Mr. Krasnick believed this was a ponzi scheme that the HOA Board had devised, by making the on-site manager pay to live on-site. Mr. Krasnick remarked that this is a condominium project and they need snow storage because the owners are allowed to use their stalls 24/7, 365 days a year. The area being presented to the Planning Commission as snow storage is inaccurate because some of those areas have fire hydrants, trees, fences, and other things that diminish the amount of available space. In addition, the HOA does not show hard surface area beside the west side of buildings 2 and 3. Mr. Krasnick stated that the HOA also extended visitor parking within ten feet of the sidewalk in the frontage protection zone, and that area used to be their snow storage. There was a reason why the original plat listed 50 stalls in one spot and 24 in another. The rest of the area was used for snow storage. Mr. Krasnick could not understand why anyone would rent out a 640 square foot area. If that laundry room was such a nuisance and ridden with pests, why would they want to put six washers and six dryers in every hallway. Mr. Krasnick felt it was clear that this proposal did not make sense and he could not understand why he even needed to explain it.

Chair Wintzer clarified that Mr. Krasnick was raising HOA issues that were outside of the Planning Commission purview. He asked him to keep his comments on snow storage.

Mr. Krasnick reiterated that what the HOA Board has shown for snow storage was extremely inaccurate. For the last six years Snow Country has stored snow on the northwest corner identified as visitor parking. When possible, they also take it to the east end. Mr. Krasnick stated that the appropriate snow storage and parking required are non-existent. He could not understand why the

Planners would think otherwise and reverse their original decision that it would increase the level of non-compliance.

Mr. Krasnick requested the opportunity to sit down with the Planners, the Planning Commission, and the City Council to explain his position and demonstrate that what the HOA was requesting is wrong. He lives there full-time and knows exactly what he sees. Chair Wintzer closed the public hearing.

Planner Astorga reported on four letters supporting the application that he received after the Staff reports were distributed. He had provided copies of those letters and Mr. Krasnick's submittal to the Planning Commission this evening.

Commissioner Luskin recalled that the Planning Commission had discussed a site visit to the area. Planner Astorga replied that the Staff had met on site with the Planning Director and the City Engineer to look at the snow storage areas in comparison to the map submitted by the applicant. He could not recall discussing a site visit for the Planning Commission. Planner Astorga reported that the City Engineer, Matt Cassel, had reviewed the snow storage specifically for the term, "readily accessible location" and found the areas identified as snow storage in compliance with that definition. Planner Astorga explained how the City Engineer had made that determination.

Chair Wintzer stated that in Park City there is never enough snow storage for a good snow year. If there is enough snow storage, it is typically a large area that is under utilized and not landscaped. Once landscaping is added, it becomes necessary to haul snow. Chair Wintzer did not believe that the one additional parking space would impact the snow storage of the project.

Commissioner Pettit noted that the last time the Planning Commission reviewed this project there was a proposal to add two additional spaces, which would have reduced the amount of available snow storage. They are now back to the original configuration of the existing parking, with a determination through further analysis, that allowing this replat and converting the laundry room into an apartment, would not increase the non-compliance. Planner Astorga replied that this was correct.

Commissioner Pettit clarified that the purpose for providing this apartment is to have an on-site manager than can continue to assist with the parking management, which benefits all the homeowners and resolves past parking issues. In addition, based on what she personally observes during the summer, it appears that the lot is currently under parked.

Commissioner Pettit stated that based on the location of this project to public transportation routes and walkability to town and stores, this is one place that deserves to be under parked. She was not bothered by the request and concurred with the Staff recommendation as long as it does not increase the non-compliance issue.

Commissioner Savage referred to a comment that 66% of the homeowners voted in favor of converting the units, and asked what percentage was needed for approval. Planner Astorga clarified that 66% is the number needed for approval. Out of 71 votes they received four votes that were not in favor, which equates to 94% in favor. Commissioner Savage clarified that there was overwhelming approval for the conversion.

Chris Haynes, representing the applicant, pointed out that some of the owners did not respond and they were included in the 90%. Ms. Haynes stated that only one person over the past two years responded negatively after the initial vote. Most owners are asking when the conversion would be done.

Commissioner Hontz noted that at the last meeting she had stated that she did not want the north side or west side utilized in the calculations because she felt they would be throwing snow back and forth. However, she now believes that adequate snow storage is being provided per Code in the other areas. Commissioner Hontz concurred with Commissioner Pettit. In looking at things globally as a Planning Commission, she felt this was another opportunity where this was not considered a residential unit, but it would now be converted to one. She was comfortable with that approach and pointed out that as more and more of these opportunities come before them, they should recognize them for what they are.

MOTION: Commissioner Luskin moved to forward a POSITIVE recommendation to the City Council for Snow Country Condominiums Amendment to Record of Survey Plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1150 Deer Valley Drive

1. The property is located at 1150 Deer Valley Drive.
2. The property is located within the General Commercial (GC) District.
3. There are currently 71 units on site.
4. The existing Record of Survey Plat shows an area within one of the buildings that is platted common and labeled "laundry".
5. The applicant requests to amend 556 square feet from common (laundry) area to private area.
6. The proposed amendment adds one (1) additional dwelling unit in the existing multi-unit dwelling.
7. The parking area is approximately 24,179 square feet.
8. There is approximately 5,788 square feet of interior landscaping which equates to twenty-four (24%) of the total parking area.

9. There is approximately 12,544 square feet of area that can be utilized as snow storage.
10. The City Engineer has inspected the site and has found the same areas identified as interior landscaping as readily accessible locations for snow storage.
11. The layout of the parking area with the adjacent landscaping/snow storage area is very typical to other parking areas found in Park City.
12. A certificate of compliance was issued for this site in October 2008, relating to the soils ordinance.
13. The existing complex was approved by the City in 1976 which at the time required one (1) parking space per dwelling unit, which was a minimum of 71 spaces.
14. The plat has a note identifying two (2) areas on site accommodating 74 parking spaces, 50 along the front of the buildings and 24 along the east of the buildings.
15. There currently exists a total of 81 parking spaces.
16. The applicant has submitted a parking analysis which indicates that during the summer season the parking lot usage averages approximately 37% and in the winter season the parking lot usage averages approximately 74%.
17. The current LMC requires that a condominium unit not greater than 650 square feet to have one (1) parking space.
18. According to the number of existing units and their corresponding floor areas and also the proposed unit and its corresponding floor area, the LMC mandates a total of 90 parking spaces.
19. The site is considered legal non-compliant because it does not comply with the current parking standard.
20. The site accommodates seven (7) additional parking spaces from the original plat approval that shows a total of 74.
21. The site has more parking (81 parking spaces) than what was approved in 1976 (74 parking spaces).
22. The proposed plat amendment to the record of survey plat does not increase the discrepancy between the existing condition and the development standards prescribed by the LMC.
23. The request does not increase the degree of non-compliance.

24. With 81 total spaces; the configuration will remain the same with 72 spaces dedicated to each of the 72 units and four (4) spaces for rental by the HOA, and five (45) spaces for visitors.

Conclusion of Law - 1150 Deer Valley Drive

1. There is good cause for this amendment to Record of Survey Plat.
2. The amendment to Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amendment to Record of Survey Plat.
4. Approval of the amendment to 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 - 1150 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the amendment to the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amendment to the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
5. 200 Ridge Avenue, Ridge Overlook - Plat Amendment
(Application #PL-10-00977)

Planner Kayla Sintz reviewed the application for the Ridge Overlook Subdivision at 200 Ridge Avenue. Planner Sintz explained that the proposed plat combines all or portions of Lots 75-89 and 27-32 of Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots, into six lots of record.

Planner Sintz stated that a previous application for a three lot subdivision was reviewed extensively by the Planning Commission and a positive recommendation was forwarded to the City Council for approval. The City Council approved the subdivision in 2007. That plat was never recorded and it expired.

Planner Sintz noted that numerous application have been received on this project over the years. She recalled that only Commissioners Pettit and Wintzer were on the Planning Commission during the 2007 review and approval.

Planner Sintz stated that over time changes have been made to the Historic District Design Guidelines, we well as to the historic district zones. Specific changes include the number of stories allowed, the ten foot step, changes in front facades. Planner Sintz noted that those modification would impact this approval. At a later date each home would be subject to a Steep Slope CUP review.

Planner Sintz clarified that this item was scheduled for review and to provide direction to the Staff and applicant. No action was being request this evening. Planner Sintz requested that the Planning Commission conduct a public hearing this evening. Planner Sintz handed out input she had received that day from Steve Deckert. She also extended an offer from the applicant to schedule a future site visit with the Planning Commission.

Jason Gyllenskog, representing the applicant, provide history and background on the project since the time he has been involved. In 2007 a proposal was submitted for a three lot subdivision on this same site. At the same time, there was another proposal for a project in close proximity at 255 Ridge Avenue. That was a separate proposal and this applicant was not involved in that project.

Mr. Gyllenskog stated that 255 Ridge Avenue was slightly ahead on their submittal and approval process and that particular project created a tremendous amount of turmoil. Three lots were being proposed, similar to what they had proposed, and it was apparent that the Planning Commission and the community were against developments that encouraged mini-mansions in Old Town. With that in mind, they decided that not to record the approved plat and instead re-address the project.

Mr. Gyllenskog believed the current proposal would better serve the interest of the public by building smaller houses on smaller lots. He pointed out that changes to the Land Management Code would further restrict the size of the houses. Mr. Gyllenskog stated that this proposal was more in line with the vision for Old Town.

Mr. Gyllenskog presented a power presentation and explained how they defined the HRL zone and identified the purpose and compatibility; and how they had explored the proposed plat amendment and engineering detail, the geo-tech analysis, analyzed traffic impact, and studied the visual nature of the area. He reviewed an aerial map of the area, which showed as-built Ridge and Daly Avenue above it.

Commissioner Savage asked Mr. Gyllenskog to point out the road location on the photo. Mr. Gyllenskog replied that it was right below the yellow house. He noted that the old vacated Anchor, was only a pedestrian walkway.

Mr. Gyllenskog stated that the HRL purpose and compatibility is to reduce density that is accessible by only substandard streets so the streets are not impacted beyond a reasonable carrying capacity. Their proposal provides 3206 square feet of land for street dedication and there would be a snow storage easement. He believed that would enhance the surrounding community in regards to substandard street issues, including snow storage and emergency ingress and egress to Daly Avenue.

Mr. Gyllenskog remarked that during the last proposal the Planning Commission visited the site on three occasions. The sitting Commissioners at that time liked the substandard street because it maintained the fabric and character of Old Town.

The second purpose statement is to provide an area of lower density residential use within the old portion of Park City. Mr. Gyllenskog stated that this plat amendment would reduce the current lot density from 9 full Old Town lots and 21 partial lots to a total of six lots.

Mr. Gyllenskog explained why he believed their six lot proposal was consistent with the purpose statement to preserve the character of Historic residential development in Park City. Regarding the purpose statement to encourage the preservation of historic structures, Mr. Gyllenskog stated that their project would not demolish, move, panelize or alter any historic structures.

The fifth purpose statement is to encourage construction of historically compatible structures that contribute to the character and scale of the historic district and maintain existing residential neighborhoods. Mr. Gyllenskog remarked that the six lot proposal would create an average lot size of 41093 square feet, which is compatible with the area per the Ridge Avenue study that was done by the Planning Department. With the changes to the LMC in regards to the three total levels, one being the grade change, the house sizes will be very moderate for the area.

The sixth purpose statement is to establish development review criteria for new development on steep slopes. Mr. Gyllenskog believed this proposal meets the criteria for new development on steep slopes, including a comprehensive negotiated master utility plan, a drainage plan, and access design that minimizes grading of the natural topography. It reduces the need for larger retaining walls, as well as decreasing the overall building scale. They had previously explored accessing off of a private road, which entailed more retaining. The consensus at that time was that if they could access off the top road they could create a streetscape and minimize the amount of excavation.

Mr. Gyllenskog presented a cross section of the proposed building and a picture showing the existing grade. Planner Sintz pointed out that page 195 of the Staff report contained the drawing Mr. Gyllenskog had referenced.

The last purpose statement is to define development parameters that are consistent with the General Plan policies for the historic core. Mr. Gyllenskog stated that this plat amendment would define the parameters of development for this area. He pointed out that the existing lot configurations are not in line with the HRL. The proposed lots would meet all HRL requirements and help restore the fabric of Old Town and provide a streetscape of single family homes in an area that is saturated with multi-unit structures.

Mr. Gyllenskog presented the Cannon Engineering concept plan containing details of the utility and drainage plan for the site. He noted that the site has a sewer line that already runs up to the site, as well as storm drainage that goes into Daly. The proposal is to continue that up into as built Ridge and the private sewer line would become a public sewer line.

Mr. Gyllenskog remarked that King Ridge Estates had done a traffic study on the same area and that traffic study was included in this proposal. The study concluded that six single family houses

would create 29 new trips daily, which is still less than other substandard streets in the area. Mr. Gyllenskog pointed out that the site is not visible from any of the key vantage points in the LMC, however, the site can be seen across the canyon from Ontario, the top of Marsac and Prospector Avenue. There are existing houses above and below their proposal.

Mr. Gyllenskog stated that the community benefits from this project would be a safer road, improved fire protection for the houses below and above, additional snow storage, additional parking, extended sewer lines, and stabilizing the hillside. He believed that rebuilding the area with the houses proposed would help restore the fabric of Old Town.

Commissioner Strachan referred to the aerial view on page 195 of the Staff report and asked if the cross hatch portion was the private driveway. Mr. Gyllenskog stated that the private driveway was a road that had been cut in at some point. He noted that the current proposal abandons the private driveway all together.

Chair Wintzer clarified that the cross hatched portion was the sewer easement. He explained that the private driveway was proposed three years ago and it was rejected. The road is now the backyard of the lots.

Commissioner Peek asked if the drawing on page 194 of the Staff report was the previously approved site plan. Planner Sintz explained that the site plan on page 193 was the plan that was approved but never recorded, and it had expired. Chair Wintzer pointed out that the site plan on page 194 had the private driveway option, but that plan was not approved. The approved plan removed the road from the back and put the entrances in the front.

Commissioner Pettit stated that with the plat amendment approval the Planning Commission also limited the footprints for each of the lots. Lot 1 had a footprint limitation of 2200 square feet; lot 2 was limited to 1,768 square feet; and lot 3 was limited to 1,640 square feet. She felt this was important because it puts in context the proposal and the proposed footprints.

Commissioner Hontz requested minutes from all previous meetings, so those who were not on the Planning Commission at that time could understand the discussion and how the reduced footprints were determined. Planner Sintz stated that she had not included minutes from the very first meeting, but most of the minutes were in the Staff report. She offered to include everything for the next meeting.

Mr. Gyllenskog did not believe the footprints on Lots 1 and 2 had been restricted beyond what was allowed by the LMC. Chair Wintzer recalled that every lot was restricted. Mr. Gyllenskog clarified that the third lot ended up being 12,000 square feet and that lot was restricted. The other two were per the LMC.

Chair Wintzer stated that the decision the Planning Commission makes on this proposal would guide future development of Park City. He thought the question was whether they wanted three large houses or six small houses on this property. Due to the steepness of the hillside, Chair Wintzer was concerned about creating unbuildable lots where an owner could come back for a

hardship or a variance. He requested that the applicant provide a block drawing for every lot to demonstrate that a house could fit on each lot under the new Code restrictions.

Commissioner Hontz requested a visual that shows the platted road, the actual road, platted lots and a topo on a separate drawing. She did not think the materials provided helped them fully understand the area in context with the project. In addition, 147 Ridge Avenue was recently completed and she wanted to know the location of the retaining walls in relation to the existing right-of-way. Commissioner Hontz felt it was fortunate that 255 Ridge Avenue had not been built because they now have an opportunity to look at the area from a global perspective of what could occur in the neighborhood. She thought it was important for the Planning Commission to discuss whether Ridge Avenue should remain a substandard quaint historic street, or if it should be a wider, faster road.

Commissioner Hontz stated that when the road was dirt and nearly undrivable for six to eight months, there was very little traffic and people drove extremely slow. It now has a slick new surface and the traffic has increase significantly, as well as the speeds. This was an important issue to consider when they look at how these houses would fit on the property. Commissioner Hontz concurred with Chair Wintzer's request to see cross sections for each of the lots. In her opinion, she believed they would end up with two or three larger houses versus six big houses, based on the house size that could still be built on those lots. She was not convinced that six houses would provide any benefit to offset the traffic impacts.

Chair Wintzer asked Commissioner Hontz how she thought six lots versus three lots works into the streets master plan. Commissioner Hontz replied that the master plan advocates that the pavement be slightly widened, but not to the full right-of-way of 50 or 60 feet. She was interested in seeing the right-of-way because it would take up several lots. She pointed out that if this was not explored at 147 Ridge and the rock walls were placed in the right-of-way, they may need to be moved.

Commissioner Pettit referred to language in the streets master plan for Old Town and the recognition that Old Town is ripe with substandard streets. She read from the streets master plan, "Roadways which are severely substandard pose real life and safety hazards, which should receive top priority. The most pressing problems exist in the old part of town. It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are assured". Commissioner Pettit stated that this property is in the HRL District which abuts the HR1 District. An issue raised in the Staff report is that one of the effects of how they build out in the HRL is that while they may end up with a larger footprint and larger homes, they also end up with more open spaces.

Commissioner Pettit stressed the importance of maintaining open space in this area and along this road for snow storage. It is absolutely critical that the road continue to be passable in the winter because of the necessity for ingress and egress on to Daly Avenue as an alternative for health, safety and welfare.

Commissioner Pettit outlined crucial issues that need to be addressed. This is a sensitive area and at this point she could not endorse a six lot subdivision.

Commissioner Peek stated that in looking down the hill at Ridge, he was concerned with the geotechnical aspects of burdening the hillside with construction that may or may not be correctly designed. Commissioner Peek noted that the majority of houses below had substandard or no structural design elements that would keep them from being pushed down the hillside. Commissioner Peek believed a higher standard was warranted for this site.

Commissioner Luskin echoed the comments from his fellow Commissioners. He commented on the steepness of the terrain and believed that building on this site would have many complications. He visited the site and noticed that the road was paved. Even with that improvement, as he came around the corner, one car was stopped in the middle of the road. He agreed with Commissioner Hontz that widening the road to 25 feet would cut into the platted lots. Commissioner Luskin advocated smaller homes to preserve the fabric of Old Town, but he was very concerned that they would not be gaining anything by doubling the number of lots for building. He felt this was a particularly sensitive area with a lot of complexities. Before the Planning Commission could come to any conclusion, much more detailed information would need to be explored. Commissioner Luskin was not convinced that this proposal was appropriate for the area and would fit within the guidelines.

Commissioner Strachan commented on an issue that was raised with the Alice Lode claim regarding development on very steep slopes. Director Eddington clarified that it only pertains to development in the Sensitive Lands Overlay. Commissioner Strachan stated that the reason development is prohibited on very steep slopes in the SLO areas is because it is too environmentally impactful. Removing significant excavation, moving dirt and retaining so much land with walls is not allowed in the SLO zone. He believed the developer would encounter these same problems with this project. Commissioner Strachan stated that moving forward, he would be looking closely at the geo-tech reports. He recognized that at this point they are looking at the big picture issues and the Planning Commission needs to decide whether the project would be 3, 4, 5 or 6 units. Commissioner Strachan believed the street would be a determining factor and it may come down to the number of votes for or against widening the street.

Mr. Gyllenskog clarified that the previous proposal proposed widened the street. Due to Planning Commission feedback at that time, it was removed from this proposal. He welcomed any feedback the Planning Commission could provide and offered to meet with the Commissioners for a site visit.

Chair Wintzer thought a site visit was warranted. He suggested that they stake the three lots that were approved in one color and the six proposed lots in a different color. On the site visit, he would like to see the property lines in relationship to the road easement. Chair Wintzer also requested sections through the property.

Commissioner Peek wanted to see Daly Avenue houses with addresses placed on the drawing so they can be on Daly and know where they are in relation to the project. Commissioner Hontz summarized that the drawings should show the platted road, the platted lot, the actual road, the right-of-way and existing house addresses. Chair Wintzer remarked that putting everything on an aerial photograph would be helpful for the site visit.

Commissioner Savage referred to the site map that was presenting, showing where the road goes across and the approximate location of the six proposed homes. In addition to the aerial perspective, he felt the site map would also give them a better idea of the mass and size of the homes. Commissioner Savage suggested that if this was originally approved with three lot, many of the slope and geo-technical issues must have been resolved or seen as resolvable problems. He noted that because the approval expired the issues are back on the table, but they should be trackable. In his opinion, a larger concern is how this project fits in with the greater scheme of the area. He felt that Steve Deckert had made valid points in his letter and the Planning Commission needs to work together and try to constructively resolve some of these issues in conjunction with the approval process.

Mr. Gyllenskog reported that next month he planned to submit another proposal for 8 lots on a parcel above existing Ridge. That project would complete build out of the area, with the exception of Alice Lode.

Commissioner Hontz stated that a construction mitigation plan would be imperative and heavily scrutinized by the Planning Commission. She noted that the project at 147 Ridge used public and private property for staging, but this project may not have that ability.

Commissioner Pettit stated that construction at 147 Ridge resulted in a number of road closures over a period of time, which were very problematic. She reiterated the importance of the road from a health, safety and welfare perspective and stressed the need to seriously look at what might occur in that entire area. Commissioner Peek pointed out that Daly Avenue is an alternate egress route for Empire Pass.

Planner Sintz stated that she would put together all the requested information and schedule a site visit. Mr. Gyllenskog clarified that this project and the one he mentioned were two separate entities with no common ownership. He did not want one to hinge on the approval of the other, but he felt it was beneficial to have a more holistic view of development in the area.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to CONTINUE the Ridge Overlook Subdivision plat amendment to August 25, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Savage asked requested a global overview of what could occur in that area prior to the August 25th meeting. Planner Sintz offered to provide a Staff update of possible buildout. Commissioner Pettit recalled that some of that research has already been done. Director Eddington stated that the Staff was currently working on a GIS aerial and analysis for the two projects on Ridge Avenue relative to Alice Claim.

6. Park City Heights Pre-MPD
(Application #PL-10-01014)

Planner Whetstone stated that a pre-master planned development is required prior to submittal of a master planned development application. The purpose is to allow the Planning Commission, the Staff and the public to review a concept plan for an MPD early in the process. She explained that the property had been annexed and the Planning Commission was being asked to review the pre-MPD application and determine whether the proposal is in initial compliance with the General Plan.

Planner Whetstone reviewed a site plan to orient the Planning Commission with the project location. The property was annexed and put into the Community Transition Zone (CT), which is the same zoning as the IHC property to the north.

Planner Whetstone noted that the pre-MPD application was for 239 units on 239 acres, consistent with the CT zone, which is one for one. However, in this case that includes all the units, including the affordable units, which could be exempt. Planner Whetstone reported that the Boyer Company is the petitioner and the City is a co-petitioner since they are co-owners with the parcels.

Planner Whetstone reviewed the concept plan, showing 160 market rate units and 79 deed restricted affordable units, for a total of 239 units. The annexation agreement does not allow the affordable units to be exempted from the density.

Spencer White, representing the Boyer Company, clarified that at some point in the annexation discussion, they started talking about units rather than UEs. Therefore, the annexation agreement states that they are allowed 239 units, which is not necessarily one to one. Mr. White remarked that taking the affordable units out of the equation reduces the number to 195 density units, which is the density counted towards what is allowed in the CT zone. He explained that they added the additional affordable units to reach 239. There are 239 acres in the development application, but it is not tied to 239 units. Mr. White clarified that 195 are the actual market rate units.

Commissioner Peek recalled that the number was originally 303 units and that number was reduced through the annexation.

Planner Whetstone remarked that approximately 28 of the units were coming from IHC based on a five acre land swap. In addition, approximately 16 CT zone units would be the affordable units required based on the number of market units proposed with the final MPD. An additional 35 units are City-sponsored affordable units.

Planner Whetstone stated that the concept plan presented this evening was the same plan presented to the City Council with the annexation. She noted that when the Planning Commission previously reviewed the annexation application, they provided recommendations on what they would like to see reflected in either the concept plan or the annexation. Those recommendations were outlined on page 200 in the Staff report. Planner Whetstone stated that the final site plan

requires Planning Commission approval as part of the master plan. She noted that the master plan application would provide a preliminary subdivision plan, preliminary utilities and additional detail.

The Staff recommended that the Planning Commission conduct a public hearing, consider any input and provide direction to the applicants on the concept plan, the density, and general plan compliance issues outlined in the Staff report. The Staff requested that the Planning Commission consider approve the Park City Heights pre-MPD application per the findings of fact, conclusions of law and conditions of approval outlined in the Staff report. This approval would allow the applicants to move forward with the final master planned development.

Spencer White reported that the applicant submitted an application in January 2005. In five years the application has been through Task Force, the Planning Commission, and an annexation. He presented a power point presentation showing the progression of the master plan and how density was reduced and open space was increased.

Mr. White stated that in 2005, the proposal was for 352 residential units and 200,000 square feet of general commercial. The commercial was proposed on 24 acres directly off of Highway 248. During the task force process, the density was reduced to 317 units. Mr. White noted that during the task force process, Talisker was asked to join the application for the annexation and the MPD and to add their affordable housing component.

Commissioner Savage referred to the slide showing the previously proposed commercial district and asked who owns the property. Mr. White stated that it still belongs to the Park City Heights developer. That 24 acres would be deeded to the City as part of the annexation agreement. Commissioner Savage asked about the land above that. Mr. White replied that it was the Quinn's Junction parcel. Commissioner Savage clarified that the future of that piece of property is still to be determined in the future and it has no relation to the Park City Heights application. Mr. White replied that this was correct. Planner Whetstone pointed out that the property in question was not part of the annexation and is not within the City limits. Mr. White identified the entire annexation boundary.

Mr. White reiterated that once the task force process was completed they had added Talisker and their affordable housing and the density was moved to 317. During the next process when they were approved for the annexation by the Planning Commission, they had reduced the density to 303 units. Mr. White presented the currently proposed master plan showing the 239 units identified in the annexation agreement. He clarified that 160 units are market rate units, 35 units are Park City Municipal affordable units, and 28 units came from IHC. He pointed out that during the task force process the City requested that Park City Heights consider bringing in the IHC affordable housing requirement into the project so those units would not be an island over by the hospital. Mr. White stated that the remaining 16 units would be Park City Heights affordable units.

Mr. White remarked that the intent was to make the project a mix of units so the affordable housing would not be isolated by itself. The affordable units proposed would be a mix of stacked condos, townhomes and single family detached homes. He noted that in the progression the upper units were brought off the hill and the open space was increased to approximately 73%.

Mr. White stated that the applicant was looking forward to having a work session discussion with the Planning Commission to provide the details of the project. He suggested that a site visit would be especially helpful to the new Commissioners.

Commissioner Savage asked if the affordable housing units were scattered throughout the project or if they were concentrated in one location. Mr. White replied that they are mostly concentrated near the common play field and clubhouse. He pointed out that there would be a mix of affordable units so it would not look like typical stacked, apartment style affordable units. The affordable units would be located in close proximity to public transportation.

Mr. White presented an aerial photo to help the Commissioners get a sense of where things would be located in the project. He noted that the roads and homes would be kept off of the steep slopes, but some would be in the 15-30% range.

Mr. White believed the conceptual plan met the requirements for initial compliance at the pre-MPD.

Planner Whetstone noted that the Staff report outlined items for discussion and requested that the Planning Commission provide feedback and direction.

Commissioner Savage requested that Mr. White address traffic and traffic mitigation as it relates to this project. Mr. White explained that extensive traffic studies were conducted for the area when the proposed density was in the 300 unit range. An initial study was done and then updated and the traffic engineer presented his findings to the Task Force, the Planning Commission and the City Council. Mr. White stated that when Park City Municipal became a co-tenant on the project, a main objective was to reduce the density. Going from the 303 to 239 units was important to the City Council in an effort to reduce traffic congestion in that area.

Commissioner Savage asked if a summary traffic report was available for the Commissioners. Planner Whetstone offered to provide that report for the Planning Commission. She noted that the 2007 Hales Engineering report was referred to in the annexation agreement, along with mitigation requirements. Planner Whetstone remarked that resolving the traffic issues was one reason why the annexation agreement was stalled for a period of time.

Chair Wintzer clarified that the discussion this evening should focus on density and potential commercial space. Planner Whetstone replied that this was correct, as well as comments on the site plan.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Chair Wintzer stated that he was on the Planning Commission when the process first started and he was also on the Task Force. He thought it would be difficult to make a decision this evening since many of the Commissioners were new had not seen this project prior to this evening. Chair Wintzer understood that the Planning Commission needed to be sensitive to the time constraints based on the partnership with the City, but he was uncomfortable making a determination for General Plan compliance this evening.

Planner Whetstone clarified that the Staff and applicant were only looking for initial compliance. She pointed out that this project went through an extensive annexation review, which required compliance with the annexation policy and the General Plan. Chair Wintzer understood that as someone who was previously involved with the project, but he felt it was unfair to ask three or four new Commissioners to make that decision without the benefit of further review and understanding of the project.

Chair Wintzer felt this was a better project than what was originally proposed. He thought the traffic issues were more complicated than how it was presented because the proposed change in use of the units would generate more traffic into Park City. Mr. White noted that the number of affordable units was reduced and the market units stayed the same. He did not believe the project as proposed would generate additional traffic.

Phyllis Robinson clarified that what changed is the type of affordable unit being recommended for Park City Heights. It has moved away from small 800-1,000 square foot two-bedroom rental units to some ownership units and adding a single family component. The number of units has decreased but the unit size increased.

Chair Wintzer recalled that the key issue to the traffic study was school time traffic and he felt that was still an issue. Commissioner Hontz asked if the project would put all the traffic on to Highway 248. She was told that it would. Planner Whetstone noted that traffic would be a major discussion item at the master planned development stage. She reiterated that the Planning Commission was not being asked to approve the master planned development. The applicant needed approval of the concept plan before they could begin working on a master planned development application.

Chair Wintzer favored having commercial space to support the project. Commissioner Peek agreed on the commercial space. He stated that he was on the Planning Commission when they forwarded a recommendation for annexation. However, in looking at the specific layout, he felt this project could be located anywhere, including Jeremy Ranch and Pinebrook. Commissioner Peek pointed out that the General Plan talks about minimizing architectural style and size that are not in keeping with the mountain resort and historic character of the community, and minimizing parking expanses between the street and front facades of the buildings. He believed the neighborhood would be a presentation of garage doors and driveways, as opposed to other design solutions that would make the car less subservient.

Planner Whetstone stated that there would be design guidelines for the neighborhood and direction like Commissioner Peek's comment about garage doors would be helpful in drafting those guidelines.

Commissioner Savage preferred to continue this item to a date certain and schedule a site visit before the next meeting. He suggested that the Planning Commission discuss possible alternative concepts as it relates to this pre-approval, rather than starting with too much momentum behind one particular plan.

Mr. White stated that the applicant was anxious to reach that point, but per the Code, that cannot be done at this pre-MPD stage. This step is to find initial compliance with the General Plan and not design specifics on the concept.

Commissioner Peek clarified that based on the two items he cited in the General Plan, this project does not comply. It is a typical linear subdivision and he was not willing to vote in favor of compliance.

Assistant City Attorney McLean explained that under the LMC and the State Code, the pre-MPD is an initial first look at the project to make sure the applicant is moving in the right direction. It is within the purview of the Planning Commission to request that the applicant comes back with additional information or to say that the applicant is taking the wrong direction. She understood Commissioner Peek's concerns and suggested that they get an indication of whether or not the rest of the Commissioners concurred.

Chair Wintzer reiterated his personal comment that this is a better plan than what originally proposed. As Chair of the Planning Commission, he was concerned that the new Commissioners were being asked to vote on something they were seeing for the first time, without prior knowledge of the project.

Commissioner Hontz liked how the density was shaped and formed to come off the ridge and that it is not visible from the Park City entry corridor from Highway 248. She favored the placement much better than the previous iterations. Commissioner Hontz also liked how development was taken off the steep slopes and off the other parcels to the north. She appreciated the open spaces that was created by this current iteration. However, she struggled with whether or not the density complied with the General Plan. She thought the project was very dense, and without visiting the site she was unprepared to say whether or not it was appropriate. Commissioner Hontz concurred with Chair Wintzer regarding the support commercial component. She commented on other areas where support commercial was not successful and felt it was important for the Planning Commission to look at the design and the uses.

Commissioner Pettit stated that she also has history with this project and she struggled at the last meeting in terms of what was actually approved. She agreed that the project was evolving into something more compatible with the intent of the General Plan, but she was not completely comfortable with the density issue. Commissioner Pettit remarked that in fairness to the new Commissioners and because this was one of the largest MPDs they were likely to see, she thought a site visit and further discussion would be beneficial. She was not prepared to vote this evening. Commissioner Pettit supported the concept of support commercial. It would be nice to eliminate car trips and to provide the residents of the area with a place to meet and gather.

Commissioner Strachan did not think that the plans presented this evening complied with the General Plan. He did not believe it compliments the existing historic and resort qualities of the mountain community for the reasons Commissioner Peek pointed out. Commissioner Strachan stated that in his interpretation of the General Plan, a 200+ unit subdivision does not meet the definition of modest under the goal of the General Plan. He realized it was a function of the size of the land, but there is nothing modest about this project. Commissioner Strachan stated that it does not meet the healthy environment with the clean air and natural landscapes goal because it relies on the automobile. He felt strongly that there should be alternatives to the automobile. Commissioner Strachan first thought the proposal did not comply with the goal to preserve natural views of the mountains and meadows; however, based on what was presented this evening, he now believes it does.

Commissioner Luskin stated that as a newer Commissioner he was not involved in the previous process. For that reason he needed more time to get a sense of the area and the magnitude of the project. Commissioner Luskin agreed with Commissioners Peek and Strachan regarding compliance with the General Plan. He requested clarification on the wildlife study to know if it was more than just a name on paper or whether it would realistically work. He was concerned about wildlife corridors in relation to traffic. Commissioner Luskin believed the density would generate traffic and he wanted to know the extent of the public transit and whether it would be effective. He is an advocate of biking in good weather months and suggested a condition of approval requiring bicycle trails, possibly all the way to Kimball Junction. Commissioner Luskin stated that this was a large project outside of the center of town. In his opinion it differs considerably from Old Town and what creates the character of Park City. He was not opposed to commercial development. Commissioner Luskin was not prepared to provide substantive input based on his limited knowledge of the project. He could not support it this evening and he needed additional information to be convinced that it did comply with the General Plan.

Chair Wintzer asked if the two lots at the top were still part of the proposal. Planner Whetstone replied that they were still there.

Commissioner Whetstone clarified that approval of the concept plan was necessary before the applicant could move forward to the MPD application. Because a master planned development application is required, she was unsure what would happen if they could not get past this first step.

Director Eddington understood that the Planning Commission wanted to see conceptual alternatives to the proposed plan and more detail on the support commercial. They also wanted a site visit. The Planning Commission and Staff discussed a possible site visit at 5:30 p.m. on Wednesday, August 11.

Patrick Moffitt, with the Boyer Company, stated that before they spend time and money on alternative drawings, he felt it was critical to first get to the MPD process. Once the pre-MPD is approved, they would be very willing to provide whatever alternatives and information the Planning Commission requested. He believed that was the process identified in the LMC. Mr. Moffitt clarified that he was not requesting a vote this evening.

Commissioner Peek pointed out that the Staff report requested that the Planning Commission review the Park City Heights pre-Master Planned Development application and conceptual plan. He clarified that they were reviewing the conceptual plan for initial compliance with the General Plan. Planner Whetstone remarked that in the pre-MPD process, the Planning Commission should provide direction on what details they would like to see in the MPD, such as unit configuration, street access, etc.

Assistant City Attorney McLean read from the LMC section regarding a pre-MPD. "Pre-application will be filed with the Park City Planning Department and shall include a conceptual plan and the public will be notified. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for master planned development, all MPDs will be required to go through a pre-application public meeting before the Planning Commission. At the pre-application public meeting, the application will have an opportunity to present the preliminary concepts for the proposed MPD. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given the opportunity to comment on the preliminary concepts so the applicant can address neighborhood concerns in preparation of an application for an MPD. The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan, and will make a finding that the project initially complies with the General Plan. Such a finding is to be made prior to the applicant filing a formal MPD application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to acceptance and processing of the application."

Commissioner Strachan stated that nothing in that Code section requires the Planning Commission to affirmatively tell the applicant exactly what the concept should be. The applicant has the responsibility to provide the plan, and the Planning Commission has the purview to determine whether or not it complies with the general plan. Planner Whetstone agreed, noting that the applicant had provided a conceptual plan for the Planning Commission to review for determination. She understood that the Planning Commission believed some parts of the plan do not comply with the General Plan. In those circumstances, the Planning Commission should provide direction on what the applicant could change to bring the project into compliance.

Commissioner Savage asked if the Staff felt the conceptual plan as presented complied with the General Plan. Ms. McLean stated that the Staff makes their recommendation to the Planning Department based on their professional opinion. In this case, the Staff's opinion is that it does comply. She pointed out that some discussion points were outlined in the Staff report for Planning Commission feedback. Ms. McLean clarified that the Planning Commission is the ultimate decision maker.

Chair Wintzer suggested that individual Commissioners meet with Planner Whetstone prior to the next meeting to help them better understand the project and the process. Commissioner Savage was willing to meet with Planner Whetstone and review the project more thoroughly for a vote at the next meeting. He was unaware of the magnitude of the project when he received his Staff report.

Mr. White wanted it clear that the applicant feels no entitlement to the master plan or the density. They look forward to working out all the issues through the process. He believed that everyone had a different expectation of the process this evening and offered to come back with an explanation of why they believe the concept plan complies with the General Plan elements. Mr. White took into consideration Commissioner Peek's comments about driveways into each home. That was never their intention and the idea of shared driveways and other alternatives were discussed in the Task Force meetings. Mr. White expressed a willingness to work with the Planning Commission to provide the details they needed for a vote at the next meeting.

MOTION: Commissioner Strachan moved to CONTINUE the Park City Heights pre- MPD to August 11, 2010. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 11:15 p.m.

Approved by Planning Commission _____