

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 27, 2011

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Katie Cattan, Planner, Polly Samuels McLean, Assistant City Attorney

REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 5:47 p.m. and noted that all Commissioners were present except Commissioners Strachan and Pettit who arrived later.

PUBLIC COMMUNICATIONS

There was no comment.

ADOPTION OF MINUTES

The minutes were approved later in the meeting when all the Commissioners were present.

Commissioner Strachan thought the header reading March 23, 2010 was incorrect and should be changed to March 27, 2010.

Commissioner Strachan referred to page 25 of the Staff report and corrected Sally Fuety to read Sally **Fuegi**.

MOTION: Commissioner Strachan moved to APPROVE the minutes of March 27th, 2011, subject to the corrections. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously by the Commissioners who attended that meeting. Commissioner Pettit abstained since she was absent.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director Eddington reported that the Treasure Group had submitted a request to continue a stay on the Treasure Hill Conditional Use Permit that would expire on April 30, 2011. The request was to extend the stay an additional two months to continue negotiations with the City team. The stay was granted through June 30, 2011. Director Eddington stated that progress has been made in the negotiations, and if progress continues, the stay could be extended to November 30, 2011.

Planner Katie Cattan stated that beginning June 1, 2011 she would be project managing the General Plan. The Staff report for the next meeting would include the findings from all the Outreach. They have also been working on a website that will be introduced to the Planning Commission at the next meeting. Planner Cattan reported that the Staff is also in the process of putting together a task force. The RFPs will be introduced during the June 8th meeting and the intent is to publish the RFPs by June 15th. Director Eddington explained that the RFPs were specific studies from outside consultants that the Staff has asked to help with the General Plan. Planner Cattan requested that the Commissioners start thinking about suggestions for branding the General Plan for discussion at the next meeting. A public competition will be conducted to create a General Plan logo.

Planner Cattan stated that she and Director Eddington have been working actively with the University of Utah Partnership, as well as the Regional Planning Partnerships. An outline of the General Plan would be presented at the first meeting in June. Planner Cattan noted that a full-time contract planner would be hired for one year to take over her regular duties to allow her time to focus on the General Plan.

Chair Wintzer requested an email outlining a timeline for the General Plan topics. He would also like to have more Commissioners involved in working on the General Plan.

Planner Cattan stated that the Planning Commission would be provided with a general update on the General Plan through Staff Communications at each meeting. The Staff had prepared a timeline that would be included in the next Staff report.

Chair Wintzer congratulated Dick Peek for his new position on the City Council. Commissioner Peek remarked that it had been a pleasure serving on the Planning Commission.

Assistant City Attorney, Polly Samuels McLean, reported that Jodi Hoffman and the State Ombudsman for Property Rights would be doing training at the May 25th Planning Commission meeting. It would be scheduled as a work session item.

CONTINUATION(S) – Public Hearing and Continue to Specific Date

2780 Telemark Drive – Appeal of Staff's Determination
(Application #PL-11-01234)

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

MOTION: Commissioner Peek moved to CONTINUE 2780 Telemark Drive to May 11, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

573 Main Street – Claim Jumper Plat Amendment
(Application #PL-10-01105)

Chair Wintzer opened the public hearing.

John Plunkett stated that he and his wife have lived in Park City for 20 years. They live on Park Avenue, behind Main Street facing the rear of the Claim Jumper. He and his wife have restored a number of historic houses and they live in one of them. Mr. Plunkett understood that the Claim Jumper had submitted an application for plat amendment in order to allow new uses in the Claim Jumper. Mr. Plunkett noted that the application refers to 573 Main Street in the HCB zone. He pointed out that the building overlaps on to 572 Park Avenue with a new addition that was built in the 1990's. Based on that information, Mr. Plunkett requested that the City ask the applicant to include these Park Avenue lots in their application as part of the location. The location is going to be subzone A of HR-2. Mr. Plunkett highlighted the difference between the subzones A and B in HR-2. He noted that the HR-2 refers to the backside of Main Street on both sides. Subzone B primarily refers to Swede Alley and currently allows most commercial uses. However, Subzone A prohibits any commercial uses. For that reason, it is important that it become part of the application. Mr. Plunkett remarked that he has been communicating with the Planning Department to resolve the problem.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to CONTINUE 573 Main Street to May 11, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Modification to Emergency Plan for Empire Pass – Amendment to Technical Report
(Application #PL-11-01-208)

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

MOTION: Commissioner Peek moved to CONTINUE the amendment to the technical report for Empire Pass to May 11, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARING/POSSIBLE ACTION

1. **Consideration of a General Plan Amendment – Modifications to the Park City General Plan Land Use Map (Application #PL-11-01225)**

Planner Cattan reported that the current General Plan land use map needs to be updated to reflect changes that have been made since 1997. Since that time, the City boundary has been updated and the annexation declaration area has been added. Significant open space has been acquired. Receiving areas were identified for residential and commercial and the City recently passed a Transfer of Development Rights Ordinance.

Planner Cattan stated that the Staff amended the land use map to remove land uses for land outside of the Annexation Declaration area, since the Planning Commission and the City Council would not have purview of that land unless the Annexation Declaration is amended.

Planner Cattan outlined the proposed changes to the land use map as identified in Exhibit A in the Staff Report. She noted that the soccer field and ice rink under Quinn's Junction was labeled open space, and that should be changed to Institution because they are public facilities. If the Planning Commission forwards a positive recommendation to the City, she would like that modification to be incorporated.

Chair Wintzer asked if the undeveloped open space was deed restricted. Planner Cattan answered no, and explained that undeveloped open space is not deed restricted at that point. Director Eddington indicated areas on the map around PCMR as an example. If the area is within the City boundary it is typically ROS, Recreation Open Space. Chair Wintzer questioned why it was not called Recreation Open Space instead of Undeveloped Open Space. Director Eddington clarified that they were looking at a land use map; not a zoning map.

Chair Wintzer asked if development rights were attached to the undeveloped open space. Director Eddington replied that some undeveloped open space has development rights, but not all of it.

Planner Cattan noted that the new General Plan would reflect all the conditions and definitions.

Commissioner Hontz asked about an island that was shown on the map. Planner Cattan stated that the island is a portion of farm property coming into town. Assistant City Attorney McLean explained that when the land around the island portion was annexed, that portion became part of an agreement. The island portion is County property, but the City has the option to annex it whenever it is developed.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to forward as POSITIVE recommendation to the City Council pertaining to the amendments to the Park City General Plan Land Use map as amended this evening regarding public facilities open space. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously. Commissioner Strachan and Commissioner Pettit were not present.

2. 811 Norfolk Avenue – Plat Amendment
(Application #PL-10-00988)

Planner Cattan reviewed the application for a plat amendment for 811 Norfolk Avenue.

Planner Cattan provided a brief history of prior reviews and approvals that have occurred on 811 Norfolk Avenue. She noted that the applicants were unable to move forward with the plat amendment until the HDDR review was addressed because there was movement on the landmark structure.

Planner Cattan reported that movement of the landmark structure was approved by the Historic Preservation Board. However that decision is being appealed by the neighbors and the appeal will be heard on May 17th. The appeal would not affect this plat in any way. Condition of Approval #3 states, "The plat may not be recorded until the Landmark Structure is moved on to Lot 3 or encroachment agreement is signed by the property owner of Lot 4 to the north". If the BOA allows the structure to be moved, it must be done prior to recording the plat. If movement is denied, an encroachment agreement would have to be signed prior to moving forward with the plat. Considering the history, the Staff placed a condition of approval on the plat amendment.

Mark Kosak, representing the applicant, felt it was important to note that Condition of Approval #4 also helps to address the issue. Condition #4 states, "The appeal on the movement of the house must be resolved prior to recordation".

Planner Cattan reported that Jeff Love, the applicant, owns the south portion of Lot 2 and all of Lot 3. The application this evening is to combine the portion of Lot 2 and all of Lot 3 into one lot of record.

The Staff recommended that the Planning Commission consider forwarding a positive recommendation according to the findings of fact, conclusions of law, and conditions of approval outlined in the ordinance.

Mark Kosak, reiterated that Mr. Love is trying to combine one lot and a partial lot to clean up the plat. Mr. Love stated that he cannot do an addition on the historic structure until the property line between the north half of Lot 2 and Lot 3 is removed. The Building Department will not issue a building permit over a property line. He felt that combining a partial lot with a full lot was a routine plat amendment.

Commissioner Pettit arrived at 6:05.

Chair Wintzer opened the public hearing.

Katherine Matsumoto-Gray, a neighbor next door to the property, provided comments from the perspective of the neighbors involved. She felt it was clear from the series of applications submitted, that the intention is to subdivide a historic site, increase density in a historic neighborhood, and to do infill development within one single historic site, in order to increase the developer's profit from this investment. Ms. Matsumoto-Gray believed it would be to the detriment of the neighborhood. Many neighbors have spoken on this matter several times. They like their historic street and all the historic houses on that side of the street between 8th and 9th Street either significant or landmark structures. Ms. Matsumoto-Gray stated that this plat amendment is part of a process to build the first new infill house within and disrupting one of those historic sites. She remarked that because small pieces have been dealt with between the County, the HPB, and now the Planning Commission, no one has noticed that the larger development plan is not consistent with historic preservation or the guidelines.

Ms. Matsumoto-Gray stated that the pending appeal is well addressed in the conditions of approval for the plat amendment, but she requested that the Planning Commission consider continuing a decision until after the appeal has been heard. She pointed out that even if the appeal is not granted, the house is for sale and another owner may not want to move it. Ms. Matsumoto-Gray stated that approving this plat amendment would subdivide a historic site, and although the Historic District Guidelines do not address that specifically, it is consistent with many of the guidelines. Ms. Matsumoto-Gray had submitted a letter, and in her letter she talked about retaining the built to unbuilt ratio on historic sites, preserving landscape features, preserving the character and the feel of the historic district. She believed that infill construction within a historic site and disrupting the connection between an accessory building and the main building disrupts the character and significantly changes the site.

Ms. Matsumoto-Gray commented on another request that went before the Historic Preservation Board to take an accessory building off of the historic sites inventory. The accessory building was deemed to be historic by the HPB and was saved. She noted that part of their decision was based on the fact that the historic house has a significant tie with Park City history, and the accessory building, the garage, and the house are related. Ms. Matsumoto believed those same issues were relevant in make a decision on the plat amendment. She did not think the two structures should be subdivided away from each other. Preserving sites is something they need to seriously consider.

Ms. Matsumoto explained that one argument in their appeal is that the two owners of the two lots are working together and they are being represented by the same person. It was evident that the guidelines were not read as instructions for how a developer could move a house. She believed that developers can find ways around regulations, but it should not fall to the detriment of the neighbors. Ms. Matsumoto did not believe the property should be allowed to be subdivided because it would negatively impact the historic significance of the neighborhood.

Linda McReynolds stated that she lives three houses down from the house at 811 Norfolk. She reminded everyone that the property was purchased as one parcel. It was

not purchased as four lots or with the possibility of two lots. She noted that the five or six houses on the upper side of Norfolk had this historic spacing prior to 1895. Her house was the last house built in 1895. Ms. McReynolds believed that some of the houses pre-date the mining boom. She read from the design guidelines, "Projects involving landmark sites must adhere to the strictest interpretation of the guidelines". "Maintain existing front and side yard setbacks of historic sites". Ms. McReynolds urged the Planning Commission to explore this matter in depth. She agreed with Ms. Matsumoto-Gray, that everyone has seen a different piece, but it has not been looked at as one application. It is very distressing to the neighbors to see a landmark house moved so casually.

Chair Wintzer closed the public hearing.

Commissioner Strachan arrived at 6:15 p.m.

Commissioner Savage could not understand the boundary conditions associated with the role of the Planning Commission, relative to the comments made by the public. He noted that the decision to move the home is the purview of the HPB and not a decision for the Planning Commission. In addition, there is an appeal pending on that decision. Commissioner Savage remarked that the outcome of that appeal would have meaningful impact on any decision they would make regarding the plat amendment. He recommended that the Planning Commission continue this item until they know the outcome of the appeal.

Commissioner Pettit concurred with Commissioner Savage. Until they know the outcome of the appeal, it is difficult to evaluate some of the conclusions of law they are required to make in considering the plat amendment application. Commissioner Pettit preferred to give the Board of Adjustment a clear record based on action that clearly relates to the issue of the appeal, and not cloud it with approval or denial of the plat amendment.

Commissioner Peek concurred. He felt that an odd sequence of events had created the situation.

MOTION: Commissioner Peek moved to CONTINUE 811 Norfolk Avenue to a date uncertain, based on the appeal with the Board of Adjustment. Commissioner Pettit seconded the motion.

VOTE: 5-0. Commissioner Strachan abstained since he was not present for the applicant's presentation.

3. SA-139-A, 817 Norfolk Avenue – Plat Amendment
(Application #PL-10-00989)

Planner Cattan reviewed the application for a plat amendment for tax ID number SA-139-A. She noted that the property known as 817 Norfolk Avenue has not been given a formal address, which is why the application has the tax ID number.

Mr. Kosak explained that like the request for 811 Norfolk, this plat amendment would combine all of Lot 4 and a portion of Lot 5 into one lot. He stated that this is a completely unrelated issue of the HPB's decision, which will be reviewed by the Board of Adjustment on May 17th. He noted that the BOA scope of review on the prior decision will be whether or not that decision is supported by evidence in the record. The BOA does not have the authority to craft a solution and nothing new will come from the appeal process. It will only be a decision of yes or no as to whether the HPB decision stands.

Mr. Kosak remarked that during the HPB meeting he spoke at great length about public clamor. He stated that public comment should be specifically focused on the application of the LMC to a very specific set of facts. That is the role of this body and it was the same for the HPB. Mr. Kosak stated that there is significant case law in Utah that shows that public clamor by enough people at the podium for the purpose of influencing the decision making body is wrong. Mr. Kosak was frustrated because each time they come in good faith with materials to show everyone, and they get a lot of public clamor. The comments heard at the beginning of this process and the ones they hear now are conflicting and inconsistent. Mr. Kosak believed that it comes down to neighbors wanting what they have always had without having to pay to keep it that way. The applicant owns the land and the City has been saying for a year that another house could be built. It is a lot of record and nothing will change that fact. Mr. Kosak stated that the applicants are willing to work with the City at any time. Regarding the comments about bits and pieces, they have had the same planner, the same attorney and the same architect throughout the entire process. It is a holistic approach. He believed the HPB ruled in their favor because they were fond of the project.

Commissioner Pettit stated that in looking at the purpose statements for the HR-1 District, several elements made her question whether she could ever be in a position to make a conclusion of law that the plat amendment is consistent with the purpose statements. She read from the purpose statements; a) to preserve present land uses and the character of the historic residential areas of Park City; b) to encourage the preservation of historic structures; c) to encourage construction of historically compatible structures that contribute to the character and scale of the historic district in maintaining existing residential neighborhoods; d) to encourage single family development on combinations of 25' x 75' historic lots. Commissioner Pettit clarified that those are the types of purpose statements she will be looking at when she evaluates whether the plat amendment application meets the intent of the Land Management Code.

Chair Wintzer noted that the purpose statements regarding subdividing also talk about similar elements, such as compatibility with existing neighbors. He concurred with Commissioner Pettit's comments.

Commissioner Peek stated that he went online to the County website and it appears that the Warranty Deed for the entire site was recorded on 6/2/2010 to Jeff Love. On 6/3/2010, the Warranty Deed was transferred to Rod Ludlow. In his opinion, having a house encroaching on the lot that the Warranty Deed was transferred would put that transaction at risk. Regarding public clamor, Commissioner Peek stated that he has been on the Planning Commission for three years, and the public comment this evening was the most articulated input he has heard. He noted that Ms. McReynolds sat on the

previous Historic District Commission and her argument was welcomed and well-articulated.

Chair Wintzer opened the public hearing.

Jeff Love, the applicant, argued that this plat amendment was not a subdivision. The lots were created in 1880 and they have been separated since that point.

Chair Wintzer asked if Mr. Love would be changing the lot lines. Mr. Love explained that they were trying to eliminate the half lot but they were not subdividing. Chair Wintzer pointed out that in Park City, changing a lot line is considered a subdivision and it falls under the subdivision ordinance.

Regarding Mr. Ludlow's property, Mr. Love found it interesting that in July when the Staff wanted to remove the garage from the Historic Sites Inventory, several people pleaded and begged to save the garage. He pointed out that those same people are now trying to prevent that garage from being reconstructed, because it cannot be reconstructed without a plat amendment. The garage is unsafe and the application clearly states that per the Building Department, an unsafe structure must be taken down. Mr. Love pointed out that Mr. Ludlow cannot obtain a building permit for the garage until the plat amendment is settled.

Mr. Love believed the opposition was a classic case of "not in my neighborhood". The neighbors do not want construction in their neighborhood and they are trying to deny he and Mr. Ludlow their property rights. Mr. Love stated that two of the appellants on his approval are Gary Bush and Linda McReynolds. He noted that in 2005, Gary Bush purchased property and subdivided it into three buildable lots. He moved two historic homes that were eligible for the National Registry and tore down a historic garage. The homes are no longer eligible for the National Register because of how he changed them. Mr. Bush is now appealing the movement of Mr. Love's house 6 feet. Mr. Love pointed out that Linda McReynolds represented Mr. Bush in that transaction and help facilitate the process.

Katherine Matasumoto Gray stated that the comments she made on 811 Norfolk applies to this application.

Chair Wintzer closed the public hearing.

Commissioner Hontz reserved the right to provide her comments until this item comes before them again, per the discussion on 811 Norfolk. However, she concurred with the previous comments made by Commissioner Pettit and Commissioner Peek. Commissioner Hontz felt it was important to listen to the members of the public, particularly when they are calm and articulate and participate in the process. Controlling the emotion and focusing on the issues makes better projects, and that was what she saw that this evening.

MOTION: Commissioner Pettit moved to CONTINUE the SA-139-A on Norfolk Avenue application for a plat amendment until a date that will be determined after the resolution

of the appeal before the Board of Adjustment. Commissioner Hontz seconded the motion.

VOTE: 5-0. Commissioner Strachan abstained since he was not present for the applicant's presentation.

4. 1409 Kearns Boulevard, Coffee Kiosk – Conditional Use Permit
(Application #PL-19-01121)

Planner Cattan reviewed the application for a drive-up coffee kiosk located at 1409 Kearns Boulevard within the General Commercial District, and also the Frontage Protection Zone. Planner Cattan clarified that a drive-up is allowed within the General Commercial Zone. However, because this application is within the Frontage Protection Zone along Kearns Boulevard, a conditional use permit is required.

Planner Cattan reported that Planner Francisco Astorga conducted the analysis on this project and found that the project was in compliance with the CUP criteria.

Ben Buehner, the applicant, stated that he is a long time Park City resident. Mr. Buehner proposed to do a drive-thru coffee kiosk on property owned by Mark Fischer and Mike Sweeney off of Kearns Boulevard. He believed the structure would enhance the area and provide a service to Park City.

Mr. Buehner reviewed the site plan and believed they had addressed the issues that were important to Park City. The issues included the landscape plan and drainage. They also worked with UDOT to address the issues regarding traffic flow and circulation. Mr. Buehner presented the vehicle circulation plan and noted that there would be two drive-up windows on either side of the kiosk. Mr. Buehner stated that he approached Mike Sweeney two years ago and it has taken that long to work through the process to reach this point.

Mike Sweeney stated that after he was approached by Mr. Buehner, he contacted Mark Fischer. Mr. Sweeney clarified that he is not a property owner of that location. He is the agent for Mark Fischer and he has helped with the project. Mr. Sweeney stated and he and Mr. Fischer looked at it as a business opportunity and found that it had two pluses. He noted that every year Mr. Fischer spends a significant amount of money removing all the trash and construction material that gets dumped on this property. This was a way of cleaning up the area without have to install a fence. Having a business in that location would discourage people from dumping on the property. Mr. Sweeney stated that he was also able to convince Mr. Fischer to ask the people who park their equipment on that property to remove it. He did not believe it was appropriate to have the blithe that he looks at every day, and it was counter to their efforts to clean up the area. Mr. Sweeney remarked that the rent revenue would be low, but they would get the property protection that is badly needed.

Mr. Sweeney stated that Mr. Fischer offered other properties to locate the kiosk, but Mr. Buehner preferred this location. Mr. Fischer agreed to let him use the property, subject to an agreement that at the time of redevelopment, the kiosk would be removed. Mr.

Sweeney noted that the coffee kiosk will be part of the pre-MPD for that area of Bonanza Park.

Mr. Sweeney referred to Finding of Fact #16, "The proposed kiosk is not designed to offer its services to pedestrians", and stated that this was incorrect. The kiosk is designed to handle bikers and pedestrians. Mr. Sweeney pointed out that the Staff proposes to limit the CUP to three years. He requested that the Planning Commission consider allowing the owner the opportunity to come back in three years and request an extension until the time when redevelopment begins.

Commissioner Savage was concerned about traffic congestion during the winter. He asked if a traffic study had been done to address ingress and egress relative to existing traffic on Kearns Boulevard. Mr. Sweeney replied that to his knowledge, there has not been a specific study. They made the assumption that it was already permitted to put in a driveway. In addition, the grocery store generates more traffic than what would occur with the kiosk. Mr. Sweeney pointed out that a lot of commercial activity comes off the driveway. During the construction of Bonanza Park, that was a thoroughfare for people to go through and where the City stored construction materials.

Commissioner Savage was concerned about the traffic congestion caused by people coming into Park City on Kearns Boulevard and trying to make a left hand turn into that area for a cup of coffee. He wanted to make sure that had been considered and that the Planning Commission was comfortable with it.

Mr. Buehner stated that although there is not a formal study, UDOT spent a considerable amount of time on traffic issues and determined that it fits within the criteria set by UDOT.

Chair Wintzer opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside Avenue, referred to page 84 of the Staff report, which showed the traffic circulation. Ms. Meintsma was excited about the drive-through, but she was concerned about traffic. She frequents a coffee kiosk in on 9th South and 11th East in Salt Lake. It has two lanes, but the cars are often lined up out into the street on 11th East. Ms. Meintsma felt it would be better to have more room for the car lineup on entrance, since those are the cars waiting and not moving. She did not believe there was sufficient room as currently proposed.

Chair Wintzer closed the public hearing.

Commissioner Luskin asked if anyone had calculated the number of cars that could fit before cars back up on Kearns Boulevard. Mr. Buehner reiterated that there would be a drive-up window on both sides, as well as a pedestrian window on the east side. There is enough space to allow for four cars before getting close to the cement entryway. There is ample room to bypass those cars on the right hand side, circle around and access the other side. Mr. Buehner stated that if they are faced with ten or eleven cars at one time consistently, they would look at other methods to speed up the process.

Commissioner Peek referred to page 75 of the Staff report, #15 of the Staff analysis, "The site is within the soils ordinance boundary and has been identified by the City as non-compliant with the soil ordinance". He visited the site and even though it had recently rained, there was still dust caused by cars. Commissioner Peek did not like the idea of having an open air food service operation next to unsafe soils. He understood there was a mitigation plan for the site, but it would take mitigating the entire area before he could feel comfortable with having an open food service facility.

Mr. Buehner agreed. He noted that based on the landscape plan, it would not be paved or capped per standards of the soils ordinance. However, it will be crowned out with gravel and they will use millings, which is a recycled asphalt, for a paved look.

Commissioner Peek understood that the entire dirt lot would not be capped over to the paved areas to the south. Mr. Buehner thought it might be possible that Mr. Fischer would be willing to do the second half. He had not spoken to Mr. Fischer or Mr. Sweeney on the matter, but he intended to speak with them privately. Mr. Buehner pointed out that the dirt lot Commissioner Peek referred to is partially paved because that pavement spills into the No Place Like Home and the Clinic Building. The worst part of the lot is what he intends to improve.

Commissioner Savage asked if this project would force people going into Annaya's to go back the other direction. Mr. Sweeney replied that the traffic for Annaya's would go straight through. Mr. Buehner thought the project would help slow the traffic because there will be a more proper ingress and egress. The driveway will be more defined as opposed to having an open parking lot.

Commissioner Peek reiterated that in his opinion, an open air food or drink facility was inappropriate unless the entire area could be mitigated from dust. He hoped the property owner would consider improving the second half.

Chair Wintzer stated that in two different locations, the General Plan talks about not allowing drive-up windows. Park City recently passed a no idling ordinance that exempts drive-up windows. He pointed out that the City is trying to become more environmentally friendly, yet they were creating a drive-up window that would not need to comply with the idling ordinance. Chair Wintzer felt there was a conflict between the General Plan and the LMC, because it is allowed under the LMC.

Chair Wintzer noted that the Bonanza Park supplement of the General Plan talks about not creating any more minor intersections on to Kearns, Bonanza or Park Avenue. However he did not believe that was applicable in this case. It also talks about creating this area into a non-traditional shopping center. He felt that adding a kiosk creates another shopping center like ones in Salt Lake City.

Chair Wintzer noted that a coffee kiosk is not defined under the purpose statements for the Frontage Protection Zone or the GC zone in the Land Management Code. Chair Wintzer believed the project would create more left turns coming in and out of this project. It will slow traffic in an areas where they already have a traffic problem. Chair Wintzer referred to the comment that the applicant wants to work this kiosk into the

master plan of Bonanza Park . He was unsure how the Planning Commission could approve something temporarily, and eventually there would be a drive-up coffee kiosk under the new MPD, when it is not permitted in the General Plan at all.

Chair Wintzer stated that in his history in Park City, two kiosks and one fast food facility in the same area were turned down for the reasons he just stated. He felt it was inconsistent with the General Plan. They could consider changing the General Plan, but they cannot continue to ignore it as they move forward on projects.

Mr. Sweeney pointed out that there are “drive-up kiosks” in the area. There are banks, a Burger King, and a number of other places with drive-ups. Mr. Sweeney felt the point regarding no idling was valid, and he believed the applicant could control that with signage asking people to turn off their engines.

Chair Wintzer noted that Burger King was in before the General Plan, which is the reason the issue is now addressed in the General Plan. Banks and the others have drive-up windows in conjunction with another business. The business does not depend on the drive-up window. The General Plan discourages independent drive-ups.

Commissioner Pettit was conflicted. She spends a lot of time in Salt Lake neighborhoods where there are coffee kiosks, and she likes them. However, they do create potential traffic issues. Commissioner Pettit referred to page 73 of the Staff report that talks about the location and amount of off-street parking and limiting the number of employees to two. She stated that when she visits a coffee kiosk she has seen a minimum of three employees. One person takes the money, the second person makes coffee, and the third person is outside taking orders from the cars to keep things moving. She suggested that there may be an advantage to adding an employee in terms of making the operation more efficient and to keep cars moving.

Commissioner Pettit asked about the possibility of adding another egress to keep traffic flowing in another direction, if they find that the proposed plan creates too much of a traffic issue on Kearns Boulevard. Commissioner Pettit agreed with Chair Wintzer on the fact that the General Plan is the guiding document. This area is within the Frontage Protection Zone and creates an initial statement to visitors coming into Park City. In thinking of what her vision of the community would be by having a coffee kiosk in that location, she was inclined to think that it might not be a bad thing because of its size, quaintness and ease of access.

Commissioner Hontz stated that she was also conflicted. She felt the three year use was positive because they can see how it works and if they like it. She liked the idea of cleaning up the area and bringing some life back into it before it redevelops. Commissioner Hontz could also see the down side of potential traffic issues and inconsistencies with the General Plan. She enjoys utilizing drive-up coffee kiosks in Salt Lake and he hoped they could overcome some of the impacts. Commissioner Hontz agreed that idling was an issue, but she felt that could be addressed in a condition of approval.

Commissioner Luskin stated that he was not conflicted. He stops at a coffee kiosk every day in Salt Lake and there is a big sign that reminds people to turn off their engines. Commissioner Luskin thought the traffic situation was a guessing game, but he believed that things always tend to work themselves out. The concern about making a left turn on Kearns Boulevard is always problematic. Commissioner Luskin favored the kiosk.

Commissioner Strachan was comfortable with the kiosk, particularly with a sunset date. If it does not work, it will sort itself out. Commissioner Strachan liked the idea that someone wanted to make the area a usable place, instead of letting it deteriorate while waiting for an MPD. This is where commercial happens and cars go in and out all day. Commissioner Strachan remarked that the General Plan is a difficult document to satisfy in every respect. He noted that parts of the General Plan encourage business and economic growth. Commissioner Strachan thought they should allow the kiosk for three years to see how it works.

Commissioner Pettit asked if they could add a condition of approval that requires a review in six months or a year. She wanted to understand how the traffic flows in and out of the area. If they move forward to approve it, she would like the ability to impose further conditions.

Chair Wintzer felt that would be hard to do. Currently, the applicant has three years to recoup his investment and conditioning a review in one year was not fair to the applicant. Chair Wintzer suggested that if the Planning Commission voted to approve, they should leave the three year time period.

Director Eddington suggested adding language to Condition of Approval #5, requiring that the City Engineer look at the traffic movements and make recommendations, when he does his yearly inspection of the milling.

Commissioner Pettit thought they should have the ability to impose further conditions as it relates to the traffic flow.

Commissioner Peek asked if it was appropriate to require the landowner to mitigate the soils and basically creating a driveway from Kearns to the pavement adjacent to his buildings. The Commissioners discussed the areas that are paved and the areas that Commissioner Peek thought should be improved to create a safe environment for an open air food service. Roger Evan, the Building Official, pointed out that soils cannot be removed unless it is taken to an approved disposal facility. He pointed out that it is sufficient for the applicant to cap the soil.

Mr. Buehner clarified that Chair Wintzer was talking about paving the small portion on the left hand side, and not the runway towards Annaya's. Chair Wintzer clarified that as he is driving towards Annaya's, the dust that he stirs up should be mitigated. Chair Wintzer suggested adding a condition of approval stating that the direct traffic that drives through there needs to be driving on capped soil.

Planner Cattan expressed concern that they would be creating a new road that would enter into the Bonanza Park Area. She was more comfortable having that reviewed by

the Public Works Department or the City Engineer, rather than tagging a condition of approval onto the application.

Planner Cattan read the additional conditions of approval for clarification. Condition of Approval #8, "The City Engineer may review the traffic flow if problems arise that are not mitigated. The City Engineer may require the CUP to be reopened for review by the Planning Commission".

Condition of Approval #9, "Further soil mitigation is required to address the access between Bonanza and Kearns Boulevard, subject to the City Staff review and approval".

To address the issue of pedestrian patrons, Finding of Fact #16 was revised to read, "The proposed kiosk is designed to offer its services to pedestrians and cyclists".

Planner Cattan added Condition of Approval #10, "Signage for no idling is required".

Commissioner Savage asked about lighting plans. Mr. Buehner replied that it would be basic outdoor lighting. He is currently working with the health department on interior lighting. The outside lighting would be whatever is required. Commissioner Savage thought the kiosk and pathway should be well lit for the early morning hours to be visible and draw people in. Planner Cattan noted that the lighting would need to comply with the lighting ordinance in the LMC, and that would be reviewed by Staff.

Mr. Buehner remarked that the landscape plan is very defined and talks about how traffic will flow with planter boxes and other elements. They could put lighting in there as well.

MOTION: Commissioner Hontz moved to APPROVE the 1409 Kearns Boulevard drive-up coffee kiosk conditional use permit, according to the Findings of Fact, with the change to Finding of Fact #16, the Conclusions of Law as written, and the Conditions of Approval as amended and added this evening. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1409 Kearns Boulevard

1. The property is located at 1409 Kearns Boulevard.
2. The property is in the General Commercial (GC) District within the Frontage Protection Zone (FPZ) Overlay.
3. The property is in the Bonanza Park area.
4. The site is currently undeveloped.
5. The applicant requests to build a small drive-up coffee kiosk structure with a footprint/floor area of 160 square feet.

6. Any construction within the Frontage Protection Zone overlay requires a Conditional Use Permit.
7. A drive-up window is Conditional Use Permit within the General Commercial District.
8. The applicant requests to utilize the site as a short term use due to the property owner's desire to redevelop the area in the near future.
9. The property owner has authorized the coffee kiosk business owner to pursue this Conditional Use Permit request so that the land can be utilized concurrently with the master planning of the Bonanza Park area.
- 10: The proposed coffee kiosk is sixteen feet (16') by ten feet (10').
11. The proposed concrete pad is twenty-two feet (22') by ten feet (10').
12. The height of the proposed building is approximately eighteen feet (18').
13. The applicant submitted a UDOT approval letter, which allows the connection onto Kearns Boulevard (SR248).
14. As standard procedure the applicant will have to secure all the necessary utility permits to connect to the desired services.
15. The proposed structure and drive-thru are within hundred feet (100') of the right-of-way making access sufficient for emergency vehicle access.
16. The proposed kiosk is designed to offer its services to pedestrians.
17. The proposed landscaping shall be in compliance with the Soils Ordinance related to landscaping care.
18. The proposed structure is compatible in mass, bulk, orientation and location with adjacent structures due to the size and design of the proposed structure.
19. The proposed structure is 220 square feet and the architecture has a mining motif.
20. The structure is designed to have a small covered area for loading and unloading.
21. The business will use the trash container shared by other businesses located on the same lot south of the coffee kiosk adjacent to the storage units.
22. The business owner will lease the land from the property owner.
23. The site is not within the Sensitive Land Overlay Zone.

24. The site is relatively flat land and requires no slope retention.
25. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance.
26. The temporary capping proposal has been found adequate subject to adding a sealant to the proposed milling, making it more impermeable and allowing the City Engineer to inspect the site on a yearly basis making sure that the millings are not detrimental to the environment or by changing the material to asphalt, concrete, or other paving material per the Soils Ordinance.
27. Staff recommends changing the location of the proposed coffee kiosk structure to the back drive, which would put the structure approximately eighty feet (80') from Kearns Blvd. allowing additional room to accommodate a total of eight (8) vehicles.
28. The applicant stipulates to the conditions of approval stated herein.

Conclusions of Law – 1409 Kearns Boulevard

1. The application complies with all requirements of the LMC;
2. The uses will be compatible with surrounding structures in use, scale, mass and circulation;
3. The uses are consistent with the Park City General Plan, as amended;
4. The effects of any differences in uses or scale have been mitigated through careful planning.

Conditions of Approval – 1409 Kearns Boulevard

1. This approval will expire three (3) years from the Planning Commission approval.
2. A building permit is required prior to construction of the kiosk and site improvements.
3. All landscaping and site improvements shall be installed prior to issuance of a certificate of occupancy.
4. No occupancy or use of the kiosk may occur until a certificate of occupancy is issued by the Building Department.
5. The applicant shall add a sealant to the proposed milling (temporary capping proposal) to make it more impermeable. The City Engineer will inspect the site on a yearly basis making sure that the millings are not detrimental to the

environment. The applicant may change the material to asphalt, concrete, or other paving material per the Park City Soils Ordinance.

6. The applicant shall change the location of the proposed coffee kiosk structure to the back drive which would put the structure approximately eighty feet (80") from Kearns Blvd.
7. The applicant shall submit a letter of commitment from the property owner reiterating future commitment to clean up the site with his long range plans dealing with full compliance with the Soil Ordinance prior to the City issuing a certificate of occupancy.
8. The City Engineer may review the traffic flow if problems arise that are not mitigated. The City Engineer may require the CUP to be reopened for review by the Planning Commission.
9. Further soil mitigation is required to address the access between Bonanza and Kearns Boulevard, subject to the City Staff's review and approval.
10. Signage for no idling is required.

5. **259, 261, and 263 Norfolk Avenue – Plat Amendment**
(Application #PL-11-01185)

Planner Cattan requested that this item be continued to the May 25th Planning Commission meeting, to allow the Staff time to work with the applicant. She recommended that the Planning Commission conduct a public hearing this evening.

Chair Wintzer opened the public hearing.

Ed DeSisto, a resident across the street, stated that the people who live in the neighborhood are concerned about construction mitigation. The street is barely wide enough for one car and they were concerned about construction vehicles using that road every day. Mr. DeSisto did not believe the construction mitigation plan provided enough detail on what would actually occur. The parking plan states that an approved parking plan will be obtained from the Public Works Department. If the Public Works Department has a say in what they can and cannot do, he wanted to know if the parking plan would be determined before or after approval of the plat amendment. Mr. DeSisto believed the issues needed to be discussed and the impacts understood before any approval. He pointed out that in 2006, a condition of approval required construction access from King Road rather than Upper Norfolk. He could not understand why that was no longer required. He requested that the King Road access be explored again as construction mitigation for Upper Norfolk. Mr. DeSisto stated that he previously made a suggestion that the contractors carpool to reduce the number of cars and required parking. Mr. DeSisto thought the mitigation plan needed to be more solvent before the plat moves forward.

Jerry Fiat, the applicant, explained that the project was approved in 2005 or 2006. At that time, the owner of the property wanted to build all three houses at one time. They voluntarily pursued an easement access from the back to stage a construction site. Since that time, the property was sold to three individual owners. The issue came up a year ago one of the owners wanted to build. Mr. Fiat remarked that the site is better suited to stage construction than most sites in Old Town.

Chair Wintzer noted that this item would be continued to May 25th and he suggested that Mr. Fiat make his comments at that time.

Chair Wintzer closed the public hearing.

Commissioner Pettit asked to make a comment since she may not be able to attend the May 25th meeting. She sat on the Planning Commission when the original plat amendment was approved, and she wanted it on the record that the only reason she voted in favor of the plat amendment was due to the conditions of approval related to access to the site. She has grave concerns about health, safety and welfare issues with construction being staged and accessed through Upper Norfolk.

MOTION: Commissioner Strachan moved to CONTINUE the Administrative Plat Amendment for 259, 261, and 263 Upper Norfolk to May 25, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

6. Park City Heights – Master Planned Development

Director Eddington noted that the handout from Rocky Mountain Power was information material only. A work session presentation regarding that information was scheduled for the May 11th meeting.

Planner Whetstone provided the Planning Commission with redlined Findings, Conclusions and Conditions. She requested that the Planning Commission discuss the Findings, Conclusions and Conditions after the Staff and applicant give their presentations and the public has had the opportunity to speak.

Planner Whetstone reviewed the annexation, which was approved in May 2010 in the CT zone. The project is subject to an annexation agreement, which includes specific conditions regarding density, housing, water and transportation improvements. That approval was based on the annexation policy plan that identified the areas that the City would consider annexing. It was also based on the General Plan at that time. The annexation was also based on the US40/SR248 joint planning exercise with Park City and Summit County. Planner Whetstone noted that the Park City Heights Task Force that was formed prior to the annexation also made their recommendations. Everything considered resulted in the creation and adoption of the CT, Community Transition zone. The CT zone is now an adopted section in the Land Management Code. Planner Whetstone reviewed the zoning map to identify the site location and surrounding properties.

Planner Whetstone stated that in 2010 the Planning Commission reviewed a revised concept plan from the annexation and found compliance with the General Plan for the level of review at that time. At the last meeting on March 23, 2011, the Planning Commission reviewed and discussed and provided great input on this project. The Staff and the applicant agree that the MPD is much better today than when they started. She noted that the Planning Commission had a significant role in changing the MPD.

Planner Whetstone reviewed the concept plan and the breakdown of market and affordable units, as well as the integration of different types, sizes and price points. Planner Whetstone clarified that the total 239 units allowed by the annexation equate to one unit per acre, which the CT zone allows for residential MPDs. However, the LMC allows any required affordable units to be excluded from the density calculation. Removing those units from the calculation, the density is .8 units per acre. Planner Whetstone stated that if they add the five acres open space parcel into the calculation, where the IHC affordable housing units were proposed adjacent to US40, they would end up with a density of .66 units per acre. That would exclude all the affordable units and include the five acres open space parcel.

Commissioner Savage clarified that the .66 units per acre included the non-contiguous five acres on the other side of SR248. Planner Whetstone replied that this was correct. She pointed out that the five acres of open space is not part of the MPD.

Planner Whetstone outlined a list of amenities provided with this project. She noted that all the units are required to meet Leeds Silver third party inspections, including, water conservation and efficiency. Planner Whetstone pointed out that an important amenity the MPD would provide is a connection from the underpass at SR248 to the Rail Trail. This is a critical connection for the entire community.

Planner Whetstone referred to Exhibit C on page 175 of the Staff report. She noted that the Staff had done an analysis of General Plan Compliance for this MPD with all the conditions and the update was reflected in Exhibit C.

Assistant City Attorney McLean addressed the Planning Commission regarding the General Plan and the MPD. She recalled statements during the pre-MPD application process, about whether the MPD overall met the General Plan. Ms. McLean stated that this has been a difficult project from the beginning, particularly given the fact that the annexation agreement which contemplated a 3 to 5 units per acre median density. She pointed out that the City regulators build in so much process at the front end to address General Plan issues to prevent a "train wreck" at the end of the process. The property is zoned CT as part of the annexation, and the Planning Commission needs to look at this project within the parameters of that particular zone.

Assistant City Attorney McLean recommended that if the Planning Commission has issues with MPD compliance with the General Plan, they should think about whether the concerns stem from overall density and single family standards allowed by the CT zone and the annexation, or whether the concerns are site specific standards and principles for MPD design and layout. If it is density and single family, the Commissioners needed

to separate themselves from policy and legislative matters that have already been decided. The Planning Commission is tasked with addressing issues specific to the MPD. If the issues are specific to the MPD, the Planning Commission needs to identify the necessary change to the site plan to meet a specific standard, or identify the adverse impact which is not currently mitigated, so the applicant has the ability to address the specific concerns.

Planner Whetstone reviewed four key components for General Plan Compliance, which included Park City community character, open space, land use and growth and transportation. She explained why the Staff believed all the components have been met with this MPD.

Planner Whetstone reviewed the land use plan for the project. Commissioner Strachan asked if the plan included computations for the actual distance numbers by feet or miles. Planner Whetstone answered no, and offered to figure a computation based on miles. Planner Whetstone presented schematics from the Park City Heights neighborhood.

Planner Whetstone reviewed the requirements of the CT zone for density, setbacks, height, parking, and open space; and noted that the Staff found that the MPD complies with the zoning requirements.

Spencer White, representing the applicant, stated that the planning process has been unique and the Planning Commission has provided positive guidance. The plan has changed based on their guidance and input and he wanted to maintain that element of the process.

Mr. White concurred with Planner Whetstone's presentation and the Staff report. He did not intend to reiterate her comments in his presentation. Recalling comments regarding the General Plan from the pre-MPD discussions, Mr. White believed they have complied with the intent of the General Plan. He understood that there were different opinions; however, they have gone back the General Plan several times throughout the process to make sure they incorporated the major aspects of the General Plan into the project. From the General Plan, they made sure they complied with every requirement of the MPD with site specific issues such as off street parking, open space, and other issues. Mr. White stated that they also made sure the project complied with the requirements of the CT zone. Mr. White stated that the major element he took from the General Plan in terms of compliance for the project, was trying to maintain an open entry corridor that fits within a resort community and how the Park City Heights neighborhood benefits Park City as a whole and fits within Park City in general by providing a range of housing product and prices. He was proud of that fact and believed the project complied with the General Plan, the CT zone and the MPD.

Mr. White presented slides showing how the project has evolved over time, beginning with 355 residential units and 200,000 feet of commercial that was initially proposed, to the current plan, which is a much better project.

Mr. White reviewed slides showing the community and neighborhood character elements of the project. He also reviewed the public benefits that relate to the public as a whole,

outside of the benefits provided to the Park City Heights residents. Mr. White emphasized the IHC affordable units. He believes those units would be a great benefit to the community and is beneficial to both IHC and Park City Heights. Moving the IHC units adds five acres of additional open space that would be left undeveloped near Highway 40 in the IHC project.

Mr. White stated that the water infrastructure that enhances the City's overall water system capabilities and provides for a redundancy in the system is a major benefit that will help both the City and Park City Heights. The system will loop back on itself and a million gallon water tank will be provided later on in the project. It will connect to the City system above the project and back down to the new water treatment plant that is being built near the project.

Mr. White remarked that the market and affordable units constructed to LEED for Homes Silver rating was a significant benefit. He was unaware of any other project in the State where a LEED Silver Rating was a mandatory requirement project-wide. As part of that, each unit is required to achieve a minimum combined 10 points for water efficiency and conservation. He pointed out that the design guidelines make sure that Park City Heights uses less water than any other neighborhood, and that the water is used efficiently. Mr. White commented on the benefit of the 3.55 acre public park that will be constructed and dedicated to the City, as well as the 24 acres along SR248 that will be deeded to the City. Mr. White pointed out that the SR248 Frontage Protection Zone would be increased from 250 feet to the nearest home to approximately 1,165 feet. To address concerns expressed early in the process, development will not occur along the entry corridor. That was the reason for the decision to deed the 24 acres parcel to the City.

Mr. White commented on increasing the power line easement from a 50 foot corridor to a 60 foot corridor. He noted that they met with Rocky Mountain to make sure the City's future power needs would be met, and Rocky Mountain Power was comfortable that the 60 foot corridor would be sufficient. Mr. White remarked that another public benefit was installing a signal and re-designing the intersection of SR248 and Richardson Flat Road. He noted that improving the intersection was not required by the traffic study, but the applicant felt providing acceleration and deceleration of lanes and widening the intersection was important. Additional public benefits included improving the Rail Trail crossing, providing transit pullouts on Richardson Flat Road, constructing a new trail from the Rail Trail to the tunnel, deeding the trail easement on the north side of Richardson Flat Road, and constructing 3-1/2 miles of new public trails that will be deeded and dedicated to the public within the project.

Based on Commissioner Luskin's comments at the last meeting, Mr. White provided a slide showing the existing trails, the trails within the project, and the trail connections to those existing trails. Mr. White commented on a minor change within the project related to Lots 89 and 90. The trail was shown coming up below the cul-de-sac into the cul-de-sac. After discovering grade issues, the trail connection was changed to run parallel with the contours. Mr. White stated that all the trail connections will be provided to the City as required to make sure all the trail connections work adequately.

Mr. White made comments regarding the planning process. He felt the process was complete and he hoped the Planning Commission was ready to move forward. If there were remaining issues, he was confident the issues could be addressed. Mr. White stated that he enjoyed the process and working jointly with the Staff and the Planning Commission. He believes they have achieved a great project in a good neighborhood that will fit within Park City and be looked to as a standard for the future.

Chair Wintzer asked about the next step if this MPD is approved. Planner Whetstone explained that the next steps would be the preliminary subdivision plat, which requires Planning Commission approval. The final plats require approval by the Planning Commission and the City Council. Chair Wintzer asked if retaining walls would be addressed at the next phase. Planner Whetstone answered yes.

Commissioner Peek clarified that the MPD is put into a development agreement that comes back to the Planning Commission for ratification prior to the subdivision process. Director Eddington replied that this was correct.

Mr. White understood that the overall preliminary plat for the entire project would come back to the Planning Commission for approval, and then each phase comes back for approval as well. Planner Whetstone replied that each phase would be a separate application.

Planner Whetstone referred to a chart on page 271 of the Staff report, which outlined phases and required reports and plans, the condition of approval where each one was addressed, and the timeline for completion. A similar chart identified issues, the required criteria, the status of the issue, and how it was or could be resolved.

Planner Whetstone reviewed the changes on the redlined findings of fact, conclusions of law and conditions of approval that she handed out earlier in the meeting.

Chair Wintzer opened the public hearing.

Ruth Meintsma noted that flat roofs were mentioned in the guidelines and she wanted to comment on their importance. She stated that a flat roof is smart for snow accumulation because snow has insulated value. A second benefit is that snow does not unload off a flat roof onto roads or property and therefore extends the landscape season around a structure. A third benefit for flat roofs is that snow is not lost on the ground, and the snow contained on the flat roof is more easily collected in a collection device. Flat roofs also allow more sun between and around structures. A flat roof allows more visible sky and light to neighboring top story occupants. A flat roof also allows for a landscaped green roof. Flat roof allow for more efficient placement of solar panels and makes them less visible.

Ms. Meintsma noted that the language in the guidelines states that variation in roof forms contribute to a more visual appeal. However, while flat roofs are mentioned in the verbiage, they are not shown in the visuals. Ms. Meintsma believed people in Park City want flat roofs, but there is still some hesitation because it a more modern look that what is typical in Old Town. She thought that having a visual of a flat roof would generate

interest and help create more flat roofs. She pointed out other areas in the guidelines that talks about interest in roof forms, but again the flat roof were not addressed or visually shown.

Ms. Meintsma commented on solar panels and referred to language in the design guidelines that talks about placement and mounting of solar panels. She felt the placement as described would not access the sun strategically. She suggested that the idea of hiding the solar panels was an old school thought. Commissioner Meintsma thought solar tubes should be considered as an alternative for skylights.

Ms. Meintsma noted that highly reflective metals are not allowed as a roof material. She passed around an article on the significant environmental advantages of flat roofs and white roofs.

Chair Wintzer closed the public hearing.

Commissioner Pettit thanked the Staff and applicant for the time spent in making this a better project. It has been a difficult process and she appreciated everyone's efforts and attitude. Commissioner Pettit stated that this was the first time since the process began that she could finally put the pieces together and look at the concept of approving the project within the requirements dictated through the Land Management Code.

Commissioner Pettit remarked that in looking at the conclusions of law in the Staff report, several items caught her attention because she had not gone back and looked at the criteria for an MPD approval and how it relates to the CT zone. It made her realize that she was not quite ready to make those conclusions.

Commissioner Pettit noted that Conclusion of Law #5 requires the Planning Commission to make a conclusion of law that the MPD as conditioned strengthens and enhances the resort character of Park City. She thought this was a vague statement that comes directly from the MPD. Commissioner Pettit stated that she started to think about the resort character of the community and how this project would strengthen or enhance it, and she had a difficult time making that connection. She understood that one of the arguments the applicants have used as a tie to resort character is the mix of housing in the project. She tried to determine how the housing mix solved some of the challenges and problems in the community. She then looked at the housing study and found language that made her question the mix of housing and whether it really is an enhancement or strengthening of the resort character and community.

Commissioner Pettit pointed out a number of pages from the housing study to support her concern. She read from page 3 of the study, second paragraph, "From 2000 to 2008, the Hispanic population in Summit County has increased by 2,248 people. A jump of 98% in 8 years. Undoubtedly, some of these new Hispanic households are living in rental units in Park City. This expanding Hispanic population increases the demand pressure on the rental market and combined with no new apartment construction over ten years, has likely led to serious overcrowding in the Park City rental market". Commissioner read from the end of the housing study, which states that "Park City has an employment base of about 15,000, of which 60% are low paying, retail,

leisure and lodging workers". She believed that group ties into the resort character and resort community. She further read, "Those low wages help create the housing cost burden and the average wage for a lodging worker is \$25,700 per year, and \$23,900 for a retail worker". Commissioner Pettit noted that the study continues to talk about the pay scales for what is 60% of the in-City employment base. Commissioner Pettit noted that the next paragraph talks about how low wage rates, high rents and no apartment construction in ten years have created an urgency for affordable rental units for low and very low income renters in Park City.

Commissioner Pettit was in a quandary over whether she could support the conclusion of law on the belief that the current mix of housing as proposed would solve what appears to be a real and significant issue from an affordable housing perspective. It was an issue in terms of trying to use affordable housing as the nexus that would allow her to make that conclusion of law.

Commissioner Pettit noted that scale was another aspect used to support community character. In thinking about elements of the project that relate to sustainability and green building, she realized for the first time that each level of housing being proposed maximizes the house size. While that is reflective of the world today, it is not reflective of a green building, sustainability approach. The LEEDS Standards and Green Building are trying to accomplish the concept of moving away from large houses. She noted that much of that is based on the fact that the amount of materials and resources used to build a house embody energy that went into producing and transporting them to the new home. A 100% increase in home size yields an increase in material usage of 40% to 90%. Commissioner Pettit commented on the long-term energy needs required to operate a home that is increased 100% in size. In looking at the LEED homes rating system, she found a housing size adjustment with an established base line for house sizes. It starts with a one-bedroom home at 900 square feet, and goes as high as a five-bedroom home at 2,850 square feet, which remains neutral.

Commissioner Pettit remarked that the Park Homes proposed for Park City Heights has a maximum house size of 2500 square feet. The next level, the Cottage units, has a maximum house size of 3500 square feet. The Homestead units can be maxed out at 6500 square feet. Both the Cottage units and the Homestead units are significantly higher than the maximum square footage for a five bedroom home on the LEEDS rating system. Commissioner Pettit questioned whether they would be able to meet the LEEDS Silver rating standard with the size of the homes proposed. She felt the City would be sending the wrong message if Park City Heights is the example project for green building. Commissioner Pettit looks at Old Town as an example of Park City character, and many of the single family houses are 800 square feet.

Commissioner Pettit stated that she would have a difficult time making findings that this project is truly a green, sustainable community based on house size. She would feel more comfortable if the house sizes were reduced.

Commissioner Pettit stated that she looked at the design guidelines regarding building sustainability elements, and she was concerned about limiting the utilization of solar based on design considerations. She noted that California has a statute that ties the

utilization of solar to health and safety reasons, but not based on design. Commissioner Pettit suggested changes to the design guidelines to encourage the utilization of solar, and to take away the subjective design review process.

Commissioner Pettit read her recommended changes into the record. Page 47, second column, second paragraph, "Each home must meet the LEEDS for homes Silver Rating." She would leave that sentence and underline must, and in parenthesis say, (And are strongly encouraged to exceed the LEED for Homes Rating a Silver). Commissioner Pettit referred to page 48, Alternative Renewable Energy Sources, and recommended additional language to be included at the beginning of the paragraph, "Alternative energy should be used where physically viable and economically beneficial". Under Solar, Commissioner Pettit suggested striking all the language written and adding language that emphasizes solar in the community and allows it to be installed. She had suggested language available and offered to share it with the Staff rather than read it this evening.

Commissioner Pettit reserved judgment on whether or not she was in a position to take action this evening, based on comments from her fellow Commissioners, as well as the discussion on her comments. She noted that another area of concern related to the transportation element in the Conclusion of Law #10, which talks about the promotion and the use of non-vehicular forms of transportation through design. She agreed that internally the project has become very walkable through trail access and bike access. However, by virtue of the project location and because there are no community amenities within walking or biking distance, she believed people would use their cars. Commissioner Pettit stated that in flushing out the transit plan, it is important to understand how public transit would get to the area and when. If they can find a way to enhance the park and ride and create a regular bus route, they may be able to solve many of the traffic problems. Commissioner Pettit was concerned about traffic issues because the project is so far removed from town.

Commissioner Pettit appreciated the list of amenities that was provided. It helped her feel more comfortable with Conclusion of Law #7. Until she saw the list, she never understood or appreciated all of the amenities that come with the project.

Chair Wintzer asked if it was possible to adopt the design guidelines at a later date, if the Planning Commission moved forward with action on the MPD this evening. Director Eddington replied that the Planning Commission could approve the MPD with a condition that the design guidelines come back to them.

Commissioner Peek noted that Finding of Fact 1(s) talks about the design guidelines. He suggested that the language could either be eliminated or changed.

Commissioner Peek read Condition of Approval #3, "Limit of disturbance area, maximum building footprint and/or house limitation and a setback requirement table for all lots shall be included on the final plats consistent with the Park City Heights Design Guidelines". He thought this provided a future opportunity for limiting house sizes with future plats. Commissioner Peek agreed with Commissioner Pettit that 6500 square feet is

significant. That was a minimum size during the last real estate boom, but he believes the market has moved beyond larger homes.

Commissioner Peek agreed with the solar comments made by Commissioner Pettit. However, he felt there should be a design review element for installation to keep it from being unsightly. Commissioner Peek referred to a letter from The Boyer Company on page 172 of the Staff report, indicating that there would be screening of the cul-de-sac with proposed berming along Highway 40. He noted that the site plan did not show any berming.

Mr. White explained that a frontage road is built up above Highway 40, therefore it is already bermed. It then falls down into the meandering detention basin. The cul-de-sac has approximately 60 feet of fill that goes up. Mr. White remarked that the cul-de-sac would not be visible from cars along Highway 40. Commissioner Peek clarified that no additional berming was proposed and that the statement in 11(a) was incorrect. Mr. Spencer replied that this was correct. He believed the confusion came from the fact that there would be minor berming with the construction of the detention basin. It would not be significant berming above the frontage road.

Commissioner Peek suggested adding a condition of approval stating that through traffic between parcels I and J is prohibited. Planner Whetstone noted that the road to Richard Flat Road has been eliminated. Mr. White remarked that the dots were showing in the wrong location. I and J are actually next to each other. He explained that at one time a road easement was shown through there, but there is no longer an easement. Therefore, there would not be an additional access point on to Richardson Flat Road.

Commissioner Peek read Finding of Fact #43 on the redlined copy, and revised the language to read, "The applicants have met with Rocky Mountain and have increased the Rocky Mountain power line to 60 feet, as required by the City Code".

Commissioner Hontz concurred with the comments made by Commissioner Pettit, particularly with the idea that they finally have all the pieces of the puzzle on the table. The next task is putting them together. Commissioner Hontz was not prepared to reach a decision this evening, but she hoped to map out a way that would eventually lead to a decision. She noted that each meeting produces more information and they need to stop the madness. At some point the Planning Commission needs to stop the information they receive and find a date when the discussion would end. Commissioner Hontz felt this was the first time the Planning Commission was given a Staff report that they could use as a road map to analyze all the puzzle pieces of the project.

Commissioner Hontz outlined her major concerns. The first was traffic. According to the minutes, on October 13, 2010 she had asked for a traffic count to be done at a different time of year besides August. In her opinion, the traffic information supplied was prepared in a month that did not reflect the worst conditions. She understood worst case scenarios were done in terms of level of service, but that is not an accurate traffic account of what occurs on Park City roads during some of the major periods during the winter and other times of the year. She cited her own personal experience trying to get on to Highway 40. Commissioner Hontz felt the issue was the cue lengths that would

occur and the level of frustration of having to wait through three or four lights driving into town from Park City Heights. She did not care where the problems come from or that UDOT has identified the reasons. UDOT has not fixed the problem. Commissioner Hontz did not want to install a light and rely on UDOT to make sure the timing works, so people coming out of Park City Heights are slightly inconvenienced, versus the traffic going in and out on Highway 248. That is not a satisfactory solution. She wanted a solution that shows a better way to get in and out of this project. Commissioner Hontz clarified that she was not suggesting a roundabout, however, there must be a better way to get people in and out of the project. She was unsure if that had been thoroughly studied.

Commissioner Hontz pointed out that the analysis reported that at build out, 20% of the traffic on Highway 248 is going to be generated by this project alone. A previous comment was made that it may be less than 20%, but by then there will be much more traffic all together. Another comment was not to worry, because most of the people coming out of the project would be turning right.

Commissioner Hontz read Conclusion of Law #5, "The MPD as conditioned, strengthens and enhances the resort character of Park City". That caused her to think about the fact that a large percentage of people living at Park City Heights would be turning right, going through three lights and trying to get out of town every day. People spending their time, money and brain power in the community enhances the community. Anything different is just a bedroom community for Salt Lake City.

Commissioner Hontz had minor changes to the design guidelines, but she was comfortable tweaking the guidelines at another meeting if they move forward on the MPD this evening.

Commissioner Hontz expressed concerned with the size of the units. She ran numbers on the cost and selling price of the different units and suggested specifying the number of homes where they could possibly reduce the square footage. Commissioner Hontz noted that the community clubhouse is proposed to be 2500 square feet, which is the same size as the smallest home. In her opinion, the clubhouse is too small to be a community benefit to this particular neighborhood or the greater community of Park City. Commissioner Hontz commented on the community park and thought they needed to add more definitions and restrictions. She understood that those might be included in the CC&Rs or other places, but they also needed to be included in the conditions of approval. She believed the park should be usable for everyone in the community and she wanted to make sure there was enough room to allow a regulation full size field, as well as the proposed tot amenities. Commissioner Hontz thought the hours of use should be described based on realistic use of the space.

Commissioner Hontz commented on the trail that meanders down the middle of the development to the south end, and noted that the area is identified for snow storage during the winter. She felt the trail was a necessary shortcut for that portion of the development and did not think that snow storage was good utilization of the space. Commissioner Hontz recommended relocating the snow storage in order to maintain the trail access.

Commissioner Hontz intended to comment on affordable housing, however, she believed Commissioner Pettit had already mentioned her concerns. Commissioner Hontz noted that Old Dump Road was being referred to as Richardson Flat Road, and she wanted to know if the road had officially been renamed. Commissioner Hontz stated that the meaning behind Old Dump Road is important, because it relates to the mining history. That area saw dumping and mining and there were negative attributes. It was used as a receptacle for Park City and she did not like changing names to cover up the facts or not respect the history of what the area was to the community.

Planner Whetstone clarified that the road name has been changed. The address of the water treatment plant is Richardson Flat Road. Commissioner Hontz felt there was value in changing the name back to Old Dump Road.

Commissioner Luskin appreciated the comments from his fellow Commissioners. They did astute thinking and saw things he had missed. He wholeheartedly agreed with their comments. Commissioner Luskin felt the project had come a long way after a lot of discussion and review. He was originally one of the negative votes and he believed the project has definitely improved. Commissioner Luskin stated that this was the largest project in the year and a half he has been on the Planning Commission. In looking at all the verbiage with the findings, conclusions and conditions, he thought it was unfortunate that the one thing that could not be addressed is how everything will play out in reality. It is a big project and a pivotal location for development because it is the back door into Park City and one of the first visual impressions. A multi-dwelling project does not create the right impression of a well-thought out resort and it does not have much character. He was uncomfortable with the Conclusion of Law that the project strengthens and enhances the resort character of Park City. He could not understand how a development of this size in that location would enhance the resort character. In addition, Commissioner Luskin believed that adding the number of homes proposed would compound the traffic problems. He did not realize until this evening that another stop light would be added. This is a big project with no commercial in the area. Therefore, people will have no choice but to use their cars to get where they need to go. This is already a limited transportation corridor in terms of capacity. He echoed Commissioner Hontz's concern that this project could be a bedroom community for Salt Lake City. Commissioner Luskin stated that overall he believed the applicants had done a good job on a project that in his opinion, could never enhance or strengthen the resort character of Park City.

Assistant City Attorney McLean stated that the Planning Commission needed to accept the fact that their hands were tied in terms of overall density, because the density was accepted by the City with the annexation. She advised the Planning Commission to tailor their comments to the multi-family dwellings, since that is something the applicants can change with the MPD in the future.

Commissioner Luskin stated that regardless of whether or not the density is approved, he could not look at this project in this location with the surrounding infrastructure, and make the conclusion that it strengthens and enhances the resort character of Park City. Assistant City Attorney McLean stated that the Planning Commission needed to examine

the MPD criteria based on the fact that the City Council made findings and the amount of density of one unit per acre had been approved. Commissioner Luskin clarified that his comments encompassed more than just density. Ms. McLean requested that the Commissioners focus their comments on identifying necessary changes to the site plan or unmitigated adverse impacts which are not currently mitigated, to give the applicant the opportunity to address them.

Commissioner Savage was impressed with the collaborative efforts and how this project has evolved. He would like to see the City's participation in supporting the process of MPD approvals consistently applied in all MPDs in the future, and not just this project, in which the City has a vested interest. Commissioner Savage stated that once this project is approved, he thought it would be beneficial for the Planning Staff to put together a summary of the process that occurred, and talks about the strengths and weaknesses of what they learned and how it could be applied more effectively in the future. He felt the summary would be a great benefit to the Commissioner who secede Commissioners Luskin and Peek.

Commissioner Savage stated that every time a specific issue came up throughout the course of this MPD review and process, the applicants were extremely responsive to those requests. If anything materializes based on comments this evening or events in the future, he would expect a similar level of responsiveness since the applicants had proven their willingness to do whatever is necessary to make this project successful.

Commissioner Savage stated that from his observation this evening, some of the generic concerns about blight upon the land were flowing to the surface. At some point in time, the Planning Commission needs to move into acceptance mode and move forward to allow the project. Commissioner Savage felt it was time to get over the general concerns and accept the fact that the specific concerns have been well addressed to an extraordinary degree, and will continue to be addressed. He thought they should also acknowledge the fact that ultimately the applicants want a profitable product. Therefore, decisions related to solar panel exposure and issues related to the marketability of the product and the size of the product, and the ability to optimize the ratio between size, profitability, LEED compliance, etc, are not areas that the Planning Commission needs to micro-manage. He believed the applicants need to be able to manage the direction given for the project with the understanding of what is implied by the conditions of approval. Commissioner Savage recommended moving forward with an approval of the MPD.

Commissioner Strachan concurred with most of the comments. Like Commissioner Pettit, he started his review with the Conclusions of Law outlined in the Staff report. He read Conclusion #10, "The MPD promotes the use of non-vehicular forms of transportation through design and by providing trail connections to existing community trails, a walkable interconnected site plan, a city park, and neighborhood amenities, and a bust shelter and crosswalk". Aside from the bike and walking trails, he could see no other promotion of non-vehicular forms of transportation. Commissioner Strachan pointed out that currently there is not an established bus stop. There is a dial-a-ride and the potential for a bus stop in the future if it is determined that one is feasible. Commissioner Strachan reiterated that other than trails, there is no transportation

alternative. Transportation will be strictly by car. He stated that increasing the capacity at the intersection of Richardson Flat Road and Highway 248 is not an alternative to the vehicular mode of transportation. In his opinion, it is just the opposite and actually promotes vehicular transportation. Commissioner Strachan could not reach the Conclusion of Law #10.

Commissioner Strachan noted that the discussion of the General Plan on page 177 of the Staff report talks about transportation systems. He felt the words such as “redesigned intersection of Highway 248”, “intersection improvements”, “signalized intersection”, and “new streets” summarized the general view of the applicant and the vehicular nature of the community. Commissioner Strachan believed the largest hurdle was the reference, “public transportation will be operational in the area when it is feasible.” He questioned when it would become feasible. It would never be demanded by the public if everyone can use their cars. Commissioner Strachan needed to be thoroughly convinced before he could make that conclusion of law.

Commissioner Strachan referred to Conclusion of Law #5, strengthening and enhancing the resort character, and felt that was adequately addressed by other Commissioners. In his mind, this project does not concentrate people and instead it spreads them out. He was concerned with the physical distance between the units, particularly the affordable housing units, and places such as City Hall, the police station, the market, Main Street and the ski resorts. The distance is difficult in terms of this being a project that strengthens the resort character. Commissioner Strachan was unsure whether the site design could be changed to make that better.

Commissioner Strachan referred to Conclusion of Law #3, “The MPD as conditioned is consistent with the General Plan, and stated that he has been uncomfortable with that conclusion of law from the onset. His problem is not with the location of development or any of the issues addressed in the annexation. The site design itself is not compliance with the General Plan. As an example, the General Plan requires that affordable housing be located in a place that is close to lodging, bus routes, and essential services. He pointed out that the physical distance between the existing essential services and the project is too far to meet the General Plan. Essential services need to be provided on the site.

If those services are not provided, they cannot reach the conclusion under the General Plan that the affordable housing is in close proximity. Commissioner Strachan believed this was site design and site layout issues that could possibly be changed to comply with the General Plan.

Planner Whetstone remarked that Commissioner Strachan’s comment goes back to the annexation agreement, which does not provide the market and commercial uses.

Commissioner Strachan referred to page 188 of the Staff report and read, “This intersection would align with the new road through the Round Valley parcel to the north of Highway 248”. He asked for the location of the new road. Planner Whetstone stated that for that area of town, the General Plan wanted a frontage road, but not specific to a project. The language identified in bold was taken from the General Plan. The language in italics was Planner Whetstone’s analysis.

Brooks Robinson, City transportation planner, explained where the road is located and noted that someone parks their vehicles across the intersection. It could potentially be an access into the Osguthorpe property, as well. It is a four-way road. Several property owners still own small pieces, but over time the City has purchased most of that property.

Chair Wintzer stated that he was on the task force of the original approval, and the project approved at that time was not nearly as good as the project before them this evening. Chair Wintzer stated that based on recommendations of the task force, the City annexed the property. The Planning Commission needed to accept that fact. It is time to move on to the next phase and make this particular MPD within the annexation agreement the best it can be. He agreed with all the comments of his fellow Commissioners, however, he felt some were short-changed by the fact that an MPD was approved several years ago and the City later decided to become a partner in the project. Chair Wintzer believed their hands were tied based on previous approvals. He reiterated that the project is better than what was previously approved, the trail connections are better, and there is better access to the recreation fields. He felt that LEEDS Silver is a bonus, but he wondered if they would ever get there after listening to some of the comments from the Commissioners regarding house size. He saw that as a stumbling block to any type of environmental. If they cannot find a way to make smaller houses for LEED Silver, they would not accomplish their goal. Chair Wintzer stated that being able to move the IHC affordable housing units off of Highway 40 was another bonus of this project. Chair Wintzer agreed that the project would probably become a bedroom community for Salt Lake, however, that was out of their control.

Chair Wintzer pointed out that if this project is not approved, the appeal process would move to an appeal body in Salt Lake that has not connection with the Park City community. He preferred to keep the process in the community rather than turn it over to people who would not have the same sensitivity they do.

Chair Wintzer requested that the project be conditioned in an effort to move this process forward. Otherwise they would be short two Commissioners when it is time to vote. After such a lengthy process, he felt it was important for the full Commission to vote on this project.

Mr. White stated that the comments this evening were helpful. He would have preferred to hear them a few meetings back, but he was still confident that the comments could be incorporated.

Mr. White was sensitive to Commissioner Strachan's concerns, but without physically moving the site into town, some of his suggestions were physically impossible to provide and include. Mr. White liked the fact that Commissioner Strachan outlined specifics items that bothered him with the project. Considering the number of comments from the Planning Commission relative to strengthening and enhancing the resort character, Mr. White remarked that he had not heard specific items for the plan that would help the Commissioners reach that conclusion. He was willing to try to make some improvements, but he needed to know what they were looking for specifically.

Commissioner Pettit stated that her specifics were reduction in house size and including rental units as an option for some of the affordable housing.

Commissioner Savage did not understand why rental units would strengthen the resort character. Chair Wintzer replied that according to the Housing Report, the community needs more rental housing. Commissioner Pettit stated that comments she has heard about the project is the fact that 60% of the workers in town do not have the wage scale to purchase homes in Park City Heights. Commissioner Savage understood the need and thought the City needed a project that specifically focuses on rental units within a reasonable proximity to Park City.

Mr. White remarked that the Housing Plan also talks about a current need for 80 units to be primary residences. He understood that fulfilling those 80 units would open up rental units for other people. Mr. White stated that if this project is approved, the affordable housing component would still go through the Housing Authority process. He was more than willing to look at providing rental units as part of this project. He was not opposed to making that a condition based on approval of the Housing Authority. Mr. White pointed out that the City has not yet determined what their affordable units would be in this project.

Regarding house size, Mr. White was unsure how the maximum square footage numbers were derived, but they were the numbers that were added into the design guidelines. He explained that the LEEDS Silver qualifications limit the size of homes that could be built. If it cannot qualify for a Silver rating, that home size would not be approved. He understood that in some places 6500 square foot homes were Gold certified in LEEDS standard. Mr. White pointed out that the larger homes would also be using alternative energy sources. Mr. White was willing to work with house sizes, and he was not opposed to having that as a condition of approval.

Mr. White stated that if the MPD could be voted on and moved forward, they would be happy to bring back the revised design guidelines in the future. The approval of the MPD could be conditioned on the design guidelines. He noted that square footage could be addressed during the design guidelines discussion.

Mr. White noted that page 11 talks about installing the solar panels closer to the roof. He explained that those were the attached units and they felt that allowing solar panels to be placed on angles would interview with the adjacent attached unit. Mr. White believed that related to Commissioner Peek's comment in terms of where to allow solar panels and whether design restrictions should be applied. He noted that the language for the Cottage Units was more vague because the panels need to be conducive to the design of the home.

Mr. White appreciated Commissioner Hontz's comments regarding traffic. He pulled out the minutes from October 13th she had referenced, and noted that one of the items discussed was a discrepancy in the school of thought as to when a traffic study should occur. Some believe that President's Day weekend is the better time and other believe that summer is a higher traffic period, since more people are out of school and traveling.

Mr. White pointed out that on October 13th they also discussed that the philosophy for the City is not to increase a road width. A better scenario is to live with a little congestion at certain times and to look at acceptable levels of service in intersections and roadways. Mr. White noted that State Route 248 is a UDOT controlled road. Therefore, they have very little control on what can and cannot be done. He understood that there was still a balance between widening the road or providing another signal with a longer waiting time. Mr. White was unsure how to address that issue to reach an acceptable conclusion. He was willing to look at other alternatives.

Regarding snow storage, Mr. White concurred with Commissioner Hontz about leaving the trail accessible. There other areas in the development where snow storage could be located. He suggested that snow storage could also be conditioned as part of the plat approval process.

Mr. White requested that the Planning Commission consider moving the MPD forward this evening if possible.

Chair Wintzer clarified that Mr. White, as a representative of the applicant, was comfortable conditioning most of the comments made this evening. Mr. White replied that this was correct. Chair Wintzer asked Mr. White to identify any issue he was not willing to condition.

Mr. White stated that the applicants would love to have public transit to service the project on the first day. However, without providing private transportation and paying for it, public transportation is out of their control as to when it will be provided and operational on a day to day basis. Mr. White remarked that if opportunities arise where the developer could work with public transportation on a private/public partnership, they would be willing to look at that option.

With the exception of major site changes, Mr. White was willing to address all the other items as conditions of approval.

Commissioner Peek suggested language as a condition of approval to address home sizes, "Maximum Homestead home square footage to be limited to 5,000 square feet with no minimum. The total square footage of Homestead lots homes shall be limited to 273,000 square feet." He noted that 91 lots x 3,000 square feet was 273,000 square feet. He felt that would let the market determine house size.

Mr. White noted that a comment from a previous meeting was to add alternative renewable energy sources to the design guidelines. In keeping that option open when people can provide alternative energy sources in the future, it would allow them to build larger homes without using energy or providing another alternative energy source. Mr. White believed the market would drive development regardless, and he was not comfortable limiting size based on today's standards. The LEED for Silver rating already limits what can be built and approved.

Chair Wintzer clarified that the issue with home size was also a matter of community character and not just LEED Standards. Commissioner Pettit stated that it was also a

matter of materials and resources required for larger homes. Smaller houses make more sense and are more socially responsible.

Planner Whetstone noted that house size would be determined by the LMC.

In response to Commissioner Peek's formula, Patrick Moffat, representing the Boyer Company, preferred a formula that would not limit the total square footage for the project. If someone purchases a lot but does not build right away, they could be limited by the people who purchased later but built before them. He felt it was better to specify a house size. Commissioner Peek concurred.

Chair Wintzer suggested that house size could be determined in the design guidelines discussion. Mr. Moffat agreed. He offered to come back with a tiered approach for home sizes for different size lots.

Commissioner Savage noted that a number of added conditions were discussed this evening. He suggested that the Planning Commission continue the item, rather than try to draft the conditions this evening.

Commissioner Hontz stated that she had additional comments for the conditions of approval that would take a significant amount of time. She was not prepared to vote for approval until the conditions were written satisfactorily. Due to the late hour, she concurred with Commissioner Savage that it was better to have well thought out conditions drafted in writing for a full review.

Commissioner Pettit concurred. Without the opportunity to go through the exercise of fine tuning the conditions, she would not vote in favor this evening. She noted that this was putting aside the fact that work still needed to be done on the design guidelines. Based on the discussion this evening and the applicant's willingness to make concessions and conditions, she felt she would be more inclined to vote in favor at the next meeting.

Commissioner Pettit requested that the Staff draft conditions of approval for the next meeting that reflect the discussion this evening, and from further input from the Planning Commission submitted in writing, that can be vetted out prior to the next meeting.

Commissioner Strachan stated that he did not have the specific concerns with the conditions of approval as some of the other Commissioners. He was prepared to vote this evening, but he was not opposed to waiting until the next meeting.

Chair Wintzer stated that if the Planning Commission chose to continue to the next meeting, it was important that they provide their comments in writing in a timely manner to allow the Staff time to meet with the applicant and draft the conditions.

Mr. White remarked that the biggest issue with timing was IHC. They have been extremely patient with the City and the process, but they are anxious to complete their housing project, whether it is on the IHC site or the Park City Heights site. He was

concerned about losing IHC and encouraged the Commissioners to do whatever they could to make a decision before June.

Assistant City Attorney requested that the Commissioners submit their written comments to Planner Whetstone no later than Tuesday, May 3rd.

MOTION: Commissioner Peek moved to CONTINUE the Park City Heights MPD to May 11, 2011. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 10:45 p.m.

Approved by Planning Commission _____