

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 25, 2012

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Matthew Evans, Planner; Francisco Astorga, Planner; Mark Harrington, City Attorney

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REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 6:15 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

March 14, 2012

Commissioner Hontz noted that a statement she had made was not reflected in the minutes and because she felt it was important, she amended page 17 of the minutes to include her statement, **Understanding that questions regarding the General Plan and annexation were outside the purview of the IBI Group, Commissioner Hontz asked if a representative for the applicant was present to address those questions. She was told that no other representative was present.**

MOTION: Commissioner Pettit moved to APPROVE the minutes of March 14, 2012 as amended. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously by the Commissioners who had attended the meeting on March 14th. Commissioner Savage abstained since he was absent from that meeting.

April 11, 2012

MOTION: Commissioner Strachan moved to APPROVE the minutes of April 11, 2012. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously by the Commissioners who had attended the meeting on April 11th. Commissioner Pettit abstained since she was absent from that meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Thomas commented on the project that was juried on Iron Horse Drive. Twelve students from the U of U graduate school of Architecture presented concepts for a hypothetical project in Park City. He has championed this for a long time and it was exciting to see it occur. Commissioner Thomas noted that three of the presenters would attend the Planning Commissioner work session on May 9th. He requested that the public be notified because it was a worthwhile effort and it was fun to see something outside of the box. Commissioner Thomas thanked Charlie and Mary Wintzer for making their property available for this project.

Director Eddington reported that the joint meeting with the Snyderville Basin Planning Commission was scheduled for Wednesday, May 30th at 6:00 p.m. The plan was to utilize someone from Envision Utah to facilitate that meeting as a general regional information provider.

Director Eddington stated that a joint meeting with the City Council was scheduled for Thursday, May 31st. Charles Buki would give his balanced growth report that evening.

Chair Wintzer stated that he would be out of town for both joint meetings.

CONTINUATION(S) – Discussion, Public Hearing and Possible Action

200 Ridge Avenue – Plat Amendment **(Application #PL-10-00977)**

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

MOTION: Commissioner Pettit moved to CONTINUE the 200 Ridge Avenue plat amendment to May 23, 2012. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 573 Main Street & 564/572 Park Avenue – Plat Amendment **(Application #PL-10-01105)**

Planner Francisco Astorga handed out copies of public input he received after the Staff report was prepared.

Planner Astorga introduced the applicant's representatives; Andrew Moran with Evergreen Engineering, Jonathan DeGray, the project architect and Joe Rona, legal counsel representing the applicant.

Planner Astorga reviewed the application for a plat amendment at 573 Main Street. He presented a copy of a survey of what used to be known as the Claim Jumper Site at 573 Main Street. The property owner also owns the three Park Avenue lots towards the rear. The plat amendment combines seven lots of record and a portion of two lots into three lots of record. Planner Astorga presented the County plat map and the zoning map, which showed the subject area.

Joe Rona, representing the applicant, stated that he learned that day that Joe Tesch was representing several neighboring lot owners who had concerns with this plat amendment. Mr. Rona remarked that in the spirit of being good neighbors, the applicant felt it was more appropriate to try and work with the Mr. Tesch and his clients to address the concerns and try to resolve them before moving forward with the Planning Commission. Mr. Rona requested that their presentation be continued to another meeting to allow the opportunity to work with the neighbors. Since this was scheduled for a public hearing, Mr. Rona suggested that the Planning Commission could hear public input this evening.

Chair Wintzer opened the public hearing.

Joe Tesch concurred with Mr. Rona. He explained that the intent was to have joint meetings with the Planning Staff in an effort to come to some agreement. Mr. Tesch clarified that as citizens, his clients were happy about the Claim Jumper and believed the applicant was doing the right thing. However, they had concerns regarding neighborhood impacts and impacts to Old Town in general.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the plat amendment for 573 Main Street and the public hearing to May 23, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Chair Wintzer thanked Mr. Rona and Mr. Tesch for their willingness to resolve the issues outside of the public meeting.

2. **7700 Marsac Avenue - Subdivision**
3. **7700 Marsac Avenue - Condominium Conversion**

Planner Matt Evans reported that the applicant was requesting to continue these items to the May 9, 2012 meeting. Two owners are associated with this particular property and after relooking at

the plans, one of the owners wanted to tweak the proposal. The Staff was comfortable with the requested continuance.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 7700 Marsac Subdivision and Condominium conversion applications to May 9, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

4. Quinn's Junction Partnership - Annexation

Planner Whetstone reviewed the request to annex 29.55 acres of undeveloped land into Park City, located at the southwest quadrant of SR248 and US40. She presented items that the Planning Commission had requested at the last meeting, which included the Annexation Declaration Boundary Map. Planner Whetstone also provided a redlined map showing the annexation declaration boundary, and noted that everything to the west of the line was planned annexation. The map did not include the Park City Heights city limits, which was below the studio project. Planner Whetstone presented another map showing the context and a massing study, which was amended to tie in the buildings with the visual analysis showing the stepping and the building articulation and layout from several locations.

Planner Whetstone noted that this project was unique because it was tied to a settlement agreement and an annexation agreement that was entered into by the City Council and the applicant. Planner Whetstone remarked that the Planning Commission had provided good direction regarding General Plan compliance; however, due to the unique situation, the Master Planned Development was attached to the annexation, which made the decisions more difficult. She stated that in looking at the actual parcel, it was clear that the property should be in Park City and the City should have control over this project and future projects and activities. It made sense for this property to be included within the annexation expansion area.

Commissioner Savage understood that the square shown on the map was the subject property. Planner Whetstone replied that this was correct. The green line on the map was the annexation boundary, which was determined when the annexation policy plan was written and incorporated into the Land Management Code. The area shown in red was the existing boundary, with the exception of Park City Heights. Commissioner Savage asked if Park City Heights was the only significant change that was not shown on the map for that area. Planner Whetstone answered yes.

Commissioner Savage indicated an area that he assumed would be an island of unannexed property. City Attorney, Mark Harrington, explained that there is a pending application for the area

to the west, which is the Osguthorpe area and the rest of the Gillmore area. An insert triangle would remain, but it is contiguous to County land to the east. It would not create an island; however, a peninsula inward to the City would be left out.

Planner Whetstone stated that after significant consideration, the Planning Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact and conclusions of law in the attached ordinance that the Staff had used to determine their recommendation. She noted that 37 conditions of approval were drafted in the ordinance that the Staff believed were appropriate for the master planned development. Most of the conditions relate back to the future conditional use permit. Any conditional use permit submitted would be compliant with the annexation agreement, the LMC, and the master planned development. Planner Whetstone stated that the Commissioners were given a packet prepared by the applicant which was the MPD. Another packet that was not provided to the Planning Commission contained 50 pages of documents that the Commissioners had seen in previous submittals.

Planner Whetstone requested that the Planning Commission review the conditions of approval in detail and make any amendments. She noted that the conditions addressed administrative CUPs, site planning, building layout and circulation, building massing, heights, articulation, architecture, parking, traffic mitigation, support uses, landscaping, lighting, fencing details, best management practices for storm water, access, special events and outdoor activities, trails, transit turnaround and bus shelters, grading, recycling conditions, LEED conditions, rooftop mechanicals screened, permanent power for the trailers, signs and utilities.

Doug Rosecrans with IBI Group and representing the applicant, reviewed the packet they had provided this evening. Page 2 of the packet outlined a list of changes that were made since the last meeting. Pages 12 and 13 showed the updated massing study. The trees were shrunk down to reflect what the initial plantings would be in reality. Page 14 was the same condition with the size of the trees reduced to show the screening they would provide. Page 17 was a view from US40 northbound. In response to a request by Commission Hontz, the white strip was darkened to make it less visible.

Mr. Rosecrans stated that pictures were taken of Park City Heights from the frontage road, as requested by Commissioner Savage. They were unable to go onto the property because it is private. Therefore, because the pictures taken were similar to the same view previously shown, they were not created as an exhibit for the revised packet.

Mr. Rosecrans referred to page 27 and noted that square footage was added to the snow storage plan to meet the Code requirement for 88,000 square feet of snow storage area. Page 28 responded to the request to estimate the number of acres of parking. He reported that the calculation was 8.33 acres of surface parking. The hotel underground parking was not included in the calculation. Page 31 was an updated transit plan. He noted that earlier a transit stop was added to the center of the parcel, but it was not reflected on the plan until this evening. On Page 39 one of the undesirable fencing images was removed. The images shown were ones the Planning Commission was willing to consider.

Commissioner Thomas asked for clarification of the sketches on page 149 of the Staff report. Planner Whetstone stated that she had hoped to have a new replacement sheet but the applicant had not provided that until this evening. She referred to page 2 of the packet handed out by the applicant, and noted that the area identified as long vehicle parking would be for trailers and longer vehicles. Planner Whetstone stated that the intent is to have 5+ feet of additional landscaping between the trellises and the long vehicle parking, which would add to the depth and screening and add ambiance for the trailers. The area would be striped for long vehicle parking and not available for individual parking spaces as originally shown on page 149. Planner Whetstone remarked that the Staff also requested that the applicant provide shade trees in the public parking area. Another item was to look into whether the applicant could receive permission from UDOT to feather the landscaping into the UDOT right-of-way.

Planner Whetstone requested that the applicant provide the notes and information that were missing this evening for the City Council meeting. Mr. Rosecrans stated that it would be provided.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Based on comments at the last meeting from individual Commissioners, the Staff had prepared findings of fact, conclusions of law and conditions for approval, as well as findings and conclusions for denial, for whichever way the Planning Commission would vote. If the majority of Commissioners supported forwarding a negative recommendation to the City Council, the motion could request that the conditions of approval be considered if the negative recommendation was overturned. The Planning Commission reviewed and revised the conditions of approval and findings as follows:

Chair Wintzer referred to Condition #9, and asked if reference to the west secondary access was the right direction; or whether it was south. Planner Whetstone replied that the correct direction was south.

Commissioner Hontz referred to Condition #1 which talked about amending the Official Zoning Map. She stated that in order for the Zone Map to be amended to have an annexation properly listed, an updated and accurate annexation plat must be provided. The annexation plat that was submitted was not recent and it did not tie into the fact that the adjacent property has already been annexed in. It also references old ownerships. Commissioner Hontz noted that the updated map would need to be submitted in order to have a complete application.

Commissioner Hontz referred to Condition #4 the references to an Administrative Conditional Use permit. She understood that it was the process but it was not consistent. She preferred that the language consistently say Administrative Conditional Use Permit. Planner Whetstone agreed, noting that the Staff had already identified the inconsistency.

In Condition #4, Commissioner Thomas referred to the sentence addressing his participation as a liaison in the CUP process relative to design and architecture. He requested clarification on his role as liaison and who he would be interacting with. City Attorney Harrington explained that Commissioner Thomas would interact with the Staff and report back to the Planning Commission as the liaison between the two. It was suggested that the language be revised to read, "Liaison with Staff."

Commissioner Hontz referred to Condition #5 and asked if they should include timing with regards to putting in the landscaping. Director Eddington stated that at the CUP level the Staff would require a phasing and construction plan for buildings and landscaping, and everything would need to be completed prior to the certificate of occupancy.

Commissioner Hontz referred to Condition #6 and recommended strengthening the language by replacing the word to with shall, to read "...and lighting design in zones **shall** comply with best lighting practices as recommended by the Dark Skies organization". She thought the current lighting standards were insufficient to accomplish the goals they have discussed.

Commissioner Hontz asked if the lighting ordinance was updated prior to the time this project was built, whether it would have to comply with the new code. Assistant City Attorney Harrington replied that it would depend on the timing of the submittal.

Commissioner Hontz noted that security fencing was not called out in either the annexation agreement or the settlement agreement in terms of amount of fencing. Therefore, she believed the Planning Commission could have more control over fencing. She was terrified by the amount of fencing and the nebulous understanding of it. Commissioner Hontz stated that in reducing the amount of parking, the amount of fencing should also be reduced. She thought the fencing could be eliminated from below Buildings 7A, 7 and around and over.

Commissioner Hontz recommended that they strike the last sentence in Condition #7, which gave the owner latitude for having taller security walls.

Chair Wintzer asked if Commissioner Hontz was concerned with the amount of fencing or what it could look like. Commissioner Hontz replied that it was both. Chair Wintzer stated that the language could be amended to say, "Security fencing would follow the phased parking plan, if amended." Therefore, if the parking is reduced, the fencing is reduced. Commissioner Hontz agreed with that to address her first concern. She believed that striking the last sentence would help alleviate her second concern; and the details of the fencing could be negotiated under the CUP. Commissioner Thomas thought it was appropriate to strike the last sentence.

Commissioner Hontz referred to Condition #8 and preferred that the language indicate that the applicant is allowed one ingress/egress access point from the site per the agreements. As the project is being built, they can come back to the City to demonstrate why another access would make the project better. Commissioner Hontz was uncomfortable putting the decision on to UDOT because they do not have concern for the well-being of the community. The purpose of this exercise is to gain local control, and she could not understand why they would pass it off again.

City Attorney Mark Harrington noted that the condition as written incorporates the current Corridor Preservation Agreement which limits access to one point. Commissioner Hontz understood that the Corridor Preservation Agreement was through UDOT. Mr. Harrington replied that it was through the City; however, any amendment would need to be approved by the City and UDOT.

Commissioner Hontz referred to Condition #15, the 8th line, "The Planning Commission hereby approves the Staff's parking analysis including reductions for shared parking as well as support uses from the number of 957 to 668, based on the information provided with the MPD..." For better clarification, she suggested including the words, from 957 to 668 **total parking spaces**.

Commissioner Pettit stated that this condition of approval goes with the ordinance and the Planning Commission would not be approving the initial parking analysis. City Attorney Harrington agreed that there was a lack of clarity in the language because the Staff and the applicant were still proposing different numbers. The Staff provided their best analysis based on the information given to date. The condition should be clear that regardless of whether this moves forward with a positive or negative recommendation, the Planning Commission wanted a reduction in parking to at least what the Staff recommended in their analysis, and adjusting that number 20% either way based on data as the project moves forward.

Commissioner Hontz remarked that in addition to the number of parking stalls, the Planning Commission wanted a reduction in the actual impervious surface. Commissioner Thomas suggested revising the language to say, 668 or less parking stalls. Commissioner Hontz did not want the applicant to have the ability to decide up to 20% either way. If they want additional parking they should have to come back to the City with that request.

Chair Wintzer wanted the Staff to tie square footage to the number of parking stalls. He would not want the applicant to think they could leave the hard surface as long as it was not striped.

Commissioner Savage wanted to know why the Staff calculation of 668 parking spaces was so different from the 886 total stalls the applicant was proposing. He asked if the Staff calculation included the underground parking. Planner Whetstone answered yes. City Attorney Harrington explained that the Staff had done a preliminary analysis based on their assumption of the uses inside the building and the buildings that would have shared uses, and applied that under the parking ratios of the LMC. That calculation came up to 668 parking spaces. The applicant had not yet agreed with the Staff number, which is why it was addressed in a condition of approval.

Commissioner Savage asked if he was correct in assuming that there were very few significant discrepancies between the MPD application and the conditions of approval. City Attorney Harrington believed that parking was the primary discrepancy.

Commissioner Worel wanted to know how they would address the impervious area. Chair Wintzer did not think it was necessary to put the actual language in Condition #15. The Planning Commission could recommend that the Staff tie the number of parking stalls to a square footage of impervious surface, and let the Staff calculate the number.

Director Eddington stated that the Staff would tie the 668 total number of parking spaces to the phasing and assign a square footage.

Commissioner Strachan thought the language in Condition #15 was fine, but the 20% should be tied to the square footage of surface and not the number of stalls. Commissioner Pettit suggested that they strike the language, Planning Commission hereby approves, and build into the condition of approval what the applicant can and cannot do.

Commissioner Worel returned to the fencing issue in Condition #7. If they phase parking, she asked if they also needed to phase the security fencing. Chair Wintzer believed the issue had been addressed with the revised language in Condition #7 stating that the security fencing would match the phased amount of parking. The fencing would shrink or grow with the parking plan.

Commissioner Pettit referred to Condition #30, which specified the use of PV Solar panels to generate the power for heat melt and such systems. Given the variety of different technologies available, she preferred to add, "...or other renewable energy resource to generate the power for such systems". Commissioner Pettit was concerned with the wording, "technically and economically reasonable feasible".

Commissioner Thomas stated that research has shown that PV panels and ground source heat pumps may not be a great option long term because of the impacts that occur. He noted that the City could not force the applicant into technology that may not be safe or practical. He suggested that they eliminate the reference to heating surfaces completely. Mr. Rosecrans stated that there were no specific plans for heat melt at this time, but that could change. Commissioner Pettit questioned whether the Planning Commission had the purview to prohibit heated surfaces. Chair Wintzer thought they should let the City Council make the decision. Commissioner Pettit proposed to revise the language in Condition #30 to read, "Areas of plazas, pedestrian walkways, patios etc., **shall not be** heat melted."

Commissioner Pettit thought Condition #33 had a similar issue in terms of building and the use of some type of renewables. The condition specified the use of solar PVs. Commissioner Pettit recommended eliminating solar PVs and revised the condition to read, "Permanent power shall be provided for the trailer parking area and the applicant shall **use best efforts to use solar or other renewable energy resource if technically and economically feasible**".

Commissioner Worel was concerned that there was no penalty for abandoning the project for whatever reason after construction had started. City Attorney Harrington explained that bonding is required by the Building Department and the bond varies depending on the plan. Commissioner Pettit shared Commissioner Worel's concern, particularly since the project is in the entry corridor. Commissioner Thomas asked if there was a way to reinforce the bonding for the landscaping and berming along the edge.

City Attorney Harrington suggested adding Condition #38 to state that as part of the construction plan, the bonding shall sufficiently address revegetation of the site and berming along the edges if the project is not completed.

Chair Wintzer suggested that the Staff find a way in the phasing plan to make sure that as the project moves forward the berms are put in and landscaped in a timely manner. Planner Whetstone agreed and thought it should be addressed as a finding of fact.

Planner Whetstone noted that Condition #37 addressed concerns raised at the public open house regarding future uses in the neighborhood.

Commissioner Strachan referred to Condition #37 and added language to the end of the first sentence to read, "...such approval should not be considered precedent for future zoning amendments **or annexation petitions** to this or neighboring properties in the Quinn's/CT zone area." He wanted it clear that any other annexation petition should never be decided in any way other than whether it comports with the General Plan.

Condition of Approval #39 was added to prohibit woodburning devices on the property.

The Planning Commission reviewed the findings for a negative recommendation.

Commissioner Savage asked if the findings of fact for a positive recommendation that were discussed at the previous meeting were incorporated into the conditions. Mr. Harrington replied that they were included in the ordinance itself. If the majority of the Commissioners vote to forward a negative recommendation, it would be done in accordance with the findings of fact on page 121 of the Staff report. Mr. Harrington explained that if the majority of Commissioners voted to forward a positive recommendation, those who dissent could still reference the findings for a negative recommendation as the basis for their vote and ask that those be considered by the City Council.

Commissioner Savage clarified that neither the findings for a negative recommendation or the conditions for a positive recommendation were meant to imply a consensus position of the Planning Commission. He was told that this was correct.

City Attorney Harrington stated that one option would be for the Planning Commission to take a straw poll to see where the majority was leaning, and then discuss the appropriate findings based on that outcome.

Commissioner Strachan disagreed with the idea of a straw poll. He preferred to review the findings first because the discussion could influence a Commissioner's decision.

Commissioner Strachan thought Finding of Fact #2 for a negative recommendation was poorly written and it was difficult to understand. In his opinion, the finding did not make sense. He thought the finding should be stricken, unless someone could explain what it meant.

Commissioner Savage interpreted the finding to mean that the primary reasons for making a positive recommendation fall outside the purview of the Planning Commission. As a consequence, it is not their business to try and make decisions on the bigger picture. They should only focus on issues specific to the Land Management Code. Commissioner Strachan agreed with Commissioner Savage's statement, but he did not believe that was what the finding said.

Commissioner Pettit revised the finding to read, "The unique circumstances due to the County settlement agreement and some of the perceived vision of the "gets" are beyond the scope of the Planning Commission's authority in applying the Land Management Code and the City's General Plan". Commissioner Strachan thought that language was more understandable. After further discussion, Commissioner Pettit thought it would be appropriate to strike the finding completely. Commissioner Strachan stated that the Planning Commission should take the application and apply the General Plan to see if the two comport, and then make findings accordingly. He did not believe they should make findings about their perceived purview.

Commissioner Hontz stated that from the beginning, the framework that they continued to see in the Staff reports was that the Planning Commission should focus on the potential benefits of design control and that the City would be better at this than other entity. She rejected that idea primarily because how the LMC describes the role of the Planning Commission and what they are allowed to do is outside of the scope of what the City typically lets them do. The Planning Commission should not be able to ignore the Land Management Code or ignore or waiver the General Plan. The Planning Commission is supposed to operate within a small box and she was uncomfortable with the fact that this was even put on them. It was a responsible exercise for the Planning Commission to review the application since this body is where MPDs and Annexations are supposed to be reviewed. It was important to go through the process, but they were at the point where they needed to say absolutely not based on what they are and are not allowed to do. Commissioner Hontz was sorry she could not help the City Council in the possible benefit scenarios, but she felt obligated to do her job.

Commissioner Strachan stated that if the Planning Commission decided to forward a negative recommendation, he would suggest striking Finding #2 and strike the word However out of Finding #3. That would be part of the motion made to support the negative recommendation.

Commissioner Pettit withdrew the language she originally proposed for Finding #2 because after further thought she did not believe it was necessary. Everything that precedes it was the Planning Commission doing their job in terms of making findings as to whether it does or does not comply. Commissioner Pettit stated that an outside litigation settlement agreement and perceived benefits of taking ownership of the project should not matter in what the Planning Commission is assigned to do. She pointed out that the Commissioners have taken the position that it either complies with the General Plan or not. If it does not comply, other things that may be important to the City are not for the Planning Commission to decide.

Commissioner Strachan felt that Finding #3 was more of a recommendation to the City Council than an actual finding for the Planning Commission doing their job. He suggested that the Planning Commission could state on the record that they would like the City Council to consider all the conditions of approval that the Commissioners worked hard on over the past four meetings; but it was not a finding.

City Attorney Harrington stated that it would be appropriate for the Planning Commission to recommend that the conditions were necessary in order for the current proposal to be more compliant. He stated that typically they try to incorporate the integration either through a condition

or finding, but it could be incorporated into the motion. He noted that Finding #3 was a finding of the work that was done by the Planning Commission and the changes that were made, versus what was the original submittal. Mr. Harrington stated that if the intent is to acknowledge the record, a finding would carry more continuity and be incorporated into the record.

Commissioner Savage stated that regardless of the ultimate decision of the Planning Commission, he asked if it was reasonable to have a similar list of findings for a positive recommendation as part of the document. He was not convinced that the ordinance in a point by point basis conveys the same information as the negative recommendation. City Attorney Harrington replied that the Planning Commission had that ability; however the City Council has already put the annexation steps in process based on assumptions, and he did not believe they needed to be as forceful in an advocacy role for a positive recommendation.

Chair Wintzer asked if there was consensus to delete Findings #2 and #3. Commissioner Strachan thought they should delete Finding #2 and leave Finding #3 with revisions to remove the word However and the words based upon #2 above. Commissioner Strachan also recommended changing the word recommends to **notes**. If the Planning Commission chooses to forward a negative recommendation, it is important to send a clear message that the project was so far out of line with the General Plan that they could not come close to finding compliance; and that the City Council should think long and hard about whether to consider denying this annexation because it does not meet any goals of the General Plan. With the proposed revisions, Finding #3 would read, "Should the City Council determine to annex the property, the Planning Commission **notes** the conditions of Approval as included in the attached draft ordinance".

Chair Wintzer understood what Commissioner Strachan was trying to convey, and he agreed that it did not meet even one goal of the General Plan. However, he did not believe that meant that the City would be better off having the project occur through the County. Chair Wintzer was not ready to make that determination. Commissioner Strachan clarified that he was not going that far. He was only suggesting that they strike the word "recommend" and replace it with "notes" as a way to tell the City Council that the Planning Commission worked hard to come up with 39 conditions of approval that reflect their best efforts to polish this "turd", but they were not forwarding a positive recommendation to annex.

Commissioner Pettit agreed with Commissioner Strachan's comment about the use of the word "recommend". However, she suggested language stating that, "In order for the annexation petition and the MPD to be more compliant or closer with the LMC and General Plan, the Planning Commission notes the conditions of approval in the attached ordinance". She asked if that language was still too much endorsement. Commissioner Strachan remarked that using the words more compliant assumes that it was compliant in the first place.

Chair Wintzer stated that if the matter ends up in court, he would not be comfortable having the word "recommends" in the findings. He favored replacing it with "notes". The Commissioners concurred.

Commissioner Hontz stated that one thing she has learned while sitting on the Planning Commission is that she never says enough personally and they never say enough as a Planning

Commission. When she reads old minutes that reference either approvals or denials, they are helpful in trying to get a flavor for what people were thinking at that time and how they reached their decisions. She wanted it crystal clear that whether the project is developed in the County or the City, lawsuit or not, the proposed use does not fit the site. To take a County property that at most should have one unit of density in the entry corridor, she was devastated that it had come down to this. Commissioner Hontz stated that it never mattered to her how they were dealing with the situation, the issue was that it did not fit. There was never a grasping at straws moment when she looked at the ways it did not meet the General Plan or the things deficient in the LMC. In her opinion, nothing works and it did not make sense.

Commissioner Hontz commented on items that were required as part of the annexation, the MPD and the zoning, but were never submitted. An accurate annexation plat was never submitted. A report was provided on the assessed valuation of revenues versus costs and the tax consequences and impact of Summit County, but it was horrific and the information was never submitted to the quality and level required in the LMC. Commissioner Hontz pointed out that the wildlife study submitted did not meet the standards of the Code. In addition, wild fire or additional information required as part of the overlay was not provided.

Commissioner Hontz recalled mentioning that submittals were missing at the very first work session, and that the required information would need to be submitted in order for the application to be complete. She was told that due to the 90 day timing issue the materials did not need to be submitted. Commissioner Hontz read from page 2 of the Annexation Agreement, "Park City shall use all reasonable efforts to either approve or reject the QJP Annexation Petition within 90 days. If reasonable circumstances require additional time, such as QJP failure to provide legally required information, both parties shall..." She noted that the Planning Commission had the ability to lengthen out the process. Commissioner Hontz recommended a thorough review of the required information. She pointed out that some of the information may not seem important, but it is demanded by the Code and they demand it of every applicant. Commissioner Strachan noted that the Forensic County Report was included on page 146 of the packet from the first meeting on February 22, 2012.

Commissioner Hontz stated that part of the game of approval is to submit something subpar and then make the Planning Commission feel good about making the project look better. She was not fooled because this project would never look as bad as when it first came in. She was not willing to buy into the idea that they had even "polished the turd". What the applicant did was try to make the Planning Commission and the public feel that progress was made. Commissioner Hontz stated that at the end of the day she would feel good about her decision because she can tell future generations that she did her job and what she felt was right.

Commissioner Pettit stated that as a practical matter she understood why the City took the action it did. From the beginning of the process she struggled with how to get from that decision to where the Planning Commission has to apply the Code and make findings they could believe in. She recalled her initial comment at the first meeting that it would be a tough sell to get her to the point where she could embrace this project and support it. She appreciated that the applicant's representatives listened to the Planning Commission and worked with the Staff to make improvements in response to their comments and concerns. However, in spite of the changes,

she could not make findings that the project somehow complies with the General Plan and the LMC. Commissioner Pettit stated that she, too, would like to tell people 10 or 20 years from now that she did her job. It was not an easy decision and the Planning Commission tried to be sensitive to what the City Council faced and to the growing tension in that particular part of town. It is another entry corridor and she questioned whether they would be happy with some of what already occurred in that area, without adding this project. Commissioner Pettit stated that she would not be able to forward a positive recommendation for this use.

Commissioner Worel thanked the IBI Group for the work they did and for listening to the Planning Commission as the plan progressed. She thought it was unfortunate that there was not more public input in the process; and more unfortunate that the applicant chose not to attend even one meeting to provide input. Commissioner Worel felt that the Planning Commission was making important decisions without all the facts. She stated that the Planning Commission is charged with long-range planning for Park City, and in her opinion, part of that is the need to protect the entry corridors. They cannot provide that protection if they cannot control the corridors. Commissioner Worel noted that Goal 6 of the General Plan says that Park City should expand its boundaries when expansion helps to preserve gateway into the City. She remarked that this project was not what anyone would have chosen for the area, but it is what they were given. Commissioner Worel stated that part of the development area policy of the General Plan says to, "Design large scale commercial buildings and development to reflect traditional Park City patterns, as well as to support the mountain character and charm of Park City by making sure that new commercial development relates to the mining historical architecture in Park City". She recognized that this project was not there, but she felt they had made tremendous strides in the process and she had a lot of confidence in the talent of the Planning Department to continue the project in that direction.

Commissioner Worel stated that based on the conclusions of law in the ordinance, the application meets the requirements of the annexation policy plan and Quinn's Junction Study area, and the 2009 General Plan. She particularly liked Condition #37, which makes sure that approval would not be considered precedent in future zoning amendments to this or neighboring properties in the CT zone area.

Commissioner Worel had mixed feelings; however, she believed the Park City Planning Department could effectuate a far better result than the County. She would vote to forward a positive recommendation.

Commissioner Strachan stated that with General Plan projects he always asks himself if the project a) meets the requirements; and b) Knowing that everything in life is a compromise to some degree, whether you feel good about it at the end of the day. As a community representative on the Planning Commission, he needs to be able to defend his actions when he attends the next public event. He cannot defend this project. When the project is built and someone asks how it was ever allowed to happen, he would have to engage in a long explanation about a settlement agreement and an annexation petition, and why the Planning Commission forwarded a negative recommendation with conditions of approval. Commissioner Strachan believed a better answer for the person asking the question would be to say he voted against it because it did not meet the General Plan and because it was ill-conceived from day one. This project was nothing he would

want to have happen on his watch as a Planning Commissioner. Those are the reasons why you vote against projects. It has nothing to do with their hand was forced and this was the best they could come up with, or that the County would do a worse project. Commissioner Strachan stated that this project did not meet any of the goals in the General Plan or any of the visioning goals identified by the community. In his opinion, if built, it would be a disgrace to future generations. This project is not close to anything he could feel good about. He believed this was the time for the Planning Commission to draw a line in the sand and say that projects like this, in whatever form they come to them, would be denied if they do not meet the General Plan, the Land Management Code or the community desires. Commissioner Strachan stated if it ends up that the County builds this project, at least the Planning Commission did what the General Plan required them to do and they said no. He would vote to forward a negative recommendation.

Commissioner Savage stated that he spent a lot of time trying to think about the issues from both sides. It was hard to quantify but not to qualify. Going through the process he looked at it from the standpoint of a Planning Commissioner and a citizen. He was not willing to say that the County would do a worse job than the City; but if this project is going to be in Park City's front yard, he would like the opportunity to participate in the process that determines the outcome. Commissioner Savage remarked that his position was based on the assumption that this project is inevitable and it would be built in a gateway location. The City has the opportunity to condition the uses and he felt the Planning Commission has an obligation to support the City Council's ability to make things happen in a positive way. Commissioner Savage stated that his reference point was also what future generations might think. This is an opportunity to orchestrate a process through Staff to come up with a project that the City can be proud of as opposed to what might be achieved if they give the County total control. As a consequence of that analysis and looking at it from a bigger picture point of view, he would vote to forward a positive recommendation.

Commissioner Thomas remarked that he took an active role as an architect to participate with the IBI Group to improve the plans. He took issue with the concept of "polishing the turd" because the applicant came forth with a reasonable design given the massing they were trying to accomplish. He also believed the IBI Group made an honest effort to represent what was actually occurring and he did not believe there was any gaming involved. Commissioner Thomas stated that this was a difficult decision and he was certain that the project would move forward and be built. The question was whether they should positively affect it or negatively affect it. To some extent he was influenced by the fact that he shared in the design process. It bothered him to recommend changes that were adhered to and then vote against it. However, as a Planning Commissioner he has consistently adhered to the General Plan and it was clear that this project was absolutely inconsistent with the General Plan. Commissioner Thomas stated that he could not support this project based on the principles of the General Plan and he would vote to forward a negative recommendation.

Commissioner Thomas thanked his fellow Commissioners for their passion and objectivity.

Chair Wintzer appreciated the work that Commissioner Thomas and the IBI Group did to revise this project and make it better. He felt the Planning Commission was clear at every meeting that the process was backwards, since typically they talk about the General Plan before the design.

Chair Wintzer did not feel bad asking the applicant to make the change and then determine that it still did not meet the General Plan. The idea was to pass on as much information as possible to the City Council. He was not conflicted at all with the General Plan decision because the project did not meet any one of the goals. He agreed that regardless of their recommendation this project would be built, but the reasons for their decision would be on the record and possibly used in future litigations. Chair Wintzer pointed out that the City Council knew the Planning Commission's position on the matter from the beginning. If he had to break a tie vote, he would probably vote against it.

MOTION: Commissioner Pettit moved to forward a NEGATIVE recommendation for the Quinn's Junction Partnership Annexation in accordance with the proposed Findings of Fact and Conclusions of Law in the Staff report with the amendment to strike Finding #2 in its entirety, renumbering Finding #3 to Finding #2, and changing the new Finding #2 to read, "Should the City Council determine to annex the property, the Planning Commission notes the conditions of approval as amended and included in the attached draft ordinance". Commissioner Strachan seconded the motion.

VOTE: The motion passed 4-2. Commissioners Strachan, Thomas, Hontz and Pettit voted in favor of the motion. Commissioners Savage and Worel voted against the motion.

Chair Wintzer complimented the Planning Commission and the Staff on their efforts. It was an uncomfortable project and a lot of good work was done.

Mr. Rosecrans agreed with Chair Wintzer. He was disappointed with the vote, but he completely understood the reason. Mr. Rosecrans thought the plan was much better having gone through the process.

The Park City Planning Commission meeting adjourned at 8:00 p.m.

Approved by Planning Commission: _____

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING
APRIL 25, 2012

VERBATIM TRANSCRIPT OF APRIL 25TH DISCUSSION AS REQUESTED BY THE
PLANNING COMMISSION ON MAY 9, 2012

Quinn's Junction Partnership - Annexation

Planner

Whetstone:

All right. We're back with the Quinn's Junction Partnership and the request for annexation and zoning. This is a request to annex 29.55 acres of undeveloped land into Park City, located at the southwest quadrant of State Road 248 and US40. At the last meeting we got a lot of direction and a few items that the Planning Commission was interested in having. The Annexation Declaration Boundary Map. This is the entire map. This next one has been enacted on a number of pages. This redline is the annexation declaration boundary. Everything to the west of that line is shown on this plan. And I did go ahead and---and this does not have the Park City Heights City limits, which would be just below this project and come down right here on the map there. The area in the white box showing on your screen, that is the---so it's the green---on this map it's the green boundary, the annexation boundary. And so everything then to the west [inaudible]. So that was something that was requested.

This is a map showing the context and then you have the massing study. This was amended, the visual analysis, so I think you wanted them to tie the buildings in with the building diagram that showed the different buildings and heights. They tied it to this visual analysis showing the stepping and the building articulation in several locations; and the building layout. This one was also revised, I think, as well as the color, but I'll let--- the applicants can go into a little more detail on some of these.

- I I'm just going to jump right in. There's kind of, there's been a lot of good discussion on this annexation and it's a little unique in that it's tied to a settlement agreement and an annexation agreement that was entered into by the City Council and the applicant. [Inaudible] is really unique and so we've got a lot of good direction on General Plan compliance and whether the---because of the unique situation with having the Master Planned Development attached to it really---well, not an easy decision. The actual parcel itself, I think, when you look at the map here, it's pretty clear, really, this property should be in Park City and should be under local control for this project and projects in

the future, activities in the future, administrative signs, lighting, you know, just a lot of different reasons. It does make, that's why it was included as being in the, within the annexation expansion area.

Commissioner
Savage:

Could you go back to that previous slide for just a second? I wasn't able to follow when you went through this before. The square is, that's the subject property, right in there. That little tiny itsy bitsy triangular there?

Planner
Whetstone:

Right, right. Right in there. And then the green line on this particular map is the annexation boundary. So this is the area that was determined when the annexation policy plan was written and incorporated into the Land Management Code.

Commissioner
Savage:

And the red is the current, existing...

Director
Eddington:

It's not quite current. There is a section right below that white box that includes PC Heights. This is an older version.

Commissioner
Savage:

That's what I was wondering.

Director
Eddington:

That is correct.

Commissioner
Savage:

That would be different than that? Okay.

Planner
Whetstone:

Yes, the red line should come up here and then following this green and then...

Commissioner
Savage:

That's what I was trying to understand. Okay. Thank you.

Planner
Whetstone: I'm sorry that we didn't get an updated version.

Commissioner
Savage: So what we end up doing here is we basically end up with an island of unannexed property, is that correct?

City Attorney
Harrington: No. Technically an island is a term [inaudible]. So you do have a pending application for the area to the west of the block, which is the Osguthorpe area and the rest of our Gillmore area and the area to the north. So what you have is an insert triangle that's remaining. It is contiguous to County land to the east so there it is not an island technically, but it's a peninsula inward to the City that's, that would be left out. Does that make sense?

Commissioner
Savage: Yeah.

Planner
Whetstone: Okay, so after a lot of consideration, the Planning Staff is recommending that the Planning Commission forward a positive recommendation to the City Council, and outlined in the ordinance that's attached to the Staff report, the various findings and conclusions that we used to come to our decision. We also provided about 37 conditions of approval that the Planning Staff feels are appropriate for the master planned development. Most of them do relate back to the future conditional use permit. We'll just make sure that any conditional use permit that is submitted is compliant with the annexation agreement, the Land Management Code, that there's not a conflict. Is compliant with the Master Planned Development, which will essentially be the---these packets, this last package that you got, and then one which you don't have, which is sort of, we call an appendices that's another 50 pages of documents that you've seen in previous submittals. So rather than make another 800 pages of this, Thomas has one we can pass this around. But this would then be the Master Planned Development packet that's referred to in the ordinance and in the conditions of approval.

And I just wanted to go through really quickly---we don't have to go through all the conditions. I would anticipate that if there were any conditions that you want to amend, let's look at those in detail. But I just wanted to run through these general conditions. Obviously admin CUPs, site planning, building layout and circulation, we had a lot of discussion about. The building massing, the heights, the articulation as identified in here, as well as being compliant with the Land Management Code. Your architecture, so we have a lot of precedent images and so beginning to look at some vernacular for this site. Parking, one of the conditions is requesting a detailed analysis at the time of the conditional use permit, because at this time we really don't have the---we know the uses but not so much the specifics that the Staff could really get down to an analysis. We did one and provided that number and then recommended a reduction in that for shared parking. So also requiring that the parking be phased and requiring some traffic mitigation, that they really look at that at the conditional use permit stage, with a shuttle, different hours of operations, support uses. If there's that many employees, 300 employees there, that those cafes and restaurants be available and open during the times that employees are there, especially during lunch, so they're not driving into town or somewhere to get lunch. A lot of discussion on landscaping, light, fencing details, Best Management Practices for storm water. And those are identified under [inaudible] and identified in the conditions more specifically.

Also, conditions related to access. There's the one main public access that is at the signalized intersection. And then coordination with UDOT and the Transportation Department and the Corridor Preservation Plan for any additional. The applicants have been working with UDOT. I don't think they're going to get the one to east. The one to the west they needed for fire access. There's already a process in place where--- amending anything other than the one access.

And also, as conditions of approval for special events and outdoor activities, noise ordinance, providing trails and bike racks when they construct the trail. Transit turnaround, bus shelters should be in before the CO's are issued for any of the buildings. And then grading, [inaudible]. Recycling conditions, LEED conditions, our

recommendation that PVs be used in any heat melt. Rooftop mechanicals are architecturally screened. That's something that I heard at the last meeting. I love that term. Permanent power for the trailers. PVs if that's---you know, we'd like that. A master sign plan will be required so there's a comprehensive sign plan for the whole site. And then all of that has to be in compliance with the Park City Sign Code, and additional sign permits would be permitted through the City if it's annexed. And then there's conditions regarding water and other utilities.

At this point I'm going to turn it over to, to Doug Rosecrans who is representing the owner, and he can go over some of the changes that have been made since the last meeting.

Doug Rosecrans
IBI Group

Good evening. I'm here because Peter Pillman is gone somewhere, so I'll muddle through without him. On page 2 there's a list of the changes we've made since we were last in front of you. Page 12 and 13 is the massing study was updated looking southeast. We've shrunk the down to what we think would be more likely for the first initial. They are 20 feet tall instead of the taller ones that we talked about last time, so you can get a better feel more, a more realistic of how the trees will look when they initially go in. Page 14 is the same condition. We just reduced the size of the trees so you could see what they will and will not screen better. Page 17 is a view from US40 northbound. We, at your request, darkened the white strip. That was Commissioner Hontz's request so that you couldn't see it like you can see the, part of the storage units in the background. So we changed the color of that

And we did go out and look at the frontage road and Park City Heights. Couldn't get on the property, it's private property, took some pictures. But basically, and that was Commissioner Savage's request, it's the same view so we didn't create another one. It's so close to the same view that it really wasn't worth making another exhibit.

Page 27, the snow storage plan. We added some square footage to meet the Code requirement so there's 88,000 square feet provided. Page 28, the parking counts. You asked us to give you an estimate of how many square feet, how many acres of parking. Its 8.33 acres of

parking, and that is surface. We didn't include the hotel underground parking. So there is that number that you requested. Page 31 is an update of the transit plan. We added, two meetings ago, a transit stop in the center of the parcel, but we didn't update the plan until this time so you could see that they can come in and go out at the transit stop. And Page 39, we just took out one of the fencing images that nobody liked. And these are the fencing images that we now have. So we changed that. We put in some---added some sheets back in from earlier submittals so the submittal was complete. But basically you've seen everything.

Planner

Whetstone: And as you pointed out at the bottom, on the pages that says conceptual plan, there's a date. That date will be the date that you, that you saw that.

Doug

Rosecrans: You saw those. Yeah.

Planner

Whetstone: So there's another---obviously the 25th is now and then there's the 11th, and there's some March ones in there, too, so you can see all those.

Commissioner

Thomas: I'd just---I'm looking for you to clarify page 149 in the packet with the---of the sketches. The hieroglyphics in those.

Planner

Whetstone: Well we were hoping to have a new sheet here to replace this, but we didn't, didn't get it from the applicants. The Staff has talked about that area where they had removed the parking but left the paint. What we were, what we'd like---since that's going to be the trailer parking, if you look on page 2 of the packet that was just handed out to you, you can see that area where it's long vehicle parking. That's for the trailers and any sorts of longer vehicles. And that will be in the packet that was handed out at this meeting. So see that area where there's a---what we're hoping to have the five or more feet additional landscaping between the trellises and the long vehicle parking. Make that more---well it would add to the depth and the screening and it would put two

layers of landscaping in there, but also add to sort of the ambiance for the trailers. But then that area would be essentially striped for long vehicle parking. It would not be available for as many parking spaces as were originally shown on page 149 of the packet where our, those comments were. Those were comments that Doug and I talked about and went through the whole thing to get that page done. But it wasn't, there wasn't time. Then the other things on there were to provide some shade trees in this public parking. Or you could do three, four shade trees in there where you might have some compact spaces. You can provide shade trees in between parking and then you'll often times get a shorter stall that can be a compact stall. But you can provide shade trees within that parking so that was something the Staff was recommending. Then the other item on here was just to see if they could get permission from UDOT to feather the landscaping in a little bit to the UDOT right-of-way. Like you could start with some grasses and then move to some shrubs and get some trees on their property. If they could do that we'd get more than just a [inaudible] and be more against the edge of this property.

Chair

Wintzer: Are these notes in your big packet that we haven't seen? I mean, do you incorporate this stuff into your big packet?

Planner

Whetstone: I was hoping it would be in this big packet but it's---I would like them to provide it for the Council.

Chair

Wintzer: So the answer's no right now?

Planner

Whetstone: Right.

Doug

Rosecrans: But we, we'll have, we're happy to do that to answer your question.

Chair

Wintzer: All right. Commissioners, I think we just ought to open the public hearing and then we can have a conversation. Anybody from the public that wishes to speak on this matter? See a lot of lack of public hearing I'll close the public hearing.

Tom, do you have any direction for us or you want us to start jumping into stuff?

Director
Eddington:

No, I think you guys should go ahead and discuss what you think the, if there are any specific questions or amendments to the conditions, any of the findings, any of the conclusions. And then you simply have to make a decision.

Chair
Wintzer:

All right. Commissioner's, let's find what page the conditions of approval and all of those are on. Let's try, does anybody have any comments on the Findings of Facts? I know you're getting ready but I'm going in order here. Don't jump in.

Commissioner
Pettit:

Which set? The negative recommendation findings or the findings attached to the ordinance?

Chair
Wintzer:

Both.

Planner
Whetstone:

Well, the conditions---start with the conditions since those were the ones that you asked the Staff for---for us to provide.

Director
Eddington:

There are findings for a negative recommendation on 121, and then after the approval is findings for the positive.

Commissioner
Pettit:

I think, yeah, let's start with conditions first and we can talk about what they---which findings of fact we want to have a conversation.

Planner

Whetstone: They start on page 127 of your packet.

Chair Wintzer: Commissioners, any comments on the conditions. I have one on, on Condition 9. You said the west secondary access. Is that the right direction or is that the south?

Planner
Whetstone: Oh, west secondary access is approved. Oh, I was, that's this one. Yeah, the south.

Chair
Wintzer: Okay. That's what...

Planner
Whetstone: That's really more like the south. Yeah. So we should probably change that to south.

Commissioner
Hontz: I have plenty of comments.

Chair
Wintzer: Okay, we'll start with you.

Commissioner
Hontz: Do you want to start with 1 and then just, people pile on.

Chair
Wintzer: Sure. Yes.

Commissioner
Hontz: Condition of Approval #1, "The official Zoning Map shall be amended..." etc. In order for the Zone Map to be amended to have an annexation properly listed, we---you would need to be provided and updated and accurate annexation plat, which was not submitted. The annexation plat that was submitted was submitted originally in 2000 and whatever---it doesn't matter. Wasn't submitted recently and it doesn't tie into the fact that the adjacent property has already been annexed in. And it references old ownerships. And so that would need to happen in order to even have #1 happen. That's not [inaudible] with one to change, I'm just saying that on the record that

that would need to happen in order for us to continue on, to have a complete application.

Condition or Approval #4, this is a hard question. I noticed throughout that it's referenced as Administrative Conditional Use Permit. And I think that's the process but it's not consistent. So I was just---as a wordsmith, I would prefer it to always say Administrative Conditional Use Permit, even though [inaudible]. But, you know what I'm saying.

Planner

Whetstone: We've caught that in a few places, but you're right, that should be in all of it.

Chair

Wintzer: Hold it. Let's do something---does anybody else have any comments on anything from 1-4 before we move ahead. That way we can just keep it in order.

Planner

Whetstone: Yeah, that's a good idea.

Chair

Wintzer: Seeing nobody, okay, go ahead, you're on a roll.

Commissioner

Hontz: On #5, I was just curious if wanted anything regarding when landscaping would go in. Was that---is that somewhere else and I missed it, requirements for timing on landscaping. Does that come with the CUP?

Planner

Whetstone: Well, a landscape plan would be required to be submitted with the conditional use permit. But the landscaping is not put in until after the building permit, you know, after the---prior to CO.

Commissioner

Hontz: [Inaudible] in the manner? The timing of it?

Director

Eddington: That's typically how we do it unless you wanted it to be...

City Attorney
Harrington: They---typically that comes out with the phasing and construction mitigation [inaudible].

Commissioner
Hontz: I've got plenty of other things that....

Director
Eddington: When we get the CUP we'll have---when we do the CUP we'll have a phase and construction plan for buildings and landscaping. And any, anything that's in there will have to be complete prior to CO.

Commissioner
Hontz: Great.

Commissioner
Thomas: Back to four, let's go with clarification on what---the condition of what Jack Thomas is willing to do. So I just want to, you know, if this things moves forward in some way, shape or form, is that something that we're all comfortable with?

All
Commissioners: Yes.

Commissioner
Thomas: Okay. In terms of liaison, how do I interact? That implies an interaction with the Planning Commission, but is it with the Planning Commission or City Council, or just in conjunction with the applicant or Staff.

Director
Eddington: I think that would be in conjunction with Staff actually. Staff and Planning Commission.

City Attorney
Harrington: Yes, it's similar to what we utilize some of the HPB liaison roles in some of the design review [Inaudible].

Commissioner

Thomas: So why don't we just modify that to say, "A liaison with Staff." I just want that to be clear. [Inaudible.]

Commissioner
Savage: Is the right word liaison or is the right word consultant?

City Attorney
Harrington: No, liaison.

Commissioner
Thomas: Liaison is fine.

Commissioner
Savage: So between Staff and whom?

City Attorney
Harrington: And the Planning Commission.

Commissioner
Savage: But the Planning Commission doesn't have any role in this thing.

Director
Eddington: Planning Commissioner and Staff. Jack and Staff.

City Attorney
Harrington: But he would still a liaison from the Planning Commission to the Staff for purposes of the Admin CUP. And so he, you know, provides you guys updates. Say, hey, the application came, [inaudible]. The Staff is ultimately the Planning Director so he'll make the decision on the Admin CUP, but there will be, you know, information [inaudible] you will have made, you know, provide input. And it is really, exactly the same role as providing input to the Staff [inaudible].

Commissioner
Hontz: Number 6. On Number 6 I was hoping just to strengthen that a little bit because when we visit our current lighting standards you realize that they're insufficient to accomplish the goals that we've been talking about. So, you're down on the third line down, where it starts "in zones", add the word, take out "to" and add the words "and shall comply with Best Lighting Practices". I think that strengthens it a little

bit. But, Mark, if we were to update our lighting code between now and when this got built, would it have to comply with that?

City Attorney
Harrington:

It would depend on the timing of their next submittal and [inaudible].

Commissioner
Hontz:

Okay. Number 7, so security fencing is not called out in either the annexation agreement or the settlement agreement in terms of how much they get to have. So this is purely, in my opinion, something that we get to have some control over. And I'm totally terrified by the thought of the amount of fence and kind of the nebulous understanding we have of it. And then there's a line that says, and it could be taller and uglier, basically. Okay, this says taller. And so, I'm just---can we work on this? Is anyone else uncomfortable with that much fence? Because I want to reduce the amount of parking, I think that the amount of fencing should actually be reduced to just that.---if we're looking at the screen that we have now and you see this 7A building--- coming off the end of that going around the perimeter and back up and tying by the Number 9; and eliminating all that fencing from below 7A and 7 and around and over.

If it's high security fencing it could be horrific. It absolutely is terrifying of what that could be. And there's no requirement in the settlement. Of all the things that we have to do, it doesn't have to be this. So I don't know why on earth we've given this much latitude in this condition.

Chair
Wintzer:

Is our comment related to the amount of fencing or what the fencing looks---could look like or both?

Commissioner
Hontz:

Both. It's two-fold.

Chair
Wintzer:

'Cause the, I mean it could be amended, "The security fencing will be, would follow the final parking plan, if that's amended". So the---if the parking plan get less, the fence gets less.

Commissioner
Hontz:

That's part one. [Inaudible.] And then I guess maybe we strike that last sentence, and then they can negotiate under the CUP. "Taller security walls interior to the site may be allowed." I'm at a loss. I have totally different language saying that they couldn't do taller security fencing.

Planner
Whetstone:

Let me go back to---where that comes in it has to do with areas where---so this is a public area. If there is a guard house there and then they may have architectural features are more like retaining walls, but interior to the site. They're not visible from the public right-of-way and may be taller, but...

Commissioner
Hontz:

Ask---but they can have permission during their CUP, right?

Planner
Whetstone:

And then that would be something...

Commissioner
Hontz:

We don't have to allow it right now and say, ooh, come in with whatever then. Let's see what they want to proposed then, and if it makes sense then it makes sense.

Planner
Whetstone:

Right. And it all has to be provided with the Admin CUP.

Commissioner
Hontz:

So I'm not comfortable just throwing, you know, "Taller security walls interior to the site may be allowed..."

Commissioner
Thomas:

Why don't we strike that sentence.

Commissioner

Hontz: Yeah, then I get, then I could warm up on that one. Okay, eight. Sorry we're going so slow. Number 8.

Chair
Wintzer: Okay. Anybody have any other comments from, up to number 8? Okay.

Commissioner
Hontz: My concern on number 8 is, I'd like this to say that they're out of compliance.

Director
Eddington: And Kirsten, just for the record, Number 7, I guess that's page 39 of the packet provided...

Planner
Whetstone: Okay, yes.

Commissioner
Hontz: This is similar to---there is only one required access, ingress/egress point from the site per the agreements. So I'd really like to see this be that they are allowed the one. And then if they put these in and they are moving forward in good faith in terms of what they're doing and how they're doing it, they could come back at that time and say, this is going to make this project better and better for SR248. But I'm uncomfortable with putting it on to other bodies, like UDOT. They don't have a concern for the well-being of the community. The whole purpose of this exercise is that we're supposed to be getting local control, and we're going to pass it off again. So my comment is one access period and then they can come back.

Planner
Whetstone: Well, I think that's what it says.

Commissioner
Hontz: That was not---that's not what that says to me.

Planner
Whetstone: Well, the Planning Commission [inaudible] technical information right now to limit it to one access point. It already is limited. At this time it is limited to one access point.

Commissioner
Hontz: So let's say that.

Planner
Whetstone: It does say.

City Attorney
Harrington: It does indirectly because it incorporates the current Corridor Preservation Agreement which limits it to one access.

Commissioner
Hontz: Isn't that through UDOT or is that our Corridor...

City Attorney
Harrington: It's ours.

Commissioner
Hontz: I always heard that that was UDOT's Corridor.

City Attorney
Harrington: But any amendment needs to be approved by both.

Commissioner
Hontz: I, I totally thought that was UDOT's agreement, not ours.

Planner
Whetstone: No, that is the City's.

Commissioner
Hontz: All right. I don't have another comment until 14.

Chair

Wintzer: Okay, let's hold it for a second. Anybody have any comments up to 14? You're up Brooke.

Commissioner
Hontz: Actually, I noticed that the current plan increased the snow storage area. Am I right, gentleman?

Doug
Rosecrans: Yes.

Commissioner
Hontz: So we can skip that. Number 15. I would like to read this condition and get down to the, one, two, three four, the eighth line. Let me start the sentence, "The Planning Commission hereby approves the Staff's initial parking analysis including reductions for shared parking as well as support uses from the number of 957 to 668, based on the information provided with the MPD..." Let's just clarify that sentence. So I think you just need to add the words, from the number of 957 total parking spaces to 668 total parking spaces. Or just say it once. But I think you need it right there to clarify that sentence.

Commissioner
Pettit: Can I stop you right there?

Commissioner
Hontz: Sure.

Commissioner
Pettit: This is a condition of approval that goes with the ordinance and it's not the Planning Commission that's approving it, it's---I mean, I suppose if we recommend---I don't know that seems to be [inaudible].

City Attorney
Harrington: It's really the one I think you should focus on if you're going to spend any time on any one of these, this is the one because there is a lack of clarity currently, because the applicants are still proposing different numbers and the Staff has given you their best analysis based on the information to date at that number. And so I think what the Staff is trying to do is build in in a process to make sure that it was clear, regardless of whether this is moving forward to Council with an

affirmative or negative recommendation, that you wanted a reduction in parking to, at a minimum, where---and starting where the Staff was. And based on further information and data as the project moves forward, that would adjust somewhat and built in 20%. But I think you guys should discuss whether that's appropriate or not or whether to give more detail; or whether that's sufficient to send to the Council the direction that you want it to go in and what you did with some of the issues at PC Heights, when you said, hey, we're forwarding this now but we want you to further address these items. And parking could be one of the things in your recommendation. You could say, hey, this is the best we could do with the data we have, but what we really want is---the [inaudible] in parking is a paramount issue that we want you to continue to address before you vote on this finally

Commissioner
Hontz:

And it's not just the number of stalls. It's the actual impervious surface.

Chair Wintzer:

That's right.

Commissioner
Hontz:

'Cause, I mean, we have 11.6 acres of undeveloped space and 8.33 acres of, you know, parking.

City Attorney
Harrington:

So just I think you guys should just really, you know, dial that down because I think that's a concern for everybody.

Commissioner
Thomas:

What if we were to say 668 or less parking.

Commissioner
Hontz:

Okay.

Commissioner
Thomas:

And I think [inaudible].

Commissioner
Hontz:

I don't want to put [inaudible] if he gets to decide up to 20% either. And I actually think if they want more, they can come back and ask us.

Otherwise--- they no---you go down and there's no limit. You can approve whatever you want. See that, that piece.

Chair

Wintzer:

You know, the other thing I would like to do is, I'd like somebody to calculate and put in this, if you go with 668 or less, if that equals so many square feet. I don't want the applicant to feel they can just go expand---just not stripe and still have that much hard surface. So let's try to tie a square footage to the number of parking stalls. And whether you put 300 square feet of parking stall or whatever you do, and come up with a number so we don't end up with more asphalt than we need. And how we---I mean, are people comfortable with just saying 668 or less.

Commissioner
Savage:

Help me reconcile this number that we have in the package of 886 with the 668. What am I missing? Page 28 has a total of 886 total stalls on it, but that includes the underground parking. So does the 668 include the underground parking.

Planner
Whetstone:

Yes.

Commissioner
Savage:

So help me understand the relationship between the 668 and the 886. 'Cause I'm---I see there's 220 parking spots that are not being...

City Attorney
Harrington:

Two meeting ago Staff did a preliminary analysis for you based on their assumption of the uses inside the building and the buildings that would have shared uses, and applied that under the parking chapter of the LMC ratio and came up with 668.

Commissioner
Savage:

Right. But what I'm not seeing, I'm not seeing the applicant come to terms...

City Attorney
Harrington: No, they haven't yet. That's why it's a condition of approval as opposed to just a reference to what is being submitted.

Commissioner
Savage: Okay.

City Attorney
Harrington: So that's something they'll have to continue to negotiation with City Council.

Commissioner
Savage: Am I correct that there aren't many other discrepancies of significance between what's in this MPD application and the conditions of approval.

City Attorney
Harrington: Yeah, that's probably the biggest primary...

Commissioner
Savage: So that is correct. Okay. I just wanted to make sure that there wasn't something else in there that we needed to be paying attention to. Okay, thanks Mark.

Commissioner
Worel: So how do you say that about the impervious areas [inaudible]. What do you call it?

Chair Wintzer: Well, I think that---what we can put---we don't necessarily have to work this number 15. What we need to do is make a recommendation that Staff ties the number of parking stalls to a square footage of impervious surface and they'll work it. They'll have to go through math and figure that out. You know, if like a parking stall is 300 square feet, and then you need circulation and you need some of that in there, but they should come up with a number that works and amount of square footage. And that's where the negotiations start when they go back to parking.

Commissioner

Pettit: Well do we go with---did they already come up with that?

Director
Eddington: Staff did 668, but not of square footage. We don't know square footage.

City Attorney
Harrington: [Inaudible] how to address the [inaudible], so you know, that's one step. So long as, at a minimum, I think we're very much on the same in terms of ensuring that the development and the impervious surfaces progress only with the progression of the development. It's tying it back to a mutually agreed upon area and whether, you know, we agree [inaudible].

Chair
Wintzer: Okay. So do you have---Thomas, you feel comfortable---or whoever is doing it...

Director
Eddington: Yeah. I think what we'll do is we'll tie the number of parking spaces---we're looking at 668---we'll tie that to the phasing and we'll assign a square footage for that for each phase.

Chair
Wintzer: Okay.

City Attorney
Harrington: You should clarify what the last sentence should be for---

Commissioner
Strachan: Well, I think if I can speak to that first, I guess, I think that sentence is fine, but I think that the 20% has to be tied to the square footage of [inaudible] stalls. The percentage should stay [inaudible].

Chair
Wintzer: That's fine.

Commissioner
Thomas: Yeah. That will allow for circulation and not excessive circulation or excessive impervious space. What we're really trying to avoid.

Commissioner
Strachan: Yeah, I mean, we don't want a parking lot where we've got, you know, five cars going through the access space to the stall.

Chair
Wintzer: Well, do you want a sentence in there that goes, the best effort will be made to keep square footage of asphalt...

City Attorney
Harrington: Well, we'll do a calculation.

Chair
Wintzer: Okay, okay.

Commissioner
Thomas: There's a standard number for circulation and parking space and I can't remember what the number is off the top of my head.

Director
Eddington: It varies between 250 and 300. It depends on the drive aisle widths for some of the bigger trucks, and we'll have to calculate that.

Commissioner
Thomas: You might---and we have to have some consideration for their long vehicle parking, as well. And that's [inaudible]. So our emphasis is to keep it to a minimum and not allow a lot of other impervious area.

Planner
Whetstone: All right. And those---that ties in with...

Commissioner
Pettit suggested: Kirsten, just---I mean take out the language, Planning Commission hereby approves. This is a condition of approval so just build in to the

condition of approval what they can and can't do. They have to come back and---not that we're in this...

Planner
Whetstone: Okay. We can just start with the Staff's initial parking analysis.

Chair
Wintzer: Right.

Commissioner
Pettit: Or based on.

Planner
Whetstone: Or based on, based on, yeah. Okay. And then we'll put that impervious tie. And I'm glad you mentioned that, the long vehicle. That will---maybe 20 spaces for long vehicles and maybe circulation. So I'll have to take that into consideration. But when it comes back to the conditional use permit, then you've got something that the Planning Staff would certainly be looking at. Well, on the screen here above Building 7 there's that big vacant space. We're not going to look at that and say, oh no parking there. We're not going to do that. We're going to look at that and we're going to say, well let's not do parking. That would be striped so it's got to be circulation and parking. But we're certainly not going to look at that and count it as zero when it looks like they could get 100 cars in there.

Chair
Wintzer: Okay.

Commissioner
Hontz: You're not going to believe it. That was my last change.

Commissioner
Worel: Well I have a question going back to fencing. All the way back to fencing. But if we're phasing parking, then do we need to phase the security fencing.

Commissioner
Hontz: Didn't we do that. That's what I thought we were doing.

Chair

Wintzer: Well that's what---the sentence that I suggested was that the security fencing will match the final amount of parking, or the amount of parking [inaudible]. So it, it would shrink or grow with the parking plan.

Commissioner

Thomas: The final amount.

Planner

Whetstone: I'll add that to 7.

Chair

Wintzer: The phase amount.

Commissioner

Thomas: The phased amount. Did you get that? That was not the final.

Commissioner

Pettit: I have some additional. So I would move to 30, and just a couple of comments in terms of how this is worded and what we're trying to get to here. "Areas of plazas, pedestrian walk ways, patios, etc that are heat melted shall use..." and you specify PV Solar panels to generate the power for such systems. Again, given the variety of different technologies available, I'd like to make that, "shall utilize", you can stick with solar and add, "or other renewable energy resource to generate the power for such systems". And then I'm a little concerned about the "technically and economically reasonably feasible" language. It seems to me you're basically saying, you know, you don't really have to do it. So...

Commissioner

Thomas: So let me weigh in on that for a second because there's a---I've learned something every day, and I [inaudible] yesterday that [inaudible] may not be a great option for long term because of the impact that [inaudible.] And the experts are now saying, well maybe should think about it. They're not as excited about the PV panels and it's not their first choice for energy [inaudible]. And ground source heat pumps don't pencil out [inaudible] surface areas. So I don't know

how you deal with that. And you can't force them into technology that in the long run isn't safe or isn't practical. So I don't know how you want to---what that means with regard to that issue, but we shouldn't be referencing heating panels [inaudible.]

Chair

Wintzer: Can we change that to make it---that it would be a...

Commissioner

Thomas: Why are heating surfaces in here. I mean, I'd just say take out the heating surface and call it a day. [Inaudible.]

Commissioner

Hontz: I agree with that. I have no problem with that.

Commissioner

Thomas: I want to know what---I think we're getting an eyebrow from the applicant.

Doug

Rosecrans: I don't have plan for heated at this point, but---and that could change if...

Commissioner

Thomas: [Inaudible.]

Commissioner

Pettit: Do we have the power to say no heated. And that's the question

Chair

Wintzer: Well, put it in there and the Council is going to---send it to Council and let Council have to deal with it.

Commissioner

Pettit: So what I would then, what I propose---how I propose to change that, then would be “Areas of plazas, pedestrian walkways, patios etc., **shall not be** heat melted”.

Planner
Whetstone: Okay.

Commissioner
Pettit: I guess the---you know, I think33 has a similar issue in terms of building and the use of some sort of renewables. It references specifically solar PV, but I would have no trouble here saying, “Permanent power shall be provided for the trailer parking area and the applicant shall **use best efforts to use solar or other renewable energy resource if technically and economically feasible**”. Take out the reasonably, you don’t need that. Don’t say solar PV. Just say solar or other renewable energy resource.

Planner
Whetstone: Okay. If technically...

Commissioner
Pettit: So, yes, shall use best efforts to use if technically and economically feasible. It’s not really tying your hands, but you’re going to at least try to do it if you can. And that’s all I have for the conditions.

Chair
Wintzer: Okay. Commissioners, does anybody else have any comments on the conditions?

Commissioner
Worel: I have a questions. I’m concerned that there’s no penalty in here if the---and I don’t know if you ever put them in here---but if they get started building and for whatever reason the project stopped. I mean, how do you deal with that?

Planner
Whetstone: That’s usually addressed at the conditional use stage or with the building permit. If they start and a building permit’s been issued, it’s

really out of this realm. But it's definitely in the Chief Building Officials [inaudible].

City Attorney
Harrington"

You mean site restoration?

Commissioner
Worel:

Yeah, I mean if they run out of money and they've got...

City Attorney
Harrington:

There's bonding required by the Building Department that can vary depending on the phasing plan. And so you saw that go to---probably the biggest extreme was North Silver Lake, which had a very aggressive one because of the past problems, and rightfully so, to more of single family areas worried about restoration of the site when people know that there are combinations. Ultimately the City has full authority to go in and remedy it themselves and by leining the property if it really goes too far. Obviously, in economic times like this, [inaudible] in viewing the project as a whole. So it really is at the Building Official's power under the Building Code mostly and that's where it's handled, unless you have specific concerns they should then be raised at this point.

Commissioner
Pettit shared:

Mark, from a bonding perspective, and I don't remember what---it seems that we had some sort of say in the North Silver Lake that we ultimately had on how that process is unfolding. So are there lessons learned in terms of trying to set, you know, a number or a percentage of---I, you know, I am a little concerned that it gets left to somebody that really doesn't necessarily really think about the picture. Because, and again I say that, I mean, it's a great comment because of its location in, you know, the entry corridor of our City. This is visibly an area that, if we had blight there because, you know, a project that started and didn't finish, we would be [inaudible] on that. So I think it's a great comment.

Commissioner

Thomas: So if I might draw your attention to the berms and landscaping along the edge. He was curious if there was any to reinforce the bonding of that landscaping and that berming to soften the edge.

City Attorney
Harrington: You could add a Condition #38 that says, in the event of [inaudible] or as part of the construction mitigation plan, the bonding shall sufficiently address visual impacts of the project.

Commissioner
Thomas: With revegetation of the site and berming along the edges [inaudible]. Something to that effect.

City Attorney
Harrington: And I think parallel to that authority you shine a bright light on that, that you want that to get more attention [inaudible.]. And Kirsten do you, do you have that [inaudible].

Planner
Whetstone: Yeah, I do. Yeah.

City Attorney
Harrington: And we can probably---between the next three meetings that we have this, we can get further articulation of that from the Building Department. Get their recommendations.

Commissioner
Pettit: Just to be honest. Just how---we've seen it in our community with booms and busts and, you know, projects that look really great and...

City Attorney
Harrington: Telluride had one of their large projects remain in steel vertical to be a community art of the various busts and booms that were attributed to it. Before they got, I think they ended up wrapping it [inaudible.]

Chair

Wintzer: And one other thing in the same context, Mark, is you might want to find a way to, in the phasing plan, that as the project moves forward the berms are put in and landscaped in a timely manner. I know that they need to gather dirt from wherever they dig and do that stuff, but that you, whatever you're working in front of, you make sure you have the berms in those areas as you go along. You don't wait until the projects is done before you put in, start putting in the berms.

Planner

Whetstone: [Inaudible] the berms and then the landscaping can come in after there's water for irrigation.

Chair

Wintzer: Right.

Planner

Whetstone: That's a great point. Especially given where it is, which can be a finding that we get---that it's a visually significant parcel. I'm reminded about Island Outpost.

Commissioner

Pettit: Yeah, I would agree that we should have that finding.

Planner

Whetstone: Does everybody remember skiing around Island Outpost [inaudible], which is Hotel Park City. That as a couple years of [inaudible].

Okay, and I did also want to point out in 37, there had been---at the public, the little open house we had and as well as some other public input we had about what happens if it's not this and we have a structure out there. And so that---Condition number 37 talks about future uses. So this MPD is for this use. And this talks about the future uses of that neighborhood.

Commissioner

Pettit: Did we limit or exclude woodburning devices? I don't remember seeing that.

Planner
Whetstone: That is something---that's building permit. I don't think the condominiums, they don't allow that.

Commissioner
Hontz: Who's to say that a movie studio works on that side but not in the burning area.

Planner
Whetstone: Well, there's still, you might need to...

Commissioner
Hontz: Nothing else on to that side.

Planner
Whetstone: No burning of wood.

Commissioner
Hontz: Like I said, I think the air quality....

Commissioner
Thomas: Yeah, I think in the low elevation that that's probably a reasonable suggestion.

Commissioner
Hontz: To be sitting there and---it could sit in that basin and its stuck.

Commissioner
Thomas: So let [inaudible] wood burning process.

Commissioner
Worel: No wood burning devices?

Commissioner
Thomas: [Inaudible.]

Commissioner
Worel: Do you put it in a separate...

Commissioner
Hontz: [Inaudible], yeah. Let's say...

Planner
Whetstone: And typically they allow one in the lobby of a hotel.

Commissioner
Hontz: Yeah, but it's not this one.

Commissioner
Thomas: Well, they can do a gas appliance.

Chair
Wintzer: Any other comments on the conditions of approval? All right. Are people comfortable with the findings of fact and the...

Commissioner
Strachan: Sorry, I just had something. It's Condition of Approval #37, the one about precedent. The last part of that first sentence should say, "...such approval should not be considered precedent for future zoning amendments **or annexation petitions** to this or neighboring properties in the Quinn's/CT zone area." I want to make it clear that any other annexation petition that ever comes before us should never be decided in any way other than whether it comports with the General Plan.

Chair
Wintzer: Do you have some wording?

City Attorney
Harrington: I got it.

Commissioner
Thomas: That's good.

Chair
Wintzer: Does anybody have any comments on the findings of fact?

Commissioner
Hontz: Just findings of fact on page 122.

Chair
Wintzer: Yes, 121 and 122. Does anybody have any comments on those?

Commissioner
Thomas: [Inaudible] positive and the negative.

Commissioner
Hontz: Let's do the negative first, I guess. 121 is the negative.

City Attorney
Harrington: The way we envisioned this is we took kind of the general direction from the last meeting to come back, you know, to have an opportunity to [inaudible] the option to go with a negative based on the General Plan, but forward conditions of approval. If the majority goes that way, that's what these findings on 121 and 122 are for. If the majority wants to favor a positive recommendation, you can just do that by referencing the ordinance as written. You know, you guys can make additional findings. We would certainly add to the findings a ton of the---and incorporate additional approval elements at Council's level. So you could see this ordinance get a lot bigger at the Council level, versus making your recommendation, is not in the record; and the ordinance would move forward if you vote positive [inaudible] the ordinance. If the majority wants to go negative, you'd reference these findings here.

Commissioner
Savage: So help me understand something, Mark. The prior meeting we had a discussion around the findings of fact that would have supported a positive recommendation. And this is a list of findings of fact that support the negative recommendation.

City Attorney
Harrington: We heard both. So we prepared both.

Commissioner

Savage: Okay. So are the---are all of the findings of that fact that support a positive recommendation that were discussed at the previous meeting in some form incorporated into the conclusions?

City Attorney
Harrington: Yes.

Commissioner
Savage: Or the conditions?

City Attorney
Harrington: In the ordinance itself.

Commissioner
Savage: Okay. In the ordinance.

City Attorney
Harrington: You just reference the ordinance. Yes.

Commissioner
Savage: So those would just [inaudible].

City Attorney
Harrington: [Inaudible] ordinance at moving forward.

Commissioner
Savage: So when we come to our discussion about taking a vote on our sentiment about the situation, do we---is there any value in us discussing these findings of fact as to whether we agree or disagree with them, or does that really matter.

City Attorney
Harrington: The ones on 121, 122?

Commissioner
Savage: Pages 121 and 122.

City Attorney

Harrington: Not if the majority wants to forward a positive recommendation. These are relevant for a negative recommendation. If the majority of you want to forward a negative recommendation.

Commissioner
Savage: And certainly, even if you---if you, the majority were to vote-the exception would be if the majority were to vote forward a positive recommendation, those in dissent could still reference these as sort of their basis to still forward for consideration by the City Council.

Commissioner
Savage: Okay. And then the reason I ask the question is, just as I reviewed this is clearly one of these things where every point there's, perhaps not an equal, but an opposite counter point. And it didn't seem to me to be productive for us to go through that because I think a lot of that information exists either in the,,,

City Attorney
Harrington: Yeah, most of these are made by one Commissioner and there wasn't a clear majority. So we just tried to make sure that everything that was stated affirmatively by at least one Commissioner were drafted in these, in your General Plan discussion.

Commissioner
Savage: Okay. So this is not---this doesn't in any way mean to represent a consensus decision as it relates to...

City Attorney
Harrington: Well, that's what you're deciding tonight.

Commissioner
Savage: Thank you, thank you.

Commissioner
Pettit: So Mark---well I guess, Charlie, the point is. I mean I do have one comment to the negative findings of fact---or the negative recommendation findings of fact. I don't know if it makes to give that now or wait until we go through, kind of go through the group and decide where people are at?

City Attorney
Harrington:

Well, one option is you may vote to kind of see where people are and then have further discussion on the appropriate findings, depending on where you're going; negative or positive.

Commissioner
Strachan:

I might respectfully disagree with that because I think that going through at least just two of the negative findings of fact will probably--- it may influence some of the other Commissioner's decision. You know, if we talk about those negative findings of fact that may change someone's mind. And whereas before they might have issued a positive recommendation, now after discussing the negative findings of fact they decided to forward a negative recommendation. Maybe it would be the same thing for the positive recommendations, too. And that discussion might change a Commissioner's mind. I don't think we should have the straw poll now and then discuss how to amend the findings.

Chair
Wintzer:

Do the Commissioner's agree with that?

Commissioner
Savage:

Well that's the reason I asked the question originally, was to try to reconcile exactly what Adam's talking about. In, in the process of reviewing the materials, and they're substantial. You know Benjamin Franklin was one of the great leaders of our Country. And when he had a difficult decision to make, what he'd do is he'd take a piece of paper. He'd draw a line down the middle and a line across the top. And on one side he'd write yes and on the other side he'd write no. And then he'd put all of the reasons for or against the decision on either side of that. And when he was done he'd count it up, and you know, the answer became pretty obvious because one typically had a lot more things on it than the other one does.

And that's fine in certain circumstances, but the problem here is these things are very difficult to quantify and to weigh out appropriately. So for us to have a meaningful debate at the level of the pros and cons about this thing is hard to do. And I don't think we have the data

presented in the way here to where we can have kind of a comprehensive construction conversation along those lines.

So I'm not sure what the best way is to reconcile this, you know. So we can---I think we can talk through every one of these points. And I guess the question is, are we equally prepared to talk about both sides of the equation. And we should be 'cause that's probably what we're teed up to do tonight. So, you know, if that's the right way to go to start with, and maybe have a discussion about that, then I'm fine with it.

Commissioner
Strachan:

Well let me, why don't I throw out my comments 'cause I don't think it's going to engender the overall discussion yet. I think it's more of like a textualist raid. This finding ought to be drafted rather than a theoretical, philosophical [inaudible].

Then on Page 22, Finding of Fact #2, that doesn't make any sense. The wording just doesn't make any sense. It's not written well, nobody can understand it.

Commissioner
Pettit:

That's the one that I have a comment. That's the one I want to...

Commissioner
Savage:

Let me---I mean, I can't, I just think it ought to be stricken. It doesn't say anything that is comprehensible. I mean let me just read it without the parenthetical for instance, just so you get an idea. "The unique circumstances due to the County Settlement agreement and visioning "gets" are beyond the Planning Commission's authority to support the waiver of specific General Plan elements and goals and CT zone as outlined above". I mean, that just doesn't even---who can tell me what that means.

Commissioner
Savage:

What it means is that the---the primary reasons for making a positive recommendation fall outside the purview of the Planning Commission. As a consequence it's not really our business to try to make decisions on the bigger picture. We just need to focus on the stuff that's specific to the Land Management Code.

Commissioner
Strachan: Then say the LMC.

Commissioner
Savage: That's what I think it's supposed to say. Is that correct?

Commissioner
Strachan: Yeah. But it doesn't say that. I mean that's not what that says. I agree with you that that should be said, but...

Commissioner
Pettit: So how about if we---I mean, I guess we can question whether we want to include in, and some of the, you know, visioning "gets". But I had rewritten it to say, "The unique circumstances due to the County settlement agreement and some of the perceived vision of the "gets" in the plan are beyond the scope of the Planning Commission's authority in applying the Land Management Code and the City's General Plan". Period.

Commissioner
Strachan: That seems more understandable to me. I mean...

Chair
Wintzer: Can you say that again?

Commissioner
Pettit: But it's still missing something. I mean, really what it...

Commissioner
Strachan: It doesn't get to---but the parenthetical doesn't make any sense because a visioning get was never, I mean the visioning process happened before this application was even pending. So it can't be right to say design control of County vested rights density on the City entry corridor. Whatever that means.

Commissioner

Pettit: And I mean, if we put, just put visioning, then I think of it as four things.

Commissioner
Strachan: Yeah.

Commissioner
Pettit: And I know we had the applicant come before us and give us their take on how this fits within that, those four boxes. I mean, I would be happy to just strike that because I'm not sure, you know, that's debatable as to, you know what---maybe that's what underlies the City's desire to enter into agreement, or to support the agreement and the annexation. But...

Commissioner
Strachan: Yeah. I mean, shouldn't it be that we take the application and take the General and see if the two jive. And then make findings accordingly.

Commissioner
Pettit: Right.

Commissioner
Strachan: I mean we shouldn't be making findings about what our perceived purview is. You know, we shouldn't be able to say, hey we don't have the authority to deal with visioning "gets" and settlement agreements, and we should just be making findings.

Commissioner
Hontz: That's where I, from the beginning of this, you know, the framework that was constructed and we kept seeing over and over in our Staff reports, is that we should, um, we should focus on the potential benefits and design control. And there was like some, maybe trying to do this ego pumping that we would be better at it than other entities. And I completely rejected that not only because I don't think it was necessarily true that we might be best entity in the world to review this, but because if you open the Land Management Code and you look at what the Planning Commission is allowed to do, we, it's outside of the scope of what the State lets us do. It's nice that everyone wants to share the role and responsibility that's heaped on our elected officials' shoulders, unfortunately. But it's not---we

shouldn't be able to say, no Land Management Code we're going to ignore you. No General Plan, we're going to ignore or waiver. That's not what we're allowed to do. We are only---going back to Commissioner Savage's Franklin analysis, you know, unfortunately our paper can't just say no/yes. It's a very tiny box that we're supposed to be operating within.

And so I'm uncomfortable with even it kind of being put on us that we were ever allowed to conceive this. I think it was a responsible thing for us to do to review the application. I think because we're a Planning Commission and do this regularly and this is where MPDs and Annexations are supposed to be reviewed, it was very important to go through that process and setting aside the procedural role. But then at this point, this is where I have to say, absolutely not. I know what we're allowed to do and what we're not allowed to do. I'm sorry, City Council, that I can't help you in those possible benefit scenarios, but I'm going to do my job.

Commissioner
Strachan:

Yeah, I think maybe the way to cut this discussion off and get into a discussion of whether we forward a positive or negative recommendation is, in my view, if we decided to forward a negative recommendation, is to strike number 2 and strike the "however" out of finding 3. And that would be part of the motion made in support of a negative recommendation. And whoever brings that motion can either make that amendment if we're not---it's up to that person, but that would be my suggestion. And then, we will just let the motion made carry the---or determine.

Chair
Wintzer:

Julia, what was your amendment to number 2? What was...

Commissioner
Pettit:

Well, I---you know, and---frankly I'm actually changing my mind about it right now because I don't think it's necessary. I think that everything that precedes it...

Commissioner
Savage:

It's redundant.

Commissioner
Pettit:

It, well it's, in a way it's redundant and in a way it's just---it's not. I mean everything that precedes it is us doing our job in terms of making findings as to whether it complies or doesn't comply. And it doesn't matter that there's this outside litigation settlement agreement and some perceived benefits that taking ownership of this project. I mean the bottom line is---and I the position some of us have been taking all along is, either it complies or it doesn't comply. And if it doesn't comply, then these other things may be important to the City, but it's not something for us to decide. But I don't think we need to make a finding about that, necessarily. That's kind of where I'm coming out.

Chair
Wintzer:

Okay.

Commissioner
Strachan:

And now, Julia, what do you think about finding number 3? I mean, that's not really a finding either, that's a recommendation, you know, what City Council should do. But it's not us doing our job. I mean, I think we can make on the record the representation to the City Council, you ought to consider all of the conditions of approval that we worked so hard on these last four meetings to come up with. But I don't think that can be a finding.

Commissioner
Pettit:

Is that something, Mark, from a procedural perspective?

City Attorney
Harrington:

It can be because you can be---and it's in the context of---you could probable elaborate that it's in context of---but to make it as, you know. But in order for the prime proposal to be more compliant, these conditions are necessary, or something along those lines. [Inaudible.] But you can do it either way. There's no technically, you know, this is not a black and white correct way to do it. You can either---you can do it by motion. More typically we've tried to incorporate the integration through either a condition or a finding. And it was more, it was leaning, you know, but there were a couple comments in the minutes from the last meeting that you wanted to record, you know,

the, I think it is, you know, a finding of the work that's been done and the changes that the Planning Commission has made, versus what was the initial submittal. So in that regard it is a finding. But it can, you can incorporate it in any of three places; the findings, the draft conditions or just simply by motion. I think it has a little more weight---if your acknowledging---if it's meant to acknowledge the record, then a finding is probably more---it carries a little more continuity because it's there and it's incorporated on the record. Where a motion is just the motion.

Commissioner
Savage:

Is it reasonable to suggest that since we're going to incorporate---regardless of what our ultimate, the ultimate decision of the body is this evening, clearly we're going to be forwarding the findings for a negative recommendation to represent the negative votes. Is it reasonable for us to have a similar list of findings for a positive recommendation as part of this document? Or, I just---again I don't feel, I don't feel convinced that the ordinance—is that the right word to use? That the ordinance is a, in a point by point basis conveys the same information that the negative recommendations convey. Do you understand my perspective?

City Attorney
Harrington:

I do. I mean, I think you---certainly, yes, you have that ability. For the point efficiency you're preaching to the choir a little bit in that the Council has already put the annexation steps in process based on some assumptions, which I think you can accept. And so I don't know that you need to be as forceful in an advocacy role in those points. The record is complete with those. The Staff has made those---previously outlined those in the prior recommendation. Those would come forth and, you know, if there are certain ones that are more important to you or a majority of you, you know, certainly feel free to call those out. But I don't, you know, I'm not sure that's as necessary.

Commissioner
Savage:

Okay.

City Attorney
Harrington:

But it, it's your decision.

Commissioner
Savage: Okay, that's fine.

Chair
Wintzer: And so is it the consensus that we need number 2 and 3 out?

Commissioner
Strachan: I think we need to take 2 out and leave 3 in.

Planner
Whetstone: So change the reference.

Commissioner
Strachan: Three references two. Yeah, just say---take out the word "however" and take out the words, "based upon 2 above". It should just read, "Should the City Council determine to annex the property, the Planning Commission recommends the conditions of approval as included in the attached draft ordinance."

City Attorney
Harrington: To reflect---to acknowledge the record of changes that the Planning Commission...

Commissioner
Strachan: Yeah. I would say "note" instead of "recommends." I mean, I want to make it pretty clear to the City Council, if we forward a negative recommendation, that this thing was so far out of line with the General Plan that it wasn't even close. It's not---I mean, I think as a body if we decided to forward a negative recommendation, that the City Council ought to think long and hard about whether it should deny this annexation petition regardless of the perceived "gets" because it is so far out of line with every goal in the General Plan. And I mean, we've seen annexation petitions in the past that are at least close, they meeting two, three of the goals, four, five, at least some. This meets none. And so I think that the City Council ought to think long and hard about, you know, whether this should be annexed. And if not, then I don't want the Planning Commission to be giving mixed messages about what we recommend they do. I think we ought to be clear and

say, we recommend you deny it. We're forwarding a negative recommendation.

Chair

Wintzer:

Well, I mean I guess we need to make sure that if we do send a negative recommendation, that everybody agrees with that last, you know, as far as the last or what will be the new number 2. I understand what you're saying. I don't know---I understand that it doesn't meet one of the goals of the General Plan. But that doesn't necessarily mean that we would be better off having the County do what's going to happen. And, so I mean, I don't know if I'm really ready to say that I think it's better off to be in the County than in the City. I mean I agree that it doesn't meet one of the goals of the General Plan, but I'm not sure I'm quite that far off yet.

Commissioner

Strachan:

I'm not going that far. I'm just saying we ought to choose, we ought to strike "recommends" out of number 3 and add the word "notes". And that tells the City Council, hey, City Council, we worked long and hard, particularly Commissioner Thomas, to try to come up with 39 conditions of approval that reflect their best efforts to polish this "turd", if you will, but we are not recommending that this receive a positive--- We're not forwarding a positive recommendation that this be annexed.

Chair

Wintzer:

I see what you're saying. So how would you re-word that then, Adam?

Commissioner

Strachan:

I'd just strike recommends and put in notes. "The Planning Commission notes the conditions of approval as included in the attached draft ordinance." And I don't think anything is going to be lost on the City Council. Three of them are sitting here today.

Commissioner

Pettit:

Well, I guess the only comment I would made, and it's something that Mark, language Mark had suggested or put out there. And that is, could be way without---and I don't disagree with the use of the word

“recommend” and kind of what that means, an endorsement wholeheartedly and whatever. But could we say something like, “In order for the annexation petition and the MPD to be more compliant---not that it is---but to be more, closer with the LMC and General Plan, the Planning Commission notes the conditions of approval in the attached ordinance”. Is that too much? Still too much endorsement or...

Commissioner
Strachan: I think if you use the word, “to be more compliant” you assume it was compliant in the first place. And then...

Commissioner
Pettit: No, that’s true. That’s, yeah, but it’s wordsmithing.

Commissioner
Hontz: Get close to compliance.

Commissioner
Strachan: You know what, I don’t particularly care. You know, what, I don’t particularly care. We’re---finding 3 can stay the way it’s written now. I think the important thing has been done here and we’ve---and that is we’ve had the discussion about what we want to do with this petition and what message we want to send to City Council.

Chair
Wintzer: The other side of this, though, is in five years time if nothing’s happened and this thing ends up in court, I don’t know if I want the word “recommendation in there”.

Commissioner
Strachan: Well that’s a good point.

Chair
Wintzer: You know, I think I’d rather have the word note in there than that. I agree the Council has the message, but this---I don’t know if it’s going to be settled in the next go around. And so I would recommend taking “recommends” out and put note in here.

The Commissioners concurred.

Chair

Wintzer: All right. So now, where do we want to go.

Commissioner

Hontz: Are we going to talk about it at all?

Chair

Wintzer: Yes.

Commissioner

Hontz: One thing that I've learned while having the opportunity to sit on this Board is that I never say enough and I don't think we do as a Commission. Afterwards it feels like there was so much more. And when I read old minutes that reference either approvals or denials, they are so helpful in trying to get a flavor for what people were thinking at that time and why they to the answer that they---they were there. So I want to make it crystal clear that whether this is in the County or the City, lawsuit or not, this use doesn't fit this site. To take a County property that was, you know, should at most have one unit of density on it and in our entry corridor, which is currently and most of the time the easiest way to get into and out of our community, of which we only have two ways, it's devastating to me that it's come down to this. And I just want to make sure that it's on the record that it never mattered to me how we were dealing with this, it doesn't fit there.

And this isn't---for me it's not like a grasping at straws moment when I look at the ways that this doesn't meet the General Plan or the things that are deficient in the Land Management Code. This is a waterfall. This is deluge of information and has---nothing here works. It doesn't make sense. Unfortunately, I have obviously done a lot of work on this and somehow tonight I forgot my notes that reference the things that were not submitted as far as I could ever find, that were required as part of the annexation, the MPD and the zoning. And those things, at a minimum---again this is coming from my personal notes in my memory---there was no accurate annexation plat ever submitted. The

Assessed Valuation, the Revenues versus Costs and the tax consequences and the impact of Summit County, there was a report and I know a couple of us read it, but if you did, it was horrific. It didn't actually, it said like [inaudible] on the cover and it actually wasn't. So, I mean, that information was never submitted to the quality and the level that is required in our Land Management Code. Additionally, when it comes to zoning requirements, there were no--- you're going to love this---but the wildlife study that was submitted does not meet the standards of the Code, again. Neither is there wild fire or some additional information that was required as part of the overlay.

And so I don't even know why we processed this application and it wasn't noticed up front that those things needed to be---by the way, it was noticed. I did, I wanted---have it recalled on the record at our very first work session I brought it up that those things needed---there were some things missing and that they---I didn't identify what they were, but they needed to be submitted in order for the application to be complete. And it was referenced that actually to stop the clock, they weren't, they didn't need to be submitted. However, if you go to page 2 of the Annexation Agreement, "Park City shall use all reasonable efforts to either approve or reject the QJP Annexation Petition within 90 days. If reasonable circumstances require additional time, such as QJP failure to provide legally required information, both parties shall..." Obviously they've continued it. But that was an ability of ours to lengthen out this process. And so I've passed that to our Counsel that I think you should have a thorough review of that information to make sure. Because at the end of the day you might be thinking, what does it matter whether we have a wildlife study at this point. It matters. That's what our Code demands. That's what we demand of every other applicant. It's not---since it's not one of the things that they don't have to do in their legal document, then for goodness sake, they should be compliant.

Commissioner
Strachan:

Actually, let me just say that the report, Forensic Accounting Report you were referring to is on page 146 of the packet from the first meeting, which was the February 22, 2012 meeting.

Commissioner

Hontz: Thank you. And part of the---kind of the game of approvals is to submit something---this is not a technical term, but crappy. And then, you know, make the Planning Commission feel good about getting their pound of flesh or making this, making a project look better. And you know, I'm, I'm not fooled. This, this project is never going to look as horrible as it first came in. They could never have built that. They wouldn't have sold anything there. It looked ridiculous. So let's not buy into that we even "polished the turd". That part of what this is made to do. To make the us and City Council and the public feel like there was some actual progress there. And, you know, at the end of the day, I think where I'm going with this particular project I'm going to feel about being able to look future generations, or even [inaudible] that, you know, I did my job.

Commissioner
Pettit:

Thank you, Brooke, for all the hard work that you've done. It's amazing to sit next to her and see how prepared she is for everything. As a---from an intellectual standpoint as a practical matter I understand why the City took the action it did. I understand that. And I think what I've struggled with from the beginning of this process is, how do you get from there to where we have to apply the Code and make findings that we can believe in and that we can stand up for. And I just---you know, I think I made that comment at the very beginning that this was going to be a tough sell for me, to be able to get to that point where I could embrace this project and support it.

And I think over the process of weeks that passed and the information that's been coming---and I thank the applicant's representatives for listening to us and working with Staff and coming back with, you know, improvements on what had been originally proposed. And I know that's been a lot of hard work on your part and I do appreciate that. But I still sit here tonight and I, I can't make that leap in terms of being able to support the project and make findings that this somehow complies with our Land Management Code and our General Plan. And I'm with Brooke. I, you know, I would like to be able to, ten year, five years, 20 years from now, look at people and say, you know, I did my job.

And it's not an easy decision in terms of what City Council is faced with and what we've been faced with and trying to be sensitive to that

and sensitive to the growing tension in this particular part of town, because this is another entry corridor. And, you know, we've got things that have happened there that we approved there, and at the end of the day I'm not sure we're going to be happy with how it all comes together as it stands, without this studio. So, I think my view at this point is that I would not be able to forward a positive recommendation and I would vote to forward a negative recommendation.

Commissioner
Worel:

Well, I echo the thank you for all the efforts you put into this and for listening to us and incorporating our comments as the plan progress. I think it's really unfortunate that there wasn't more community input into this whole the process. I think it's even more unfortunate that the applicant chose not to attend any of these meetings to provide to provide the necessary input. So in essence we're making decisions without all of the facts [inaudible]. The Planning Commission is charged with long-range planning for Park City, and in my opinion, part of that needs to be protecting of the entry corridors. We can't do that protection if we can't control the corridors. Goal 6 of the General Plan says that Park City should expand its boundaries when expansion helps to, among other things, preserve gateways into the City. Obviously this project isn't anything that any of us would have chosen for the area, but it is what we've been given to deal with. And then part of the developing area policy of the General Plan says to, "Design large scale commercial buildings and development to reflect traditional Park City patterns, as well as to support the mountain character and charm of Park City by making sure that new commercial development relates to the mining historical architecture and [inaudible] of Park City". We're certainly not there, but I think we've made tremendous strides with this. And I was interested to hear you say that maybe there was some gameship going on here because I [inaudible]. But I really think that we have made tremendous strides in this process and I really have a lot of confidence in the talent of our Planning Department to continue this project in that direction.

When I looked at the conclusions of law in the ordinance I saw that it does meet the requirements of the annexation policy plan and the Quinn's Junction Study area, and the 2009 General Plan. I especially like number 37 of the conditions of approval that makes sure the

approval was not going to be considered precedent for future zoning amendments to this or neighboring properties in the CT zone area. I have really mixed feelings about this. I have tremendous respect for and trust in our Planning Department. I feel that they could effectuate a far better result than could the County, and so I would forward a positive recommendation to the City Council.

Chair

Wintzer: Let's go the other way. Adam, do you have anything else to add?

Commissioner

Strachan:

You know, when it comes to General Plan projects I always ask myself, you know, is it a project that; a) meets the requirements; and b) at the end of the day, knowing that everything in life is a compromise to some degree or another, do you feel good about it at the end of the day. As a community representative on the Planning Commission, I need to be able to go to the next Deer Valley concert or the next public meeting in City Park and be able to defend this. And I can't. I cannot say with a straight face to somebody who is going to look at this in like in a year or two into it, that says how did that ever get built? And I have to go into a drawn out explanation about a settlement agreement and an annexation petition, why we forwarded a negative recommendation, but really what we meant was conditions of approval, and blah, blah, blah, blah. And that person sits there and looks at me and goes, another mistake by a government official. Here's what we got.

No, the better answer for the person that comes to you at the next Deer Valley Concert is, no, I voted against it. I voted against it because it didn't meet the General Plan. I voted against it because it was ill-conceived from day one. And I voted against it because it's nothing that I ever want to show my daughter happened on my watch.

That's why you vote no. It's not because it's the best we could come up with after we, you know, we're dealt a bad hand. It's not because, you know, we---our hand was forced and we were really trying our best to come up with a good project or we thought the County would do a worse project. No. It's I voted against it because it doesn't comply with any of the goals in the General Plan. It doesn't meet any of the visioning goals that our community dialed out. And it's something that is going to be, in my opinion, a disgrace to the

generations, and particularly my daughter, who is going to drive past it every day on her way to my home. That's what you ask yourself in a General Plan context. This is different than a Land Management Context. You ask yourself whether you feel okay about it at the end of the day. And this is not a project that I can feel okay about. It's not even close. And this is the time for this town and this body to draw its line in the sand and say, projects like this, however they come to us, be it be a settlement agreement or litigation or threatened legislation from the State legislature. However they come to us, we're going to deny them. We're going to deny them because they don't meet our General Plan. They don't meet our Land Management Code and they don't meet any community desires. We don't care how it gets here. We don't care if our hand was forced. We just say no. And maybe our hand gets forced harder and maybe we end up, you know, in a place where the County is building it and we're not. But at least we said, no. And at least we did what our General Plan requires us to do. And at least we did what I think the community expects us to do.

And if the County ends up doing this, let those County Council people answer the questions at the next Deer Valley concert about how this happened. I'd much rather say, I voted against it. It ended up being the County's problem. I highly recommend you go to the County Council and give them some public input on how they [inaudible]. But I don't want to say, oh, well let me sit you down and explain for 15 minutes what exactly happened. I want to say, I said no, because that's what the General Plan and that's what our visioning goals, that's everybody in the community thinks and feels [inaudible]. So I will vote to forward a negative recommendation as a result.

Commissioner
Savage:

Wow. This is fun isn't it. You know I spent a lot of time on this and I've tried to really think about the issue from both sides. And I kind of did that Ben Franklin thing I was talking about before. This thing is hard to quantify but for me it's not hard to qualify. And as I've gone through this I've thought about it as a Planning Commissioner; I've also thought about it as a citizen. And I've thought about it from the point of view of I'm not going to sit here and say that the County would do a worse job than we would do. I won't say that. But what I am going to say is that this is very much right in our, not in our backyard, it's in our front yard. And if somebody's going to build something in

my front yard, do I want to the opportunity to participate in the process by which that thing is going to be constructed, that I'm going to have to look at and my friend's are going to have to look at and my kids are going to have to look at day in and day out as they come in and out of this entry corridor. And my answer is yes, I want to be able to have a seat at the table at it relates to that process.

My sense is and my position is based upon the assumption that this thing is inevitable. That it will happen. And it's going to happen in a gateway location. And the status that we have right now, what we inherited, I think almost like a conditional use permit. Something's going to happen out there and we have the opportunity to condition the uses in a way that's more satisfactory.

And I think we have an obligations as a Planning Commission to support City Council and to empower City Council's ability to the degrees that we can to make that happen in as positive as way as we possibly can.

While I think---and it's interesting because, you know, my reference point is exactly the same that Adam talks about or that Commissioner Hontz talked about, having to do with what future generations are going to think. And I believe that we have an opportunity to orchestrate a process through the Staff and the efforts of Staff, to come up with a project that is going to be something that we can be much prouder of as an entry way than would be the case if we turned over all control and walked away from it.

And so as a consequence of that analysis and that feeling and that sense of looking at it from a bigger picture point of view, which I do believe is in compliance with a lot of the terms of the General Plan, I would recommend a positive, I would recommend approval to the City Council.

Commissioner
Thomas:

I actually asked Charlie if I could go last, and partly because my position has vacillated so much through this process. And, you know, I took an active role as an architect to participate with the representatives of the applicant to improve the plans. That's what I do in my business and that's what I do as an architect. I have a little

issued with the concept of that's "polishing a turd", okay. And I think that they actually came forward with a reasonable design given the massing that they were trying to accomplish. And I also think that they came forth with an honest effort to represent what was going on. And I don't think they were gaming. So, I'll take issue with both of you on that.

But it is a---it's a difficult one for me. It's one I'm absolutely tormented by. And I hate to forward it into a situation where casting the final decision is on the Chair. But it's been very painful. This thing's going to happen. It's like an extension of our hand. It's a reality and we choose to positively affect that or negatively affect. To some extent I'm influence by the fact that I shared in the process and [inaudible].

It bothers me to make so many recommendations that were adhered to for the most part by the applicant, and then vote against it. On the other hand, I can absolutely see that this is inconsistent with the General Plan. And the torment for me is one that has taken me right down to the wire, obviously. But I cannot support it from a General Planning Principle. And I've been consistent in my life for the most part, even when I try to approve something anyway, like somebody. If I feel like it's inconsistent with the General Plan, I have to hang my hat on that.

So, and I want to thank the rest of the Commission for their passion and their objectivity and comments; with the exception of [inaudible].

Chair
Wintzer:

All right. Going to one of your comments about asking the applicant to make changes, and do really appreciate the time taken to work on this. I think we made it clear at every meeting that we were talking about design and we were a little bit backwards, that usually we talk about General Plan, does it meet the General Plan, and then we talk about design. I don't feel bad about asking them to make these changes and then say it still doesn't meet the General Plan. We did that on the idea that we would pass on as much information to City Council as we could, and I think we were fairly clear with the applicant that we were doing this a little backwards and we were doing it for that reason. I really don't feel bad about that part of it.

I am not torn at all with the General Plan decision. It doesn't meet one criteria of the General Plan. I don't know how, I don't know how---I mean it, I think you're right, it's going to happen. I don't know if sending a positive recommendation from us is going to change anything, or a negative recommendation. But this kind of puts on the record what the Planning Commission feels. And that might be just used in future litigations and stuff like that. The Council knows where we've been all the way along. So if it came to a tie, I would probably vote against it. Now does someone---any other comments or a motion?

MOTION: Commissioner Pettit moved to forward a NEGATIVE recommendation for the Quinn's Junction Partnership Annexation in accordance with the proposed Findings of Fact and Conclusions of Law in the Staff report with the amendments striking Finding #2 in its entirety, renumbering Finding #3 to Finding #2, and changing the new Finding #2 to read, "Should the City Council determine to annex the property, the Planning Commission notes the conditions of approval as amended and included in the attached draft ordinance". Commissioner Strachan seconded the motion.

VOTE: The motion passed 4-2. Commissioners Strachan, Thomas, Hontz and Pettit voted in favor of the motion. Commissioners Savage and Worel voted against the motion.

Chair

Wintzer:

Before everybody leaves, I want to make a comment that I really appreciate the work that the Planning Commission and the Staff put in on this. I know it was an uncomfortable project for anybody and I think there was a lot of good work done here and I appreciate everybody's [inaudible.].

Doug

Rosecrans:

Commission, I'd like to second that. I think the plan is much better having gone through this process. I am disappointed that you didn't forward a positive recommendation. I completely understand where you're coming from. But we believe in this project, we still do, but I think it's been a very good process. I think it's---the plan is better having gone through this. Thanks.

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Chair
Wintzer: Thank you. We're adjourned.

[End of Recording.]

The Park City Planning Commission meeting adjourned at 8:00 p.m.

Approved by Planning Commission: _____