

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 22, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser, Christin Van Dine

EX OFFICIO: Planning Director Bruce Erickson; Hannah Tyler, Planner; Rebecca Ward, Planner; Laura Kuhrmeyer, Planner; Mark Harrington, City Attorney

The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting or comment by raising their hand on zoom.

ROLL CALL

Chair Phillips called the meeting to order at 5:40 p.m. and noted that all Commissioners were present except Commissioner Thimm, who was excused.

APPROVAL OF MINUTES

July 8, 2020

MOTION: Commissioner Sletten moved to APPROVE the Minutes of July 8, 2020 as written. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

No comments were submitted on items not on the agenda.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Chair Phillips read the announcement on the agenda explaining the procedures for conducting a virtual meeting and how the public can comment during a virtual public meeting.

Director Erickson announced that the Planning Commission would continue meeting virtually for the next couple of months due to the Coronavirus epidemic.

Commissioner Sletten understood that the PEG Development application was being continued this evening; however, he disclosed that he has occupied commercial space at Park City Mountain Resort for over 20 years. He has no contracts or relationship with PEG Development. It would not affect his ability to discuss or vote on the proposal. He clarified that this was only a disclosure and not a recusal.

Commissioner Kenworthy noted that the Planning Commission discussed the annexation at the last meeting, and he believed everyone was blindsided by the Hideout announcement shortly after that meeting. He asked for an update. Commissioner Kenworthy noted that the annexation map Director Erickson provided to the Commissioners earlier in the week was very helpful.

Director Erickson offered to put the annexation issue on the next agenda so it can be publicly noticed as an agenda item and he can provide an update. Director Erickson stated that without it being on the agenda this evening he could only say that the town of Hideout had put forward a potential annexation request for all the property in Richardson Flat south of SR248. Summit County and the City were working on it together.

CONTINUATIONS – (Public Hearing and continue to date specified.)

- 5.A. Park City Mountain Resort Base Parking Lots – MPD Modification – Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan known as the Park City Base Area Lot Redevelopment Master Plan Study. (Application PL-20-04475)

Director Erickson explained that PEG Development wanted to refine their Parcel B Main Lot architecture and it was not ready for this meeting.

MOTION: Commissioner Hall moved to CONTINUE the Park City Mountain Resort Base Area Development to August 26, 2020. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION

- 6.A. Lot Combinations in Historic Districts
This item was postponed to September 9, 2020

6.B. Master Planned Development Work Session

Planner Rebecca Ward noted that this work session was a continued discussion of the May 13th work session regarding MPDs. The objective is to simplify and clarifying the process for MPDs.

Planner Ward stated that the Staff was proposing to break these amendments into two phases. Phase 1 was nearly complete, and the Staff was looking for input from the Planning Commission on a few items. The Planning Commission provided input on the first four items of Phase 1 on May 13th and that input was incorporated. The Staff was looking for addition input on Item 4, which would separate the MPD approval process from the CUP review process. Planner Ward also proposed two new minor amendments in the first phase, which is to establish Commission authority to require applicants to submit and fund additional studies for larger project; and to also require a public hearing before ratifying a development agreement. ♦

Planner Ward stated that depending on the input from the Planning Commission this evening, and if the final redlines are acceptable, the Staff will come back in August for a recommendation to the City Council for their consideration in October.

Planner Ward stated that in Phase 2, the Staff was still working to clarify the conversion of units to unit equivalents for volume-based zones, and to reinstate some of the boundaries and refine the definitions for the accessory uses. Planner Ward noted that the Planning Commission's input was outlined on page 53 of the Staff report.

Planner Ward reported that the primary change in Phase 1 is to separate the MPD and the CUP review process. She presented a table showing the zoning districts without the Recreation Open Space or Protected Open Space where MPDs are not allowed. She noted that the yellow color indicates where CUPs are currently required in the Code. The orange color shows where MPDs are required under the MPD chapter for residential projects with ten or more lots, or 20,000 square feet of residential unit equivalents, or 10,000 square feet of commercial development. The green color represents where MPDs are optional for smaller projects in the General Commercial and Light Industrial Zones. Planner Ward stated that in the Historic Districts if the HR-1 or HR-2 zones are combined with HCB or HRC properties, an MPD process could be followed. The gray color identified those areas. The blue color shows where MPDs are allowed but not required for certain residential developments. The red color indicates where MPDs are allowed specific to the affordable housing MPD Chapter in the Code.

Planner Ward stated that currently the Land Management Code Use Sections and the MPD Chapter are not aligned. Based on Planning Commission input on May 13th to

separate the MPD and CUP review processes, the Staff prepared a table on page 56 of the Staff report, outlining the CUP criteria the Commission considers for CUP approvals compared with the MPD criteria for approvals. The Staff tried to amend the Code to make sure that things that were not captured in the MPD Code, but are addressed in the CUP Code, are included in the MPD section. It includes traffic considerations, utility capacity and storm water runoff, emergency vehicle access, signs and lighting, architectural review, impacts to neighboring properties, and nightly rentals. Active transportation connectivity is currently in the MPD Code; however, a separate work session on that issue is scheduled for August 12th, in collaboration with the City Engineer and the Transportation Department to see how they can work on pedestrian and bicyclist connectivity in an MPD.

Planner Ward asked whether the Staff had missed any of the elements that should be reviewed for these MPD projects if MPDs are separated from the CUP process.

Planner Ward commented on another amendment. If there is a ten-lot subdivision where setbacks are applied to each lot, they would like to remove those restrictions in the MPD Code to allow flexibility in site design with setback requirements and height. Planner Ward stated that the Staff would like to amend the MPD so if there are approvals that are more or less restrictive than the LMC, different setback and height approvals will be shown on the plat so it is clearly noted when future property owners purchase a lot that is within an MPD approval.

Planner Ward stated that the fifth amendment in Phase 1 is to establish Commission authority to request applicants to submit and fund studies for MPDs that have a significant increase in density or intensity of use. Specifically, with traffic studies, the Staff recommended amending the LMC so the City Engineer and the Transportation Department would review the MPD proposal and make a recommendation on the method of modeling and the scope of the study area. Chair Phillips asked if this already exists in the Code. Planner Ward replied that it was not addressed in the Code; however, it is in the MPD application list and puts the applicant on notice that additional studies might be required.

Planner Ward stated that currently ratification of a development agreement does not require a public hearing. The Staff was proposing an amendment to require a public hearing process before ratification of a development agreement. There would also be a minor change to clarify that the Mayor signs the development agreement and not the City Council.

Director Erickson asked Planner Ward to clarify where affordable housing and the Housing Resolution are incorporated. Planner Ward stated that Planner Tyler would be

sharing an update on affordable housing and the housing resolution with the next item. She noted that some things in the Housing Resolution are triggered by MPD approvals. Therefore, additional MPD amendments specific to affordable housing will come to the Planning Commission once the Housing Resolution is updated. Director Erickson stated that he only wanted the Commissioners to be aware that affordable housing was not left out but rather a separate issue.

Chair Phillips asked if affordable housing was part of Phase 2 or its own separate issue. Planner Ward replied that it was separate.

Planner Ward requested Planning Commission input on the criteria the Staff was working to capture in the MPD review that would be considered under the CUP review.

Commissioner Sletten thought the bifurcation of the MPD and CUP approval made sense. In looking at the table, he thought Planner Ward had lined up the specific items well in each respective box. Regarding additional studies, Commissioner Sletten commented on the importance of making sure it is clear that the applicant is obligated to pay for the study. Director Erickson clarified that it would not be a transportation or traffic study that is directed and funded by the applicant. The City Engineer, Transportation, and Planning will direct what the study involves and what area it needs to include.

Commissioner Hall commented on the MPD modifications. The Planning Director may approve the minor modifications, and she thought the language implies that the Planning Director determines if it is a minor modification. Based on her reading of the amended language, if the Planning Director determines what is minor then everything else is substantive. Commissioner Hall thought there was a lot of ambiguity and she suggested more clarity.

Planner Ward presented definitions of minor and substantive modifications. She asked if Commissioner Hall was asking for clarification on where the Planning Director may approve minor modifications that do not fall under the substantive definition under Planning Director discretion. Commissioner Hall stated that from her reading, it was either minor or substantive and there is no third category. However, she did not believe that was entirely clear from how this was written. She thought the language indicated that if the Planning Director decides it is a minor modification, then the Planning Director can approve it; otherwise it is substantive. However, only a few things are listed for what makes a modification substantive. Commissioner Hall expressed her preference to first decide whether or to have the Planning Director unilaterally choose whether or not a modification is minor. If it is not minor, then it must be substantive. She thought a third category was missing. Commissioner Hall suggested changing

subcategory (a) to read “Substantive modifications including, but not limited to...” to give some flexibility if the Planning Director decides it is not minor but not significant enough to be substantive. Another option is for everything to fall into a modification condition of approval. Commissioner Hall was not sure of the right answer, but she felt the clarification could be improved.

Commissioner Sletten asked Commissioner Hall what middle ground she would suggest between minor and substantive. Commissioner Hall replied that she was unsure. She thought any modification to a condition of approval would seem significant, but it could be a minor modification. Her point was that the language as written was ambiguous. Commissioner Hall thought the language should state whether or not the Planning Director can unilaterally decide if it is a minor modification because that would create some clarity for allowing the Planning Director to approve the modification.

Director Erickson clarified the intent. He cited the example of a land use inside of an MPD that is retail space and the applicant wanted to change it to a restaurant space. The parking demand, the usage, and other things would be the same as the retail space. The question is whether the change in use would be a substantive amendment or just a change in an approved land use. He and Planner Ward were still working through that issue.

Commissioner Sletten stated that before he was a Planning Commissioner he came before the Planning Commission proposing a change from a restaurant to a retail use. Based on his personal experience, he believed the Planning Director and/or Staff should have the discretion to make those modification. He thought it would be laborious to bring items of that magnitude to the Planning Commission. Commissioner Hall agreed. She thought the language should say that the Planning Director and/or Staff may make the determination that the modification is minor and then approve it.

Director Erickson pointed out that it should be the Planning Director rather than the Planning Staff, because the Planning Director’s determination is appealable.

Chair Phillips suggested language stating that the Planning Director can make a determination if there are no additional impacts due to the proposed modification.

Commissioner Hall clarified that she liked the general idea, but she thought the language needed to be reworked to make sure it is abundantly clear.

Commissioner Sletten suggested using specific examples to give a clear picture of the intent of the language. Director Erickson offered to research the best way to address the concern.

Commissioner Hall referred to Section 15-6-2, the Applicability for MPDs, and asked how the 10 lots/10 UEs for the 20,000 sf was determined as the trigger for an MPD. Planner Ward stated that this question would be part of the Housing Resolution discussion and whether the trigger would be lowered or changed. Planner Ward was unsure where the existing number came from and she offered to look into it, but the City Council was looking at changing it when the Housing Resolution is updated. Commissioner Hall was interested in knowing the background.

Commissioner Hall commented on the density bonus for MPDs. In terms of the 10% increase for 30% unit equivalents for employee or affordable housing, she recalled talking about adding attainable units. She wanted to know if it was determined whether developers thought it was enticing enough to encourage include affordable and attainable employee housing. Planner Ward replied that the Staff was still working with the Affordable Housing Team to determine the best trigger specifically for affordable MPDs. Planner Ward asked if Commissioner Hall was talking about the general bonus for all MPDs. Commissioner Hall clarified that she was referring to the redlines, line 1266 in the Staff report. She was comfortable waiting for an answer when this comes back for discussion. Planner Ward noted that it would be discussed in the affordable housing consideration.

Commissioner Suesser agreed with Commissioner Hall that the language regarding the minor and substantive modifications should be better clarified. She asked for clarification on whether the Planning Commission makes the determination as to whether the modification is minor, or if it is determined by the Planning Director. Chair Phillips stated that as currently written, it is determined by the Planning Director.

Chair Phillips agreed with Commissioner Hall, especially in light of a current application before the Planning Commission where the applicant did not feel the modifications were substantive. He thought what Commissioner Hall had suggested provides clarity and removes any ambiguity. Chair Phillips personally favored wording that states "if there are no additional impacts". He believed additional units create additional impacts. If an applicant requests additional units, it should come before the Planning Commission. If the modification is changing a use that is equal to or lesser in intensity, he was comfortable with the Planning Director making that determination. Chair Phillips emphasized the need for clarity so everyone, now and in the future, understands that any changes that cause additional impacts will need to come to the Planning Commission.

Commissioner Suesser was comfortable leaving it as needing to be clarified. The Planning Commission will revisit the matter after it is clarified, and they can discuss it further at that time if necessary.

Commissioner Suesser stated that did not see an Assurances of Completion section when she read the Staff report. She was curious as to how that section reads for MPDs. Planner Ward replied that the proposal is to amend the MPD requirements. She noted that with MPD approvals, if the MPD is not reviewed under all the applicable LMC sections prior to the MPD approval, there can sometimes be confusion about whether the plans are fully in compliance at the time of the MPD approval or during the building permit review. Planner Ward explained that the intent is to ensure that if a subdivision is coming through with the MPD application, that all of the relevant Code requirements are addressed at the time the MPD is approved. She noted that sometimes there is a condition of approval stating that the MPD must comply with the Land Management Code. If that analysis under the LMC is not fully done at the time of the MPD approval where the intention might be to approve the density but the project has not gone through the architectural review or details of the Code, it can lead to some confusion down the line. Planner Ward remarked that the intent is for the MPD to go through all the relevant chapters of the LMC. For example, if a plat was being processed simultaneously with an MPD, the subdivision requirement would apply.

Commissioner Suesser asked if those terms were currently in a subsection that she could read. Planner Ward answered yes. She pointed to the titles of the particular chapters. If they were relevant to the MPD approval, the MPD application would be reviewed under those chapters prior to approval. Commissioner Suesser expected some type of financial assurance or bonding requirement that might be required of an applicant when she saw the chapter title. She asked if the City has any type of bonding or whether they look at the developer's financial capability to complete the project being proposed, and whether that is addressed in the Code. Planner Ward replied that there is nothing in the Code specific for the MPD approval, and she offered to look into it. She noted that there have been requirements as conditions of approval for a bond.

Commissioner Sletten stated that bonding for infrastructure is very common. However, trying to bond for a completion of a project would discourage development in Park City going forward. He did not believe any bonding company would take that financial risk. Commissioner Sletten stated that part of it has to do with market conditions. He thought they should assume that the lenders do a good job vetting the developer before giving them millions of dollars for a project.

Commissioner Kenworthy concurred. Another example is the recession that occurred 12 years ago when the banks went under. It was not the developer's fault, but they were not able to get the money to complete the project.

Commissioner Suesser clarified that she was not specifically talking about a completion bond. She was only asked if there was anything in the process that looks at completion and whether it was appropriate for the Planning Commission to look at who was presenting and who would be developing the project.

Director Erickson stated that looking at the existing MPDs, the Planning Commission was good about putting completion dates on certain things besides utilities. He noted that the Planning Commission also set dates on when housing needed to be done for Deer Valley and PCMR. Director Erickson believed the Planning Commission has that authority inside the document without a bonding mechanism. He stated that the obligation is on the Planning Department to make sure things are done before they bring forward future phases of the project.

Chair Phillips understood they were looking at the process more than the details. It appears the details are part of the second phase. He wanted to make sure that some of the issues from the Treasure Hill project are reviewed and considered. He recalled that a primary issue with Treasure was excavation and retaining walls, and whether or not retaining walls are structures. Chair Phillips thought it was important to make sure they learned a lesson from the Treasure Hill application. For him personally, retaining walls were a big issue and he would like to see that addressed at some point. Chair Phillips also thought it was important to make a determination on what constitutes a structure. He noted that Treasure Hill was proposing to put the retaining walls outside the building limits, and some were as tall as 100'. Chair Phillips recognized that Treasure Hill was an extreme situation and they may never see that situation again, but he would like to have that discussion at a later time. When that time comes, he would like to address whether retaining walls are structures or at what height they might be considered structures. He thought they should consider limiting a deviation from grade outside the building, similar to residential buildings. Chair Phillips reiterated his request for a review of Treasure Hill issues that caused concerns.

Chair Phillips stated that developments such as Promontory require providing the architectural design review committee with a 3D model. He works in that field and he knows that architects have a model for every MPD. He noted that there are various formats for 3D models, and he thought it would be a useful tool for the Staff. It would allow the Staff to make sure that what was being presented is accurate. He encouraged the Planning Department to look into requiring models for every MPD application, and possibly for residential projects.

Commissioner Suesser added back of house as an issue from Treasure Hill to revisit. It was a major issue and she would like clarity on how to better define back of house. Commissioner Sletten stated that Commissioners Phillips, Suesser, and Thimm are a treasure trove of information because they were on the Planning Commission during Treasure Hill. He thought it would be helpful for the rest of the Planning Commission if the three Commissioners could put together a list of general ideas from that project. It would be beneficial to understand what the three Commissioners learned during that process.

6.C. Affordable Housing Work Session

Planner Hannah Tyler stated that she would be joined by Rebecca Ward. Rhoda Stauffer and Jason Glidden, who were part of the Affordable Housing Development team were also on the line.

Planner Tyler stated that the objective this evening was to provide an update on affordable housing as it relates to both the Housing Resolution and Land Management Code amendments specific to Master Planned Developments for Housing. Planner Tyler stated that on the original schedule they intended to discuss incentive based MPDs for affordable housing; however, that was delayed because of the pandemic. She would be providing a new schedule later in her presentation. Planner Tyler noted that per the original schedule they were supposed to talk about the LMC this evening. For that reason, they wanted to update the Planning Commission on what the Staff is working on and that it was delayed but not forgotten.

Planner Tyler outlined the City Council goals, which were guiding the Housing Resolution and the LMC discussion. The goal is to have 800 new affordable housing units by 2026. The Council set an interim goal of 220 units by 2020. She noted that 132 units were completed; 279 were in process; 389 were either unidentified or unfunded.

Planner Tyler commented on the Housing Resolution. She recognized that the goals are aggressive, but the City has several tools to help create a framework for the new units through both obligations and incentives. The Housing Resolution is part of the framework for both assessing and controlling affordable units.

Planner Tyler reported that the City Council has requested a joint session with the Planning Commission on September 17th to discuss some of the issues that the Planning Commission raised earlier this evening; as well as issues identified by the Staff, City Council, Planning Commission, and applicants in the past. These include

exploring the housing obligations for larger homes, senior housing needs, obligations for MPDs in general, future MPD and annexation potential, and accessory apartments. Planner Tyler believed there was opportunity at the joint work session for all the ideas to come to the surface and for the Staff to get clear direction from the Planning Commission and the City Council to make sure they are effectuating the goals.

Planner Tyler noted that the City Council discussed housing at their June 11th meeting, and she thought it would be helpful for the Commissioners to listen to the audio from that meeting prior to the joint work session on September 17th. The Staff would email the Commissioners the written minutes from the City Council meeting, as well as the link to the audio.

Chair Phillips asked the Staff to provide anything else that would bring the Commissioners up to speed to avoid duplicating conversations on September 17th. Planner Tyler offered to provide all pertinent information by early next week.

Planner Tyler noted that the City hired Cascadia Partners as a consultant, and they assessed the previously proposed incentive-based density bonus program for affordable housing master planned developments. These were developments that were primarily affordable housing. Planner Tyler remarked that both the Planning Commission and the City Council have identified that the City and the developers through obligations are the only entities developing affordable housing. The goal is to find ways to encourage development of affordable housing by public entities, private entities, and through public/private partnerships. Cascadia Partners was able to go through the previously proposed amendments and provide proformas to help identify what in the Code needed to be changed to incentivize other groups to build more housing than what was obligated, and not just leave it to the City or whatever the developer was obligated to provide. Planner Tyler noted that Cascadia presented their finding in work session with the City Council and the Planning Commission. The recommendation from Cascadia was to reassess the required setbacks and open space, explore increasing building heights, and reducing parking requirements. Cascadia felt this was the only way to actually build any of the density bonus the City was trying to offer.

Planner Tyler stated that the recommendation was broken into two phases. The first phase was setbacks and open space and that has been accomplished. They also aligned the affordable housing parking with that of the regular MPD because affordable housing projects were required to provide more parking. Planner Tyler reported that the City was working on a contract amendment with Cascadia Partners to increase their scope of work to provide research and examples of other codes that have maximum building height increases and reduced parking for affordable housing; as well as

projects that were built using those codes. She noted that the Code is a living document that can be changed; but the Staff wants to make sure they get it right. Planner Tyler was hopeful that the work would begin sometime in August and the Staff would come back to the Planning Commission with Phase 2 in the Fall. Money was allocated in the new budget for funding because it is an absolute priority for the City.

Planner Tyler stated that the Land Management Code would be amended based on the outcome of the Housing Resolution update. Depending on how far they get in the Fall on the Housing Resolution, it will likely trigger future amendments to make sure that whatever the housing resolution direct people to do matches up with what they want in the LMC. The Staff will bring those to the Planning Commission in the Fall either in a work session or as Code Amendments.

Planner Tyler asked if the Planning Commission thought the Staff had missed any issues regarding affordable housing. Commissioner Kenworthy referred to the current timeline in the Staff report and asked Planner Tyler to define "in process". He noted that 279 units were classified as "in process".

Jason Glidden, the City Affordable Housing Manager, stated that "in process" means that the units are either in a planning approval process that could be associated with another developer, or units they know are coming into the pipeline with upcoming developments. Mr. Glidden remarked that the City has units in progress that the Planning Commission had not yet seen. In addition to Woodside Phase 2, other City projects are currently being worked on. There are also private developments with housing obligations that have estimated required affordable housing units as part of the development.

Commissioner Kenworthy asked if they would reach the goal of 220 units by the end of 2020. Mr. Glidden replied that due to some of the delays with the Woodside Phase II project, he was doubtful they would meet that goal. Commissioner Kenworthy thought that was understandable because of Covid-19.

Commissioner Kenworthy referred to Goal 2 and asked about the financial assessment that was supposed to occur by the end of 2020. He understood that the City was supposed to have a strategy in place for the housing authority bonds to build these units. Mr. Glidden replied that they were scheduled to go back to the City Council to see if they are ready to move forward with the model. He explained that it is a bond with the housing authority against future rents for these projects. That is how these rental projects will be funded. Mr. Glidden stated that those projects are targeted in the Arts and Culture District, and also at the Homestake lot. These projects were identified

for this funding, but they were still waiting for a final head nod from the Council to move forward on those plans.

Commissioner Kenworthy looked forward to the work session on September 17th where they could work with the City Council on the LMC.

Commissioner Kenworthy commented on locating affordable housing near transit. He asked for an update on the Transportation Master Plan. Planner Ward replied that due to Covi-19, completion of the Transportation Master Plan was also delayed. It was scheduled to be reconsidered later this year, but she did not have an exact date. Commissioner Kenworthy recalled talking at the last meeting about exponential growth abutting the City limits. It was evident that the annexation issue that recently came up would significantly increase the transportation issues on the 224 and 248 corridors. He thought it was important for the Transportation Plan to be the number one priority. In Visioning 2020, he believed the community told the City to be bold in making these solutions happen. Commissioner Kenworthy remarked that all the development starts with the transportation solutions that were envisioned. He was unsure if they even know what those solutions look like. Commissioner Kenworthy reiterated the need to make transportation the top priority.

Director Erickson thought the housing team would resolve the issue regarding housing approximate to existing transit hubs in a short time because the hubs exist, and the transportation system is working. Director Erickson pointed out that the other things talked about at the last meeting were out of the City's jurisdiction and will require regional transportation solutions with Summit County and Wasatch Counties, a MIDA. The problem is that none of those developments are dense enough to support an urban transportation solution. Director Erickson offered to work with transportation and update the Planning Commission.

Commissioner Kenworthy asked if this would affect the park and ride along SR248 that was recently discussed. Director Erickson replied that the Hideout solution may affect the park and ride. He noted that the City was still working out how to deliver transit to the Park and Ride and at what frequency. Those issues were still being resolved.

Director Erickson asked the Staff to comment on the relationship between the affordable units and the attainable units. Mr. Glidden stated that there will be a definition of attainable housing in the Housing Resolution and what it entails. Director Erickson noted that the Commissioners have raised that question and they could bring it up with the City Council on September 17th.

Commissioner Suesser asked if Vail and Alterra were engaged in the discussions and whether there was commitment from those two entities with respect to transportation and affordable housing, since they are the biggest employers in Park City. Mr. Glidden stated that the process of updating the Housing Resolution started with getting the high-level goals from the City Council. They have done research on other communities and how they addressed some of the issues the City Council raised. The housing team will have findings and options available for the September 17th meeting. From that point, they hope to open that engagement to the community in terms of how Vail and Alterra can partner with the City. Mr. Glidden clarified that they have not had that housing discussion with Vail and Alterra at this point.

Chair Phillips appreciated the update. He looked forward to the joint work session with the City Council on September 17th.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

7.A. Prospector Lot G Public Access Easement for Rail Trail – The Prospector Square Supplemental Amendment to Lot G Amended and Restated Plat Proposes to Maintain and Provide Pedestrian and Bicycle Access Between the Rail Trail and Prospector Avenue in Perpetuity and to Define Maintenance Agreements.

Planner Laura Kuhrmeyer reported that the applicant was only proposing to add an easement, part of which already exists but is not physically shown on the plat. She presented a slide and indicated the existing easement; as well as the proposed easement that would extend the easement from Prospector down to the Rail Trail. Trail access would then be accessed from Prospector Avenue instead of the middle of Lot G.

The Staff recommended that the Planning Commission open a public hearing and consider forwarding a positive recommendation to the City Council for the proposed plat amendment.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised to comment on Zoom.

Chair Phillips closed the public hearing.

Commissioner Suesser referred to an email the Commissioners received that afternoon with respect to the building going up in front of the Old Railway Station. She noted that

the building blocks the Old Depot sign and she believed the easement was close to that.

Director Erickson suggested attaching the letter to this application. He stated that the big block building was up against the Rail Trail. The little commercial building in the northwest corner is where the other section of the easement comes off. Director Erickson pointed out that they were actually increasing public access to the Rail Trail. The sign is on State right-of-way. If the sign needs to be moved, he will ask the Trails Department to follow up.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation to the City Council for the Prospector Square Supplemental Amendment to Lot G Amended and Restated Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Prospector Lot G Public Access

1. All findings within the Analysis section and the recitals of the Staff Report are incorporated herein as findings of fact.

Background:

2. The subject property is located at 1775 Prospector Avenue.
145

3. On May 28, 2009, the City Council approved the Prospector Square Supplemental Amendment to Lot G Plat Amendment, (Staff Report, Summary, Entry No. 898070).

4. On August 31, 2017, the City Council approved the Prospector Square Second Supplemental Amendment to Lot G Amending Lot 48A and Lot 48C Plat Amendment (Staff Report, Minutes, Ordinance 2017-29, and Entry No. 1085418).

5. On July 20, 2018, an Encroachment Agreement was recorded with Summit County (Entry No. 01095464) that allowed an underground parking garage to encroach into Prospector Square Property Owner's Association common area by ten feet (10').

6. On October 15, 2018, an Acknowledgement and Covenant Not to Build was recorded at Summit County (Entry No. 01099999). This Agreement prohibited the future construction of lot-line-to-lot-line buildings on both Lot 48A and Lot G, as it would not allow proper fire protection and window openings.

7. On December 13, 2018, a First Amendment to Encroachment Agreement was

recorded at Summit County (Entry No. 01103155) which modified terms and agreements of the 2018 Encroachment Agreement for the underground parking garage and to address the location and operation of a garage access ramp.

8. On May 30, 2019, an Easement Agreement was recorded at Summit County (Entry No. 01111714) between Prospector Square Property Owner's Association and SMP 1791 LLC. This Easement Agreement allowed two electrical transformers to be installed on Parcel No PSA-G-SP-AM.

9. On July 2, 2019, the Building Department issued a Building Permit for a new three-story office on the subject lot.

10. On April 22, 2020, the Planning Department received the subject Plat Amendment application. After working with the applicant on the submittal requirements, the application was deemed complete on June 10, 2020.

11. The Applicant proposes to maintain/provide a public easement for pedestrians and bicycles that will allow access from Prospector Avenue to the Rail Trail in perpetuity and to define maintenance agreements.

12. Staff finds good cause for this Plat Amendment as the proposal will grant a public easement for pedestrians and bicycles that will allow access from Prospector Avenue to the Rail Trail.

13. Staff recommends the Commission approve the Plat Amendment application because it complies with the General Commercial (GC) Zoning District requirements outlined in Land Management Code (LMC) Chapter 15-2.18.

Zoning District:

14. The site is within the General Commercial (GC) District and complies with Land Management Code (LMC) Chapter 15-2.18.

Lot and Site Requirements:

15. There are no minimum Lot Size requirements in the GC Zone, and the proposed lot contains 43,181 square feet.

16. The proposal complies with LMC §15-2.18-3(I)(2), Maximum Floor Area Ratio as there are no buildings on Lot G.

17. The proposal complies with LMC §15-2.18-3(I)(3), Setbacks as there are no buildings on Lot G.

18. The proposal complies with LMC §15-2.18-4, Building Height as there are no buildings on Lot G.

Other Applicable LMC Requirements:

19. The proposal complies with LMC § 15-3-3, Off-Street Parking as the Parking Agreement (see Exhibit G & H to July 22, 2020 Planning Commission Staff Report) requires that Lot G shall maintain the existing 102 Parking Spaces and the proposal does not affect the number of Parking Spaces available.

Public Notice Requirements:

20. Staff published notice on the City's website and the Utah Public Notice website on July 8, 2020.
21. Staff mailed courtesy notice to property owners within 300 feet on July 8, 2020.

Conclusions of Law - Prospector Lot G Public Access Easement

22. The proposal complies with LMC § 15-7.1-6, Final Subdivision Plat, as the Planning Commission and City Council will review the proposal for approval.
23. The proposal complies with LMC § 15-12-15, Review by Planning Commission, as the Planning Commission will review the proposal for compliance with the provisions of the state statute on recording of plats and ensure that all previously imposed conditions of approved have been satisfied.

Conditions of Approval – Prospector Lot G Public Access Easement

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat. The CC&Rs shall include a methodology for tie break.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten foot (10') public snow storage easement on Prospector Avenue shall be noted on the Plat.

7.B. Land Management Code (LMC) Amendment – Proposal to amend the LMC to address inconsistencies and amend prohibited siding and roofing materials. The proposed LMC amendments would affect LMC 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, 15-2.6, 15-4, 15-5-5, and 15-15.

Planner Kuhrmeyer noted that the Planning Commission previously reviewed the majority of these amendments last year when she came forward with the LMC changes for the Historic District. Some of the changes moved forward; however, the majority were put on hold until now. Planner Kuhrmeyer noted that the Historic Preservation Board reviewed these amendments and unanimously forwarded a positive recommendation to the Planning Commission and the City Council.

Chair Phillips asked if the HPB review of the amendments and their recommendation was from last year or recently. Planner Kuhrmeyer replied that the HPB reviewed the amendments and forwarded their recommendation on July 1, 2020. The Staff had to do a new application because the previous application had expired.

Planner Kuhrmeyer stated that the main changes included rearranging sections to make it easier to read and find things within the Code. Each section number should be the same for all the zones; however, some sections do not exist in all the zones. The sections that do exist in all the zones should be placed in the same numerical order.

Planner Kuhrmeyer stated that a change to the Setback Exceptions will clarify the setback tables in the Code. The current tables that address footprint, setback, and building were confusing because the footprint listed in the table does not necessarily match every lot if the lot is not exactly 25' x 75 or 50' x 75' or whatever is stated in the table. The proposed amendment provides better clarification. Planner Kuhrmeyer commented on an additional potential for decreased setbacks on corner lots if approved by the City Engineer. The exception request must be submitted to the City Engineering Department and the City Engineer will review and determine whether a decreased setback would be allowed. Planner Kuhrmeyer clarified that once a decreased exception is granted, no other exceptions can be used within that decreased side setback.

Planner Kuhrmeyer remarked that limiting window wells was another proposed change. She explained that people have proposed large window wells that are actually walkout patios. The Staff limited the size of window wells what is required by the Building Code. She believed the current requirements is 3' x 3', but they did not specify a size in the LMC so if the Building Code requirement changes, the LMC changes as well.

Planner Kuhrmeyer stated that another amendment allows shared driveways in both the side and rear setbacks. She pointed out that currently shared driveways are allowed in the side setbacks but not in rear setbacks. If the lots face each other they were not allowed to have a shared driveway. The Staff was proposing to allow shared driveways in the rear setback to keep the driveway and parking in the rear of the house if possible.

Planner Kuhrmeyer stated that there is still a four-foot grade change in the Code, but the proposed amendment would remove the language "around the periphery of the structure". Removing the language makes it clearer for the public and makes it easier for the Staff to enforce it the way it was intended to be enforced.

Planner Kuhrmeyer referred to the Architectural Design Guidelines and noted that vinyl was added as a prohibited material. Untreated metal window frames were added as an

inappropriate material in the Historic Districts and any historic sites outside of the Historic Districts.

Planner Kuhrmeyer noted that currently “shared driveway” is not defined. A definition for shared driveway would be included in the Definitions. The definition makes clear that a shared driveway is for two or more structures and not for one property that has multiple parking areas in the rear or the side.

Planner Kuhrmeyer noted that the remaining changes were scrivener’s errors, typos, punctuation, and changes to the order.

Commissioner Sletten referred to the bottom of page 176, and the language inserted on the second to the last line of the redlines. He asked for clarification of “sight triangle”. Planner Kuhrmeyer used the example of coming out of a parking lot and having the ability to see to the right and the left to make no traffic is coming in either direction. She believed the term “sight triangle” is used in the Engineering section of the Municipal Code.

Chair Phillips opened the public hearing.

Planner Kuhrmeyer stated that she had received an email from Sean Kelleher that was forwarded to the Planning Commission prior to the meeting. It would also be posted on the website and included as part of the record.

Planner Kuhrmeyer noted that Mr. Kelleher had questions and concerns regarding accessory buildings. She responded to his concerns and explained why the Staff was not concerned about the issues raised. Planner Kuhrmeyer believed Mr. Kelleher was confusing accessory buildings with accessory dwelling units, which are different.

Planner Kuhrmeyer stated that Mr. Kelleher’s first concern related to the images shown after line 190 and after line 252 of the redlines in the Staff report.

Planner Kuhrmeyer pulled up the two images referred to in the email. She noted that Mr. Kelleher pointed out that the size of the main building in the two images were substantially different. His concern is with maximum footprint and whether or not the accessory structure is included in the maximum footprint. He also questioned why anyone would use an accessory building if it counts towards footprint and cannot be used for sleeping, bathrooms, kitchens, etc. Planner Kuhrmeyer stated that the images referred to are within the setback exceptions and not within the footprint part of the Code. The images specifically show where the accessory structure can be located on the lot. It does not try to portray maximum footprint or any accurate square footages.

Planner Kuhrmeyer remarked that the Staff could add an asterisk under the image with language stating that this is solely for accessory structure location and not house size or accessory structure size.

Chair Phillips understood that the sample accessory structure was just a structure and not habitable space. Planner Kuhrmeyer replied that he was correct. It cannot be a dwelling unit. She noted that Mr. Kelleher brings that up in his email and she would go over it more in-depth at that point. Chair Phillips clarified that a dwelling unit needs to be within the setbacks. Planner Kuhrmeyer answered yes. Planner Kuhrmeyer remarked that the images Mr. Kelleher was referring to have been in the Code since 2018. Blurrier versions were in the Code since 2000 or earlier.

Planner Kuhrmeyer stated that accessory buildings are included in the maximum footprint. The definition of building footprint in the Code states that the building footprint is the total area of the foundation of the structure, or the furthest exterior wall of the structure projected to natural grade, not including exterior stairs, patios, decks, and accessory buildings listed on the Park City Historic Structures Inventory, that are not expanded, enlarged, or incorporated into the main building. Planner Kuhrmeyer clarified that the only time accessory structures are not included in the footprint is when they are listed on the HSI. Otherwise, they do count towards the maximum footprint for the lot.

Planner Kuhrmeyer noted that Mr. Kelleher had stated that accessory buildings may not contain sleeping areas, bathrooms, or kitchen. She wanted it clear that a bathroom is not prohibited in the accessory structure. For example, if someone puts an office or a yoga studio in an accessory structure, they could include a bathroom. She clarified that the definition of an accessory building prohibits the structure from becoming a dwelling unit so it cannot have a bedroom or kitchen.

Planner Kuhrmeyer stated that Mr. Kelleher was also concerned about the definition of accessory building. He points out that the definition includes ancillary structures, and ancillary structures can only be one story, and without a building permit, it can be no larger than 250 square feet. Planner Kuhrmeyer responded to that concern by noting that the setback exception for accessory buildings is meant to allow either type of accessory structure. It would allow an accessory building to be up to 18', but it does not need to be that size. Planner Kuhrmeyer pointed out that a 200 square-foot shed that is only one story is allowed, but so is an 800 square foot 2-story building that might have a garage and office space.

Planner Kuhrmeyer noted that the last part of Mr. Kelleher's email summarized his main concerns. He stated that the accessory building square footage in a rear yard setback

is independent of the main building maximum footprint. Planner Kuhrmeyer clarified that it is not independent, and accessory buildings do count towards the maximum footprint unless they are listed on the Park City HSI. She also clarified that an 18' tall accessory building can be two-stories. An example would be to use a low ceiling lower level as storage. Mr. Kelleher suggested lowering the maximum height for an accessory building that is entirely in the rear yard setback to minimize its impact on surrounding homes. Planner Kuhrmeyer stated that as she previously mentioned, the intent is to allow either an ancillary building or a two-story building, and not to limit it to one-story or to only one story with storage above. She stated that if any of the Commissioners wanted to consider reducing the height, it would create several non-compliant structures since many accessory buildings are 18'.

Planner Kuhrmeyer noted that Mr. Kelleher also requested clarifying office space as an allowable use in an accessory building. Planner Kuhrmeyer believed that was already clear based on the definition of an accessory building, which only prohibits dwelling units. Any other use allowed in the zone would be acceptable.

No eComments were submitted and no hands were raised to comment on Zoom.

Chair Phillips closed the public hearing.

Chair Phillips commented on the difference between an accessory structure versus an accessory dwelling unit. He asked Planner Kuhrmeyer to explain why an office is allowed but the City does not it to be a dwelling unit. Planner Kuhrmeyer clarified that she was not at the City when that requirement was put in the Code, but she assumed it was because a dwelling unit would put a residence within the accessory structure where the setbacks are already reduced. She pointed out that in some zones, the setback for an accessory building can be as minimal as 1' off the property line. She believed the idea was to limit residences that would only be 1' away from the property line. Planner Kuhrmeyer remarked that an accessory dwelling unit would also require additional parking and that would also be close to the property line.

Chair Phillips thought it was worth looking at to try to create more work force housing, recognizing that reviewing the dwelling unit component could be controversial. He clarified that he always looks for ways to incentivize accessory units, but he also understands the impacts. Chair Phillips thought it was worth exploring any opportunities where an accessory dwelling unit could be put inside the boundary with normal setbacks, but not count against the footprint of the home in exchange for a deed restriction on the accessory dwelling unit. Chair Phillips realized this was a discussion for another time. Planner Kuhrmeyer thought it was a good idea that could be discussed at a work session.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments to Sections 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, 15-2.6, 15-4, 15-5-5 and 15-15 as outlined in the Staff report. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission Meeting adjourned at 7:20 p.m.

Approved by Planning Commission: _____