

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 22, 2019

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Hannah Tyler, Planner; Mark Harrington, City Attorney

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ROLL CALL

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

ADOPTION OF MINUTES

April 24, 2019

Commissioner Van Dine referred to page 4, paragraph 7, and changed "...more bike use this quarter with the emergency of e-bikes, to correctly read, the **emergence** of e-bikes. On page 5, paragraph four, she changed the sentence, "Ms. Collins stated that they an evaluation...." to correctly read, "That **an** evaluation was done".

MOTION: Commissioner Sletten moved to APPROVE the Minutes of April 25, 2019 as corrected. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

City Attorney Mark Harrington introduced Margaret Plane, a new member in the City Attorney's Office. Ms. Plane is the former attorney for Salt Lake City, and she was recently appointed by the City Council as Special Counsel in the Legal Office. She will directly serve the Mayor and the City Council. Mr. Harrington stated that he and Ms. Plane will be splitting the duties with the City Council; however, the Planning Commission will occasionally have the benefit of her guidance starting with the June

12th meeting. Mr. Harrington outlined Ms. Plane's experience and expertise and he was pleased to have her on his Staff.

Director Erickson announced that two new planners would be starting in the Planning Department on May 31st. One came from Summit County Dispatch. She is used to working with the Police and Fire Departments and working long hours. The other planner is coming from the City Attorney's Office. Her qualifications include a Masters in Planning and a JD. She will primarily be helping to write land use Code. Director Erickson also recognized Caitlyn Barhorst, the new Historic District Planner. He was continuing to interview for one additional position in the Planning Department.

Director Erickson announced that he and Mr. Harrington were working on scheduling the State Ombudsman for a meeting in late June or early July for Land Use Training. He will explain how the State Ombudsman operates and how that office functions.

Commissioner Sletten reported that he had stopped by the community meeting to check out the attendance. He did not stay or speak to any attendees, but he thought it was well-attended.

Commissioner Kenworthy reported that he had attended the Park City Forward Transportation meeting that was led by the consultant, Nelson Nygaard. They are now moving into modeling the concepts and identifying the projects and programs and the best policies. Some will be dropped and others might be added moving forward. The data collection has been compiled and the committee will look at the potential options. Commissioner Kenworthy noted that City Hall has a goal of reducing the entry corridor trips by 25%.

Chair Phillips disclosed that he previously had a working relationship with Jarrett Moe, the Architect for the Woodside Park Phase II items on the agenda. He and Mr. Moe worked on several projects together and Mr. Moe also assisted Chair Phillips in designing his house that he never built. Chair Phillips did not believe his association with Mr. Moe would affect his ability to fairly discuss the items and he would not be recusing himself.

CONTINATIONS – Public Hearing and Continue to Date Specified

1. Twisted Branch Subdivision. (Application PL-17-03664)

Director Erickson stated that the Staff and the applicant were still working through the intricacies of the Flagstaff Development Agreement and the private road. He requested

that the Planning Commission conduct a public hearing and Continue this item to June 26, 2019.

City Attorney clarified that one item was still being discussed in terms of the Staff recommended condition of approval regarding the status of the road. It is a complicated discussion involving several people, including the HOAs.

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

MOTION: Commissioner Thimm moved to CONTINUE the Twisted Branch Subdivision to June 26, 2019. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION – Capital Projects Review

Director Erickson announced that Nate Rockwood, the Capital Budget Manager, was called away and was not able to make a presentation to the Planning Commission this evening. This item will come back to the Planning Commission at a later date. Director Erickson stated that the main purpose of the presentation was to talk about roads and other projects that will be funded in 2020.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

VIIA. Woodside Park Phase II Affordable Housing Project – Plat Amendment
(Application PL-18-03817)

VIIIB. Woodside Park Phase II Affordable Housing Project – Master Planned Development (Application PL-18-03822)

VIIC. Woodside Park Phase II Affordable Housing Project – Conditional Use Permit (Application PL-18-03862)

Planner Tyler would present all three items in one presentation. A public hearing would be opened on the plat only and a separate public hearing on the MPD and CUP. Three separate actions were required.

Planner Tyler introduced Jarrett Moe, the project architect, and Jason Glidden, the City Housing Development Manager.

Planner Tyler provided a project overview of Woodside Park Phase II. The project team was proposing a series of land use applications for Phase II of the Woodside Park Affordable Housing project. Planner Tyler remarked that this project was a significant step towards implementing the City's Affordable Housing critical priorities.

Planner Tyler stated that the proposed project is in the RC Zone and contains 58 units; of which 52 units would be affordable and six units will be market rate. The three applications before the Planning Commission included a plat amendment creating a three lot subdivision, an MPD, and a Conditional Use Permit.

Planner Tyler reported that the Planning Commission discussed these applications in a work session on March 27th. At that time the Commissioners directed the Staff to address specific items. Those items were addressed in the Staff report and would continue to be addressed in the presentation this evening.

Planner Tyler had distributed copies of three emails that were sent to the Planning Commission as public comment after the Staff report was published.

Planner Tyler stated that one request from the Planning Commission on March 27th was to discuss the public comment, and the interpretation of which section of the Master Planned Development Code should apply. She pointed out that the crux of most of the public comment is that the project does not comply with the Land Management Code. The Staff had addressed the issue in the Staff report, and the Staff continues to find that the project can be reviewed using LMC 15-6-5, which is the Standard Master Planned Development section. The Staff finds that Section 15-6-7, the Master Plan Affordable Housing Development Code, applies to applications that are 100% affordable. This project is not 100% affordable; therefore, Section 15-6-7 could not be used and the applicant did not file under Section 15-6-7.

Planner Tyler provided an overview of the site showing the current conditions. She presented the certified survey submitted by the applicant. She pointed to the existing buildings on the site; and later in her presentation she would explain why this was considered to be a redevelopment site. Planner Tyler stated that the uppermost building in red was the Senior Center. The structure has a panelized plan that was put together through the Woodside Phase I project. The larger comprehensive plan is to have two developments, which is why the panelization plan was addressed in Phase I. Planner Tyler remarked that the middle two structures on the slide were two non-historic sheds that would be demolished. The lowest structure on the slide was a Significant structure at 1302 Norfolk. The City acquired the structure and deemed it to be historic.

Planner Tyler highlighted two locations on the site. A green circle identified the location of 1323 Woodside Avenue. The building was demolished in 2009 after going through the CAD process. It was listed as Significant on the Historic Sites Inventory and the structure was relocated to 1353 Park Avenue as part of the Woodside Park Phase I. The relocation went through the HDDR process and was approved by the Historic Preservation Board based on the relocation criteria. Planner Tyler pointed to a second green circle, which was the location of a previous building at 1330 Empire. It was previously known as 1350 Empire. In 2003 the owner applied for a Determination of Significance to remove the single family dwelling at this location from the Historic Sites Inventory. The Historic District Commission agreed and the structure was removed and demolished in 2005. The building no longer exists and it is not listed.

Planner Tyler presented an aerial of the 2003 USDA Farm Service Agency imagery. She indicated 1323 Woodside before it was relocated and demolished. She also pointed to the structure previously known as 1350 Empire but currently addressed as 1330 Empire.

The Staff found that given the current conditions with the structures on the site, as well as the previously demolished structures, that this project would be considered a redevelopment. The Staff would use that as criteria as they move forward with some of the discretionary actions by the Planning Commission.

Planner Tyler provided an aerial project overview showing the same orientation of the previous slides and what was being proposed. On the right-hand side were two sets of triplexes, identified as the Woodside townhomes. The Triplexes abut Woodside Avenue and they are directly accessed off of Woodside Avenue. The two stacked flats are in the center of the property. The lower stacked flat abuts Norfolk Avenue and will have direct access from Norfolk, in addition to the public access easement in the middle. On the left side were five market rate townhomes abutting Empire Avenue. Those units are separately parked and separately accessed via Empire. The vehicular access for all the other units will be on Woodside, with the exception of the small piece that abuts Norfolk. Planner Tyler pointed to 1302 Norfolk on the bottom, which is the Significant dwelling that will be retained as a market rate unit and sold to a future buyer for future development.

Planner Tyler presented a cross-canyon view that was pulled from the renderings provided by the architect.

Planner Tyler identified the plat layout and how it would look on the actual buildings. The connection to Norfolk Avenue would accommodate a sewer easement. The Staff

worked closely with Snyderville Basin to make sure there was no pumping up to Empire Avenue. Planner Tyler believed the impact was greater to the City, but it resulted in a better product for the future owner. She noted that the affordable housing units would all be located on Lot 2. Planner Tyler presented an actual rendering of the project.

Planner Tyler discussed the Master Planned Development criteria and the CUP. She stated that the MPD has a series of criteria A-0. All the criteria were addressed in the Staff report. In her presentation, she only intended to address the criteria the Commissioners had comments on and any others that were pertinent to the discussion this evening.

Planner Tyler commented on Criteria A, Density. She noted that density in the RC zone is measured using Floor Area Ratio. The FAR in the RC zone is 1.0. The proposed project has an FAR of .938. Therefore, the proposed project is less dense than what could be built within the project boundary. Criteria B was not applicable. Planner Tyler noted that Criteria C, Setbacks, was discussed on March 27th and the Commissioners generally supported a setback reduction so the development could align with the neighbors. She stated that the front yard setbacks are 20' and consistent with what is required in the RC zone. The setbacks on Woodside are also 20'. When including Woodside Park Phase I, the setbacks still align.

Planner Tyler stated that the Staff was recommending that the Planning Commission consider the exception for an additional reduction within the interior lot lines of this property, as discussed on March 27th. Lot 1 extends down to Norfolk Avenue to accommodate the sewer easement. When that occurred, it adjusted where the internal stacked flats aligned and cut into where the setback was originally planned. The request was to reduce the setback for the interior lot line from 10' to 5'. Planner Tyler noted that the separation between the lot and the building was actually 15'. Therefore, the setback between the building and the next developing neighbor was greater than the minimum setback required in the zone. Setbacks in other areas on the property comply.

Planner Tyler commented on Criteria D, Open Space. She clarified that open space was actually 44.62% which was different than the percentage written in the Staff report. The resulting change was only .14 less. The Findings would be updated to reflect the accurate percentage. Planner Tyler stated that on March 27th the Planning Commission requested that the Staff outline and provide an explanation of the usable open space versus the rest of the open space. The Architect had provided that explanation in the packet they delivered. The Architect identified that 34.19% of the site would be usable open space, as represented in the hatched area. Planner Tyler stated that the justification for the Planning Commission to grant an open space reduction to 30% is

whether adequate public project enhancement is provided. She noted that public enhancements for this project include affordable housing, the public pedestrian plaza, pedestrian linkages, public art, excess bicycle parking, and a trail connecting Norfolk Avenue to the central gathering area.

The Staff recommended that the Planning Commission consider the open space reduction consistent with the treatment of other MPDs of this scale; and because the applicant met the project enhancements as outlined in the LMC.

Planner Tyler commented on Criteria E, Parking. On March 27th there was a slight change in the unit numbers and the parking was adjusted accordingly. She explained that originally there were six market rate units on Empire Avenue and that was reduced to five units. Planner Tyler noted that the applicant was providing 71 parking spaces. The proposed project triggers a requirement of 63 spaces, resulting in excess parking spaces provided. Planner Tyler noted that the project triggers 8 bicycle parking spaces; however, the applicant was providing 36 bicycle spaces.

Planner Tyler commented on Criteria F, Building Height, and emphasized that the applicant was compliant with the maximum building height. No height exception was being proposed.

Planner Tyler commented on the possible connection to Norfolk Avenue. She presented a slide showing the proposed connection. Planner Tyler remarked that there was a request to connect Norfolk Avenue, particularly with the proximity of Library Park, which would allow users, especially those with dogs, to avoid having to walk on Woodside Avenue. It was a great comment and the applicant had proposed a good alternative. Planner Tyler noted that there were concerns over the connection to the Resort. As pedestrians go through the center area and up the stairs, the question is where they go once they reach Empire Avenue. Planner Tyler stated that after the March 27th meeting, the Staff met with the Engineering Department and the Transportation Planning Department to understand what was coming in the future. Since no work was being immediately proposed at the base area, the Staff recommended that the Planning Commission add a condition to the Master Planned Development to require installing a sidewalk on Lot 1 of this project adjacent to Empire Avenue. The sidewalk may go nowhere now, but future transportation plans are coming forward with pedestrian improvements and the idea is to be ready to link into those at any time. Planner Tyler stated that the Transportation Planning Department also had ideas on striping for the base area parking lot to allow for a connection onto Empire Avenue. They will need to work with the base area on striping the parking lot because they are not required to do so as a private property owner. Planner Tyler

remarked that there are other things that can be done on this project to be prepared to connect to future development.

Planner Tyler responded to public comment regarding the historic preservation of 1302 Norfolk Avenue. There were concerns about compliance with the Design Guidelines. Planner Tyler reiterated that no work was proposed to the physical structure of 1302 Norfolk Avenue; and any work in the future would require a Historic District Design Review. Public comments suggest that there are impacts to the site that would render the site not compliant with the Design Guidelines.

Planner Tyler explained that the applicant was proposing a shared driveway, which would allow for the proposed parking area to be sited at the rear of the structure. The Design Guidelines recommend siting parking in the back because it mitigates vehicular impacts on the front façade of the structure. Planner Tyler thought this was a good example of a project being able to accommodate a shared driveway since agreements between neighbors are not always possible. Planner Tyler remarked that Historic District Design Guidelines C1.1, C1.3, C2.1 and C.23 specifically speak to this issue. The Staff found that the proposal complies more with the Design Guidelines than it would without the shared driveway area. Planner Tyler stated that significant vegetation would be removed; however, adequate vegetation replacement was being proposed. She noted that LMC 15-5-5(N), the landscaping section of the Architectural Review, specifically talks about the replacement of significant vegetation and the applicant's proposal exceeds what the LMC requires.

Chair Phillips referred to the Norfolk side and a parking spot that appears to go into the lot. He asked if the parking stall was dedicated to the historic house. Planner Tyler answered yes. Chair Phillips asked if the stall would require a turnaround. Planner Tyler answered no. Chair Phillips clarified that it was strictly a parking stall. Planner Tyler remarked that historic sites are exempt from parking requirements; therefore, the parking stall exceeds the requirement. She explained that the parking stall was included in the parking total because parking within the entire project boundary must be considered.

Chair Phillips understood from an earlier comment that the City did not intend to do anything with Lot 3 and would likely sell it for future development. Jason Glidden clarified that the City had not yet made a final decision on Lot 3. He believed it was going to the City Council for a policy decision on the lot. Once the City obtains renovation cost estimates, they will determine whether it would be cost effective to renovate the house and resell it. However, the current thinking is that it would be more beneficial not to invest that money into renovation and allow someone else to purchase the lot and renovate it themselves.

Commissioner Suesser asked about the lot under the plant legend that was adjacent to the project. Planner Tyler stated that Gary Knudsen owns the lot. Chair Phillips recalled that the City previously purchased the upper portion from Gary Knudsen. Planner Tyler replied that he was correct.

Commissioner Sletten asked about the sidewalk on Empire Avenue. Planner Tyler stated that the Staff was proposing to add a condition of approval to require a minimum 4' sidewalk on the site. The Staff understands that the sidewalk would not connect to any other development, but it will be noted on future plats as increased pedestrian access.

Commissioner Van Dine asked if there would be crosswalks in the area to cross to the parking lot. Mr. Glidden stated that he had put in a request for crosswalks starting at City Park across Park Avenue. He had also requested one at Woodside and another at Empire. Mr. Glidden stated that currently there is a sidewalk on the other side of Manor and another crosswalk at the top of Manor. He suggested the possibility of a second sidewalk on the other side of Manor to connect to the Resort. If there were issues negotiating with the Resort to restripe the parking lot, there would be alternative ways to reach the Resort safely.

Jarrett Moe, the project architect, presented slides of the project and explained the design philosophy behind Phase II. He stated that they began looking at Phase II as an extension of Woodside Phase I by providing well-designed urban infill to benefit the future owners and the City as a whole. Mr. Moe reviewed an image of the Woodside Avenue streetscape looking from northwest to the southwest. He stated that good design starts by analyzing the current site and the natural characteristics of the neighborhood, and proposing a solution that fulfills the multitude of problems; not just a few. Mr. Moe stated that Woodside Phase II defines the goal of good design and provides solutions under the current allowed density by providing appropriate massing and street presence; pushing the limits of sustainable housing by providing a project that will produce as much energy as it uses on site; promoting walkability and alternative modes of transportation; reducing the presence of surface parking by providing parking underground; and increasing movability through daylight and access to the outdoors.

Mr. Moe reviewed slides and described the theory of breaking up the massing and how it was accomplished. They provided a standard means of development that would accentuate the pedestrian walkway, and to give the residents of this project and the community the opportunity of plaza space to promote a sense of community. Mr. Moe stated that instead of a single mass, they broke it up into a series of six different

massings; which included a series of massings off Empire Avenue; two sets of townhomes off Woodside Avenue; and pushing the majority of the massing to the center of the lot where they could utilize the terrain change to bury parking and mitigate the effects of the height of the structure; while providing the appropriate number of units to help fulfill the City goal of sustainability. Mr. Moe stated that they tried to preserve and increase the livability in Park City by breaking up the massing and providing a plaza at the residential entry level to increase substantial daylighting and ventilation; increase access to the outdoors by providing each unit with a patio or deck space; provide compatible neighborhood infill; human scale massing at the street, and increased human street presence. They tried to increase human interaction by placing patios and common spaces adjacent to pedestrian travel paths. Mr. Moe stated that they were looking to increase walkability by preserving the connector that was originally designed in Woodside Phase I, and bringing it across Woodside Avenue to the crosswalk and continuing it on with stairways that lead up to the plaza and all the up to Empire. He was working with the Engineering and Transportation Departments to provide a greater connection to the Resort Base. A pathway is being provided from the plaza around the west side to Norfolk Avenue to increase the different means for people to walk or bike to various parts of the project.

Mr. Moe stated that by pushing the massing to the center, they were able to increase the public plaza space and decrease the feeling of density by providing a more generous horizontal clearance, which allows for a more inviting atmosphere.

Commissioner Suesser asked if there were parking stalls next to the 16 units stacked flats. Mr. Moe replied that there were a few service parking stalls.

Chair Phillips asked about the width of the stairs behind the Empire townhouses. Mr. Moe replied that the stairs were 8' wide. Chair Phillips commented on the amount of hard surface and asked if it would be heated or shoveled. Mr. Moe stated that they were developing plans with the City for shoveling. Due to the net zero sustainability goal, they were trying to avoid heating.

Chair Phillips wanted to know who would be responsibility for shoveling. Mr. Glidden stated that the idea is that that the HOA would be responsible for shoveling the walkways and that work would be contracted out to a service provider. The City Department that does most of the snow clearing would contribute funds to the HOA for a percentage of the contract for snow clearing. Chair Phillips commented on the large open areas and the amount of snow that will need to be removed. He asked if it would be strategically piled to keep open the public access.

Commissioner Suesser asked if the driveway would be heated. Mr. Moe answered no. Mr. Glidden stated that it would be similar to China Bridge where a sealant coating would be applied to minimize icing and slipperiness. Commissioner Suesser asked if the driveways would be sloped. Mr. Moe replied that there would be a slight slope going down into the buried parking structure.

Mr. Moe explained how they looked at bringing the bike storage to a secure location and provided a more streamlined approach to storing and carrying bikes. Mr. Moe presented images of the widened walkway to the plaza level from Woodside Phase I up the stairs to Empire Avenue. He stated that widening the pathway creates a more inviting avenue and it also better accommodates snow storage.

Mr. Moe presented the proposed building materials and the aggressive sustainability goals. He pointed out that it is difficult to achieve net zero energy with a multi-family housing project. Strict guidelines were set from the beginning in terms of how to achieve net zero and not contribute further to the carbon footprint in the area. Mr. Moe outlined everything that was being implemented in the project to reach 70% below the standard. The energy being produced would be offset by providing a large solar PV array.

Mr. Glidden stated that planning for this project began ten years ago and development of the area was always envisioned as Phase I and Phase II. Most of the community benefits are a culmination of both projects. Mr. Glidden remarked that the City has four critical priorities. This is an affordable housing project, but it also helps to achieve the other goals they are striving to reach. Building these types of developments at an affordable rate and bringing some of the work force back into the community helps to reduce traffic. It also increases the vibrancy of the neighborhoods that was lost to second homes and nightly rentals. Mr. Glidden commented on connectivity, walkability and many other community benefits this project provides.

Mr. Moe presented a fly around digital model of the project in context with Woodside Park Phase I.

Commissioner Van Dine referred to the east and west buildings and ask how many units were in each building and the scale. Mr. Glidden did not know the actual number, but he believed Mr. Moe could speak to scale and height. Mr. Moe stated that the roof height of the neighbor to the north sits at 69.44 feet in elevation. The neighbor to the south is at 69.37 in actual elevation. The roof heights for the Woodside Park Phase II stacked flats sit at 69.31, with a small extension of a parapet at 69.35'. The highest point on the townhouse ridge is 69.27'. Mr. Glidden pointed out that the property to the

north is 9' higher at its highest point compared to the highest point of this project. This project is 4' lower than the property to the south.

Commissioner Kenworthy stated that in March the City looked at public transportation stops on Park Avenue. He asked if they considered moving those stops any closer to the center walkway. Planner Tyler replied that the Planning Department had not had a discussion with the Transit Department about moving a bus stop. Mr. Glidden pointed out that there was a bus stop directly across the street from Woodside Park Phase I at City Park. There is another stop lower down on Empire. Mr. Glidden stated that the difficulty in placing a stop closer on Empire is the actual turn and the close proximity to the Resort. Commissioner Kenworthy clarified that he was more interested in the stops on Park Avenue. Planner Tyler remarked that 1333 Park Avenue was the historic house on the southernmost point of Woodside Park Phase I, and she pointed to the closest stop to that location.

Chair Phillips opened the public hearing on the plat amendment.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE Recommendation to the City Council for the June 6, 2019 meeting for the Woodside Park Subdivision Phase II plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as contained in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Chair Phillips opened the public hearing on the MPD.

Nikki Deforge, legal counsel representing Doug Lee, stated that Mr. Lee has owned the home immediately north of the Empire Townhouses for over 40 years. He has seen a lot of changes over the years, and he is very concerned with the size of this project and other issues that he does not feel are compliant with the Code. Mr. Lee supports the concept of affordable housing, but he wants to make sure the project complies with the Park City ordinances. He disagreed with the Staff and the City Attorney's opinion that this project does comply.

Ms. Deforge had submitted a letter to the Planning Commission as public comment, which was included in the Staff report, and she highlighted some of the key points. One

issue was the question of which provision of the LMC complies. It is her client's position that LMC 15-6-7, the Affordable Housing Master Planned Development, is the more applicable provision; as opposed to 15-6-5, Master Planned Developments; which the Staff asserts is the appropriate provision. Ms. Deforge noted that the Staff believes that 15-6-7 is only triggered if the project is 100% affordable housing on the MPD. Ms. Deforge remarked that there is nothing in the ordinance that limits the application to 100% affordable housing and she disagreed with the Staff interpretation. She pointed out that when there is a conflict between the application of two ordinances, the Code specifically states that the more restrictive provision governs over the less restrictive provision and the provision more specific in application governs over the more general provision. In this case, she believed LMC 15-6-7 governing master planned affordable housing developments such as the one proposed is the more specific provision. Ms. Deforge explained why she did not believe the project as proposed did not comply with LMC 15-6-7, as outlined in her written letter. Ms. Deforge did not think it made sense that the purpose of the provision was to only encourage 100% affordable housing. She believed the purpose was to encourage any affordable housing.

Ms. Deforge stated that the City also made the argument that to apply 15-6-7 to affordable housing projects that are less than 100% affordable housing would create conflicts with the provisions for MPDs. She did not believe that made sense because by that logic, this project could never be built. Even if there was 100% affordable housing, there are still provisions regarding open space, density and other things that conflict with the provisions in 15-6-5 and 15-6-7.

Ms. Deforge stated that not all of their arguments turn on the issue of the applicable LMC provision. She commented on other areas where they believe this project does not comply with either LMC 15-6-5 or 15-6-7.

Ms. Deforge stated that parking was a primary issue. She appreciated the City's recognition that the townhouses did not comply with the parking requirements and the parking plan was modified. However, they argue that the parking was still insufficient per the Code parking requirements.

Open space was another issue. Ms. Deforge stated that the open space proposed did not comply with either LMC Section 15-6-7 or 15-6-5. She believed there was no legal basis for concluding that the City only needed to provide 30% open space rather than the 60% mandated by 15-6-5. She noted that the Staff report states that the Planning Commission has the authority to reduce the required open space in exchange for project enhancements. Ms. Deforge pointed out that the statement in the Staff report was not completely accurate because that was only one of the requirements to reduce open space. The first requirement for an exception is that the project must be a

“redevelopment of existing development”. Project enhancements are the second part. Ms. Deforge argued that a portion of this project consists of vacant lands and open space, including the Empire property that has been vacant for nearly 20 years. The fact that the lots may have had structures on them at one time provides no legal basis for invoking this exception in the absence of any existing development. If an entire lot is vacant, and likely 80% of the development is vacant, she was unsure how the Staff could determine that the requirement of a redevelopment of an existing development is triggered in order to allow the Planning Commission to reduce the open space. Ms. Deforge stated that if the Planning Commission allows this reduction they would be opening the door to a very large exception that would effectively diminish the rule of having to be a redevelopment of an existing development.

Ms. Deforge remarked that setbacks were another issue. She stated that there was no dispute over which ordinance would govern because both require a 25' setback over the entire boundary of this property. The City was requesting a reduction of 20' for the front setback and 5' for the remainder of the property. Ms. Deforge stated that in the Staff report, the Staff argues that the Planning Commission has the discretion to do that simply to match the adjacent property setbacks. However, that requirement is nowhere in the ordinance. She stated that per the ordinance, the only basis for the Planning Commission to reduce setbacks is “to provide architectural interest and variation”. Based on that language, she did not believe there was justification to reduce the side setbacks. Ms. Deforge remarked that setbacks are a key issue because the setbacks directly affect the neighbors. She did not believe the Planning Commission should reduce the setbacks unless it complies with the requirement to provide architectural interest and variation or if it is necessitated by the geography.

Ms. Deforge that the Historic Preservation Guidelines was another issue. The City claims that no historic guideline would be triggered unless the historic structure itself is altered. She disputed that claim because the ordinance states that the project requires design review approval if it is listed on the Historic Sites Inventory, which it is, and there are plans to entertain major alterations on an existing structure; make minor alterations other than routine maintenance of the existing structure; construct an addition on to an existing structure; add or remove a deck or elements or light fixtures; use part or all of the existing structure as an accessory; build a new structure of the principle structure for an accessory structure.

Ms. Deforge remarked that the Guidelines pertain to more than just the historic structure itself. She pointed out that in this project, many things were being done to the historic lot and around the historic structure. Lot lines are being changed and driveways are being poured along the back of the historic house; and there is talk about removing existing vegetation. She believed these things, as well as other items outlined

in the bullet points of her letter, contradict the Guidelines. Ms. Deforge disagreed with the City's interpretation that the applicant could make the proposed changes without a Historic Design Review.

Ms. Deforge stated that the City, as an applicant, should do no less than what they expect from other developers. If City-sponsored projects are not required to comply with the ordinances and design guidelines, it will be difficult for the City to require developers to comply on future projects.

Ms. Deforge noted that the neighbors support affordable housing and they are not saying "not in my backyard". They support this project but they want it built according to the requirements in the ordinance and the guidelines to mitigate the impacts that affect the neighbors and the neighborhood. Ms. Deforge requested that the Planning Commission require this project to meet the setback requirements, open space requirements, and the design guidelines; and to look at development alternatives.

Doug Lee, representing his family as the owners of 1356 Empire Avenue, stated that he had submitted written public comment. He remarked that his written comments in his comments this evening pertained to the MPD and CUP applications. Mr. Lee stated that his family has owned the house on Empire, north of this project, for 40 years. Since that time the City and the traffic have grown exponentially since that time.

Mr. Lee he has a degree in architecture and he originally specialized in developing in Historic Districts. He believed his experience gives him good insight into the into the issues surrounding this development. Mr. Lee emphasized that he is a strong supporter of the City's efforts to generate more affordable housing. However, he has concerns with the impacts the proposed development would have on life safety in the area. The planning team for Woodside Park has asked for certain exceptions for less open space, less setbacks and relaxation of the historic preservation guidelines. As an architect, he could assure that these exceptions enables more density on the site and in closer proximity to the neighbors.

Mr. Lee noted that the reduced open space and setbacks have implications to Lot 1, which is the townhouse lot on Empire adjacent to his property. Based on his calculations, the open space on Lot 1 is only 20%. Mr. Lee pointed out that the City recently got \$64 to preserve open space on Treasure Hill; yet the City is maximizing the building density in its signature affordable housing project. Based on their comments, he the Mayor and City Council are focused on quality of life for residents and the model of work where you live. If that is the case, projects like Woodside should be held to a higher standard and should improve the quality of life for all the neighbors; not just the project residents. Mr. Lee found it objectionable to hear the Staff support exceptions to

open space, setbacks, and the historic preservation guidelines. With regard to life safety issues, Mr. Lee reiterated the comment he had made during the previous work session that traffic on Empire unsafe on the best of days, and it becomes worse on snow days. To address the additional traffic that will be generated by additional density of the project, he requested a more comprehensive traffic study of Empire, Norfolk, Woodside, and Park Avenue. He pointed out that the traffic study included in the Staff report only studied a five day, non-holiday period in February 2018 when there was no snowfall. Mr. Lee commented on issues he observes when families walk past his house going to the Resort Center. Due to snow storage and lack of sidewalks, they are forced to walk in the street on Empire, which adds to traffic congestion and life safety issues. Mr. Lee believed that careful study of the problems and solutions for the traffic on Empire was necessary before approving new development. Mr. Lee urged the Planning Commission and the Staff to advise the applicant to redesign the project to satisfy the LMC and the Guidelines without the requested exceptions, and to create a project that is responsive to the safety concerns.

Malia Brown, a resident at 1259 Norfolk, stated that her property is approximately 50 feet from the existing historic site on this project. Her property on Norfolk is also historic. Ms. Brown commented on safety and density. She appreciates affordable housing and has personally helped to bring affordable programs to the community, and she knows it is not easy to get funding for affordable housing. Ms. Brown supported the idea of bringing affordable units together in one place; however, the proposed density is too dense for this area, particular because of snow loads. She showed the Commissioners photos she had taken of Manor Way and Empire on March 1st showing the snow loads that block public access to the ski resort. Ms. Brown pointed out that where the crosswalk is proposed is currently used for snow storage. During the winter a crosswalk will not make a difference. She stated that the snow load piles act as giant mountains and it is the only place for snow storage. Ms. Brown understood what they were trying to do with affordability and accommodating livability in Old Town. However, it is not a walkability conversation. The easements are used for snow load and condensing the easement will make matters worse because snow will be compressed onto private property lots. Ms. Brown believed that every person who comes to the Planning Commission for a building parcel needs to accommodate snow. She owns the property at 650 Woodside, which runs directly through the Crescent Tram trail. In 2008 when they came before the Planning Commission to build on that property, they not only had to accommodate for the Tram Trail because it was a public right-of-way, but they also had to take on the responsibility for removing the snow on their parcel. When she heard tonight that the City is building affordable units, but when they sell the units, the HOA will have the burden of removing snow on a public access easement, and that the City will be making a contribution to the HOA to help with the cost of snow removal. Ms. Brown remarked that no other private owner has been given that

opportunity and she felt it was a conflict of interest. The City owns the parcel and then gives the HOA money to carry out the snow removal obligation. Ms. Brown pointed out that many homeowners in the community have a stairwell on their private property and the City maintains those stairwells. No one gave her money for her private parcel on the Crescent Tram trail, and she did not believe the City should be giving money on the private parcels in this project. She had concerns about liability issues for the City on a public easement if they contribute money. Ms. Brown stated that if the City wants to designate a public easement through a project such as this, they should have to create a public right-of-way that the City maintains for everyone else in the community. She reiterated her concerns that if the City contributes money for an easement, it could result in a major liability for the City and the affordable units would be under duress in a law suit. Ms. Brown thought it went against the spirit for achieving this affordable housing project. It creates safety issues and it is an undue burden on the project itself.

Ms. Brown requested permission to review the plat because she would like the opportunity comment on the plat. She could not find the plat in the Staff report. Ms. Brown stated that if the plat includes the historic unit, she objected to the plat. Based on the comment that the historic unit being sold off in the future, she had concerns that the Phase II subdivision was not platted correctly. She explained why she believed that the historic lot was a separate entity from the affordable plat.

Ms. Brown stated that the community spirit of Old Town has been demonstrably for open space; primarily open green space. She understood from earlier comments that the percentage of the parcel that would be open and green was minimal and the rest would be open concrete. She used the parcel on Park Avenue on the opposite side of the street as an example for excellent open space. A portion of the parcel is historic and the historic lot line is preserved for green grass. Since they could not add parking garages to that space, side yards were added for parking. She stated that green open space around historic lots keeps the historic feel of Old Town. Ms. Brown was unsure what will happen when every parcel in Old Town is developed, but she could say with certainty that that every historic home is getting swallowed. She urged the City to do whatever possible to preserve the nature of the historic lot on this project as a service to the community.

Ms. Brown noted that somehow this evening they went directly from the plat to the MPD as though it was a foregone conclusion from the RC zone. She disagreed that it was a foregone conclusion. Ms. Brown stated that the Senior Center is currently on that parcel and the Senior Center provides a service to a great number of people in the community. She did not understand the logic that affordable housing is the trade-off for the Senior Center. Ms. Brown remarked that 52 affordable units and 52 families is wonderful, but the number of people the Senior Center serves had not been discussed.

She questioned how they made the decision that affordable housing was the best use for this particular parcel. She understood the goals of the City, but sometimes the goals are overreaching. Ms. Brown did not believe that achieving one goal overrides the other goal in the community to serve the people who already live here and use the Senior Center.

Ms. Brown asked the Planning Commission and the City to rethink the best use of this parcel and to think about the historic nature of the land and the community's desire for open space. Lastly, she stated that no one can represent the historic home because the City owns the historic home and it has no private owner. When a new owner comes in and has to comply with the Historic Guidelines, it will be nice to find that there is parking in the back. However, historic homes are preserved because of the nature of the whole parcel. For that reason, she questioned how they City could say that the lot lines do not matter on a historic home. Ms. Brown felt the need to speak on behalf of the historic home.

Director Erickson informed Ms. Brown that the Planning Commission had forwarded the plat to the City Council and there would be another public hearing at the City Council meeting on June 6th.

Meghan McKenna stated that she is a school teacher at Park City High School. She came back to Park City directly from school to teach in the Park City School District. Ms. McKenna was disillusioned to find affordable housing in the City. It is important for her to live in the community she works in; therefore, living somewhere else was not an option. She has applied for affordable housing for five years and so far her number has not been drawn. She is currently renting at a high rate, and she hopes to attain affordable housing in the near future. Ms. McKenna stated that she wants to be part of the Park City community and not commute like her colleagues. Ms. McKenna teaches environmental science in school and they talk about urban development. She believes this project is in line with what her students are learning in terms of sustainability. It is also in line with the City's goals in regards to climate change. Ms. McKenna supports this project and appreciates the City's attempt to provide affordable housing, which is a great need in Park City. She wanted everyone to know that many people are counting on these affordable housing projects in the future so they can live where they work. She noted that people go to the open houses and other events and always say how they support affordable housing, but it does not feel that way when a project is proposed. She thanked the Planning Commission for their consideration.

Gary Knudsen indicated the location where a 15' walkway was being proposed. He pointed out that there is no room for a walkway and the traffic in that direction is

dangerous for people walking on the road. He suggested that the City consider redirecting the traffic in a different direction.

Commissioner Thimm asked Planner Tyler to show on the site plan the area Mr. Knudsen was talking about. Mr. Moe understood that Mr. Knudsen was talking about the pathway that was suggested along the west side of the façade of the stacked flats and over to Norfolk Avenue.

Amy Knudsen stated that she grew up in the community and she has a lot of love and feelings for Park City. Ms. Knudsen believes they are losing a lot and that is the sentiment when she talks to many of her local friends. Ms. Knudsen stated that this space will never come back and they only have one chance to develop it. Ms. Knudsen supports affordable housing because she is living with her parents because she cannot afford housing. She is sad about this project. Ms. Knudsen thinks the project designed is beautiful, but it is too much in a small space. She asked if there was a way to renegotiate the design to reduce the density and achieve more open space so there will be fewer people living there. She lives at the end of Empire and the parking situation is already extremely bad. She could not imagine what will happen if that many additional people are housed in that area. Ms. Knudsen urged the Planning Commission to take safety, parking and other major into consideration. She wants people in Park City to remain in Park City, and she realizes that development is inevitable, but it is important to be smart in how they choose to develop the spaces that are left.

Diane Sanchez stated that she had not planned to speak this evening and only attended to gather information as a concerned citizen. She is a retired teacher and actually taught Meghan McKenna in 6th grade. Ms. Sanchez has lived in various places in Park City over the past ten years, and she now lives in this neighborhood. She understands the need for affordable housing but this project is too much. She is also concerned about the other developments that are being built in close proximity, and the impacts those developments will have on the neighborhood. Ms. Sanchez was unsure of the process moving forward, but she asked that all the issues raised this evening be considered. She thanked the Commissioners for the time they spend for the public.

Gary Knudsen remarked that during the ski season the parking lot fill up all week long and cars are parked all over the hill and in front of this parcel. When this project is developed they will need to do something about the parking in the winter.

Ed Parisian, asked if there would be another opportunity to speak at a later date or whether the Commissioners intended to vote this evening.

Chair Phillips replied that the items were scheduled for action this evening and they would likely vote unless the Commissioners direct the Staff to provide additional information.

Mr. Parisian stated that he would like to purchase the historic property but given the new lot lines it did not make sense to purchase the property. He commented on the impacts to the neighbors during development. Mr. Parisian did not appreciate having a 3-story building 3-feet from his property line. He asked the Planning Commission to consider the density and other problems related to this development before making their decision.

Chair Phillips closed the public hearing on the MPD.

Commissioner Suesser asked about parking spaces for the four units in the Norfolk building. Mr. Moe replied that there were three spaces underneath and one parking space that is accessed off Norfolk Avenue.

Chair Phillips clarified that size reduction and other issues are policy issues that are directed by the City Council and outside the purview of the Planning Commission. He explained that the Planning Commission reviews the application to make sure it complies with the Code. If the Planning Commission takes action this evening, there would not be another opportunity for public comment. Chair Phillips wanted the public to understand that the Commissioners heard all their concerns but they did not have the purview to address all the issues that were raised this evening.

Commissioner Thimm believed there was disagreement on which section of the LMC applies to this project, and he asked City Attorney Mark Harrington for his interpretation. Mr. Harrington replied that it was a question that the Planning Commission needed to decide. The Staff has argued that Section 15-6-5 applies and that the language of Section 15-6-7 is more applicable to projects that are 100% affordable. Mr. Harrington noted that 15-6-7 has not been used for anything other than 100% affordable projects. There has never been a different interpretation and none of the subsections apply to anything else; and the sections below only enable the 20 units per acre density bonus specific to that chapter. Mr. Harrington stated that to the Staff's knowledge, those other sections have never been applied to a single affordable unit within a Master Planned Development. He recalled that previously Ms. Deforge has acknowledged that there was no definition for the threshold of her interpretation in terms of what percentage would actually apply. Mr. Harrington stated that it is not defined because from the Staff's perspective 100% is the only possible reading and it did not need to be defined further.

Mr. Harrington did not believe there was a conflict as Ms. Deforge had described. There needs to be a conflict and the Staff and the Legal Department could not see a conflict because 15-6-7 requires 100%. The conflict only comes if they agree with Ms. Deforge's interpretation, and the Planning Commission has the right to make that determination. Mr. Harrington stated that if the Commissioners agree with Ms. Deforge, all other MPDs that contain affordable housing in which they did not apply Section 15-6-5, would become non-conforming by that interpretation. He emphasized that Section 15-6-5 has never been applied in that way. Mr. Harrington remarked that the Planning Commission should not lose sight of the purpose. He and Ms. Deforge agree that Section 15-6-7 is a poorly written chapter, and the City Council has given direction to completely rewrite that section because it has never been used and it does not enable the outcomes the City currently wants.

Mr. Harrington stated that the public comments have been excellent and very thoughtful and passionate. However, the Planning Commission needed to parse Code compliance with the best standards. Mr. Harrington remarked that if the Commissioners agree with the high level comments that are not code-based they could make additional suggestions to the City Council on how to make the project better, even if they determine compliance. He pointed out that the Commissioners have flexibility in applying the setback criteria in the LMC. If they feel the information in the Findings is not insufficient to make that determination they should direct the Staff to provide the information accordingly.

Mr. Harrington stated that in terms of the narrow question of Section 15-6-5 versus Section 15-6-7, the Staff opinion is clear from the plain reading that Section 15-6-5 applies. The Planning Commission has the decision to make sure it is the appropriate section.

Commissioner Kenworthy understood that the density was not increased based upon Section 15-6-7, an MPD for Affordable Housing. Planner Tyler stated that this project proposes less density than what could be developed. Commissioner Kenworthy clarified that under Subsection 7, density would be allowed to be increased. Planner Tyler replied that he was correct.

Commissioner Hall stated that her understanding of Section 15-6-7 was that the intent was to give a bonus to a developer who was willing to go above and beyond by doing 100% affordable; and that would trigger benefits. Mr. Harrington replied that she was correct. Commissioner Hall thought the intent was clear and it was consistent with how the Section has been used historically.

Commissioner Suesser asked Planner Tyler to address the Historic Design Review issue that was raised and why it was not required for this project. Planner Tyler stated that for historic sites projects are reviewed on the site level. She thought the plat puts this in the context of how they look at sites in an actual Historic District. She remarked that any property has the right to subdivide their lots as long as it does not create a lot that does not meet the minimum lot size. For example, if someone owns three contiguous lots and their house sits between two lots, they parse out two lots to contain the historic house, and then sell off the 25' x 75' lot next door through the plat amendment process. The Staff finding is that this historic site is being treated the same way they would any other development. In the Historic District example, the 25' x 75' lot that is parsed off would go through the Design Review process. However, because this project is not in the Historic District, the multi-unit dwelling does not trigger the need for design review. As indicated in the Staff report, the City was still deciding whether or not to sell, but that will be part of the discussion as the City moves forward. If the City chooses to renovate the historic structure, it will go through the HDDR process but it will not come back to the Planning Commission. Language in the Findings and the Conditions state that any future development will require an HDDR. Planner Tyler recognized that a parking space was being added; however, that could be processed as a pre-application that would not trigger a full HDDR because it would be considered a landscape improvement. Planner Tyler emphasized that it was the Staff's opinion and finding that this structure was being treated consistent with anything in else in the Historic District or in other outlier properties.

Commissioner Sletten stated that according to the Staff report, the plat amendment simply creates legal lots and any lot could be sold. He remarked that in reading Section 15-6-7 and 15-6-5, he agreed with the Staff that Section 15-6-5 should be the governing Chapter.

Commissioner Thimm agreed with the conclusion that 15-6-5 was applicable. He appreciated that the City Attorney reaffirmed his reading of the Section. Commissioner Thimm stated that unfortunately Codes are not written perfectly. He works with Codes that are not written well on a daily basis. Commissioner Thimm found that the crux of the Code tends to speak to the latitude the Planning Commission has in terms of looking at setbacks and other things. From the beginning when he first sat on this Planning Commission, the City has encouraged development of affordable housing.

Commissioner Thimm stated that there are gives and gets when dealing with municipal agencies and property owners. He believed the setbacks were not requested inappropriately. In looking at the urban fabric and the edge created along the street, the 20' setback seems to be appropriate. Commissioner Thimm stated that a 5' setback versus a 10' setback, which actually gives 15' as a result of the utility

easement, is good design because having a non-gravity flow is a terrible solution. Commissioner Thimm was in favor of the gives and gets. He thought the open space being provided is very usable and creates the mid-block connections that connect to trails and streets. Allowing the public to access the path is very important. In terms of thinking about setback and coverage, Commissioner Thimm thought they needed to look at the greater good. He believed the creation of affordable housing and some of the other benefits derived from this project are important enough to be supported.

City Attorney Harrington advised the Planning Commission to address the concern regarding the specific requirement for the architectural variation. It is a clear requirement and they needed to either agree that the Staff adequately addressed that in the proposed findings, that additional findings were necessary, or they could disagree with the Staff and request additional information.

Commissioner Hall asked Mr. Harrington to address the public right-of-way. Mr. Glidden preferred to answer her question believing that his earlier comment was not clear. He remarked that it is not uncommon for HOAs to hire out services for snow removal. The City also hires out companies to help with snow removal. Mr. Glidden explained that it would be a partnership with the understanding that because of the public access, the City would contribute to the contract to help offset the costs of snow removal in that public access.

Mr. Harrington provided further background. He stated that the first assumption is the opposite of what was represented in the public testimony. In terms of public easements, for sidewalks in particular, are usually the responsibility of the private property owner. The City enhances its level of service in certain districts and sometimes it is in the form of full responsibility and other times it is an incremental increase that augments the private responsibility. Mr. Harrington agreed with Mr. Glidden in that the City privately contracts to augment the public service in areas where the City has sole responsibility. Mr. Harrington stated that this project was an unusual situation. It is looked at as a hybrid because of the importance of the public connection to augment the Resort pedestrian traffic and the through-traffic through City Park and Park Avenue. If the Planning Commission opposed this idea, they could make a recommendation to the City Council for the City to solely maintain the access. The Commissioners could also add a condition if they were concerned about safety and access issues if it is not maintained by the City.

Commissioner Hall stated that if the Planning Commission grants the open space reduction, the real benefit consistent with the General Plan is keeping the right-of-way available for the public. If the access is not available they lose the benefit, which then

does not justify the reduction of open space. She preferred to clarify the need for the enduring benefit.

Chair Phillips preferred to have the City maintain snow removal from Woodside up to Center to keep the corridor open. He thought the HOA should be responsible for snow removal to the individual apartments. Chair Phillips stated that the City and the HOA could hire the same contractor to plow, but the City would have the responsibility of making sure a clear path is open for pedestrians. Commissioner Hall pointed out that the State has a corridor there as well.

Chair Phillips asked if Mr. Glidden was comfortable that the snow storage was adequate. Mr. Glidden answered yes. Chair Phillips wanted to make sure that snow would not be hauled off because that creates additional impacts.

Chair Phillips thought there was already a sidewalk present on Woodside. He had not attended the last meeting, but it appeared that the access to Norfolk had occurred between then and now. Chair Phillips was trying to figure out the need and the plan to put pedestrians on a shared driveway, as opposed to having pedestrians use the sidewalk. Commissioner Hall replied that she had advocated for that approach because the bike storage is on that level and it would be easier to access the bike storage from that level rather than the lower level.

Chair Phillips commented on the design and felt this project would really impact Norfolk. Commissioner Kenworthy stated that this project has 12-month solutions and he liked it. He thought most of the options were more positive than negative and he believed they would contribute to the transportation goals. Commissioner Kenworthy found the exterior setbacks to be consistent with the neighborhood. He understood the benefit of the interior system, and it is a huge benefit. Commissioner Kenworthy believed the good causes outweigh the negatives on this project. The City is providing affordable housing for the people who get left behind. It serves local businesses because it provides an employee pool that businesses struggle to find throughout Park City.

Commissioner Kenworthy wanted it clear that this was a very difficult decision, but they always talk about affordable housing, and the City has also put social equity high on the priority list. In his opinion, social equity means balance and that balance is constantly moving. He believed this project fits and helps balance the overall picture for the community of Park City.

Commissioner Suesser disagreed. She thought the project was too big for the site. She did not believe there was enough open space and she agreed that sidewalks are not open space. There is too much concrete in the proposal. Commissioner Suesser

was also concerned about removing the Senior Center without a plan on where to relocate it. There is too much density on the site and not enough architectural variation.

Commissioner Suesser supports affordable housing and she knows it is a priority of the City. However, this project is too much for the site.

Commissioner Suesser felt the Planning Commission prematurely voted on the plat amendment, and she would have preferred to reserve that vote after a full discussion on the project. She apologized for not making that statement earlier.

Commissioner Hall concurred that the plat amendment vote was preemptive.

Planner Tyler pulled up the definition of open space under 15-6-5. She was not discounting their comments, but she wanted the Commissioners to understand what was being calculated as open space. Planner Tyler pointed out that the definition includes hardscaped areas.

Commissioner Hall asked if there was a way for an HOA to restrict homeowners from having more cars than the allotted parking stalls. City Attorney Harrington thought the Planning Commission could require additional information through a parking plan that demonstrates the adequacy of parking proposed. He was unsure whether that could include restrictions on number of cars per resident or the enforceability of car ownership. Mr. Harrington remarked that restricting the amount of parking allocated per unit was a more traditional way to address the issue.

Chair Phillips asked if the parking stall were dedicated to specific units. Mr. Harrington noted that Condition of Approval #4 of the MPD states, "Reference the allocation in the CC&Rs". They could add more specificity if the Commissioners felt it was necessary.

Mr. Moe stated that the project was designed with the intent that there would assigned parking per unit. Mr. Harrington noted that that intent was not specified in the current Condition of Approval as written. He stated that the Planning Commission could add a condition of approval that includes a CC&R provision stating that people will not bring additional cars. However, enforceability of car ownership would be difficult. Mr. Harrington believed the better approach would be to recommend additional affirmative restrictions for managing enforcement of off-site parking regulations in the area, which falls to the City for managing the right-of-way.

City Attorney Harrington clarified that voting on the plat was not preemptive because they simply followed the order of the agenda. If the Commissioners wanted to revisit the plat, a motion could be made and seconded to see if the rest of the Planning Commission wanted to revisit the terms of the recommendation to the City Council.

Commissioner Thimm suggested adding a condition of approval regarding municipal removal of snow in the public access easement area. Mr. Glidden understood that Commissioner Thimm was requesting that two different entities clear snow from that area. He explained that the intent was to simplify the process by having one contract with a snow removal company to remove the snow from the entire property and the City would contribute to that contract for the public easement portion. Mr. Glidden wanted clarity from the Planning Commission before moving forward.

Commissioner Sletten remarked that many aspects of the approval will require enforcement in future years, as outlined in the public testimony this evening. He was unsure whether the Planning Commission had the ability to obligate the City on these matters, but he questioned how the City would enforce snow removal if the HOA fails its responsibility in future years.

Chair Phillips was comfortable having the City financially contribute to the snow removal contract for the public access and use the same contractor hired by the HOA. However, he shared Commissioner Sletten's concern. If the City is financially obligated to pay for that portion of snow removal, the City has the responsibility to make sure that portion is cleared of snow.

Mr. Glidden suggested that possibility that the City could obtain the contract and the HOA financially contributes. That would put the obligation on the City to maintain the access. He offered other suggestions related to percentage of plowing, recognizing that he would need to speak with the Legal Department before anything could be decided.

City Attorney Harrington stated that the MPD contains a dedication proposal of a pedestrian easement and not a sidewalk. He believed it was within the Planning Commission purview to require that the easement is accepted with terms for maintenance by the City. That would eliminate the general statement in terms of the ordinance that requires sidewalk maintenance by the adjacent property owner. It would state that the City has the responsibility; and whether or not the City contracts in part with an outside snow removal service would be a decision by the City Council. Mr. Harrington reiterated that it was within their purview to ensure that the public space is actively maintained. Mr. Harrington suggested adding a condition of approval to the MPD requiring that the public easement shall be maintained by the City.

Director Erickson drafted language for Condition #51. "The east/west public easement as shown on the plat shall be maintained by the Park City Municipal Corporation". Director Erickson drafted language for Condition #4 to add, "Parking space allocation

within the parking area shall be established in the CC&Rs of required spaces". The condition would not include extra spaces.

Mr. Harrington wanted the Planning Commission to be aware that once they assign the parking stalls to individual units, it will take away efficiency in the slow times of the year. Mr. Glidden pointed out that car chargers were another issue because there is no way to know who will have electric cars. He suggested that the car chargers could be located on the additional spots, which is considered guest parking; however, residents with electric cars would park there rather than in their assigned parking space. Chair Phillips remarked that they were not trying to create problems. They just want to make sure that people with multiple cars do not take up all the parking.

Planner Tyler stated that Condition #4 was consistent with Woodside Park Phase I. The only change would be to add the word "required" to the language. Mr. Harrington stated that the Commissioners could also add additional parameters or a control mechanism to address their concern. He suggested adding, "...in a manner which either assigns spaces per unit as required, or implements a pass program which insures one car per the required parking per unit...". Commissioner Thimm preferred to eliminate "or" and specify the mechanism.

Commissioner Hall stated that for parking in general, she hoped the CC&Rs would clarify the logistics to avoid having substantial overflow parking. She was also pleased with the number of bike stalls provided, the walkability of the area, and the proximity to the bus stops. Due to the number of excess parking spots, Commissioner Hall believed this project would work. She remarked that if this was a for-profit project and a private developer came in with the same application, she would not be opposed to the project if it provided parking in excess of the required parking spaces, was close to bus stops, and provided bike stalls.

Director Erickson requested that the Planning Commission discuss whether the architectural interest in the project is maintained in order to meet the standards for reducing the setbacks.

Mr. Moe believed that architectural interest was provided based on the setbacks. He stated that the 25' setback was not compatible with the existing urban fabric. Most of the setbacks are under 20' and several are 10' or less. Mr. Moe stated that by looking at the setbacks and the way this project was designed, it provides more of street presence, and the scale of the project is broken down much greater than with a 25' setback. There is flexibility in the massing and form, particularly in looking at Empire Avenue and Woodside Avenue. In addition, the form is more compatible with Woodside Phase I in looking at the project holistically. Mr. Moe stated that if they keep

the 25' setback currently incorporated, the generous pedestrian walkway and plaza would go away. He believed those provided significant architectural interest from the perspective of both aesthetics and use.

Mr. Moe stated that after working on this project for a significant amount of time, most of the project benefits would be reduced or eliminated altogether if they are held to the 25' setbacks.

Commissioner Thimm stated that when he reviewed the Staff report he looked at the elevations for that portion and for the overall project. He believed that architectural interest and variation was achieved. In looking at the sections of the Code, he recommended that the Code be amended to include objective requirements rather than language that leaves it open to drawing an opinion. Commissioner Thimm thought a better defined way to make this determination would protect the Staff and the Planning Commission in the future. He recognized that the Planning Commission needed to make their determination based on the Code as currently written.

Planner Tyler asked if the Commissioners wanted to modify Finding #15 to mention the plaza and walkway. Director Erickson recalled that when the Staff agreed to the setback reduction consideration, the reduced setbacks on the side yards to the zone setback resulted in the size of the plaza in the middle of the project and the public walkway.

Commissioner Kenworthy had not done the math, but he believed the gross square footage of the walkway and the plaza was far more than the setback. Commissioner Kenworthy thought that would be an important Finding of Fact.

Planner Tyler requested to edit Finding of Fact #19 to reflect the accurate open space. She clarified that per their discussion, the Planning Commission wanted to modify Findings of Fact #15 and #19 and Condition of Approval #4; and add Conditions #5 and #6.

Commissioner Thimm suggested that the Planning Commission discuss the Code sections to see if there was consensus on whether or not this project is a redevelopment.

Commissioner Hall was unable to find a definition for redevelopment in the LMC. She could also find no guidance in the Utah State Code. Mr. Harrington stated that Staff was also not able to find a further definition of redevelopment in the LMC. He pointed out that this project is in the redevelopment area of the City and that definition is very broad. It is not the same definition that would apply to the project. Chair Phillips noted

that there were buildings on the site. Mr. Harrington agreed that the project meets that separate standard. He reiterated that the definition for redevelopment was intended to be very broad and there was no other definition in the Code.

Director Erickson stated that this property is within the Redevelopment Agency lands. There is a standard for determining a blighted area and a redevelopment area under the terms of how that Agency was established. Secondly, parts or all of this property are part of the original Snyder's Addition to the Park City survey. It is entirely possible that there were houses across that property from 1889 to 1910-1915 because it is walking distance from that location to several mill locations, the Silver King Mine, and the Spiro Mine, which were working Mine Sites at the time. Director Erickson stated that there was minimal evidence that this area was fairly-well populated, consistent with Park Avenue, because it is part of the Snyder's Addition survey.

Commissioner Hall asked how the Planning Commission has historically treated open space reductions. Director Erickson replied that normally open space reductions are designed for greenfield development. He noted that Woodside Park Phase I had reduced setbacks, as well as 1450/1460 Woodside. Director Erickson remarked that this is Phase II of the Woodside Park project and a number of redevelopments are occurring. The Senior Center is only partially historic and that site is being redeveloped as well. Director Erickson named other redevelopment projects in the area.

Planner Tyler stated that when Gary went through the process in 2003 to do the cap on the Empire house, it was to prepare for a plat amendment on that property for future development. Planner Tyler remarked that sometimes buildings need to be taken away in order to prepare for development. She suggested the possibility of putting in a timeline for redevelopment, but sometimes it takes 15 years to get something done. The City has been in this process for 10 years working on a link to Empire Avenue and some of this land was acquired in the process.

Commissioner Hall asked if it was possible to add language into the Findings of Fact that summarizes why this is a redevelopment. Planner Tyler noted that language to that affect was in a previous reiteration. She offered to pull up the language on a slide.

Chair Phillips suggested that the Planning Commission take a short break and allow the Staff the opportunity to draft the modifications to the Findings and Conditions as discussed. The Commissioners would review the Findings and Conditions after the break before taking action.

Break 8:29 to 8:40

Chair Phillips reconvened the meeting.

Chair Phillips thanked all the public who attended this evening and those who made comments. He remarked that the Planning Commission had given this project a lot of thought and the discussion that it deserves. He personally believed project fits within the density for this parcel and he found good cause for adjusting the setbacks. Chair Phillips thought this was a great project and he commended the Architect, the City as the applicant, and the Staff for their efforts.

Commissioner Suesser disagreed. She thought the project was too dense and created greater impacts to the neighbors.

Commissioner Hall had reviewed her notes from the last meeting. She thought the trail that was added is a great benefit. Commissioner Hall remarked that the public benefits of the right-of-way and the plaza justified this development. She believed the bus stop would be the best way to utilize those benefits if the City could make it happen.

Mr. Glidden stated that the City would continue to have conversations to see if there was a possibility of moving the bus stop. He assumed Commissioner Hall wanted a bus stop in front of Woodside Park Phase I or somewhere in that area. Commissioner Hall thought the Transportation Department should determine the best location, with the understanding that the goal is to encourage people who live there to utilize the bus, as well as the people walking through to PCMR. Mr. Glidden stated that he would work with Transportation to make that adjustment to the bus stop.

Chair Phillips agreed with Commissioner Hall; however, there are already several bus stops close to this project. He anticipated that as the development begins to be used, the Transportation Department may decide to move the bus stop.

Commissioner Thimm added Condition of Approval #7 requiring wayfinding signs to be added to Woodside and Empire Avenue at both ends providing direction so people will know there is a public path that connects. Mr. Glidden stated Public Arts is working on incorporating wayfinding and they are focusing on the public pathway and the crosswalks. The intent is to design them more as an art project while serving as a crosswalk.

Planner Tyler presented slides with the modified Findings and Conditions for the Planning Commission to read and revise if necessary.

Commissioner Kenworthy asked if they should mention the Trail Connection. Commissioner Hall thought they should also mention that the reduced setback allows for the wide public right-of-way and large plaza.

Planner Tyler noted that Finding #19 was revised to correct the error in the open space calculation. Commissioner Hall asked if the Findings reflect the reasons stated in the Staff report for justifying the open space reduction. Planner Tyler offered to copy and paste the actual enhancements listed in the Staff report into the Findings.

Planner Tyler noted that Finding #32 was added, which talks about why this property is a redevelopment.

Director Erickson added Finding #33, which is a standard finding stating that the analysis section of the staff report is hereby incorporated herein.

Planner Tyler summarized that Condition #4 was amended. Conditions #5, 6 and 7 were added as new conditions. Condition #5 addresses Municipal maintenance of the public easement. Condition #6 calls for a 4' sidewalk on Empire on Lot 1 for future development. Condition #7 talks about wayfinding signs.

Commissioner Suesser asked if Condition #5 could apply to Phase I as well. City Attorney Harrington stated that they could not add the condition to Phase I, but the Staff could communicate to the City Council the Planning Commission's intention that the condition should apply to the entire project.

Commissioner Hall referred to Condition #4 and noted that her intention was to reduce the off-street parking. There may be other mechanisms besides a parking pass and she questioned whether the condition was too specific. Commissioner Thimm preferred to have real rules as opposed to wiggle room since they do not know if other mechanisms will work. He favored the Condition as written. Commissioner Hall agreed.

Planner Tyler read Condition #7. "Signage shall be installed at the entrance of the east/west public access easement on Woodside Avenue and Empire Avenue providing directions and identification of the public access easement". Commissioner Suesser thought there should also be signage on Park Avenue for the public easement. Planner Tyler noted that it would then apply to Woodside Park Phase I as well. Director Erickson suggested adding a sentence to the end of Condition #7 to say, "The applicant shall consider additional signage on Park Avenue for the public easement." Planner Tyler agreed that using the word "consider" was the only way to include Park Avenue because the MPD is for Phase II.

MOTION: Commissioner Thimm moved to APPROVE the Master Planned Development application for Woodside Park Affordable Housing Project Phase II, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report and as amended per the discussion this evening. Commissioner Sletten seconded the motion.

VOTE: The motion passed 5-1. Commissioner Suesser voted against the motion.

Chair Phillips opened the public hearing on the CUP.

There were no comments.

City Attorney Harrington requested that the comments from the public hearing on the MPD be incorporated into the record under the CUP.

Chair Phillips closed the public hearing.

City Attorney Harrington requested that the comments from the public hearing on the MPD be incorporated into the record under the CUP.

MOTION: Commissioner Thimm moved to APPROVE the Conditional Use Permit for Woodside Park Affordable Housing Project Phase II, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report. Commissioner Sletten seconded the motion.

VOTE: The motion passed 5-1. Commissioner Suesser voted against the motion.

Findings - Woodside Park Phase II – Plat Amendment

1. The proposed site location consists of 1330 Empire Avenue, 1302 Norfolk Avenue ("Significant" Single-Family Dwelling), 1361 Woodside Avenue, and 1323 Woodside Avenue.
2. The proposed site is located in the Recreation Commercial (RC) Zoning District.
3. The site is known as the Woodside Park Affordable Housing Project Phase II.
4. Woodside Park Subdivision - Phase II will create a three (3) lot subdivision with an Access Easement running east-west. The majority of the property is located in Block 24, Snyder's Addition to Park City Survey. A smaller portion includes part of vacated Norfolk Avenue and Lot A of the Knudson Subdivision which is located in Block 19, Snyder's Addition to Park City Survey. A portion of existing Woodside Avenue is on the easterly side of the property and will be formalized as a public

right-of-way as a part of the proposed subdivision plat.

5. Phase II of the Woodside Park Affordable Housing Project will be located between Woodside Avenue and Empire Avenue, with a small portion of the development abutting Norfolk Avenue. There will be a total of 58 units, 52 of which will be deed restricted Affordable Housing units. The scope will include the following:

- ☐ Deed-restricted Affordable Housing Units (52 total):
 - ☐ Two (2) Triplex Dwellings abutting Woodside Avenue. The Triplex Dwellings take the form of “townhome style” units.
 - ☐ Two (2) MultiUnit Dwellings centrally located on Lot 2 and accessed via Woodside Avenue. There will be a total of 46 “flats” comprised of studio, one (1), and two (2), bedroom units split between two (2) Multi-Unit Dwellings
- ☐ Market Rate Units (six [6] total):
 - ☐ A MultiUnit Dwelling abutting Empire Avenue which will contain five (5) townhomes style attached units – 1330 Empire Avenue
 - ☐ One (1) “significant” Single-Family Dwelling – 1302 Norfolk Avenue
 - ☐ A Parking Garage located beneath the Woodside Avenue townhomes and Multi-Unit Dwellings (flats)
 - ☐ A Public Access Easement running east-west which will link to the Woodside Park Phase I Access Easement. The Public Access Easement will also contain Public Art as determined by the Park City Public Art Board.
 - ☐ Central gathering areas in the plaza space adjacent to the Public Access Easement.
 - ☐ A trail connecting Norfolk Avenue to the central gathering area in the plaza and Public Access Easement.

6. Throughout the process, the Affordable Housing Team has conducted public outreach efforts during the following events:

Public Open Houses:

- ☐ Tuesday, March 20th, 2018– 4pm-6pm – Miner’s Hospital
- ☐ Tuesday, March 27th, 2018– 5pm-7pm – Park City Library
- ☐ Tuesday, September 11th, 2018– 7pm – Park City Library (in cooperation with the Sustainability Department)
- ☐ Tuesday, September 18th, 2018 – 5pm-7pm – Park City Library

Digital Public Engagement:

- ☐ Neighborhood Email Blasts: the Affordable Housing staff collected emails from interested neighbors to the project and sent out informational emails letting them know of any public events were taking place along with contact information if they had further questions or comments.
- ☐ Engage Park City: The project has been posted on the Engage Park City website. This site allows the general public to look at proposed plans and provide feedback.

7. A Master Planned Development application is currently under review.
8. A Conditional Use Permit is currently under review for the Multi-Unit Dwellings.
9. All development will have to comply with the applicable LMC requirements. This development will be reviewed as a Master Planned Development – the Planning Commission may vary some LMC requirements through the MPD process. A setback reduction to the RC Zoning Requirements is being requested through the Master Planned Development (MPD) Application. Setbacks will be formally determined by the Planning Commission as a part of the Master Planned Development application process.
10. A Single-Family Dwelling is an allowed use in the RC Zoning District.
11. A Multi-Unit Dwelling is a Conditional Use in the RC Zoning District.
12. Staff finds good cause for this Plat Amendment as the proposed subdivision will create the necessary lot configurations for a compatible infill of Affordable Housing and Market Rate housing in the RC Zoning District. In addition, the surrounding Multi-Unit Developments are sited on similar lot configurations.
13. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance.
14. On May 8, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on May 4, 2019 according to requirements of the Land Management Code.
15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – Woodside Park Phase II – Plat Amendment

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. There is good cause for this Plat Amendment as the proposed subdivision will create the necessary lot configurations for a compatible infill of Affordable Housing and Market Rate housing in the RC Zoning District. In addition, the surrounding Multi-Unit Developments are sited on similar lot configurations.

Conditions of Approval – Woodside Park Phase II – Plat Amendment

1. The City Attorney and City Engineer will review and approve the final form and

content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Final construction must comply with the Soils Ordinance.

4. The applicant shall show and label their easement with Snyderville Basin Water Reclamation District (SBWRD) on the plat amendment.

5. A ten feet (10') wide public snow storage easement will be required along the Norfolk Avenue, Empire Avenue, and Woodside Avenue frontage of the property.

Findings of Fact – Woodside Park Phase II - MPD

1. The proposed site location consists of 1330 Empire Avenue, 1302 Norfolk Avenue ("Significant" Single-Family Dwelling), 1361 Woodside Avenue, and 1323 Woodside Avenue.

2. The proposed site is located in the Recreation Commercial (RC) Zoning District.

3. The site is known as the Woodside Park Affordable Housing Project Phase II.

4. Phase II of the Woodside Park Affordable Housing Project will be located between Woodside Avenue and Empire Avenue, with a small portion of the development abutting Norfolk Avenue. There will be a total of 58 units, 52 of which will be deed restricted Affordable Housing units. The scope will include the following:

- Deed-restricted Affordable Housing Units (52 total):
- Two (2) Triplex Dwellings abutting Woodside Avenue. The Triplex Dwellings take the form of "townhome style" units.
- Two (2) Multi-Unit Dwellings centrally located on Lot 2 and accessed via Woodside Avenue. There will be a total of 46 "flats" comprised of studio, one (1), and two (2), bedroom units split between two (2) Multi-Unit Dwellings
- Market Rate Units (six [6] total):
- A Multi-Unit Dwelling abutting Empire Avenue which will contain five (5) townhomes style attached units – 1330 Empire Avenue
- One (1) "Significant" Single-Family Dwelling – 1302 Norfolk Avenue
- A Parking Garage located beneath the Woodside Avenue townhomes and Multi-Unit Dwellings (flats)
- A Public Access Easement running east-west which will link to the Woodside Park Phase I Access Easement. The Public Access Easement will also contain Public Art as determined by the Park City Public Art Board.

- Central gathering areas in the plaza space adjacent to the Public Access Easement.
- A trail connecting Norfolk Avenue to the central gathering area in the plaza and Public Access Easement.

5. The Woodside Park Phase II Project Team (Method Studios, Housing, and Community Development) is proposing the Land Use applications for the Phase II of the Woodside Park Affordable Housing Project as a significant step towards implementing the City's Affordable Housing critical priority goals.

6. Throughout the process, the Affordable Housing Team has conducted public outreach efforts during the following events:

Public Open Houses:

- Tuesday, March 20th, 2018 – 4pm-6pm – Miner's Hospital
 - Tuesday, March 27th, 2018 – 5pm-7pm – Park City Library
 - Tuesday, September 11th, 2018 – 7pm – Park City Library (in cooperation with the Sustainability Department)
 - Tuesday, September 18th, 2018 – 5pm-7pm – Park City Library
 - Scheduled for, Monday, May 20th, 2019 – 6pm – 7pm – Park City Library
- Digital Public Engagement:
- Neighborhood E-mail Blasts: the Affordable Housing staff collected emails from interested neighbors to the project and sent out informational emails letting them know of any public events were taking place along with contact information if they had further questions or comments.
 - Engage Park City: The project has been posted on the Engage Park City website. This site allows the general public to look at proposed plans and provide feedback.

7. The MPD application was deemed complete on February 1, 2019.

8. There are three (3) applications total for the entire scope of Phase II, including a Master Planned Development, Conditional Use Permit, and Plat Amendment.

9. The Planning Commission reviewed, held a public hearing, and continued the Master Planned Development application during a Work Session on March 27, 2019.

10. At the March 27, 2019 Work Session, the Planning Commission reviewed the entire scope of the project and requested that the following items be addressed:

- Identify Usable Open Space within the Open Space calculation – a diagram was recommended.
- Clarify the Parking Calculation as the applicant indicated that changes would occur to the Market Rate units on Empire Avenue.
- Provide additional information regarding the pedestrian access off of Norfolk Avenue.
- Address crosswalk concerns on the western end of the Pedestrian Access Easement.

- Address the Public Comment Letter submitted on March 21, 2019. The applicant has prepared a response as Exhibit F. The Planning Department has reviewed and verified the accuracy of the applicant's response; the Planning Department is in agreement with the applicant's response provided in Exhibit F as the document addresses all points of the Public Comment Letter submitted on March 21, 2019.

11. On March 13, 2019 and May 8, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on March 9, 2019 and May 4, 2019 according to requirements of the Land Management Code.

12. The proposal complies with Land Management Code (LMC) § 15-6-5(A) Density as the proposed Density of the MPD does not exceed the maximum Density in the zone. The proposed MPD consists of a .938 Floor Area Ratio (FAR) which is less than the base zone density of 1.0 FAR.

13. Land Management Code (LMC) § 15-6-5(B) Building Footprint is not applicable as the site is not located in the HR-1 or HR-2 District. The proposed MPD is located in the Recreation Commercial (RC) Zoning District.

14. The proposal complies with Land Management Code (LMC) § 15-6-5(C) Setbacks. Per LMC 15-6-5(C) MPD Requirements - Setbacks, the minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. However, per LMC 15-6-5(C)(1) MPD Requirements - Setbacks, the Planning Commission may decrease the required perimeter Setback from twenty-five feet (25') for MPD applications one (1) acre or larger to the zone required Setback if it is necessary to provide desired architectural interest and variation.

15. Woodside Park Affordable Housing Phase II is requesting a Setback reduction to the Zone required Setback so that the development is aligned with the neighboring properties along the streetscapes of Empire Avenue, Norfolk Avenue, and Woodside Avenue. This setback reduction will not result in increased density. The Setback reduction will result in increased architectural variation because of the broken up massing of multiple buildings rather than one larger mass, the clustering of density towards the center of the site, decreased Setbacks resulting in increased Public plaza space and walkway, trail connection, and the variation between the architecture of each building.

16. The minimum Setbacks for the proposed Multi-Unit Dwelling on Lot 1 shall be:

- Front Yard: 20 feet (20')
- Side Yard: 10 feet (10')
- Rear Yard 10 feet (10')

17. The minimum Setbacks for the Multi-Unit Dwellings on Lot 2 shall be:

- Front Yard: 20 feet (20')
- Side Yard: 10 feet (10')

- Rear Yard: 10 feet (10') and reduced to five feet (5') for the area highlighted in Figure 8 on page 8 in the staff report. The applicant is requesting an additional Rear Yard setback reduction to five feet (5') from the required 10 feet (10') for a portion of Lot 2. The purpose of the Setback Reduction is to accommodate a utility easement for Lot 1 (1330 Empire Avenue).
18. The minimum Setbacks for existing Historic Single-Family Dwelling on Lot 3 shall be:
- Front Yard: 10 ft. for new construction; however the existing Historic Structure is a Legal Non-Complying Structure with a Front Yard Setback measuring six feet eleven inches (6'11")
 - Side Yard: Minimum five feet (5') and a minimum total of 14 feet (14')
 - Rear Yard: 10 feet
19. The proposal complies with Land Management Code (LMC) § 15-6-5(D) Open Space because the proposed MPD is considered a redevelopment of existing Development; therefore, the Planning Commission may reduce the required open space to 30% in exchange for project enhancements. The applicant is proposing 44.62% Open Space which equates to 28,962 square feet. Staff finds that in addition to being a redevelopment, this project provides ample project enhancements, including but not limited to:
- 52 deed restricted Affordable Housing units.
 - A Public Access Easement running east-west which will link Woodside Park Phase I (Park Avenue) to Empire Avenue (Park City Mountain base).
 - Common hardscaped gathering/plaza spaces landscaping areas for use by the property owners within the Woodside Park Phase II.
 - Public Art will be installed within the Public Access Easement as determined by the Park City Public Art Board.
 - Excess Bicycle Parking stalls from what is required (36 total).
 - A trail connecting Norfolk Avenue to the central gathering area in the plaza and Public Access Easement.
20. The proposal complies with LMC 15-3-5(E) as the total required Parking Spaces of the entire project is 63 Parking Spaces. The total number of Parking Spaces provided by the project is 71 Parking Spaces.
21. Per LMC 15-3-9 Bicycle Parking Requirements, the Multi-Unit Dwelling must provide at least seven (7) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles. The applicant is proposing to provide 36 Bicycle Parking Spaces.
22. The proposal complies with Land Management Code (LMC) § 15-6-5(F) Building Height because the proposed MPD complies with the Building Height requirements for the RC Zoning District. No Height exception is requested.
23. The proposal complies with Land Management Code (LMC) § 15-6-5(G) Site Planning because; the units are sited in such a way that is compatible with other

residential structures in the RC Zoning District, specifically respecting the rhythm and scale of the streetscape on Norfolk Avenue, Woodside Avenue and Empire Avenue; The applicant has stepped the series of five (5) townhomes with the topography which helps retain the site. Lot 2 and Lot 3 have a slight slope but the parking garage will accomplish a bulk of the retaining for the Multi-Unit Dwellings on this site; Roads, utility lines, and Buildings are designed to work with the Existing Grade. Cuts and fills are minimized; There is a pedestrian walkway and connecting trail that are valuable connector trails; The project scope includes an Access Easement running east-west which will link the City Park and Park Avenue bus stops (from Woodside Park Phase I) to Empire Avenue; Enclosed trash and recycling areas have been provided on site.

24. The proposal complies with Land Management Code (LMC) § 15-6-5(H) Landscape and Street Scape as the applicant is proposing landscaping throughout the project that is consistent with the area, including, but not limited to, natural turf, native grasses, deciduous trees, shrubs, and other alpine perennials.

25. Land Management Code (LMC) § 15-6-5(I) Sensitive Lands Compliance is not applicable as the site is not located within the Sensitive Lands Overlay District.

26. The proposal complies with Land Management Code (LMC) § 15-6-5(J) Employee/Affordable as the proposed MPD exceeds to required Affordable Housing obligation for a project of this size. 52 of the 58 proposed units are designated as Affordable Housing and will be deed restricted as such. The Affordability has been established by Resolution 03-2017, specifically in Section 17 (B) Rental Units and (C) For Sale Units. This project will comply with the above Sections of Resolution 03-2017 and definitions of Affordable.

27. The proposal complies with Land Management Code (LMC) § 15-6-5(K) Child Care as this project does not trigger the requirement for a Child Care Center as the scale of this project is less than the allowed Zone Density. In addition, the Park City Library has Child Care which is located within walking distance and there is significant open space within the vicinity and on the proposed project site (City Park, Library Park, etc.).

28. Land Management Code (LMC) § 15-6-5(L) Mine Hazards is not applicable as there are no known Physical Mine Hazards on the property.

29. Land Management Code (LMC) § 15-6-5(M) Historic Mine Waste Mitigation is not applicable as there are no known Physical Mine Hazards on the property.

30. The proposal complies with Land Management Code (LMC) § 15-6-5(N) General Plan Review as the proposed MPD fulfills the following Goals 3, 5, 7, 8, 15 of the General Plan and the applicable Objectives and/or Implantation Strategies of each as further described in the Analysis section of this report.

31. The proposal complies with Land Management Code (LMC) § 15-6-5(O) Historic Sites as the applicant provided a site plan and documentation for Historic Single-Family Dwelling located at 1302 Norfolk Avenue. At this time, no work is proposed on the "Significant" Single-Family Dwelling structure located at 1302 Norfolk Avenue. A new driveway will be installed triggering related removal of non-historic fence material and

landscape materials on the site; however, all work complies with the Design Guidelines for Historic Districts and Historic Sites and would not trigger a full Historic District Design Review (HDDR). Any future work to the “Significant” Single-Family Dwelling structure will require a HDDR application.

32. This project is a redevelopment because the Phase 1 and Phase 2 project is within the Lower Park Redevelopment Authority Area (LPRDA), the new development modernizes the area consistent with LPRDA goals and City critical priorities, and replaces several demolished structures which included:

- 1323 Woodside Avenue – Significant Structure was demolished in 2009 after the being approved for Deconstruction through the Certificate of Appropriateness for Demolition (CAD) process; however, part of the approval for a Deconstruction was that it would need to be Reconstructed. This building was ultimately Relocated through the Historic District Design Review process (including Historic Preservation Board approval) as a part of the Woodside Park Phase I Affordable Housing MPD and is now being Reconstructed at 1353 Park Avenue.
- 1330 (1350) Empire Avenue – There was a building located at what is now considered 1330 Empire Avenue. Prior to the Plat Amendment in 2014, this property was known as 1350 Empire Avenue. In 2003, the owner applied for a Determination of Significance to remove the Single Family Dwelling that was once located on the site from the Historic Sites Inventory (HSI). The Historic District Commission removed the structure from the HSI and the Structure was then demolished in 2005. There were no requirements for Reconstruction as it was removed from the HSI.

Conclusions of Law – Woodside Park Phase II – MPD

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein. LMC § 15-6-7 is not applicable;
3. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
4. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
5. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
6. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
7. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

8. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
9. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
10. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
11. The MPD has been noticed and public hearing held in accordance with this Code.
12. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
13. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
14. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
15. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditions of Approval – Woodside Park Phase II – MPD

1. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting, trash/recycling enclosures, mechanical equipment, etc.
2. A conditional use permit is required for the Multi-Unit Dwelling(s) prior to issuance of a building permit.
3. A development agreement as described in LMC Section 15-6-4(G) shall be ratified by the Planning Commission within 6 months of this approval and prior to issuance of a building permit for the project.
4. Required Parking Space allocation by a parking pass system shall be established in the CC&Rs.
5. The east-west Public Easement as shown on the Woodside Park Subdivision – Phase II shall be maintained by Park City Municipal Corporation.
6. A four foot (4') wide sidewalk shall be installed on Lot 1 adjacent to Empire Avenue prior to the issuance of a Certificate of Occupancy for any of the newly constructed buildings.
7. Signs shall be installed at the entrance of the east-west Public Easement as shown on the Woodside Park Subdivision – Phase II on Woodside Avenue and Empire Avenue providing directions and identification of the Public Easement. The applicant shall consider additional signs on Park Avenue for the Public Easement.

Findings of Fact – Woodside Park Phase II - CUP

1. The proposed site location consists of 1330 Empire Avenue, 1302 Norfolk Avenue (“Significant” Single-Family Dwelling), 1361 Woodside Avenue, and 1323 Woodside Avenue.
2. The proposed site is located in the Recreation Commercial (RC) Zoning District.
3. The site is known as the Woodside Park Affordable Housing Project Phase II.
4. Phase II of the Woodside Park Affordable Housing Project will be located between Woodside Avenue and Empire Avenue, with a small portion of the development abutting Norfolk Avenue. There will be a total of 58 units, 52 of which will be deed restricted Affordable Housing units.
5. In the RC Zoning District, multi-family units are a conditional use subject to review according to the Conditional Use Permit Criteria set forth in LMC 15-1-10.
6. The Conditional Use Permit application was deemed complete on February 1, 2019.
7. The applicant has submitted a Plat Amendment application for the Woodside Park Phase II Subdivision creating a 3-lot subdivision.
8. The scope of the project triggered Conditional Use Permit review for the following Multi-Unit Dwellings within the project boundary:
 - ☐ Two (2) Deed restricted Multi-Unit Dwelling Buildings centrally located on Lot 2 and accessed via Woodside Avenue. There will be a total of 46 “flats” comprised of studio, one (1), and two (2), bedroom units split between two (2) Multi-Unit Dwelling Buildings
 - ☐ A Multi-Unit Dwelling abutting Empire Avenue which will contain five (5) townhomes style attached units
9. There are no unmitigated impacts to LMC 15-1-10(E)(1) Size and location of the site, as the proposed project area is a total of 64,904 square feet - consisting of three (3) lots. A Plat Amendment is being processed concurrently to create a three lot subdivision (Plat Amendment staff report is in this Planning Commission meeting packet). The subject property is located in the vicinity of other Multi-Unit Dwellings with associated Parking Areas, Single-Family Dwellings, Municipal uses, and resort uses.
10. There are no unmitigated impacts to LMC 15-1-10(E)(2) Traffic considerations including capacity of the existing Streets in the Area, as the proposed design meets the requirements for parking and the proposed Density of the entire MPD Project, is less than what is permitted under the LMC.
11. There are no unmitigated impacts to LMC 15-1-10(E)(3) Utility capacity, the applicant has submitted a Utility Plan and reached out to local utility agencies for their initial review. No issues have been identified at this time.
12. There are no unmitigated impacts to LMC 15-1-10(E)(4) Emergency vehicle access as Emergency vehicles will access the site directly from Empire Avenue, Norfolk Avenue, and Woodside Avenue. No issues have been identified at this time.

13. There are no unmitigated impacts to LMC 15-1-10(E)(5) Location and amount of off street parking, as the total required Parking Spaces of the entire project is 63 Parking Spaces. The total number of Parking Spaces provided by the project is 71 Parking Spaces. The project has also triggered a requirement of 8 bicycle parking stalls. The applicant is providing 36 bicycle parking stalls. For further details, Sheet A901 details the Parking requirements by unit.

14. There are no unmitigated impacts to LMC 15-1-10(E)(6) Internal vehicular and pedestrian circulation system, as Vehicular access to the site is from Empire Avenue, Norfolk Avenue, and Woodside Avenue, public roads. Pedestrian access is from Empire Avenue, Norfolk Avenue, and Woodside Avenue. The project scope includes an Access Easement running east-west which will link the City Park and Park Avenue bus stops (from Woodside Park Phase I) to Empire Avenue. This access easement will provide an important link to future development and improve existing pedestrian circulation in the Lower Park Avenue core. Sidewalks external and internal to the site provide additional pedestrian connectivity.

15. There are no unmitigated impacts to LMC 15-1-10(E)(7) Fencing, Screening and landscaping to separate the Use from adjoining Uses, as a landscape plan has been submitted, see sheet A901.7 and A901.8. The applicant is proposing landscaping throughout the project that is consistent with the area, including, but not limited to, natural turf, native grasses, deciduous trees, shrubs, and other alpine perennials.

16. There are no unmitigated impacts to LMC 15-1-10(E)(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots, as the RC Zoning District allows up to a 1.0 Floor Area Ratio (FAR). The proposed development is proposing a .938 FAR. The proposed Density of the MPD does not exceed the maximum Density in the zone. The configuration of the buildings within the development takes careful consideration for the surrounding developments. Multi-Unit Dwellings and/or Triplex Dwellings that abut Woodside Avenue and Empire Avenue are consistent with the development patterns of the streetscape. The size and mass of the structure is compatible with the neighborhood because the units are broken up into smaller modules which added articulation and the varying the roof forms broke up the mass. The proposed Multi-Unit Dwellings comply with the Building Height requirements for the RC Zoning District. No Height exception is requested.

17. There are no unmitigated impacts to LMC 15-1-10(E)(9) Usable Open Space, as the proposed MPD area is a total of 64,904 square feet. The applicant is proposing 44.76% Open Space which equates to 29,051 square feet. The Usable Open Space equates to 34.19% of the site or 22,191 square feet.

18. There are no unmitigated impacts to LMC 15-1-10(E)(10) Signs and lighting, as the project has not yet proposed any signs for the project. The RC District allows signs as provided in the Park City Sign Code, Title 12. The applicant has provided a lighting

plan for the pedestrian easement. Any building lighting will be required to meet the requirements in the Park City lighting regulations.

19. There are no unmitigated impacts to LMC 15-1-10(E)(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, as the proposed design is architecturally compatible with all surrounding structures, whether they are Single-Family Dwelling or Multi-Unit Dwelling or resort commercial structures. Overall, staff finds that the proposed design is compatible with the surrounding Structures in mass, scale, style, design, and architectural detailing.

20. There are no unmitigated impacts to LMC 15-1-10(E)(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site, as the applicant will be required to meet all standards and codes in regards to mechanical systems. Mechanical factors beyond normal scope are not expected from a project of this type.

21. There are no unmitigated impacts to LMC 15-1-10(E)(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas, as Delivery and Service vehicles may access the site from either Woodside Avenue, Norfolk Avenue, and Empire Avenue. Enclosed trash and recycling areas have been provided on site which included a total of four (4) dumpsters (two [2] Recycling and two [2] Trash) for the units on Lot 2 and 12 trash cans (6 Recycling and 6 Trash) for the Multi-Unit Dwelling (townhomes) abutting Empire Avenue. The trash cans will be stored in each townhome's garage. The Parking Garage will store the four (4) dumpsters.

22. There are no unmitigated impacts to LMC 15-1-10(E)(14) Expected Ownership and management of the project as this Multi-Dwelling residential project is expected to be a Condominium Project under individual ownership. The Deed Restricted Multi-Unit Dwellings are being developed as Affordable Housing while the Market Rate Multi-Unit Dwellings abutting Empire Avenue will not be deed restricted.

23. There are no unmitigated impacts to LMC 15-1-10(E)(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structures to the topography of the Site, as the site is not located within the Sensitive Lands Overlay District.

24. There are no unmitigated impacts to LMC 15-1-10(E)(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding, as the proposed project fulfills several Goals, Objectives, and/or Implantation Strategies of the General Plan. within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on May 4, 2019 according to requirements of the Land Management Code.

25. On May 8, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website

and Park Record on May 4, 2019 according to requirements of the Land Management Code.

26. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – Woodside Park Phase II – CUP

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling as established by the LMC 15-1-10.
2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.
4. The Master Planned Development containing Multi-Unit Dwellings is hereby approved.

Conditions of Approval – Woodside Park Phase II - CUP

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. A landscape plan is required to be submitted with the building permit. Changes to an approved landscape plan must be reviewed and approved by the Planning Department prior to landscape installation.
5. This approval will expire on May 22, 2020, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration.
6. Recordation of the Plat is required prior to building permit issuance.
7. Modified 13-D fire sprinkler system is required.
8. All above grade utility facilities shall be located on the property and properly screened.
9. The final building plans and construction details submitted with the building permit application shall substantially comply with the plans reviewed by the Planning Commission on May 22, 2019.
10. Exterior signs require an approved sign permit prior to installation.
11. An approved and recorded condominium plat is required prior to sale of individual

units, in a form approved by the City Attorney and in accordance with the Affordable Housing Resolution.

12. This development is part of a common development that is greater than one acre. This development shall meet the MS4 storm water requirements.

VII.D Kings Crown MPD/CUP Modification (Application PI-19-04213)

Commissioner Kenworthy stated that he was unaware that Jana Potter was involved with the Kings Crown Project. He disclosed that their families have had a relationship for decades and their parents have done business together; however, their relationship would not affect his ability to discuss and vote on the King Crown project.

Planner Francisco Astorga reviewed the application for the Kings Crown MPD and CUP modification request. He stated that the first modification relates to the elevation of Building B. The elevation drawing depicted on page 341 of the Staff report showed two images comparing the existing approved elevation of Building B and the proposed modification for one additional exposed story on the north side.

Planner Astorga had reviewed these elevations in conjunction with the condominium plat application for Kings Court on the agenda this evening. Planner Astorga remarked that this was the only elevation that had a significant change. All other elevations were in general compliance with the elevation that was part of what the Planning Commission approved; and part of what was recorded at Summit County with the Development Agreement. The Planning Department felt it was relevant to bring this to the Planning Commission since it results in an additional exposed building.

Chair Phillips asked Planner Astorga to clarify "generally in compliance". Planner Astorga explained that when comparing a condominium plat, the Staff looks for substantial compliance with the original approval. The other elevations had small changes such as window proportions or doors being moved slightly, as well as adjustments to specific materials. Those are standard changes in construction as plans are fine-tuned for a building permit.

Planner Astorga reviewed the second request to modify the opportunity the applicant presented with the MPD/CUP and Development Agreement to place excavated material from the road construction and Building A onto the adjacent King's Crown ski run. That opportunity no longer exists because the Resort was no longer accepting excavated material at this stage. Most of the King's Crown run is owned by Nastar LLC rather than the Resort. The applicant had received permission from both Vail Resorts and Nastar, LLC and made significant progress. The road and Building A are 100% complete. The Townhouse site is 70% complete and Building B/C/D is 30% complete.

Planner Astorga had spoken with the applicant and was assured that the material will be stored on the adjacent property and they do not intend to use City roads for the remainder of the project.

Planner Astorga noted that a specific condition of the original approval stated that it was likely that the applicant would be able to secure permission to use the Ski Run, which they did; but that is no longer the case.

Planner Astorga stated that the third modification was a request to Modify certain Findings of Fact. As the applicant was fine-tuning the construction documents, some of the common space amenities were shifted around. They originally talked about placing an outdoor swimming pool behind Building A. That changed and the pool was relocated inside the building. Due to the pool and other components, the building increased in size by approximately 10,000 square feet. The breakdown was outlined on pages 343 and 344. Planner Astorga explained that the applicant was requesting to add two additional units by reducing the square footage from all other units. Therefore, the square footage of the unit equivalents remains the same as what was approved. Planner Astorga noted that the adding two units triggers an additional affordable housing requirement, which was also being proposed in the scenario.

Planner Astorga stated that the changes to what was approved by the Planning Commission and ratified in the Development Agreement were outlined in red on pages 344-346 of the Staff report. He reiterated that the unit equivalent was designated from the site suitability analysis performed by Staff in conjunction with the appropriate information required for the application, and that number remains the same.

Planner Astorga reported that the two added units required additional parking to be included in the Findings of Fact. Planner Astorga stated that six additional parking spaces were added.

The Staff recommended that the Planning Commission conduct a public hearing and approve the requested modifications. Planner Astorga clarified that the site suitability analysis had not changed. He felt certain that if these numbers had been part of the original application, there would have been no issues in approving the project. Planner Astorga stated that the common spaces areas, including the net increase of 10,000 square feet, are identified as residential accessory spaces per the Master Planned Development section of the LMC.

Planner Astorga stated that because a Development Agreement was already approved and recorded with specific Findings, the Staff recommended amending the

Development Agreement. The Planning Commission is the Land Use Authority on this Master Planned Development and they would be taking the final action.

Planner Astorga remarked that the Housing Team had provided an update to the housing mitigation plan to reflect the proposed changes. It was attached to the Staff report as Exhibit D.

Planner Astorga remarked that the City has always treated this conditional use permit with the MPD as a two for one approval; and the Findings of Fact for the MPD and the CUP were included together. However, the MPD and the CUP have different Conclusions of Law. Planner Astorga emphasized that this specific amendment did not amend or modify any of the existing Conditions of Approval.

Rory Murphy, representing the applicant, stated that the correction and modifications presented this evening were necessary to produce the best project for the City and the neighborhood. Mr. Murphy remarked that none of the proposed modifications were outside of the LMC and the proposal presented this evening actually decreases the amount of residential square footage.

Mr. Murphy stated that the first modification is a change to the north elevation of Building B, located next to the Affordable Housing Building currently under construction. The applicant was proposing to modify the side that faces the Affordable Housing Building. As outlined in the Staff report, the increased mass was a result of moving the amenity space that was originally approved for the back of Building A to the rear of the Condominium Buildings. The elevation in question was originally a retaining wall, and it is now level so the floor level remains at the same elevation as the floor opening; whereas before it stepped up a little. Mr. Murphy clarified that the front massing does not change.

Mr. Murphy believed this modification follows the spirit of the original approval. He explained that these modifications were considered after the Management of the Marriott approached them subsequent to the approval with concerns about the location of the pool and the hot tub.

Commissioner Thimm understood that the top elevation shown on page 343 was the elevation being proposed as part of this application. He thought the red line was clear, but he wanted to know about the blue line that did not match up to the baseline. Chimso Onwuegbu, the project architect, replied that the blue line is the floor elevation of the adjacent Affordable Housing Building. The red line showed the existing elevation and the black line showed what was being proposed.

Mr. Murphy reviewed a drawing showing Building A under construction. He pointed out where the amenities were originally proposed to be located and explained why that location would be disruptive to the Marriott Hotel operations. Mr. Murphy wanted it clear that the project was approved for extensive amenities space with the original proposal. However, the pool and the hot tub were moved to the inside of the building which resulted in the modification proposed. He reiterated that the change was made primarily because of the Marriott's concerns, but there were also concerns regarding the affordable housing.

Mr. Murphy stated that the original overall concept had not changed; however, relocating the amenities takes into account the feelings and concerns of their neighbors. He also believed it achieved a better design for the project.

Mr. Murphy clarified that no LMC exceptions were being requested.

Mr. Murphy stated that the second modification was to transport the removal of soil in a conventional manner. He noted that the LMC does not require on-site disposal, but they offered to do so willingly to help mitigate the effects of the project on their neighbors. It was a well-intentioned idea that they tried hard to fulfill. Mr. Murphy remarked that the idea was problematic from the start because the Resort would not take vegetation material or rocks larger than 2' in diameter. In spite of the difficulties, they transported thousands and thousands of yards on to the ski resort. Mr. Murphy explained that the property next to this project is owned by Nastar LLC. He was friends with the Hank Rothwell, the Principle of Nastar, who died last year. Mr. Rothwell's Successor was not willing to negotiate with Mr. Murphy, which created a situation beyond the applicant's control.

Mr. Murphy stated that they encountered a second problem when Vail decided to move forward with a project at the base and would no longer accept soil. Mr. Murphy tried to renegotiate with Vail, but the only place suggested was at Tombstone. Mr. Murphy did not believe it made sense to drive trucks through town and off the Colony Road to dump at Tombstone. Mr. Murphy stated that the only other option is to locate the material on-site if they cannot find another way to remove it conventionally.

Mr. Murphy emphasized that they tried very hard to keep with the original plan, but circumstances made it an unattainable solution. He stated emphatically that trucks will not be sent up Lowell Avenue and down Empire. The trucks will continue doing what they have been, which is to pull in and back out.

Mr. Murphy stated that the last modification is an increase in the overall square footage for the condominium buildings, which was primarily driven by the addition of the amenities area located in the rear of Building B. Mr. Murphy remarked that an

affordable housing unit was added at 50% AMI. The allowable ERUs were reduced by 12,375 square feet. Three-quarters of the sellable square footage was removed. Mr. Murphy noted that the applicant is not making money off the increases. Additional modifications to square footage resulted when schematic drawings were converted to construction drawings. It was driven by circulation and they had miscalculated how stairwells were counted. A corridor was added to the rear of the building, but it is buried and not visible. The mechanical space more than doubled when it was actually designed. Storage was another driver for reducing square footage.

Mr. Murphy pointed out that all of the proposed modifications were located at the rear of the structure and primarily underground. From the street view the massing has not changed. No height exceptions were being proposed. Mr. Murphy noted that the number of units increased from 23 to 25; but the overall square footage was reduced by making the units smaller. If the Planning Commission had concerns, he was more than willing to combine two units.

Mr. Murphy believed the proposed modifications would achieve a better overall project. It is a large project and they were doing their best to make it work. He believed the modifications were in the spirit of the original proposal and the approved Development Agreement. The soils issue was beyond their control, and even though they worked very hard to fulfill the idea, they were left in a position to approach the Planning Commission with a request to finish the remaining excavation in a conventional manner.

Mr. Murphy appreciated the Commissioner's consideration on these modifications. He thought it was important to point out that they started with 267 platted units on the property; and 11 acres will be preserved in perpetuity through conservation easements. The project will have 68% of the allowed density in the RC zone. They left 40% of the density on the table and doubled the required affordable housing. He recognized that none of what he highlighted was part of the application this evening, but they are all part of the equation.

Commissioner Sletten asked for the number of bedrooms in the additional affordable units. Mr. Murphy replied that they are one-bedroom units.

Commissioner Suesser noted that the Staff report indicated a common unit and she asked for an explanation. Mr. Murphy replied that the unit is recorded as common space and will act as a caretaker unit for the person in charge of maintenance for the project. This was done at Silver Star and it worked well.

Commissioner Kenworthy asked Mr. Murphy to walk him through the changes on Exhibit D with regards to the maximum household income. Planner Astorga noted that

Exhibit D was the Affordable Housing Mitigation Plan that was amended by the Housing Team and will be presented to the Housing Authority. Commissioner Kenworthy wanted to know why the maximum income had increased substantially.

Jason Glidden, the City Housing Development Manager, stated that Rhoda Stauffer had worked with the applicant and made the adjustments. City Attorney Harrington explained that several units have not been sold under the existing limits. The Housing Team proposed to raise the AMI eligibility by 25% so people with slightly higher incomes could qualify for financing to apply for these units. Mr. Harrington remarked that there had not been applicant pool to close on these units under the existing level that are too strict for the market and/or financing. A proposal is in place that will allow incrementally raising the limits of there are no eligible qualified buyers. However, they must first exhaust all the qualified buyers under the prior level.

Mr. Glidden stated that as part of the deed restrictions and the Housing Resolution, any affordable unit after being market for a certain period of time has the right to request altering the qualifications to allow for another level of applicants. Mr. Harrington clarified that the adjustment applied to the additional attainable units; not the affordable units.

Mr. Murphy wanted it clear that the applicant has not met with the Housing Authority to weight in on the document.

Commissioner Kenworthy asked if Exhibit D was part of the Planning Commission approval this evening. Director Erickson clarified that the Housing Resolution is approved by the Housing Authority; which is the City Council and not the Planning Commission. Mr. Harrington stated that Exhibit D was included as an attachment for information purposes only so the Planning Commission is aware of the changes proposed. If the Planning Commission had concerns or comments, they could forward those to the City Council as opinions. However, the City Council makes the final decision as the Housing Authority.

Chair Phillips opened the public hearing on the MPD/CUP Modifications.

There were no comments.

Chair Phillips closed the public hearing.

Commissioner Thimm referred to Mr. Murphy's comment about combining units if necessary, but he preferred to have the additional affordable unit.

Chair Phillips asked Mr. Murphy to quantify the amount of material that will be hauled off-site. Mr. Murphy replied that it was only the material left for the Townhomes and what remains on the condo building. He estimated approximately 9600 yards.

Commissioner Suesser asked where the excavated material was hauled before this modification. Mr. Murphy replied that it was dumped where the new ski run comes in and some of it on to King's Crown. Commissioner Suesser asked if Mr. Murphy had an idea of the increased number of trucks. Mr. Murphy assumed 960 trucks at 10 yards per truck. He estimated 60 or 70 trucks per day. If the Planning Commission approved the modification, he believed they would be done in a month or slightly longer.

Commissioner Suesser had observed trucks on Lowell that idle. She thought an idling requirement would please the neighbors. Mr. Murphy stated that idling is one of his pet peeves. Earlier that day he had another fight with a truck driver over idling. He talks to the contractor about this problem continually and it continues to be a consistent problem. Mr. Murphy thought the problem is that the truck driver is not always the same person. He strongly agreed with Commissioner Suesser and offered to continue to do his best to stop the idling.

Director Erickson asked if construction idling was addressed in the Construction Management Plan. Mr. Murphy answered yes. Director Erickson stated that Code Enforcement can enforce the Construction Management Plan. Mr. Murphy urged the Commissioners to contact him personally when they observe a truck idling.

Chair Phillips was comfortable with the proposed modifications and he believed they were consistent with the original approval.

MOTION: Commissioner Sletten moved to APPROVE the King's Crown Master Planned Development/Conditional Use Permit modification request based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Staff report. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – King's Crown MPD/CUP

1. The applicant requests to modify the approved MPD / CUP as well as the recorded Development Agreement based on three (3) modifications.
2. Modification no. 1: Request to modify the elevation / massing of Building B, north elevation, to accommodate amenity area. This elevation, as well as others, was part of the approved MPD / CUP as well as the recorded Development

Agreement.

3. The proposed elevation / excavation modification meets the Land Management Code as the development meets the maximum building height, and other applicable parameters.

4. The modification complies with the Findings of Fact, Conclusions of Law, and Conditions of Approval of the approved MPD / CUP, also found in the recorded Development Agreement.

5. Modification no. 2: Request to modify the opportunity that the applicant presented that excess excavation material from the road construction and the multi-unit buildings is / was to be transported and deposited at Park City Mountain. The resort is no longer accepting any more material at this stage.

6. The applicant has been able to accomplish transporting excavated material to Park City Mountain, specifically onto the King's Crown ski run; however, they no longer have such opportunity.

7. The applicant requests to inform the Planning Commission that they will move forward transporting the remaining materials in the conventional manner utilizing City streets.

8. Modification no. 3: Request to modify certain Findings of Fact. The Conditions of Approval are not being affected. The requested Findings of Fact to be modified do not affect the established maximum Unit Equivalent (UE) square footage, but rather deals with Residential Accessory areas (all common spaces) which do not count towards UEs.

9. The applicant proposes to increase the number of units by two (2), from 23 market rate units to 25; however, the overall UE residential square footage actually decreases from 52,843 square feet to 51,468 square feet, which equates to 1,375 square feet less than the maximum UE identified in the approved MPD / CUP.

10. The modification includes one (1) Affordable housing unit within Building B and increased the parking by six parking (6) spaces.

11. The net increase of square footage consisting of 10,938 is classified as Residential Accessory Uses which includes mechanical space, circulation, parking, storage, etc., all to be platted as common area.

12. Residential Accessory space does not count as UEs.

13. Affordable housing units do not count towards UEs.

14. The modification which decreases the UE square footage from 52,843 to 51,468 complies with the original approval.

15. The modification amends Findings of Fact 10, 13, 23, 24, 25, 31, 66, and 74 as shown as shown on Exhibit C.

16. The proposed modifications to the Findings of Fact meet the LMC parameters for MPDs as well as the mitigating CUP criteria.

17. The proposed three (3) modifications comply with the LMC parameters for MPDs

and the mitigating CUP criteria.

Conclusions of Law – King's Crown MPD

1. The modified / amended MPD, as conditioned:

- a. complies with all the requirements of the Land Management Code;
- b. meets the minimum requirements of Section 15-6-5 herein;
- c. provides the highest value of Open Space, as determined by the Planning Commission;
- d. strengthens and enhances the resort character of Park City;
- e. compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- f. is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- g. provides amenities to the community so that there is no net loss of community amenities;
- h. is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed;
- i. meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- j. promotes the Use of non-vehicular forms of transportation through design and by providing trail connections;
- k. has been noticed and public hearing held in accordance with this Code.
- l. incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application;
- m. addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
- n. addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance; and
- o. addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conclusions of Law – King's Crown Conditional Use Permit

1. The modified / amended CUP satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E),

Criteria 1-16).

2. The modified / amended CUP complies with all requirements of the LMC.
3. The Uses will be Compatible with surrounding Structures in Use, scale, mass.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – King’s Crown MPD/CUP

1. Once the Planning Commission has approved the modified MPD, the approval shall be put in the form of a Development Agreement. The modified Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The modified Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
2. An updated Affordable Housing Plan shall be approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD and deed restrictions shall be recorded, if applicable.
3. All conditions of approval of the approved Kings Crown MPD / CUP shall continue to apply.

V.IIE Kings Crown Condo Plat Application PL-19-04159

Planner Astorga stated that the condo plat was consistent with the amendments that were passed in the last item.

Commissioner Suesser asked if the Condo Plat only covers B/C/D. Planner Astorga replied that Building A was already approved by the Planning Commission and the City Council. It was approved as a separate plat because the entire Building is affordable housing. It was done for the purpose of financing the individual private affordable housing units.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for the King’s Crown Condo Plat, based on the Findings of Fact,

Conclusions of Law, and Conditions of Approval found in the draft ordinance.
Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – King's Crown Condo Plat

1. The site is located at 1271 Lowell Avenue, Lot 2 of the Kings Crown Re-Subdivision.
2. The site is located within the Recreation Commercial District.
3. On January 10, 2018 the Park City Planning Commission approved the Kings Crown Master Planned Development and a Conditional Use Permit for Multi-Unit Dwellings throughout the development for market rate and affordable housing units.
4. On February 1, 2018 the Park City Council approved the Kings Crown Re-Subdivision Plat per Ordinance No. 2018-05.
5. On June 13, 2018 the Park City Planning Commission ratified the Development Agreement required by the approved Master Planned Development.
6. On June 14, 2018 Summit County recorded the Development Agreement -entry no. 01093392.
7. On May 16, 2018 Summit County recorded the Kings Crown Re-Subdivision Plat – entry no. 1091847.
8. On August 30, 2018 the Park City Housing Authority approved the Kings Crown Affordable Housing Mitigation Plan.
9. On March 19, 2019 the Park City Planning Department received a complete Condominium Plat.
10. On May 22, 2019 the Planning Commission amended the MPD and CUP.
11. The proposed Condominium Plat memorializes common, limited common, and private areas that would that allows the units to be sold individually.
12. The proposed Condominium Plat consists of twenty-five (25) market rate units within the Kings Crown Building B, C, and D, to be platted as Kings Crown Condominiums.
13. The unit boundaries of each private unit would be set forth on the recorded plat.
14. The size of the private units within the multi-unit dwelling ranges from 1,160 – 4,869 square feet.
15. Common areas include mechanical spaces, internal circulation, parking garage and circulation, swimming pool, spa, gym area, entertainment area, exterior walls and internal bearing walls/columns, footing and foundation, roof, etc.
16. Limited common areas include several exterior decks throughout the three (3) buildings.
17. The recordation of this Condominium Plat would allow the applicant to sell each unit.

18. There is Good Cause for this Condominium Plat as it reflects compliance with the amended Master Plan Development and Conditional Use Permit, approved Re-Subdivision Plat, and amended Affordable Housing Mitigation Plan.

Conclusions of Law – King’s Crown Condo Plat

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

Conditions of Approval – King’s Crown Condo Plat

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat and CCRs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
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 plat note shall state that all conditions of approval of the amended Master Planned Development, Conditional Use Permit, Kings Crown Re-Subdivision Plat Ordinance No. 2018-05, and amended Housing Mitigation Plan shall continue to apply.

The Park City Planning Commission Meeting adjourned at 9:35 p.m.

Approved by Planning Commission: _____