

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
May 8, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Charlie Wintzer, Thomas Eddington, Francisco Astorga, Anya Grahn, Polly Samuels McLean

WORK SESSION ITEMS

1450/1460 Park Avenue - Conditional Use Permit (Application PL-13-01831)

1450/1460 Park Avenue - Plat Amendment (Application PL-13-01830)

Commissioner Thomas recused himself on the Park Avenue project due to a prior involvement with the project. Commissioner Thomas left the room.

Commissioner Hontz recused herself from the 1450/1460 Park Avenue discussion because she had submitted an RFP for this project. Commissioner Hontz left the room.

Craig Elliott with the Elliott Work Group represented Green Park Cohousing. Mr. Elliott presented a slide looking at properties on Park Avenue between Park Avenue and Sullivan adjacent to the ball fields at City Park. He stated that when Elliott Work Group works on a project and design concepts they initially do a context analysis. He walked the Planning Commission through the context of the site and the design concepts and finish with the submittal they have so far. Mr. Elliott felt it was important for the Commissioners to understand the thought process they went through to locate the building and the design of it.

Mr. Elliott stated that the property extends between Sullivan and Park Avenue. There are two historic homes on the lower part of the site. He noted that until he started working on this project he always thought Sullivan Road was a parking lot. Once they learned that it was a road it was important to understand how it works and functions and how this site fits into that context. Mr. Elliott stated that the two historic homes were shown in orange. There was another historic home to the north and two historic homes to the south. The farthest structure to the left was the 7-Eleven and City Park was on the right. The green area shown was the new construction project.

Mr. Elliott remarked that this project was in the HRM zone, even though there were historic homes on the entire area between the 7-Eleven and the Miners Hospital. Understanding the requirements within the HRM zone is important when doing a submittal for this type of project.

Mr. Elliott stated that the next part of their analysis was to look at the site and the existing development. He noted that the orange boxes represented condominiums with the exception of the re-construction and the 7-Eleven. He noted that there are five historic homes and 100-plus condominium units in the immediate adjacent area, most of which front onto Sullivan Road. The mass and scale of those buildings are significantly greater than the historic homes in the neighborhood. Mr. Elliott stated that this information helped them understand the massing, the actual construction and how it works.

Mr. Elliott stated that even though Park Avenue is a historic street in many ways, it is almost an arterial road because of the traffic load that comes through that area. Sullivan Road is much more of a neighborhood street and its primary intent is to service both the Park and the residential units

adjacent to it.

Mr. Elliott noted that the purple color represented the parking area. He stated that all of Sullivan Road, with the exception of this site on this block, is parking. Mr. Elliott pointed out that what remains on the block would be considered open space in this district. Properties are between a little under 5% open space to a little over 26% open space in those existing properties. He stated that this project is required to provide 60% open space per Code. Mr. Elliott noted that two driveways come in off of Park Avenue to the two historic homes.

Mr. Elliott explained that once they have all the information they apply the Code. However, more importantly, they needed to apply the principles of cohousing for this site. Mr. Elliott stated that ten units are proposed in this project. All ten units were spoken for and there is a waiting list. He noted that cohousing design is different. Ten owners come together to build and design their own place to live. Their goal is to live as a community. They generally require green and sustainable principles in their architecture and construction. They create gathering spaces to interact. They integrate into the community. A simple principle of cohousing is to park your car and walk from your car into the common areas of the project and interact with your neighbors before going into your unit. In addition, cohousing is an intergenerational type of living, and it includes everyone from small children to retirees.

Mr. Elliott provided an overlay of the 1929 Sanborn Map to how what was on the site historically. It showed peripheral structures in the center of the site towards the back. He had photographs showing sheds that went from the back of the house to Sullivan Road. Mr. Elliott indicated a darker L-shaped orange area on the map. He noted that the 1929 Sanborn map had an overlay. Underneath the overlay was one of the previous Sanborn maps. Mr. Elliott had seen the 1907 map. He noted that somewhere in between 1907 and 1929 something was on the property because you can see the image. Mr. Elliott provided a brief history of Sullivan Road and the subject property. He felt the thought that this property has always been a green, lush lawn area is out of context with the history of the site.

Mr. Elliott stated in designing cohousing they tried to create a massing of a new building that respects the two historic homes by allowing the visual to go in between those homes as they have for many years. The horseshoe shaped was responding to the massing of the larger buildings along Sullivan Road. They tried to keep those within the context of the larger structures that exist today along the entire block. Mr. Elliott remarked that the shape of the building as shown was designed in a way that represents what cohousing does. The center space of the horseshoe is the common area. Everyone comes from the parking on the perimeter on Sullivan Road, through the building through a walkway into the common space and then enter their units.

Mr. Elliott noted that the gray areas on the top represented three driveways and how they would work with the site. The two driveways were moved from the historic homes primarily for safety reasons. Mr. Elliott had requested the opportunity for parallel parking along Park Avenue but they had not heard positive comments from the City Engineer. He believed it was an interesting concept for providing additional parking spaces along Park Avenue and safer access than 90 degree parking in a driveway. Mr. Elliott stated that it was not a deal-killer on the project, but he felt it was appropriate. Mr. Elliott pointed out that the parking is very consistent with the remaining properties surrounding the site.

Mr. Elliott presented a 3-D representation of the project looking at it from the sky. He noted that the roofs are green roofs and they step back from the historic homes. In the context of the streetscape, the building in the center was the project they were proposing. Mr. Elliott explained how they tried to be consistent with the massing along the streetscape.

Mr. Elliott presented a slide of a required image in the historic district going through the HDDR process. It shows the sight line over the historic structures. Mr. Elliott reviewed the section drawings. They tried to step back from the historic homes with the massing and provide a gradual approach to the existing conditions and site parameters. Mr. Elliott identified the grade and height. He noted that the 3-D image was a massing model to help them understand the context of the site. They had shown trees between each of the breaks between the garages based on the thought that maybe long term on Sullivan, a tree could be placed wherever there is an opportunity for a green bulb-out, to create a sense of scale along the entire street. Mr. Elliott believed it was a way to improve Sullivan Road without having to do curb and gutter.

Mr. Elliott reviewed a slide from the perspective of looking at the project on the opposite side of Park Avenue, looking back at the two historic homes. Mr. Elliott noted that trees were shown as a goal to create a buffer for the horseshoe shaped common area. Mr. Elliott presented a slide from the interior perspective.

Mr. Elliott presented a slide of the overall context that dealt with some of the zoning issues. He noted that the zoning was created to encourage taking the accesses off of Park Avenue and moving them to Sullivan Road. Mr. Elliott stated that for this project the access was taken off of Park Avenue and moved to Sullivan Road. They tried to be consistent, but improve upon the concepts that already exist.

Chair Worel called for public comment.

Clark Baron stated that he owns one of the Struggler condominiums on the left of this project located at 1470 Park Avenue. Mr. Baron appreciated the work that the Park City Planning Commission has done to help maintain the historic look and feel of Park City. He understands that there is a lot of parking there now and that these condos were built prior to 2009. These projects all met the Code when they were constructed. Mr. Baron met with the Planning Department and reviewed the documents. They found them to be very professional and accurate. Mr. Baron agreed with the findings outlined in the Staff report. The Staff has done a good job identifying major issues with the project.

Mr. Baron commented on four concerns he had regarding the proposed project at 1450/1460 Park Avenue. The density of the project is concentrated on Sullivan Road. He felt this was excessive for the size of the lot. The Code requires 60% open space. This is not met by the project. He admitted that open space requirement was not met by previous project, but the Code has changed since then and it was changed to try to maintain as much open space as possible. Mr. Baron stated that Sullivan Road is the front yard for eight of the condos, yet it has minimal open space on that end of the project. With only four or five feet between the historic homes and the large multi-unit dwelling, he believed the density was too high.

Mr. Baron agreed with the Staff report that the addition should be subordinate to the historic structure. He did not believe the proposed plan complies with that requirement.

Mr. Baron stated that the design proposed is not consistent with the look and the feel of the historic lots in the neighborhood. A square box with a flat roof is very different in style from the surrounding buildings. Based on the Staff report, this project is not compatible with the surrounding structures in mass, scale, style and design.

Mr. Baron noted that the proposed plan shows that the historic structures are being raised approximately 2-feet higher than their present grade, and the bulk of the dwelling is also raised 3-feet above present grade. He believed this distracts from the look of the project and is not consistent with the Park City Design Guidelines for Historic Sites. Mr. Baron stated that the project has serious parking issues due to its design and scale. The only parking is off of Sullivan Road which is designed for limited access only. Having a main entrance, eight condo units and all six garages with separate driveways with cars backing on to Sullivan Road is limited access. Mr. Baron also questioned space for snow removal because it appears to be marginal. Access to the front doors of the condos will be through the building at that point. As noted, the driveways do not meet the Code.

Mr. Baron stated that if this project is approved, the visitors and residents to the Park will no longer have a tree-lined area back in there with smaller condos or little homes. They will see another large structure. Mr. Baron preferred to maintain a cottage type look since it is one of the few remaining historic areas. Mr. Baron urged the Planning Commission to follow the recommendations that were outlined in the Staff report and send this project back to the drawing board for major revisions and a significant reduction in scale and change in style to match the buildings in this historic neighborhood.

Mary Wintzer stated that she attended early meetings about cohousing and she was very excited about it. Since the City was partnering with this effort, she was surprised that it had gone off track a little with the areas where it does not comply. Ms. Wintzer understood that the goal of cohousing was to integrate into the community to create community. It is not to be separate or put off on the existing community. She noted that affordable housing has to comply with the LMC as much as possible. The City has spent months looking at the LMC and trying to correct some of the problems that exist in the slides Mr. Elliott presented this evening. Ms. Wintzer referred to Mr. Baron's comment that the existing buildings were built under the old Code. She noted that they were trying to improve on that a not repeat the same mistakes. Ms. Wintzer believed that if the City is partnering, they have an obligation to the citizenry to send the right message and help Mr. Elliott's team create a project that is more in line with the LMC. If the City believes in this project they should help reduce the number of units that have to be built by subsidizing this project. They should not send the wrong message to the design community, and the majority of citizens who follow the Code would not understand that a project that the City is partnering with does not have to follow the same rules. Ms. Wintzer supported the cohousing project but it needs some tweaking.

Jane Crane, a part-owner of one of the Struggler Condominiums, understood that a number of people supported the cohousing program. She believed parking was a huge issue with this design.

Ms. Crane asked the people who were in partner ownership of this project to stand. She asked how many of them only had one car.

Chair Worel asked Ms. Crane to direct her comments to the Planning Commission.

Ms. Crane reiterated that parking is a huge issue and there is a green space that juts out from the Park that happens to be right in front of this cohousing unit. People have to get off the sidewalk in the Park and come out on to the street. She agreed with the comments made by Mr. Baron and Ms. Wintzer. With the City being in partnership with this project she believed they needed to look at the size and make their best effort into making it more compatible with the rest of the area.

Audrey Hardy stated that she is part of the LLC of Green Park Cohousing and she plans on living there. She had read a book about green roofs and urban roof top gardening. She thought the green roofing on top of the building should be counted as green space in many urban setting it is the only room people have for gardening and green space. Ms. Hardy stated that the point of the green roofing on top is for environmental purposes as well as building community. It will insulate the building and it will help refresh the air.

Sara Werbelow, a member of the proposed cohousing community, stated that a lot of issues were raised that she would like to talk about, but this is a work session and she thought they would be able to dialogue about the plan before them this evening and come up with solutions. Ms. Werbelow stated that in terms of the height and density allowed on that particular site, they are not asking for a variance because they are within the allowed height per Code on that site. She noted that the project was under the allowed density for that particular site. Ms. Werbelow believed those were critical issues. She remarked that the intent is to work within the Code and to have a discussion to address any issues.

Ethel Preston stated that she was also in the LLC. Ms. Preston had noticed a very large condo on the other side of Park Avenue that has a flat roof. Therefore, the flat roof is not out of context in that area.

Darrel Finlayson, President of the Green Park Cohousing, asked Mr. Elliott for the slides of Sullivan Road. Mr. Finlayson stated that he currently lives in Wasatch Condominiums, which consists of four buildings. He has lived there for ten years. His personal experience with living on Sullivan Road in terms of traffic flow and parking is that there are 120 uncovered open parking spaces along Sullivan Road for City Park, as well as parking spaces available for all the other existing condominiums. In terms of safety, Mr. Finlayson noted that the posted speed limit on Sullivan Road is 10 miles per hour, which reflects the density of use in that area. Additionally, in the summer time speed bumps are put in, which reflects the City's goal of reducing the speed of traffic through that zone. Mr. Finlayson personally believed that having more parking consistent with the rest of the parking along that side of Sullivan will help influence the speed of the traffic. Mr. Finlayson pointed out that they were not building an addition. The new construction is a separate structure from the historic homes. He felt it was important to note that it was incorrectly referenced as an addition in the Staff report.

Dan Moss, an owner of a Struggler Condominium unit, shared the concerns expressed by Mr. Baron and Ms. Wintzer. He was relieved of some of those concerns when he saw the Staff report and how it identified some of the areas where the projects does not comply and some of the problems it represents. He encouraged the Commissioners to study the report carefully and address each concern raised in the Staff report to make sure compliance is met. His unit fronts Sullivan Road and he has watched the evolution of that road. Mr. Moss stated that it is already congested and there is

a shortage of parking. This particular construction would diminish what little parking is available and it would add to the current congestion. Mr. Moss was concerned that the general character of the area would be compromised by this high density housing project.

Chair Worel closed the public hearing.

Craig Elliott stated that he has worked on this property for two years and this was the first time he had the opportunity to give a presentation. He has had the opportunity to meet with the Staff and to respond to their review. Mr. Elliott remarked that the plan submitted was capable of being compliant within the ordinance. In response to the comments about the grade, Mr. Elliott explained that they are required to raise the historic buildings on this site because it is in a flood plain. He noted that the building to the south is within the height compliance generally accepted in the Historic District Guidelines. The building to the north is slightly above what is generally accepted, but it could be lowered within the 2-foot range. It would meet the criteria but it may not be the best solution for the project. Mr. Elliott stated that the site is also within the boundaries of the soils ordinance. Since there is no nearby repository, they would have to truck any soils from excavation to Tooele. That cost would be impossible for an affordable housing project to absorb. Mr. Elliott pointed out that the excavation from the foundations would be placed in the center of the site where nobody could see it. All the grading change was done within the requirements of the Code. Mr. Elliott noted that the project provides over 60% open space; 53% is on the ground and 10% is shown as green roofs. Mr. Elliott stated that he was prepared to discuss architecture and style or address other issues if the Planning Commission had questions.

Planner Astorga noted that because the Staff report was lengthy, it was separated into sections. Section 1 was specific Conditional Use Permit Review criteria specifically for the HRM District, as outlined on pages 8-10 of the Staff report. Section 2 addressed parking. The project must meet the parking requirement and a small portion of that section indicates the number of parking spaces they must provide. The Staff report contained the Staff findings. Section 3 was the Standard Conditional Use Review Criteria 1-15 as outlined on page 16 of the Staff report. Planner Astorga noted that this criteria is the standard that is used throughout and it is tied to the State Code. Section 4 addressed Special Requirements for Multi-Unit Dwelling as reflected on page 19 of the staff report. The Staff interpretation is that the project as submitted falls under a multi-unit dwelling. Cohousing is not listed as a use in the Code. Cohousing is considered a social component of how someone lives. Section 5 is the criteria in the Code for access off of Sullivan Road as outlined on page 20 of the Staff report.

Planner Astorga requested input from the Planning Commission on five discussion points. The first was compliance with the design guidelines. He noted that the applicant had submitted an application for HDDR, a CUP and a plat amendment. He explained that the Staff has the review and decision on the HDDR, Planning Commission has the final say on the CUP, and the City Council makes the final decision the plat amendment. Planner Astorga explained why the Planning Commission should not focus too heavily on the design guidelines. In the event an appeal is submitted, the appeal would be heard by the Historic Preservation Board as the body who reviews appeals of HDDR applications.

Planner Astorga noted that the second discussion point was compliance with the parking requirements. The third point related to the second point in terms of whether the Planning

Commission considers the parking area to be five or more spaces. Planner Astorga stated that the applicant disagreed with the Staff analysis that there are five or more spaces at the rear, based on specific criteria that was applied.

Planner Astorga pointed out that there could possibly be three conditional permits for review. The first is the use of a multi-unit building, the second would be limited access off of Sullivan Road, and the third would be a parking area containing five or more parking spaces.

Planner Astorga stated that the fourth discussion was the open space requirement. Per Code, multi-unit buildings require 60% open space; however, the Code is not specific as to whether or not a green roof could be counted as part of the open space requirement. Planner Astorga thought it was a gray area and he requested Planning Commission input.

Planner Astorga noted that the last discussion point was limited access on Sullivan Road. The Code indicates that specific criteria must be met before the Planning Commission could grant limited access off Sullivan Road. The Staff did not believe the applicant had met all of the criteria.

Commissioner Wintzer complimented Planner Astorga on a great Staff report and a good presentation. Regarding the design guidelines, Commissioner Wintzer was comfortable with the bulk of the building and the number of units. However, he had major concerns with the east elevation. He noted that the design guidelines talk about diminishing the visual effect of the garage and the automobile. Commissioner Wintzer pointed out that the back elevation is actually a front elevation because this property has two front yards. He was not in favor of the garages with cars parked in front. Commissioner Wintzer emphasized the importance of reworking the Sullivan Road access. He understood that other buildings in the area were not sensitive to design or use of land. There was nothing they could do about the existing buildings, but new buildings should be designed to be more compatible and more presentable. Commissioner Wintzer felt that a minimum, the City should be held to the same standards as all other developers.

Commissioner Wintzer needed to see a parking plan to adequately address the parking issue. He understood that there would be six cars parked in a garage and six cars parked behind those cars and a couple more on the side. He was unsure if stacking the cars meets the Code. At the bare minimum, each unit has to move one car to back out another car. Commissioner Wintzer stated that he is a neighbor to the Affordable Housing project on Deer Valley Drive. That project has limited parking and there is at least eight cars parked on the street every night from that project. Commissioner Wintzer believed the cohousing homeowners were the most sensitive to cars in town, but they would still have a minimum of one car per person. They will be parking in City Park and taking up the limited parking.

Commissioner Wintzer agreed with the comment that if this project is too big to accommodate the parking, and the City believes that cohousing or affordable housing is an important element, they need to make the land more affordable so the number of units can be reduced to make it fit. Commissioner Wintzer did not think they should downgrade the Code or the standards to achieve affordable housing units for one project because it would carry through to every other project on the street and held up as an example.

Commissioner Wintzer was unsure how to address the open space issue. He noted that one day the City Council gave direction for flat roofs in Old Town, but they did not follow through with guidelines regarding open space and what could be done with a flat roof. He personally believed a flat roof was an appropriate use, even though it is not historically compatible. The building is a separate structure from the historic homes and he thought Mr. Elliott did a great job separating the buildings. Commissioner Wintzer understood the argument Mr. Elliott made for raising the buildings.

Commissioner Wintzer agreed with the Staff report on the Sullivan Road access, but he was not convinced that putting the access on Park Avenue was a better solution. City Park is a jewel of the City and one of the most popular open spaces in town. It needs to be protected, but he still thought it was better to have the access off of Sullivan Road, especially with the historic houses in the front. He is a strong believer in the Code and when they do not honor the Code it weakens the Code. The biggest problem in old town is that everyone wants to do it because their neighbor did it.

Commissioner Wintzer thought there was a problem with snow storage on the site, primarily due to the size of the site. He also thought trash was a problem. Making the site as tight as it was proposed leaves no room for auxiliary uses. Commissioner Wintzer stated that he is a follower of the Code, but he also believes it is important to have these types of housing opportunities in the community to be a complete community. He was not willing to ignore the Code, but there are gives and gets that could make this project possible. However, the applicant needs to make that argument because he did not want it to appear that the Planning Commission ignored the Code to make this project work.

Planner Astorga stated that when he started working on this project he found out from the City Engineer that Sullivan Road is not a platted road. It was simply built as a way for people to get to the Park. If the Commissioners had questions, they could look to the City Engineer for answers. Planner Astorga clarified that the Staff did not disagree with Mr. Elliott's comment about a sea of parking. He would like to see an aerial photograph of all the parking spaces to find out which ones have been approved by the City. Planner Astorga stated that he would like to know how many are legal parking spaces and how many were asphalted over a weekend without permits or approvals. The Staff did not have time for that research and he encouraged Mr. Elliott to work with the Building Department to locate the site plans so they could do the exercise. Commissioner Wintzer pointed out that this was an existing condition and he thought the City needed to map Sullivan Road for future reference. He did not believe finding the information suggested by Planner Astorga would change the appearance of Sullivan Road. Planner Astorga clarified that he was only looking for site plans to see how many of the parking spaces for the existing condos were actually legal and approved.

Commissioner Savage stated that this was an interesting discussion where they were trying to solve a heavily constrained problem. He noted that it could be approached from the point of view of content of the LMC, or from the point of view of context and how to implement this community benefit. He believed this cohousing facility was a community benefit because it can nucleate other good things to happen around the community. As a Commissioner and as a citizen, he supports that kind of activity. Commissioner Savage thought the context should drive their discussion.

Commissioner Savage did not have a solution for the parking and he thought it required more

detailed analysis and creative thinking, and he support Commissioner Wintzer's comments. Commissioner Savage stated that the idea of gives and gets as it relates to the open space requirement and green roofs was acceptable in his opinion. He drives Park Avenue every day and that neighborhood is a hodgepodge. Commissioner Savage remarked that a constructive attitude would be to find the right solution to allow this to be implemented in a way that helps people in the heart of Park City achieve their objective, rather than nit-picking the content.

Commissioner Gross thought it was a terrific project and Mr. Elliott did a great job of putting it together. If the project could comply with Code, it was something the Planning Commission should support. Commissioner Gross was unsure how the parking issue could be resolved. He commented on parking issues throughout Old Town and other affordable housing projects. He thought it was commendable that the Struggler Condos have 3 spaces per unit, but that was not possible on this site. Commissioner Gross stated that at a minimum they should try to achieve a one to one ratio for this cohousing project. He noted that Park Avenue is not a friendly street and being able to park on Sullivan Road would help make Park Avenue more walkable.

Commissioner Wintzer did not agree that parking on the street was the answer. Trying to reserve the parking for the units would be difficult, and the street is already over parked because there are cars everywhere. Parking is especially tight in the summer from Park users and they could not take away that parking.

Chair Worel stated that she loves the cohousing concept and she wanted to see it work in Park City. She shared the concerns of her fellow Commissioners regarding the LMC and finding a way to make the LMC work with this concept. Chair Worel asked if she was correct in understanding that seven units were required and ten were proposed.

Mr. Elliott replied that seven affordable units are required. Ten units are proposed on site to provide housing for the cohousing group, which is six less than what is allowed.

Chair Worel asked if all ten units were spoken for and purchased. Mr. Elliott answered yes. Chair Worel clarified that it would present a significant problem if the number of units was decreased. Chair Worel was comfortable using the green roofs as part of the open space; however, in looking at the plans it appears that a ladder would be the roof access. Mr. Elliott replied that it can be accessed from several different places. The areas that are all green have a step up over a terrace. The other terraces were not counted as green, even though green spaces are associated with them.

Commissioner Wintzer suggested that for the next presentation, the applicants submit a parking plan and color code what they intend to count for open space.

Chair Worel asked how people would access the green roof open space. Mr. Elliott indicated doors that would be used for access. It was called out as a ladder on the drawings but it could be stairs or something else. He noted that solar panels were not included in the open space calculation.

Commissioner Savage stated that his direction would be that the idea of counting the roof towards the green space calculation would be acceptable, particularly if the applicant can demonstrate that it

is a community benefit for the people who live in that project.

Planner Astorga asked for input from the Commissioners on the issue of five or more parking spaces. He presented a slide of the site and explained how the Staff determined the number of spaces. Based on the calculation, the Staff determined 8 spaces aside from the six garages, which triggers a CUP. The applicant disagreed with that determination.

Commissioner Wintzer agreed that it was eight parking spaces. Commissioner Gross clarified that it was all part of the same project, which made it difficult to split the parking. Commissioner Savage explained how it could be considered two separate parking areas. He believed the parking issue was again the question of interpretation. He reiterated that the discussion should be driven by the context of the design that adds value to the nature of the property and is compatible with an interpretation, rather than trying to figure out the interpretation.

Commissioner Wintzer stated that there was no room to improve the parking and he was seeing six garage doors and eight cars parked in front of them as the streetscape of this project. Mr. Elliott and Commissioner Wintzer discussed the parking. Mr. Elliott explained different parking options and how it could be accomplished.

Planner Astorga clarified that the requirement is ten parking space but it is not triggered because of the ten units. It is triggered because the two historic structures do not have a parking requirement, and four of the units trigger just one parking space because of their size, and the other four trigger 1.5 spaces for a total of 10 spaces.

Planner Astorga thought the Staff could work with the legal department on the gives and get, specifically address the limited access off Sullivan Road. He believed the Staff could also work with the applicant on fine-tuning this project. Planner Astorga noted that the Planning Department supports this type of use, but they have the responsibility to make findings for every criteria in the LMC for a CUP. Commissioner Wintzer appreciated the Staff's position. He noted that the role of the Planning Commission is to enforce the Code and to make sure the Staff has made the appropriate findings.

Commissioner Savage applauded Mr. Elliott and his team for the approach they have taken with this project.

2024 Sidewinder Drive – Discussion of Conditions of Approval for Conditional Use Permit for a church. (Application GI-12-00205)

Commissioner Gross was excused from the meeting for a short time due to another commitment.

Commissioners Hontz and Thomas returned.

Planner Evans stated that the Staff was seeking guidance from the Planning Commission regarding the condition use issues at 2024 Sidewinder Drive. He reported that the conditional use was issued in 1995 for a church. The zoning is General Commercial and a church is a conditional use within that District. It is unknown how the long church existed in that building. The upper portion has stayed intact as originally constructed. No building permits have been issued since 1995 at this

location on the second floor.

Planner Evans noted that the conditional use permit was issued with two conditions. The first was that the occupancy would be capped at 50 people or an elevator would have to be installed. The second condition required a two-year review of the CUP. Planner Evans stated that there is no evidence that the two-year review ever occurred.

Planner Evans stated that the new applicant wants to hold services at this location. There are 50 people or less at any given time; however, they are concerned about major religious holidays when more people may attend.

Planner Evans reported that during the initial review by the Building Department, it was determined that a stair chairlift at this location would be acceptable in lieu of an elevator. According to the Building Department an elevator in this building is not achievable on the interior. Retrofitting the existing building was not an easy option for the building owner, and the church would like to have services in excess of 50 people.

Planner Evans stated that under the existing square footage based on the criteria in the Building Code, the building occupancy would be capped at 175 based on the existing chairlift. Planner Evans noted that comments by the Chief Building Official indicate that during an emergency the elevator would be rendered inoperable. Therefore, the elevator is an ADA issue and not an emergency issue.

The Staff requested guidance from the Planning Commission to determine if the chairlift was in substantial compliance with the original conditional use permit.

Commissioner Hontz asked if a church was a conditional use in the zone under the current Code. Planner Evans answered yes.

Commissioner Thomas clarified that the Building Official had deemed this appropriate ingress and egress to comply with the Disabilities Act. Director Eddington replied that this was correct. The issue is that original CUP specified an elevator and the Staff wanted to confirm with the Planning Commission that a chairlift would meet the intent of the condition.

Commissioner Thomas noted that the chairlifts have become more efficient and viable. He was comfortable with the request.

Commissioner Wintzer asked if there was any way to revoke the original CUP and issue a new CUP that specified elevator or chairlift. Director Eddington stated that if the Planning Commission found that the chair stair lift system met the intent of an elevator to carry ADA persons up the stairwell, it would up to the Planning Director to find that it was in substantial compliance.

Commissions Savage and Worel were comfortable with the chairlift.

1024 Norfolk Avenue – Conditional Use Permit (Application PL-13-01853)

Planner Astorga reviewed the application for a Steep Slope Conditional Use Permit for construction

of a new single family dwelling over a re-platted lot of record. It was previously approved as a lot combination of 1-1/2 lots of record.

Planner Astorga reviewed exhibits that were provided by the applicant. He noted that this was a work session because an in-office issue with noticing prevented the Staff from scheduling this for a public hearing.

Planner Astorga noted that the applicant had provided significant information. After spending a lot of time reviewing the application the Staff found that it meets the various regulations outlined in Chapter 2.2 for the HR-1 District.

Planner Astorga requested that the Planning Commission focus on the streetscape elevation, and he believed the applicant had done a good job to reduce the appearance of the structure. It is a three story structure but the size was minimized from the street. Planner Astorga reviewed the model that was submitted as part of the streetscape elevation.

Planner Astorga noted that the applicant indicated the need for a height exception for tandem parking on the downhill lot. He reviewed the survey several times and did not find where they needed a height exception. He believed that was an error and that the applicant was in full compliance with the 27' height.

Jamie Thomas, the applicant was present to answer questions.

Planner Astorga requested input and direction from the Planning Commission regarding the Staff analysis and comments reflected in the Staff report. He noted that this item was publicly noticed for the May 22nd meeting.

Chair Worel called for public input. There were no comments.

Commissioner Hontz complimented the applicant on the packet they submitted. This was the first time the information has been clearly portrayed and additional information was provided that help them understand what the applicant is trying to accomplish on site. She suggested that the Staff use this application as an example for other applicants to utilize.

Commissioner Hontz referred to page 76 of the Staff report and asked how much room there would be to park in the driveway and the slope to get into the garage.

Planner Astorga indicated the distance from the property line. He noted that the setback is 10 feet. The driveway is lengthy because of how the road was built over the platted right-of-way. The slope would be 13.5 and 8.3 on the other side.

Commissioner Wintzer echoed Commissioner Hontz's regarding the packet. It was very interesting to read and it contained exceptional information. Commissioner Thomas echoed his fellow Commissioners. It is a clear and concise package and a model for other Steep Slope packages and future projects. The application is complete and appropriate. He liked how the plan relates to the existing fabric of the neighborhood.

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Commissioner Savage concurred with all the previous comments.

Mr. Thomas clarified that the plan was originally designed by Peter Barnes and he should get the credit.

The Work Session was adjourned.