

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
January 12, 2011

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING - 5:30 p.m.

**I. ROLL CALL**

Chair Wintzer called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Pettit, who was excused.

**II. APPROVAL OF MINUTES**

December 1, 2010

MOTION: Commissioner Savage moved to APPROVE the minutes of December 1, 2010 as written. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

December 8, 2010

MOTION: Commissioner Savage moved to APPROVE the minutes of December 8, 2010 as written. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

December 15, 2010

MOTION: Commissioner Savage moved to APPROVE the minutes of December 15, 2010 as written. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously by the Commissioners who attended that meeting. Commissioner Strachan abstained since he had not attended.

**II. PUBLIC COMMUNICATIONS**

There was no comment.

### **III. STAFF & COMMISSIONER COMMUNICATIONS/DISCLOSURES**

Director Eddington reported that the City Council visioning would be held February 3<sup>rd</sup> and 4<sup>th</sup> from 8:30 a.m. to 5:00 p.m. A joint session of the City Council and Planning Commission was scheduled for February 3<sup>rd</sup>, from 1:00-3:15.

Due to the Sundance Film Festival, the second Planning Commission meeting in January was cancelled. The next Planning Commission meeting would be February 9, 2011.

The HPB was scheduled to meet on January 19, 2011 to hear an appeal of a Staff determination regarding historic district design review. Any appeal of a decision made at that meeting would then go to the Board of Adjustment. Planner Cattan Commissioner Pettit is the Planning Commission liaison to the Board of Adjustment, but she is not a voting member.

Planner Cattan reported that a committee is being formed to conduct a short-term transit study, and she and Brooks Robinson are on the committee. The Staff invited a volunteer from the Planning Commission to serve as well. Director Eddington noted that it was a simple study and would require approximately one or two meetings. He understood that a study is conducted every three years to address short range issues.

Planner Cattan pointed out that the meetings are held during the work day.

Commissioner Strachan asked if the transit committee was in addition to the stakeholders meetings. Director Eddington answered yes, and clarified that the stakeholders meeting is for the long-range transportation master plan. Commissioner Strachan stated that since he and Chair Wintzer attend the stakeholder meetings, he thought it would be beneficial for one of them to sit on the short-term committee.

Chair Wintzer volunteered.

Commissioner Hontz asked when the Planning Commission would hold another joint session with the Snyderville Basin Planning Commission. Director Eddington stated that they had originally talked about February, however, due to the City Council visioning, the joint session with Snyderville would probably be moved to March.

### **CONTINUATION(S) AND PUBLIC HEARING.**

Land Management Code - Consideration of an additional chapter titled Chapter 2.24, Transfer of Development Rights Overlay Zone and related amendments to Chapter 15 - Definitions.  
(Application #PL-10-01104)

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

MOTION: Commissioner Peek moved to CONTINUE the LMC - Consideration of an additional chapter titled Chapter 2.24 Transfer of Development Rights Overlay Zone and related

amendments to Chapter 15 - Definitions, to February 9, 2011. Commissioner Strachan seconded the motion. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

### **CONSENT AGENDA**

1. 508 Main Street - Plat Amendment  
(Application #PL-10-01123)

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

MOTION: Commissioner Hontz moved to forward a POSITIVE recommendation to the City Council for the 508 Main Street - plat amendment in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

### Findings of Fact - 508 Main Street

1. The property is located at 508 Main Street in the Historic Commercial Business (HCB) zoning district.
2. There is an existing historic structure on the property, identified as Landmark on the Historic Sites Inventory.
3. The subject property encompasses all of Lot 2 of Block 24, and a tract of land 20 feet by 25 feet of Millsite Reservation and a tract of land 24 feet by 25 feet adjacent to the eastern boundary in the Millsite Reservation.
4. Recorded Encroachment Agreements must be recorded with the owners of Lot 1 and Lot 3 of Block 24 and Millsite Reservation and the City for concrete stair encroachment at the rear of the property prior to plat recordation.
5. The proposed amended plat would result in one lot of record of 2,975 square feet.
6. The proposed plat amendment will not create substandard lots on the neighboring lots.
7. The applicant is proposing the combination of the lots to clean up property lines discovered to be at issue during Historic District Design Review and Building permit review.
8. The historic building encroaches onto Lot 1 in the southeast corner by 0.3 feet and in the southwest corner by 0.1 feet.

9. The historic building encroaches onto Lot 1 in the southeast corner by 0.09 feet and the northwest corner by 0.2 feet.
10. A Historic District Design Review was approved by Staff as part of exterior building modifications enclosing a second story deck.

Conclusions of Law - 508 Main Street

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

Conditions of Approval - 508 South Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment 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 amendment 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.
3. Encroachment Agreement shall be recorded prior to plat recordation.
4. Recordation of this plat must occur prior to 508 Main Street receiving final certificate of occupancy.

2. 7905 Woodland View Drive - Plat Amendment  
(Application #PL-10-01108)

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

MOTION: Commissioner Hontz moved to forward a POSITIVE recommendation to the City Council for a plat amendment at 7905 Woodland View Drive, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

VOTE: The motion passed unanimously.

Findings of Fact - 7905 Woodland View Drive

1. The property is located in the Residential Development (RD) zone and is subject to Section 15-2.13 of the Land Management Code and the Deer Valley Master Planned Development.
2. The RD zone is characterized by single family permanent and second homes and resort development condominiums and hotels.
3. The property is located at 7905 - 8045 Woodland View Drive in the Silver Lake neighborhood of Deer Valley.
4. The property consists of Lots 1, 2,3 and 4 of the 1<sup>st</sup> Amended Lots 2-7 and 2<sup>nd</sup> Amended Lot 1 Alta Vista subdivision. The plat amendment creates three lots of record from the existing four lots of record.
5. There is an existing single family home located on both Lot A and Lot C of the proposed 2<sup>nd</sup> AMENDED LOTS 2-4 and 3<sup>rd</sup> AMENDED LOT 1 Alta Vista Subdivision. A new home may be built upon the vacant Lot B.
6. There is no maximum house size in the Alta Vista subdivision.
7. There is a maximum area of disturbance of 10,000 square feet for each lot in the subdivision.
8. There is a minimum rear setback shown on the plat. The maximum rear setback is for all building improvements with the exception of cantilevered decks. Site disturbance can occur beyond this line and must be included in the maximum area of disturbance allowed. No driveway access is allowed from Royal Street.
9. There is no minimum or maximum lot size associated with the Alta Vista subdivision.
10. The combined lots result in the following areas per lot: Lot A is 43,315 square feet. Lot B is 30,742 square feet. Lot C is 51,517 square feet.
11. The plat amendment does not increase the density allowed by the Deer Valley Master Planned Development.
12. The applicant stipulates to the conditions of approval.
13. The discussion in the Analysis section is incorporated herein.

Conclusions of Law - 7905 Woodland View Drive - Plat Amendment

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. 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.

Conditions of Approval - 7905 Woodland View Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law; the Land Management Code; requirements for utility, snow storage and encroachment agreements; and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision 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 subdivision will be void, unless the City Council grants an extension of the approval.
3. The single unit of density that is forfeited in the subdivision is not transferable.
4. The plat notes as shown in the analysis section of this report must be included on the new subdivision plat.

**REGULAR AGENDA - Discussion, public hearing and possible action.**

5. Land Management Code - Amendments to: (Application #PL-10-01104)  
- Chapter 1 - General Provisions and Procedures related to physical mine hazards, termination of applications for inactivity, review procedures for extension of CUP, MPD, plat approvals, and noticing requirements;  
- Chapter 2.16 - Recreation Commercial (RC) zone related to single family/duplex lots to be consistent with the HR-1 zone requirements, add amenities club and resort support commercial as uses;  
- Chapter 2.13 - Residential Development (RD) zone related to amenities club uses;  
- Chapter 5 - Architectural Review to clarify and add design requirements and process for solar panels, skylights trash and recycling enclosures, and synthetic stone products;  
- Chapter 6 - Master Planned Developments related to pre-MPD application process, extension review and noticing requirements, add recycling and mine hazard identification and mitigation of impacts to requirements;  
- Chapter 7 - Subdivision related to process, noticing, and review requirements for

preliminary and final plats, lot line adjustments, and plat amendments, including extensions;

- Chapter 11 - Historic Preservation including removing term limits for Historic Preservation Board members;

- Chapter 12 - Planning Commission related to clarification of duties of the Planning Commission regarding termination of applications and extensions of approvals;

- Chapter 15 - Definitions related to affected entities, amenities club, good cause, hotel, physical mine hazards, recycling facilities, subdivision, floor area, and story.

Planner Whetstone reported that the proposed amendments address the bi-annual review of the Park City Development Code, specifically Chapters 1, 2.13, 2.16, 5, 6, 11, 12 and 13. The Planning Commission discussed these amendment on December 15, 2010 and requested revisions to the amendments. Those revisions were highlighted in the Staff report for this meeting. Planner Whetstone referred to the December 15<sup>th</sup> Staff report for a complete description of the proposed amendments.

The Staff requested that the Planning Commission conduct a public hearing, consider public input, and forward a positive recommendation to the City Council for the proposed amendments as revised.

Planner Whetstone reported that the bullet items on page 120 of the Staff report were the discussion items from the December 15<sup>th</sup> meeting. She noted that the first item was a discussion regarding the time extension of a conditional use permit approval. Planner Whetstone stated that a standard of review was added to address physical changes to the site or the adjacent area since the time the CUP was approved.

Planner Whetstone stated that the amendment also allows the Planning Director to grant a one year extension of the CUP approval with the same public notice as the original CUP. Any additional extensions would be reviewed by the Planning Commission. Planner Whetstone recalled from the previous discussion that the Planning Commission thought the applicant should be allowed to request one extension only. She noted that currently the Code is silent on the number of one-year extensions that can be granted. The Staff believed that the flexibility to allow more than one extension request on complex projects would be beneficial.

Commissioner Savage understood that the Staff was recommending that the first one-year extension would be the purview of the Planning Director. An additional one-year extension would be possible, but it would require Planning Commission approval. Planner Whetstone replied that this was correct, noting that the language says, "Additional extensions would be approved by the Planning Commission."

Chair Wintzer assumed there was no sunset to the number of additional extensions. Planner Whetstone replied that the applicant could apply for an extension, and the Planning Commission could deny. The length of an extension would never be longer than one year.

Commissioner Savage remarked that the first extension approved by the Planning Director would be discretionary, but most likely an automatic approval. Director Eddington clarified that

approval would be subject to the applicant demonstrating that there were no changes to the project or the circumstances. Commissioner Savage was comfortable with that proposal.

Commissioner Strachan suggested that the language should read, "The Planning Commission may grant an additional one-year extension". As written, the language states, "The Planning Commission may grant additional extensions". Planner Whetstone offered to revise the language.

Assistant City Attorney, Polly Samuels McLean, clarified that if there was no change to the project or the circumstances, the Planning Commission would have to grant the extension. Chair Wintzer asked if it was possible to place a time limit for when an applicant could not longer request an extension and would have to re-apply. Ms. McLean recalled that Planner Whetstone initially suggested language that would give a three year time frame, beginning with the first year of the original approval. One year after the CUP was approved, the Planning Director could grant a one-year extension. After the extension expired, the Planning Commission could grant another one-year extension. Ms. McLean thought the discussion on December 15<sup>th</sup> was a little unclear. The Planning Commission only wanted two years and directed the Staff to make that revision, but when they started talking about the MPD's, there was a concern about encouraging people to break ground just to obtain a building permit. The Staff brought this back to the Planning Commission this evening to resolve that internal conflict.

Commissioner Savage asked Assistant City Attorney McLean, to explain why the Planning Commission is obligated to grant an extension. Ms. McLean stated that based on the standard of review, if the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or non-compliance with the LMC, the Planning Commission would have no reason to deny the extension. She explained that conditional uses are allowed uses that have to be granted as long as the impacts are mitigated. Commissioner Savage argued that the use is allowed for a designated period of time through the CUP. An extension would be an additional period of time. Commissioner Savage wanted to know they could not specify, "At the discretion of the Planning Commission, additional one year extensions may be granted". In that case, Ms. McLean recommended that they specify a finite number of years, at which time the CUP expires and the applicants would need to re-apply. She noted that the downside to that approach is that someone just breaks ground to keep the CUP from expiring.

Chair Wintzer commented on instances where nothing has changed since the original approval, except the neighborhood around it. The issue is that the Planning Commission deemed that the project was compatible with the neighborhood, but it is no longer the same neighborhood. That situation could occur quite often if the extension process is allowed to continue for 5 or 8 years. He was also concerned about creating a process that forces someone to break ground and then leave a hole for several years.

Planner Whetstone stated that the Staff seldom sees a request for more than one extension on a project. The only one she could recall was the Four Seasons CUP on the parking lot at the Park City Mountain Resort. She explained the situation with the Four Seasons and why the Planning Commission chose to grant a second extension.

Assistant City Attorney remarked that the Planning Commission could either choose a finite number, or they could add language stating that after the Planning Commission grants one year, an additional year may be considered if the applicant can show good cause. Ms. McLean cautioned against language that would allow multiple extensions over a long period of time.

Chair Wintzer wanted to know if a changed neighborhood would be enough cause to deny an extension. Director Eddington stated that the language reads, "The applicant must demonstrate no change in circumstance". He noted that language in the amendment defines "change of circumstance" to include physical changes to the property or surroundings. Under that language, he felt a change in the neighborhood would be good cause. Assistant City Attorney McLean was concerned about creating a legal issue. The question is how to define whether the neighborhood has changed. If the sentiment of the neighborhood had changed, that would not be pertinent. If the physical characteristics of the neighborhood had changed, then it could be denied.

Commissioner Savage asked if that could be discretionary so the Planning Commission could make that determination. Ms. McLean reiterated that State Code requires that conditional use permits are allowed uses, as long as the impacts are mitigated.

Chair Wintzer asked whether or not Assistant City Attorney McLean would advise placing a time limit. Ms. McLean replied that placing a time limit was better in terms of avoiding legal issues.

Commissioner Savage felt that prohibiting a third extension request was too restrictive, particularly in today's economy. Director Eddington pointed out that the applicant has one year with the original CUP, a second year if the Planning Director grants an extension, and a third year if the Planning Commission grants an extension. If the Planning Commission would allow up to three one-year extensions, that would give the applicant a total of five years before they would have to re-apply.

Commissioner Savage wanted to know what they could do in a situation where the character of the surroundings had changed, but the CUP was still fully compliant. He pointed out that the CUP may not have been approved if the current circumstances had existed at the time of the original approval. Ms. McLean stated that in that situation the Planning Commission could determine that some of the impacts have not been mitigated, and they could deny the extension. Director Eddington clarified that the denial would be based on the new physical conditions surrounding the property.

Chair Wintzer was comfortable with a five-year time limit. Commissioner Strachan agreed, and suggested that the language be written to indicate that neither the Planning Commission nor the Planning Director can give a CUP more than four one-year extensions. Director Eddington recommended language stating that the Planning Director can grant a one-year extension and the Planning Commission can grant up to three additional one-year extensions.

Commissioner Hontz thought five years was too long and she preferred a three year limit. The first would be the year the CUP was approved, the second would be a one-year extension granted by the Planning Director, and the third would be a one-year extension granted by the Planning Commission.

Commissioner Strachan pointed out that per the Code, if an applicant applies for an extension, the project needs to comply with the LMC in effect at the time of the extension request. He felt that gave the Planning Commission sufficient control. Commissioner Strachan wanted a finite number, and he was comfortable with either three or five years.

The Commissioners concurred on a three year time limit as suggested by Commissioner Hontz. Director Eddington clarified that the language should read, "The Planning Commission may grant an additional one-year extension".

Planner Whetstone remarked that the next bullet point was revised definitions for Amenities Club and Hotel Amenities Club to be added to the RD zone as a conditional use, in addition to the RC zone. At the last meeting the Staff had recommended an amenities club. Based on Planning Commission direction, the definition was revised to restrict amenities clubs to hotels and to exclude them from nightly rental condominium projects. The amenities club requires a conditional use permit with final action by the Planning Commission. Planner Whetstone noted that both the RD and RC zones are residential type zoning with hotels. Other zones with hotels are already commercial zones.

Commissioner Luskin read the definition for Club, Amenities, on page 153 of the Staff report, "Any non-profit corporation or other organization..." He wanted to know why "non-profit" was included the language. Commissioner Luskin suggested that the language read, "Any organization...". Commissioners Peek pointed out that the full language read, "Any non-profit corporation or other organization formed or operated for the primary purpose of..." He understood that to mean that the organization must be formed with a primary purpose in mind. Commissioner Luskin remarked that the organization does not have to be a corporation and could be an association. The primary purpose needs to be amenities.

Chair Wintzer felt it was better to hear comments from the public prior to reviewing the remaining amendments.

Chair Wintzer opened the public hearing.

Tom Bennett stated that he was legal counsel representing a number of property owners who have interest in these issues. With respect to the CUP, Mr. Bennett requested that the Planning Commission consider a time limit longer than two extensions. He pointed out that if someone received a CUP in 2008, they would most likely not be ready to build in 2010 or 2011. Mr. Bennett remarked that the State of California recently passed a statute extending the periods of the entitlements currently in effect for another four to five years. He could not recall the exact duration. Mr. Bennett stated that the Statute was put in place to protect bodies, such as the Planning Commission, from being inundated with a series of extension requests due to economic conditions. Mr. Bennett pointed out that any extension is still an appealable decision. If the Planning Commission chose to extend a CUP and the neighbors were opposed, that decision could be appealed for further consideration. Mr. Bennett requested that the Planning Commission consider at a minimum, allowing one extension by the Planning Director and two extensions by the Planning Commission.

Mr. Bennett stated that if a developer requests an extension and the extension is denied, he questioned what the developer could do at that point. He thought a reasonable solution would be to have a 90 day grace period following a denial, where the developer could come in and apply for a building permit.

Chair Wintzer asked if a developer could apply for an extension six months prior to the expiration, so if the extension is denied, he would still have time to obtain a building permit. Commissioner Strachan believed that any sophisticated developer would know when the circumstances are changing around the CUP, and make sure he does something. Commissioner Peek understood that the building permit would need to be issued prior to the CUP expiration, and not a pending application. He was told that this was correct.

Mr. Bennett supported the concept of the Amenities Club. He thought the revisions made to the language and the definitions were favorable and valid changes. Mr. Bennett noted that the language was changed to require approval by the Planning Commission on any CUP for an amenities club. He noted that in the first draft, the language allowed an administrative CUP approved by the Planning Director, under certain circumstances, including the circumstance that the number of memberships was limited. Mr. Bennett requested that the Planning Commission consider re-instating the previous language for an administrative approval since is highly unlikely that an amenities club would create a new unmitigated impact, particularly if the number is limited as suggested in the first draft. Mr. Bennett stated that when the Code requirements are applied to a hotel, they are applied under the scenario that the hotel is fully occupied. Therefore, the impacts were examined at maximum use. Mr. Bennett pointed out that the amenities club is not intended to increase the maximum use of the project, but rather to keep the use increased throughout the entire year. Because of inherent limitations that control the number of people who can use these facilities, he believed it was self-limiting. Mr. Bennett could not think of any new impacts that would be created by allowing an amenities club.

Neal Krasnick stated that he had to put a green tag on his car so he could go to the Silver Mountain Sports Club during Sundance. He uses the club 12 months of the year, but there is a great impact when the hotel is filled during Sundance. Mr. Krasnick believed that there was the possibility for unforeseen impacts during the high season if a hotel opens up an amenities club.

Chair Wintzer left the public hearing open for further comment on the amendments as they are discussed.

Commissioner Hontz asked if the hotel would have to re-apply for a CUP and how often, if an amenities club was approved as a conditional use. Assistant City Attorney McLean stated that once a conditional use is granted, the use is in perpetuity unless a time limit is specified as a condition of approval, or if the use ceases for over a year.

Commissioner Hontz recommended that the Planning Commission create a check-in mechanism on the CUP. She explained that Hotel Park City ran a program a few summers earlier where they reached out to the local population and people could buy a membership to

use their facilities. Commissioner Hontz pointed out that the use of the hotel changed and the greatest impacts were within the facility. However, it also impacted the surrounding community because locals use a facility different than tourists who have one vehicle or no vehicle. Commissioner Hontz stated that the impact from the Hotel Park City selling memberships was noticeable both internally and externally.

Commissioner Hontz offered another example at the Canyons where she personally participated in an amenities club and it was a significant difference in use. She was not convinced that an amenities club would not be an impact and she felt strongly about having a trial review to see if it is positive for the community.

Planner Whetstone noted that a conditional use permit can be reviewed if the City receives complaints. It is not uncommon to place additional conditions during a review to address impacts that were not considered during the original approval.

Chair Wintzer stated that he was a member of the Hotel Park City amenities club for three years, and the greatest impacts were created by families who used the pool as a recreation pool. Chair Wintzer asked if it was possible to place a condition of approval to restrict the use to off-season periods. He noted that residents who live near a hotel are prepared to accept the impacts during the busy seasons, but they expect to have some down time four or five months out of the year.

Commissioner Savage wanted to know what entitled the Hotel Park City to offer an amenities club. Assistant City Attorney McLean replied that the hotel is a commercial facility and their spa falls under a commercial use in the RC zone. Commissioner Savage did not understand why the amendment to allow an amenities club was different from what Hotel Park City is already allowed to do. Planner Whetstone replied that it relates to whatever Hotel Park City was entitled to during the master plan process in terms of commercial square footage. Commissioner Savage clarified that it was an allowed use of the commercial square footage that was part of the Hotel Park City.

Assistant City Attorney McLean recommended that the Planning Commission focus their discussion on whether they believe an amenities club is appropriate for a conditional use permit with conditions of approval on a case by case basis; or whether an amenities club is not an appropriate use in the City and should not be allowed.

Chair Wintzer asked if the Planning Commission was addressing the definition of an amenities club or the use. He was told that it was both. The question is whether they should add the definition to the LMC, and allow the use as a conditional use under the existing CUP criteria.

Commissioner Savage believed that giving those facilities the right to have amenities clubs would be positive for the community and good for business. Chair Wintzer noted that the process would also give the neighborhood the opportunity to object if the impacts are too great. Commissioner Savage agreed that each amenities club application should be addressed on a case by case basis.

Assistant City Attorney McLean clarified that there was consensus among the Planning Commission that the existing CUP process was appropriate for an amenities club. Commissioner Hontz reiterated her opinion that there needed to be a check-back mechanism placed on the CUP. Ms. McLean recommended that the Planning Commission add that as a condition of approval in the normal CUP process. Commissioner Hontz was comfortable addressing a mechanism through the CUP process, since it could be required through a condition of approval.

Planner Whetstone noted that the next bullet point was for the Planning Commission to relook at review criteria for time extensions for approved plats and master planned developments, as well as additional criteria for the review of plats in Chapter 7. Planner Whetstone referred to page 143 of the Staff report, Chapter 6- granting of extensions, and noted that language was added requiring that the applicant must demonstrate that there is no change in circumstance that would result in unmitigated impacts. She pointed out that the language indicates that the Planning Commission may grant an extension of an MPD for up to two years.

Planner Whetstone referred to page 148 of the Staff report, the Planning Commission review of a preliminary plat, and noted that language was added to address topography, natural features, property location and physical mine hazards. Language was also added to read, "The Planning Commission shall make a finding as to whether there is Good Cause to approve the preliminary plat".

Assistant City Attorney McLean explained that the Staff heard feedback from the Planning Commission about having concrete guidelines and criteria for determining whether a subdivision should go forward. The Staff tried to provide specifics the Planning Commission could use to determine whether or not there is good cause for a plat amendment. Commissioner Luskin asked if they could also add character of the neighborhood. Ms. McLean read the definition of Good Cause, "Providing positive benefits and mitigating negative impacts determined on a case by case basis, to include such things as providing public amenities and benefits, resolving existing problems, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of Park City and furthering the health, safety and welfare of the Park City community." Director Eddington referred to language on page 148 that requires a finding for whether Good Cause was achieved. He believed neighborhood character would be addressed under Good Cause.

Assistant City Attorney McLean stated that if Commissioner Luskin was suggesting that they add language more specific to "community", the Staff would like to hear that feedback. Planner Whetstone suggested adding, "Preserve the character of the neighborhood and Park City" to address their concern.

Commissioner Savage asked if the Good Cause clause was the single definition of good cause throughout the LMC. Ms. McLean replied that good cause is only an issue in relation to subdivision.

City Council Member Alex Butwinski was unsure how they could use the term "character of the neighborhood" without knowing what defines a neighborhood. Commissioner Luskin was not

comfortable having a limiting definition of neighborhood because it is a judgement call for specific areas. Ms. McLean stated that a neighborhood would be defined under Webster's definition. Director Eddington stated that from a general planning standpoint, neighborhood is typically defined as the area around a house or project that appears to have the same fabric, and/or the surrounding four block radius. Chair Wintzer agreed with Commissioner Luskin about not wanting a limited definition, because each neighborhood is different. Chair Wintzer remarked that Old Town is a zone and not a neighborhood. A neighborhood would be adjacent and surrounding properties. He thought a broad definition of neighborhood was better because it provided the Planning Commission and the public more flexibility to discuss the pros and cons related to the neighborhood. Commissioner Strachan did believe that the definition of neighborhood was any more vague than the language in the Land Management Code under the CUP section that says proposed structures must be compatible with surrounding structures. Because "surrounding structure" is not defined, the Planning Commission has latitude and discretion to make that determination in the CUP process.

Assistant City Attorney McLean recommended that the language "resolving existing problems" be revised to say, "Removing existing non-conformities". As an example, that language would better match the intent to remove lot lines under an existing house. Chair Wintzer was more concerned with plat amendments that combine ten lots in a tiny neighborhood, because that type of development would change the neighborhood. Planner Whetstone suggested that the language "Resolving existing issues and non-conformities", would address most situations. Ms. McLean was comfortable with that language.

Commissioner Strachan asked for clarification on the Development Review Committee. Director Eddington explained that every two weeks, representatives from each department meet to review a project so everyone understands the development. Chair Wintzer requested that the Staff schedule time during a work session to describe the Development Review Committee process, to help the Planning Commission understand how it works.

Planner Whetstone stated that the last discussion point referenced the Historic Design Guidelines in Chapter 5 and the request to add review criteria for skylights and Solar panels. She noted that language was added to state, "Skylights and solar panels in the Historic District are subject to the design guidelines for Historic Districts and Historic Sites. Also limiting the percentage of the roof area of skylights, specifically, but not necessarily for solar panels".

Commissioner Peek asked if the architectural guidelines address city-wide solar panel structures detached from the roof. Planner Whetstone replied that the architectural guidelines address solar panels to the extent that they must be flush mounted as possible and not placed on prominent facades. She believed that also included accessory structures. The Commissioners discussed potential language for clarification. Chair Wintzer felt the technology was still developing and it would be difficult to impose further restrictions at this time. He did not want to discourage the use of solar with too many restrictions. Chair Wintzer stated that the issues would flush out the more it is used and the Planning Commission could address specific concerns at that point. The Commissioners concurred.

Chair Wintzer asked if the Planning Commission still wanted the three year time limit for CUP

extensions, or if they had changed their mind after hearing public comment.

Commissioner Savage noted that the Commissioners had discussed three years and five years. He suggested four years as a compromise. Commissioner Luskin was comfortable with the three year limit they initially agreed on. Commissioner Hontz preferred a three year limit. Commissioner Peek was comfortable with three years. Commissioner Strachan did not have a preference. Chair Wintzer clarified that the consensus was for a three year limit on CUP extensions. Planner Whetstone revised the language on page 143 to read, "The Planning Commission may grant an additional **one** year extension when the applicant is able to demonstrate no change in circumstance...." She clarified that the three year limit would be the initial approval, a one-year extension approved by the Planning Director, and a final one-year extension granted by the Planning Commission.

There as no further public comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Luskin moved to Forward a Positive Recommendation to the City Council for the Land Management Code Amendment to Chapters 1, 2.13, 2.16, 5, 6, 7.1, 7.3, 7.4, 11, 12 and 15, as outlined in the ordinance and amended as discussed at this meeting. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 7:55 p.m.

Approved by Planning Commission\_\_\_\_\_