

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 11, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, John Phillips, Laura Suesser;
Doug Thimm

EX OFFICIO:

Planning Director, Bruce Erickson; Francisco Astorga, Planner; Tricia Lake, Assistant City
Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

April 27, 2016

MOTION: Commissioner Band moved to APPROVE the minutes of April 27, 2016 as
written. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson introduced Assistant City Attorney Tricia Lake, who was
sitting in for Assistant City Attorney McLean this evening.

Planning Director Erickson reported on issues regarding transportation planning. He noted
that the Transportation Department has been talking to the Rotary, the Chamber, the
HCPA and others. They are going before the City Council and will probably come to the
Planning Commission in a few weeks with a report on the transportation plan, and the
Capital Improvement Plan to accomplish those. The Staff was moving forward on

incorporating the plan into the LMC as an item in the moderate category. Director Erickson clarified that the Planning Commission would have the opportunity to provide a recommendation because it is Capital Budget as well as policy changes for Transportation Demand Management.

Commissioner Phillips disclosed that he worked on the house at 220 King Road and knows the owners, but he did not believe it would affect his decision on the item when it comes before the Planning Commission. He noted that the item was being continued to the next meeting.

Commissioner Phillips disclosed that he has worked on small jobs for Mark Fischer in the past. He was not currently involved with Mr. Fischer and had no plans to work with him in the future. Commissioner Phillips did not believe his working relationship with Mr. Fischer would impact his decision on the Bonanza Park item on the agenda.

Commissioner Phillips disclosed that he has an office in the Bonanza area.

CONTINUATIONS - (public hearing and continue to date specified)

1. 220 King Road, Second Amended Lot 2, Phase 1 Treasure Hill Subdivision – Plat Amendment requesting two (2) lots from one (1) lot of record.
(Application PL-16-03098)

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

MOTION: Commissioner Band moved to CONTINUE 220 King Road, Second Amended Lot 2, Phase I Treasure Hill Subdivision plat amendment to May 25th. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. Land Management Code (LMC) amendments- Various administrative and substantive amendments to the Park City Development Code. Chapter 1- regarding procedures, appeals, extensions, noticing, stayed and continued applications, revised applications, and standards of review (for Conditional Use Permits, plats, and other applications); Chapter 2- common wall development process (in HR-1, HR-2, HCB, PUT and CT Districts), exceptions to building height (horizontal step and overall height) for Historic Sites, and consistent language regarding screening of mechanical equipment (GC, LI, and other Districts); Chapter 5- landscape mulch and lighting requirements reducing glare; Chapters 2 and 5-

add specifications for height of barrel roofs; Chapter 6- include information about mine sites in MPD applications; Chapter 11- historic preservation procedures; Chapter 15- definitions for barrel roof, billboard, intensive office, recreation facility, publicly accessible, and PODs; and other minor administrative corrections for consistency and clarity between Chapters and compliance with the State Code.
(Application PL-16-03115)

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

MOTION: Commissioner Thimm moved to CONTINUE the LMC Code Amendments to May 25, 2016. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 844 Empire Avenue – Plat Amendment creating one (1) lot of record from the lot and portions of Lots at 844 Empire Avenue (Application PL-15-03034)

Planner Francisco Astorga introduced Tom Goff, the applicant representative.

Planner Astorga reported that the Planning Commission reviewed the request for a plat amendment at 844 Empire Avenue on March 23rd. At that time it was continued to a future date to allow the Staff and the applicant to address a number of concerns. City Engineer Matt Cassel was present to answer questions.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for this plat amendment based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Planner Astorga stated that the outstanding items that were addressed in March related to the road dedication, the building footprint, and the intersection redesign and improvements as outlined on pages 44 and 45 of the Staff report.

Planner Astorga reported that the Planning Staff worked closely with the City Engineer and the Legal Department regarding specific Utah Transportation Code language as cited on page 44 of the Staff report. The language indicates that the roadway is dedicated and abandoned to the use of the public when it has continuously been used as a public

thoroughfare for a period of ten years. The City has evidence indicating that Crescent Tram has been used for longer than ten years. Therefore, per the LMC subdivision regulations outlined on page 45, "Land reserved for any road purposes may not be counted in satisfying yard or area requirements contained in the Land Management Code."

Planner Astorga stated that the property owner owns 932 square feet of the Crescent Tram right-of-way. Therefore, the lot area changes should that be dedicated and officially formalized to the City. The issue is that once the 932 square feet is removed, it further reduces the building footprint.

Planner Astorga remarked that the next point outlined on the page 45 of the Staff report is that the LMC simply indicates that the maximum building footprint is a function of the lot area. He explained that if that 932 square feet is formalized and dedicated to the City as part of the public thoroughfare, they would not be able to count that square footage in the building footprint. Planner Astorga pointed out that the Code does not provide another option.

Planner Astorga stated that the last item for discussion was the intersection redesign improvements. He explained that the intersection as it currently exists works for moving traffic up and down Crescent Tram. The problem is that the City Engineer is not able to grant the property owner access off Crescent Tram. The only vehicular access that the City Engineer is able to grant is either through Empire or unbuilt platted 9th Street. Planner Astorga stated that it would be more difficult for the property owner to gain access off of 9th; however, it is not impossible. The most logical place to put a driveway would be off Empire. If that is the case, that intersection would have to be redesigned to accommodate the driveway for the future remodel/improvement of 844 Empire Avenue. For that reason, the property owner would have the burden of paying the entire cost of the intersection redesign.

Planner Astorga stated that if the applicant indicates that they no longer want to have any type of vehicle access, that would be acceptable to the City. Because the site is deemed historic and a valid compliant structure, on-site parking is not required for a single-family dwelling.

Tom Goff, representing the applicant, stated that the City Engineer was requiring that they come in off of Empire. Mr. Goff noted that recent improvements with the hydrant and other water utility improvements on the 9th Street side have made it almost impossible to access off of Empire without having to move the hydrant. If they dedicate the land and lose the square footage in the house, they would no longer own the land but were still required to pay for the improvements that were done by the City previous to this application. Mr. Goff

stated that the applicant would like the City to either pay for the improvements or at least contribute towards the cost.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Thimm recalled a number of questions that were raised at the March meeting regarding the land, the roadway and what happens when it becomes dedicated. He felt those questions had been addressed in the Staff report. Commissioner Thimm had questions with regards to improvements, the fire hydrant and limited access. He asked if there was a precedent in terms of establishing who is responsible for City property such as a fire hydrant.

City Engineer Matt Cassel explained that the applicant was being requested to redo the intersection because there is not a lot of space. Space was kept available for future stairs, but at this time it does not appear that the stairs will ever go in and the City is considering allowing the applicant to use that space. Mr. Cassel stated that the City does not usually participate in a private driveway being tied into the road when road modifications are necessary to make it work. He noted that fire hydrants are located where they are best utilized and per State requirements. If a hydrant needs to be moved because of driveways, retaining walls or other needs of the homeowner, it is their responsibility to move that hydrant.

Commissioner Thimm clarified that there was precedent within the City for the applicant to have that responsibility. Mr. Cassel answered yes, the City does not participate in those types of modifications.

Commissioner Suesser referred to the comment about the stairs never going in and asked if that has definitely been determined. Mr. Cassel stated that since the time he came to Park City in 2008 they have tried to maintain a corridor to put stairs in the 9th Street right-of-way from Norfolk to Empire and continuing up from there. At one time it was considered as part of the Walkability Plan but it has since been taken out. He did not believe the stairs would ever go in because so many other utilities have been located in that corridor and there is not enough room for the stairs without moving those utilities at great expense.

Commissioner Suesser asked if it was possible for the owner to access the property. Mr. Cassel stated that the City actually sees the access off Empire, but the owner can also use

three or four feet of space on 9th Street beyond where the lot line ends to put in the driveway.

Planner Astorga explained that if the applicant chose to go through 9th Avenue for a private driveway, it would be subject to a conditional use permit to be reviewed by the Planning Commission.

Commissioner Suesser asked if it would interfere with possibility of putting in the stairs in the future. Mr. Cassel replied that if the driveway went in on 9th Street, the owner would have to sign an encroachment stating that if City facilities would go in at any time in the future, the owner would have to move the driveway at his expense.

Chair Strachan understood that there would not be an issue if the applicant was to build within the entitled setbacks and not build a driveway. Mr. Cassel replied that he was correct.

Commissioner Band asked if this application was pending when the improvements were done on Empire. Planner Astorga answered no. This application was submitted in December. Mr. Cassel pointed out that Empire was completed three years ago.

Commissioner Campbell believed that most of his concerns from the last meeting had been addressed, and he understood that the road was being dedicated. Commissioner Campbell noted that the City was taking land from the left-side of the property and the City owns property on the right. He thought it would be fair for the City to give the applicant some of its property on the right since they were taking away some of his property on the left. Commissioner Campbell assumed it was not a precedent that the City was interested in establishing. He was interested in knowing how the road has cut across this property and how long it has been there.

Commissioner Band assumed that the original property would have been compensated for the road. Mr. Cassel stated that 803 Norfolk was looking to move forward. That property owner has indicated that in 1974 they went out of town and when they came back the City was putting in a road. Mr. Cassel remarked that after ten years it becomes a prescriptive right, and based on State Code it is no longer private land even though the owner still pays the taxes. Mr. Cassel explained that this was a formal dedication of something that actually occurred a long time ago without anything in writing. He pointed out that the unfortunate situation is that the owner has been paying taxes on a community piece of property for almost 30 years.

Mr. Cassel stated that if the Planning Commission was interested in Commissioner Campbell's suggestion for the City to give back some of the land on the right, they could go

through a vacation process and see whether the City Council would entertain that idea. He noted that the City Council consistently expects to see some benefit to the community. If the trade is one acre for one acre he did not believe it would be considered. Mr. Cassel pointed out that it would not be a fair trade because the community already has use of the road.

Commissioner Campbell stated that if he was the owner he would be more concerned with the idea that he could put in a driveway and build a garage and at some point the City could shut down his access. In his opinion, that would be worse than paying to move the fire hydrant. Mr. Cassel stated that the encroachment agreement leads them down that road, but it could possibly be negotiated if the Commissioners thought the City should give more leeway. Commissioner Campbell understood the reasoning from the standpoint of the City and the need to access public utilities, etc. However, his concern was the possibility of an owner spending money to build a garage that might eventually become inaccessible. He would like the City to consider some type of negotiation where the City could give some land to ensure that the applicant could build a driveway that could not be rendered unusable. Mr. Cassel reiterated that the Planning Commission could make that a condition of approval in their recommendation, but it was a City Council decision. At this point he needed to follow through on the encroachment agreement. Only the City Council can waive certain sections of that agreement.

Commissioner Suesser liked the idea of negotiating for the City to pick up the cost of moving the fire hydrant. She preferred to restrict the driveway access off Empire and not permit access from 9th because they should not further impede the City right-of-way. Commissioner Suesser would like to see the walkability ideas further implemented in Old Town. She recommended removing that language from the condition.

Chair Strachan clarified that Commissioner Suesser was referring to Condition of Approval #5, and that her suggestion was to strike the portion allowing the owner to put in drive access on platted but unbuilt 9th Street. Commissioner Suesser replied that he was correct.

Commissioner Band understood that the applicant would not need the 9th Street access if they have access off Empire. She believed that Empire was the ideal solution; however, it would be quite expensive to move the improvements.

Director Erickson remarked that the comments regarding the fire hydrant and other issues were appropriate. Their comments would be reflected in the Minutes of this meeting and would be delivered to the City Council. He did not believe the Planning Commission has authority under the LMC to make that request as a condition of approval.

Commissioner Band supported the idea of the City participating in the cost of moving the hydrant to accommodate access on Empire Avenue.

Commissioner Thimm asked for the width of the yet to be improved right-of-way for 9th Street. Mr. Cassel replied that it was 30 feet.

Commissioner Suesser asked Planner Astorga to point to the location of the fire hydrant. Marshall King with Alliance Engineering, who had prepared the survey, indicated the approximate location.

Commissioner Campbell understood that there was a minimum required distance from an intersection to a driveway. He noted that once on to Empire, in order to meet the required distance from the legal intersection for the driveway they would already be off of their property. Mr. Cassel explained that it was one reason for allowing the owner to use part of 9th Street. Since it is at the corner, half of the driveway would be on 9th Street and the other part would be in front of their property on Empire. The three or four feet on 9th Street will help shift the driveway to help achieve the separation from the intersection. Mr. Cassel stated that the separation from the intersection is 10 feet drive to drive and a little more to offset from an intersection. He pointed out that it would still be much safer than accessing off of Crescent Tram.

Commissioner Phillips agreed with Commissioner Suesser. He thought the Staff report was well done and addressed the issues from the last meeting. Commissioner Phillips stated that aside from this project, he thought the Planning Commission needed to have a discussion on building footprints that do not max out on property lot lines. Had they found a way to give the applicant additional square footage, he would have argued that it was important to have articulation around the side of the building. Recognizing that it did not apply at this point it was not an issue for this application.

Commissioner Thimm agreed with Commissioner Campbell with respect to the value of land and the option of looking at the cost of the hydrant as issues for the City Council to consider.

Chair Strachan stated that any property along Crescent Tram is a difficult piece of property, and this one might be the most difficult. He understood that the applicant was between a "rock and a hard place", but so was the Planning Commission against the Land Management Code. Chair Strachan noted that the applicant still had a 3400+ footprint which should result in substantial living space. He believed the owner had the opportunity to negotiate with the City Council and the Staff on how to approach access off of Empire. Chair Strachan would like for the Planning Commission to have more say and for the

fairness scale to be more balanced; but they are bound by the Land Management Code and their purview is clear.

Commissioner Phillips asked if the building application would come back to the Planning Commission as a CUP. Planner Astorga replied that the Planning Department has entertained a few HDDR pre-applications. A formal Historic District Design Review has not been submitted. He did not believe this project would require a Steep Slope Conditional Use Permit; however, it would depend on the extent of the remodel and how much area outside of the existing footprint would be amended. If they choose to go through 9th Street a recommendation from the City Engineer, that would be a conditional use permit. At this point Planner Astorga did not believe it would come back to the Planning Commission.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the plat amendment for the parcel located at 844 Empire Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed 4-1. Commissioner Suesser voted against the motion.

Findings of Fact – 844 Empire Avenue

1. The property is located at 844 Empire Avenue.
2. The property is in the Historic Residential-1 (HR-1) District.
3. The subject property consists of all of Lot 12, most of Lot 13, and a portion of Lot 14, Block 14, Snyder's Addition to the Park City Survey.
4. The site is listed on Park City's Historic Building Inventory as a significant site.
5. The proposed Plat Amendment creates one (1) lot of record from the existing three (3) parcels, one (1) full lot and two (2) partial lots consisting of a total of 4,174 square feet.
6. A portion of the property is encumbered by the Crescent Tram Road which has been used since the late 1800s and was paved in the early 1970s.
7. The City requests that the property owner formalize the dedication to the City that portion of the Crescent Tram prescriptive easement area that is on subject property. This area consists of 932 square feet.

8. The proposed lot would be 3,242 square feet.
9. A single-family dwelling is an allowed use in the District.
10. The minimum lot area for a single-family dwelling is 1,875 square feet.
11. The proposed lot meets the minimum lot area for a single-family dwelling.
12. The minimum lot width allowed in the District is twenty-five feet (25').
13. The proposed lot is approximately thirty one feet (31') wide.
14. The proposed lot meets the minimum lot width requirement.
15. Per LMC § 15-4-17 the Planning Director has determined the following setbacks:
 - a. From 9th Street, platted un-built ROW, front yard, ten feet (10') minimum. This is the historic front of the structure.
 - b. From Empire Avenue, front yard, ten feet (10') minimum.
 - c. From Crescent Tram, front yard, ten feet (10') minimum.
 - d. From the south neighbor, rear yard, ten feet (10') minimum. This side is opposite of the historic front of the house.
 - e. From the east neighboring property, side yard, five feet (5') minimum.
16. The existing historic structure does not meet the minimum setbacks along the north side, platted un-built 9th Street ROW, as the structure was built on the property line.
17. The existing historic structure does not meet the minimum setbacks along the shared property line with the neighboring site on the south as it is approximately eight and a half feet (8.5').
18. The existing historic structure does not meet minimum setbacks along the Crescent Tram ROW dedication as it is approximately five feet (5') from the new property line after the dedication.
19. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures; however, additions must comply with building setbacks.
20. The concrete retaining wall encroaches across the north property line over the 9th Street ROW.

21. The proposed lot area consisting of 3,242 square feet yields a maximum Building Footprint of 3,151.0 square feet.

22. LMC § 15-7.3-4(I)(2) Widening and Realignment of Existing Roads indicates that where a subdivision borders an existing narrow road for realignment or widening, the Applicant shall be required to improve and dedicate at his expense such Areas for widening or realignment of such roads.

23. LMC § 15-7.3-4(I)(2) indicates that land reserved for any road purposes may not be counted in satisfying yard or Area requirements contained in the Land Management Code.

24. Utah Code, Transportation Code, Right-Of-Way Act § 72-5-104 declares that a highway (street or road, not including an area principally used as a parking lot) is dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten (10) years.

25. Crescent Tram has continuously been used as a public thoroughfare for much longer than the required ten (10) years.

26. LMC § 15-2.2-3(D) indicates that the maximum Building Footprint is calculated according to the following formula for Building Footprint: $MAXIMUM FP = (A/2) \times 0.9A/1875$, where FP = maximum Building Footprint and A = Lot Area.

27. The proposed lot area shown on the attached requested Plat Amendment displays that the proposed lot is to contain 3,242 square feet, which would yield a maximum Building Footprint of 1,351.0 square feet.

28. In order to provide a future vehicular access to 844 Empire Avenue, the City Engineer has indicated that the existing intersection at Empire Avenue and Crescent Tram needs to be re-designed and improved.

29. The current site does not have vehicular access.

30. The future vehicle access is for the sole benefit of 844 Empire Avenue.

31. All of the costs associated with the re-design and improvements are the burden of the property owner.

32. The intersection currently works as-built, without vehicular access to 844 Empire

Avenue.

33. The City Engineer has indicated that a vehicular access can only be accommodated off Empire Avenue or through platted un-built 9th Street.

34. The City Engineer is not willing to support vehicular access directly off Crescent Tram.

35. The City's Historic Site Inventory designated the site in the significant category.

36. Historic Structures that do not comply with Off-Street parking and driveway location standards are valid Complying Structures.

37. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment.

38. There is good cause for this Plat Amendment as the lot line going through a historic structure will be removed, 932 square feet will be dedicated to the City for the Crescent Tram road for public use, the requested Plat Amendment will not cause undo harm to adjacent property owners, and all requirements of the Land Management Code can be met.

39. The proposed lot area of 3,242 square feet is a compatible lot combination as the entire Historic Residential-1 District has abundant sites with these approximate dimensions in this neighborhood.

40. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 844 Empire Avenue

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 stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 844 Empire Avenue

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 (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. A ten foot (10') wide public snow storage easement will be required along the Empire Avenue front of the property.
 4. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
 5. Drive access to the site shall be from Empire Avenue or through platted un-built 9th Street in a location approved by the City Engineer.
 6. The concrete retaining wall built over the north property line shall be resolved prior plat recordation. The applicant bears the burden of proper approvals for the retaining wall, which may include an encroachment agreement with the City through the City Engineer's office, or relocation/removal of the retaining wall, subject to compliance with applicable Design Guidelines for Historic Sites through a Historic District Design Review application.
2. **1401 & 1415 Kearns Blvd., 1415, 1635, 1665, 1685, & 1705 Bonanza Dr., 1420 & 1490 W Munchkin Rd., – Bonanza Park East Master Planned Development (MPD) Pre-Application determination in the General Commercial (GC) District. Project consists of a mixed-use development containing commercial space on the first floor and office or residential uses on the upper levels. Project includes surface parking and one level of underground parking. (Application PL-15-02997)**

Planner Astorga reported that the City received an application for the Bonanza Park North East Master Planned Development Pre-application determination in the General Commercial District and listed as various sites as shown on page 65 of the Staff report. The eight parcels and lots are in the form of three separate LLCs, all controlled by Mark Fischer.

Planner Astorga reviewed the site plan on page 102 of the Staff report to orient the Commissioners to the exact sites that are part of the Master Planned Development. The sites are the Maverick Gas Station, the Park City Clinic, the Skis on the Run, Switchback Sports, the Old Miners Service Car Wash, Anayas Market, the Storage Units that are accessed off Munchkin, Silver King Coffee, and the Kimball Arts Center.

Planner Astorga stated that the master plan has a total square footage of 281,490 square feet. The square footage is broken up into residential space which is approximately 39%, office at 22% and commercial retail at 18%. A hotel is also proposed at approximately 20% of the 281,490 square feet. He noted that the breakdown of the different buildings and uses was found on page 66 of the Staff report outlining the footprint, number of stories, setbacks and other information.

Planner Astorga stated that the LMC requires that any MPD must go through the pre-application process where the Planning Commission reviews the pre-MPD and determines compliance with the General Plan and the specific zoning district before the applicant moves forward with the full MPD. Planner Astorga explained that per the LMC the preliminary review should focus on the General Plan and the public should have the opportunity to comment on the preliminary concepts so the applicant can address the concerns.

Planner Astorga remarked that if for some reason the Planning Commission cannot find compliance with the General Plan and the zoning district, the applicant has the ability to modify their application or they can move forward and submit specific applications to amend the Zoning Code and the General Plan. Planner Astorga stated that it was a standard procedure allowed by the City; however it does not occur often.

Planner Astorga noted that the applicant was prepared with a presentation this evening. Following the presentation and public hearing, he requested that the Planning Commission discuss several items that the Staff believed could be addressed at this time.

Craig Elliott, the project architect, provided a brief history of the project and the process to reach this point. He then presented the design concepts and the reason for some of the design decisions.

Mr. Elliott stated that in 2001 he and Mr. Fischer began discussions with the City regarding redevelopment of the area, particularly in the East corner. As time evolved it developed into what is known as the Bonanza Park District. He had outlined the District in orange, which consisted of the Kearns Boulevard, Park, Bonanza Drive, and Ironhorse all the way down to Deer Valley Drive. Mr. Elliott clarified that he and Mr. Fischer were not working on the entire zoning area. Mr. Elliott outlined several different redevelopment projects that

occurred throughout the area from 2001 to 2009. He stated that in 2009 they started working on a project that was tied to this overall parcel, which is the Empire Avenue affordable housing project. It started with the CUP process through the City and it evolved through the planning process to represent the project that was completed just prior to the 2015 season. Mr. Elliott noted that it was designed to be assigned as part of the affordable housing obligations for the property for the Bonanza Park area. He pointed out that it is rare for a developer to build affordable housing before the main project. He stated that Rail Central also has 24 units associated with this project, which were built with the expectation of being assigned to this in the future.

Mr. Elliott stated that in 2009 they restarted the MPD review process with the City and Staff. They looked through a series of site suitability areas and carved out the east corner, which is bound by Kearns and Bonanza; however, nothing moved forward with their discussions with the Planning Staff. Shortly after the General Plan rewrite was started and within that rewrite the Bonanza Park District was formally acknowledged. In 2011 they submitted another MPD pre-application for a larger swath in Bonanza Park. In that submittal they offered to process the project in line with the General Plan rewrite. After three months a public meeting open house and presentation was held at the Yard to discuss the application that was submitted to the City. The area included the parcels where the Yard is, the corner of Bonanza and Kearns, and also included at the time was Powder Corp, PCMR parcel off of Bonanza. The represented massing was an idea of how the massing might fit on the site at the time.

Mr. Elliott stated that by 2015 they had been through Bonanza Park, Form Based Code, and a number of other things, and they were will in the same position from the standpoint of the Planning Code. Therefore, they went back to the straightforward MPD process.

Mr. Elliott presented photos of the area being discussed this evening showing the existing conditions, pedestrian walkways, parking and driveways, various buildings and the pavement associated with these properties. He pointed out the other negatives associated with the area that does not represent the best of Park City.

Mr. Elliott stated that in October 2015 they submitted their MPD pre-application and they were excited to finally be able to talk about it after all these years.

Mr. Elliott presented the concept of the proposed project. The "pork chop shaped" parcel was reduced to just the northeast. He showed the underlying building and infrastructure, as well as the larger portion of the District. He focused on the northeast corner of the parcel. He commented on the amount of land that is dedicated to the automobile. Driveways and parking were 52% of the total site. Building footprint was 20% and the open space was 28%. Mr. Elliott pointed out that more than half of that was associated with the

Doctor's Clinic Building. He indicated the boundaries of the parcels, which he believed was important because it comes into play when they do the analysis of the sites.

Mr. Elliott explained the site suitability analysis process, which is a process required to understand the maximum development possible with the underlying code.

Mr. Elliott presented the site plan and noted that the yellow color represented the building areas and building heights. The dark blue or purple color represented the building massing that is allowed under the General Commercial Zone. He noted that they were proposing approximately 281,000 square feet, which is less than 65% of the maximum building area in the site suitability analysis. The minimum open space requirement is 30%. This concept proposes 48% open space of the site. The area dedicated to driveways and parking is about 24%. Basically, they doubled the open space and cut in half the area on surface that is required for cars. The proposed footprint is 27% of the total site, which is only an 8% increase over the existing building footprints.

Mr. Elliott talked about site circulation, which is where they started in understanding the principles of the master plan. They looked at it from a vehicular access point and from the standpoint of pedestrian/bike access points. Red arrows indicated the ten existing access points to the property. The proposed project cuts those access points in half and reduces the access points to two locations along Kearns, two locations along Bonanza Drive, and one access point on Munchkin Road. After the analysis of the access points they did an analysis of how vehicles move on the site. Mr. Elliott stated that their proposal dramatically reduces chaos for a vehicle moving through into the site. The intent is take this from an outwardly focused project on to arterial streets, and turn it into an inwardly focused pedestrian centric space with commercial and retail mixed uses that are accessed off of street-like corridors. Mr. Elliott noted that the two arrows shown on the top and bottom were access points to the underground parking underneath the project.

Mr. Elliott reviewed the pedestrian and bike access that was also done, which showed that currently the pedestrian and bike access is relatively close high speed traffic and high volume traffic. It also showed that there are no connections directly to any of the buildings that are pedestrian focused. Every access goes through a parking lot. He explained how the proposed project would be pedestrian and bike centric. He indicated a larger star which represented a plaza to be used as a gathering space with water features and a bandstand. The smaller star represented deli and restaurant type that spill out into the gathering area.

Mr. Elliott stated that the other parts of the MPD process and the General Plan requirements talk about buffers to adjoining neighborhoods. He noted that essentially the neighborhood is completely surrounding the property with the exception of the Kearns

Boulevard side. He indicated the buffer zone. There is a 30-foot no build zone and a buffer zone that is required. The average building along the entire buffer zone is approximately 60 feet from the property line. They envision that space to be much like the extension across from the high school with open space, pathways and landscaping. It works as a visual buffer and increases the quality of the space along Kearns.

Mr. Elliott stated that they are also required to look at utilities. They had not dug too deep into water and gas utilities, but they dealt extensively with Rocky Mountain Power and the process over the last 15 years. Mr. Elliott indicated the existing overhead power distribution. He noted that the project was designed to allow those overhead lines to remain in place, with the expectation that they will not be there forever.

Mr. Elliott commented on building design and he described their thought process. Their expectation is for this area to become a vibrant community location. It has the opportunity to provide live/work spaces and to provide services that do not exist today. As a mixed-use project it would have multiple levels. They were proposing buildings that range from three stories to five stories with a parking level below. There would be retail and commercial on the main level, parking below, and a mix of office and residential spaces on the upper levels. Mr. Elliott presented slides of places in town that already have that configuration and have been successful.

Mr. Elliott reviewed a 3-D massing of what the proposed project entails. He presented street view images from the interior of the project. The intent was to show how these spaces interact and how the buildings interact on the site.

Chair Strachan opened the public hearing.

Steve Onesco, a resident in the Prospector area, expressed concerns with the proposed project. Mr. Onesco thanked Mr. Elliott for showing the slides because it made him realize that the green hills seen in the first few slides would not be seen if this project occurs. He thought the closing slides also suggested that the residents would be blocked from seeing the sites that they appreciate as residents of Park City because the three or four story buildings would impact their sightline. Mr. Onesco cautioned the Planning Commission to be careful of presentations because the cars depicted were so small in relation to the stories, that it appeared each floor would only be one or two cars tall, when in reality that would not be the case. He thought the slides were misleading in the sense that the building would be huge in height. Mr. Onesco thought the comment that the coverage would go from 20% to 28% was misleading because it was more like a 40% increase than an 8% increase. Mr. Onesco felt that three to four stories was inappropriate for a residential area, and he views this project as part of the Prospector Residential area. He did not believe the City Council enforces the setbacks that exist on the books for the

Prospector Area. New building comes right out to the sidewalks and it is impossible for children to ride bikes on the sidewalks. He was concerned that this project would represent more of the setback issue. Mr. Onesco appreciated architectural renderings, but he was more interested in seeing models or renditions of air, light and noise pollution, and sight blight. He would like the opportunity to put together a power point presentation that accentuates the negative aspects. He believed the proposed hotel would bring more laborers to Quinn's Junction because they could not afford to live in town and it would generate more traffic driving into town. Skier traffic coming down the hills during the winter would impact with the traffic in and out of this large new development. Mr. Onesco stated that he is very sensitive to light pollution because it is contrary to the mountain environment they like to promote. He named buildings in Park City where the lights are overwhelming in terms of obscuring the night sky. He suggested at the very minimum to have a consultant report on how this project would affect the night sky so the community can understand what impacts to expect. Mr. Onesco commented on noise pollution and the constant drone of HVAC units currently in Prospector. He has complained to City Code Enforcement about the excess decibels. It disrupts the entire neighborhood and there are no longer peaceful walks through town. Mr. Onesco believed the pedestrian walkways being proposed were a token offer of compensation. They will not be used if they are not lighted because of safety concerns; and if they are lighted it will add to light pollution. He did not find that to be an acceptable tradeoff. Mr. Onesco stated that currently in Prospector he cannot count all the stars in the Big Dipper, and he was afraid they would lose more of the night sky and more of the day sightline of the green hills and views if this project moves forward.

Ruth Gezelius offered important points if they were to see redevelopment on this parcel. With this level of commercial and residential density they need to seriously take into account where the transit pick up would be from this site. In this particular location it would lend itself to consider Bonanza versus SR248, which is an outgoing transit lane at this point. Ms. Gezelius stated that her second point in relation to transit and parking on this particular site is that basically they have underestimated the amount of parking places they really need for delivery trucks and commercial vehicles in commercial developments. Where they have permanent tenants in residential uses on upper levels, they have also underestimated the number of parking spaces and storage areas that are required to make a parcel livable. Ms. Gezelius noted that many people in this area of town rely on public transportation to go to the supermarket. She also urged the Planning Commission to take very seriously the issue of height exceptions. Over the years the City has been restrictive and stringent regarding giving anyone height restrictions; and people in the Historic District have been asked to take height reductions that have been onerous for many people. They have only allowed height exceptions that were either on a historic commercial street or for large public buildings, such as the ski lodges and existing historical structures such as the

Library. Ms. Gezelius did not believe it was possible within the City limits to accommodate everyone who wants to be here and everything they want to build.

Clay Stuard stated that he had submitted written comments and he would only highlight what was written. Mr. Stuard assumed this MPD would be a long process and he understood the fact that this was a difficult site to plan with real constraints. He applauded some of the design features that were incorporated into the plan. However, six out of seven buildings are four or five stories high in a district that allows three stories. For him personally, that is an overwhelming negative for the plan from the very beginning. Mr. Stuard believed the applicant's request for additional height was based upon a distorted interpretation of the LMC and the General Plan. It does not make sense because the underlying assumptions are not commercially viable to reach their maximum square footage number. Mr. Stuard was unsure where the applicants would take this and what direction the Planning Commission would provide, but if it stays in its current form it should be rejected outright.

Lee Whiting, the President of the Claim jumper Condominium Association stated that the Claim Jumper residents are affected by development in the area. He noted that the following evening the City Council would be discussing the potential purchase of a parcel that, in his, opinion should be related to this application. The solutions that they seek for the City with respect to congestion, transportation and access need to be integrated. Mr. Whiting hoped there would be some level of linkage established between these proposals and that the City Council and the Planning Commission not deal with these matters in isolation. Mr. Whiting commented several items in the Staff report that he felt would affect the Claim Jumper. One is a pre-existing agreement with UDOT for signaling Homestake and the intersection of Homestake and 248/Kearns in the event that denser development occurs to the East, which is the parcel being considered this evening. Along with that, the agreement states that there would be access restrictions, which appears to be the case, and he urged the Planning Commission to pay attention to tying that together with the UDOT agreement. Mr. Whiting referred to the proposal being discussed by the City Council, and noted that in the real estate purchase contract there appears to be an easement being granted for the extension of Munchkin road to Homestake Road, which affects the flows in this area. That was an integration issue that the Claim Jumper Condos oppose because it would greatly increase traffic in the area. Mr. Whiting clarified that Claim Jumper was also against the idea of having a transit center across the street. They preferred the previous proposal, which was a 21 townhome development with good setbacks; and it limited the congestion and traffic in their area, which is primarily residential. Mr. Whiting stated that pedestrian access is a concern with the limited ingress/egress to this substantial development, pedestrian warnings on sidewalks and other things to promote safety should be considered if this project moves forward. Mr. Whiting asked about the parking ratios, which was directly tied to the proposed 1,000

spaces for the proposed transit parking and affordable housing plan that is part of the parcel purchase discussion. He asked if this project is adequately parked and whether the idea of selling the parcel and the City absorbing the cost of providing parking was an externalization of costs from what might be the responsibility of the density of the development. Who pays for the parking and how is a significant question. Regarding the height restriction, Mr. Whiting thought it was a topographical argument. The photos Mr. Elliott presented showing the images across town and the heights on the building on Main Street are greatly impacted by the surrounding topography. If you stand on Marsac or Rossi Hill or the upper levels of Park Avenue and Empire you can look over the tops of those buildings and still see the beautiful mountains. He believed a responsible study of elevations and projections and from what vantage points the entry corridor is affected by the massing should be considered. Mr. Whiting noted from the Staff report that the Staff was requesting significant discussion on some of the issues.

Bill Coleman thought there were many good things about this project given the recent history of the area. He commented on the history going back to 1970 when there was a higher height restriction. Mr. Coleman stated that they need to solve the issue of density, and the finest way to solve it is with height variation at the very least. He liked the idea of a village that has people living in so it is animated. Mr. Coleman did not believe that currently exists in Prospector, even though they tried to have a village plaza going through. It was intended well but it never happened right. Part of how this could work so easily now compared to before is the exercise the City went through with the Form Based zoning because they took the best of that and put it on paper. Mr. Coleman understood that some people's sensitivities are somehow offended by very easy things, but he thought this was a great opportunity to use this long process to address of the important issues, including height and night lighting. Resolving the issues in the best way possible is the art or compromise. Mr. Coleman stated that getting housing into this part of the commercial district is imperative and he was unsure how it could be accomplished without additional height. He would not be opposed to allowing even more height. He would look for a zone that allows for more height in the Homestake and Claim Jumper areas if they ever decide to redo those units. Mr. Coleman believed that higher density should come in the form of height, and this area is the perfect place for it. He understood it was a balance act but this plan was a great springboard and he hoped the Commissioners would see it that way.

Alex Butwinski, a Park Meadows resident, agreed with Mr. Coleman. This is the last piece of property that could be developed with any cohesive plan, and he believed this project was a great start. Mr. Butwinski stated that he has never been afraid of height. He suggested that the people concerned about the view should stand on Sidewinder and look to the west and consider what already blocks their view. The further they go away from the height the less the impact is on the hillside looking up. He was confident Mr. Fischer and Mr. Elliott would work on showing that representation as the process moves along.

Mike Sweeney referred to the first speaker's comments about noise pollution. Mr. Sweeney does sound testing and explained that if a dba is increased by three, it would double the sound level. Based on that formula, the meeting this evening was being conducted at approximately 60-65 dba. If they keep multiplying by three they would figure out how many times louder this is than the 50 dba, which is the requirement that must be met after 10:00 p.m. per the sound ordinance.

Mr. Onesco corrected some misperception. He stated that decibels is the way to measure sound; however, a quiet room is typically 20 decibels, which is the sound he believed they were hearing in this room. A noisy classroom or gymnasium or a police whistle would be 80 decibels. A turbo jet airplane is 150 decibels. Mr. Onesco remarked that 50 decibels was not occurring in this room and he believed Mr. Sweeney was inaccurate. He suggested that the Planning Commission consult the experts to find out what the noise would be during construction. He reiterated that there was significant noise pollution in Prospector without this project. He assumed the hotel would have HVAC and other amenities that will require a constant drone of noise in the neighborhood. Mr. Onesco offered to share his information on decibels after the meeting if they were interested.

Chair Strachan closed the public hearing.

Chair Strachan clarified that the 281,000 square feet proposed was 65% of the maximum building area the developer believes they are entitled to. Mr. Elliott stated that it was 65% of the maximum building area that is quantified by the Code. He has met with the Staff multiple times over the past ten years to ask how it should be calculated, and that number was based on the direction he was given over the years. Chair Strachan asked if 65% included the open space requirement. Mr. Elliott explained that the maximum building area is just the space inside the building. They were proposing 65% of the maximum. The open space they were showing was different because the open space is a footprint calculation, whereas the building areas is a multiple level calculation.

Chair Strachan requested that Mr. Elliott go through the footprint calculations as he perceived them. Mr. Elliott stated that the buildable area of the footprint was 150,000 square feet based on the setbacks and the underlying zone. Chair Strachan asked what percentage of that number they were looking to build.

Director Erickson thought it was better to ask the applicant to come back with the calculations to make sure it is accurate. Chair Strachan clarified that he would not hold the applicant to the number, but he thought it would be helpful if the Planning Commission understood the applicant's position on how the number is calculated and whether they would be using a percentage of 150,000 square feet or the entire square footage. Mr.

Elliott replied that it would be a small percentage of the 150,000 square feet. He was working the calculation to give them a number.

Planner Astorga referred to the site suitability analysis on page 103 of the Staff report and noted that the applicant was building up to the 30 foot frontage protection zone. The Code allows that subject to a conditional use permit. Therefore, the applicant was assuming that the Planning Commission would be willing to grant a conditional use permit for five sites that would allow him to build up to that 30 foot line.

Chair Strachan believed a number of assumptions would be made that may or may not pan out as reality unfolds. Mr. Elliott stated that when they made the submittal in 2011 the City Council hired an architect in town to do an analysis of the proposed square footage. He noted that this proposal was very similar.

Mr. Elliott stated that based on his quick calculation of the total buildable area the percentage was approximately 41%.

Commissioner Band stated that the purpose of the pre-MPD is to determine compliance with the General Plan and the Zoning District LMC. She believes the documents contradict each other on some points, and on other points it asks for things that are not required in the pre-MPD application. Regarding compliance with the General Plan, Commissioner Band noted that the overriding goal for this neighborhood per the General Plan is to create new housing opportunities while maintaining existing affordable units. That language was contained on page 168 of the General Plan, Volume 2. She read General Plan Goal 3, "Encourage alternative modes of transportation", which also matches Part B of the GC Zone to allow commercial uses that orient away from major traffic thoroughfares to avoid traffic congestion. Commissioner Band pointed out that it was also noted in 1C and 3A of the General Plan. She thought the presentation this evening showed how they were trying to mitigate traffic and curb cuts. She agreed with public comment regarding the bus, and the need to heavily look at connectivity and walkability because traffic is a top priority in the City. Having curb cuts on Kearns and Bonanza with this kind of density will add significantly more traffic. Commissioner Band stated that any plan put forward should have foot, bike, and bus alternatives spelled out, curb cuts minimized, mitigation plans for vehicular traffic and an emphasis on full connected street if possible.

Commissioner Band read Goal 5 of the General Plan, "Applicant should state Green Building Practices". She stated that the Planning Commission could not judge for compliance with the General Plan without that information. She noted that the General Plan, in general and for the zone, 3.3 calls for sustainable redevelopment. Also, 15.6, Part 1, Part J of the LMC states that, "An MPD should encourage mixed-use, walkable and sustainable development and redevelopment that provide innovative and energy efficient

design, including innovative alternative to reduce the impacts of the automobile on the community". In reference to Goal 7, the applicant should provide information about residential specifics because the Planning Commission could not judge for compliance with the General Plan without that information.

Commissioner Band stated that even though the GC zone allows both hotels and nightly rentals, the General Plan encourages nightly rentals to be limited and hotels to be in the resort zone, per 7B and C. Commissioner Band stated that in her opinion the City does not need another hotel, particularly in that location. She noted that a local hotel owner, who is also a City Council member, told her that Park City has the lowest year-around occupancy of any resort town. Park City is in the mid to low 30 percent range when most resorts run 60-80%. The problem is not the number of visitors, but the fact that there are 200-300 more beds than comparable resort towns.

Commissioner Band stated that when Form Based Code was being discussed she was on record for saying that the residential zones should remain residential. The General Plan would like this area to be a live/work/play neighborhood, and she was opposed to allowing nightly rentals. She pointed out that even without nightly rentals, many of the homes being sold in neighborhoods are going to second home owners, and people are losing their neighbors. Other than changing the LMC she was unsure how that issue could be addressed.

Commissioner Band commented on height and density. She noted that the General Plan Natural Setting, Goal 4B, is to buffer entry corridors from development and protect mountain vistas. The Frontage Protection Zone purpose in the LMC 15-2.20.1(a)(b)(c)(d) is to preserve Park City's scenic view corridors, preserve and enhance rural resort character of Park City's entry corridors, provide significant landscaped buffer between development and highway uses, minimize curb cuts, driveways and access points to highways. Commissioner Band stated that when the Planning Commission considers giving height and Frontage Protection Zone exceptions, it is because the City will get more than it is giving. Commissioner Band noted that she is not afraid of height and she has previously said that on the record. She also liked the design that was presented this evening. However, if they allow going into the Frontage Protection Zone and allow height, the City needs something in return.

Commissioner Band stated that based on presentation for this project they would lose a coffee shop, an art center, a car wash, and a local market. They would get a hotel that is not needed, more traffic and more density.

Commissioner Band read from LMC 15.6 – Master Planned Developments, "MPDs should result in a net positive contribution of amenities to the community, provide a variety of

housing types and configurations, provide the highest value of open space for any given site, and redevelopment should maintain compatibility with the surround neighborhood. Commissioner Band stated that she was not willing to go into the Frontage Protection Zone or allow height exceptions without serious guarantees that there would be a lot of deed restricted housing.

Commissioner Band was very sympathetic with the applicant who has spent many years waiting for the City to get new zoning in place to build. She also recognized that it was frustrating to be dealing with a General Plan that contradicts the zoning in some places. However, while some of the specifics do not line up, the overriding goals of the LMC and the General Plan to reduce curb cuts and traffic, protect view corridors, and keep the sense of small town when dealing with new projects were clear and the City should definitely get a net gain.

Commissioner Suesser agreed with Commissioner Band. In addition, she would like the project to focus on providing more residential space. She did not believe Prospector needed more office space because much of the existing office space in that area is empty. Commissioner Suesser had concerns with the amount of surface parking that was evident in the presentation. She also agreed with the comments questioning the need for another hotel in that area.

Commissioner Campbell asked which document would prevail when the LMC and the General Plan contradict one another. Assistant City Attorney Lake replied that the LMC would be the governing document. Commissioner Campbell stated that this project was large enough that he personally would like the guiding principle to be the General Plan. Page 180 of the new General Plan talks about Prospector Square being the City's first mixed use and mixed housing neighborhood. It is a great idea but it will never happen if the City keeps rejecting whatever plan comes in. Commissioner Campbell preferred to give the applicant some positive guidance. He noted that the City Council talks about affordable housing being the most important issue, but without added density they will never achieve it. Commissioner Campbell was more than willing to trade density for affordability. If Mr. Fischer is bold enough to build the number of units they were talking about for this project it would help keep the prices in check. Commissioner Campbell favored following the General Plan and adding density to keep down the cost of housing. In his opinion, that is the only model that will work. In terms of blocking views, he would like to know whose views it blocks. He referred to Commissioner Band's concern about the entry corridor, but he does not consider anything past the High School as the entry corridor because by then you are already in town. Commissioner Campbell did not believe they needed to worry too much about blocking the views from people driving their cars along Kearns. He was much more interested in finding ways to get people out of their cars. For that reason, he could care less about adequate parking. If they want people to use

alternatives other than cars they need to make using a car more difficult. Commissioner Campbell emphasized that the City needs a place where people can live and walk to restaurants and walk to work. He thought this proposal was the best they have seen and if it works other people will do it.

Commissioner Phillips stated that when he looks at this project he sees open space and some definite “gets” for the City. Height will be a big discussion and he is also on record as not being fearful of height. Commissioner Phillips remarked that having space in between the buildings is helpful because it gives views between them, as opposed to areas in Prospector where the buildings are built to maximum height all the way around. Commissioner Phillips believes the General Plan indicates this area as a place for density. He likes a lot of the design aspects. He also liked the interior parking and other things they talked about in the Form Base Code discussion. He favored the walkability and he believed that less curb cuts would definitely help with traffic on the two major congested roads. Commissioner Phillips stated that he did have concerns, but he liked what they were starting with he was hopeful that this project was something they could all work through and add to the City. He was not opposed to additional height with some “gets”, but he was leery of having it in the Frontage Protection Zone because it is more visible at that point. If it is set back the height becomes less visible. He clarified that he was not opposed to building in the Frontage Protection Zone, but he was concerned about putting height there. Commissioner Phillips referred to public comment regarding light pollution and noted that it was an issue that he has been thinking about as well. Whatever ends up being built, he would like the common spaces that have to be lit for code purpose and public safety to face inside the development as opposed to facing the major streets.

Commissioner Phillips pointed out that height will be one of the bigger topics for discussion with the community and he requested that Mr. Elliott provide better visuals. He would personally like visuals from the viewpoint of the Wells Fargo corner looking into this area, and what it would look like. Commissioner Phillips suggested that Mr. Elliott show the visual of what the project would look like if it was built to Code and within the requirements of the zone, versus the visual of having space looking through these buildings. He believed what could be built would be very plain and not what anyone wants, but people do not understand and showing the difference would be helpful to the community. Commissioner Phillips asked Mr. Elliott for better visuals of shots down the view corridors. In terms of finding compliance with the General Plan and the codes, it was difficult at this point to make that determination but he understood that it was something they would be working through. Commissioner Phillips felt there were a lot of good things with this project.

Commissioner Thimm agreed with most of the comments from his fellow Commissioners. As he looked at the Staff report and listened to the presentation he thought a lot of good

things were happening. Bringing a mix of uses into a parcel and allowing them to co-mingle and work together was a good urban solution. Commissioner Thimm remarked that using building and sidewalks to start to define street edges was better than parking lots. He was concerned about the amount of height being put right on the edge of Kearns Boulevard and asked if there was a way to move the height to the center. Commissioner Thimm clarified that he was not concerned with the height in terms of the amount of area because five acres is a significant amount of land. He would like the Planning Commission to consider building height as they continue to look at this project. Commissioner Thimm noticed that everything was presented and based upon square footage. He was curious as to how many units are anticipated, how many keys for the hotel, and the number of jobs anticipated for the amount of square feet of office space. He believed that bringing Class A office space into this area would be a positive. Commissioner Thimm stated that the General Plan talks about bringing in limited residential, but it does not define the term "limited residential". He believed this project puts residential where it needs to be because it creates people places at the ground floor and builds up from there.

Commissioner Thimm understood the concern that Commissioner Campbell has consistently expressed regarding number of parking spaces. However, he applauds the idea of putting the vast majority of parking under the project. Commissioner Thimm had concerns with putting the parking lot right on the street edge and the statement it makes driving on Bonanza. He understood there would be a landscape buffer, but he suggested that they look at whether it could be tucked back and behind. Commissioner Thimm stated that the presentation helped him better understand what is being done to reinforce hiking and biking trail connections. He asked that some thought be given to the creation of appropriate bike parking areas within the edges of the active spaces and at entries and to the site. He also suggested adding a bike repair area. Commissioner Thimm commented on sustainability goals and what type of platform might be utilized for this project. He was struck by the idea of LEED for Neighborhood Development which was mentioned in the Staff report. He believed LEED ND was a logical platform. Commissioner Thimm stated that LEED at a certified level or silver level was fairly easy. He noted that Park City is trying to develop the notion of stepping beyond what is easy, and for that reason he encouraged the idea of looking towards a LEED gold level of certification. It would be more difficult but it would make the right statement for some of the precepts within the General Plan, as well as the community goals.

Commissioner Thimm asked for the number of affordable housing units that have been built. Mr. Elliott replied that there were 12 units at Empire and 22 single room occupancy units at Rail Central. Commissioner Thimm understood from the presentation that those units were the affordable housing for this site. Mr. Elliott stated that it was a small portion. Commissioner Thimm thought there should be a commitment to have some affordable

housing on this site. Mr. Elliott replied that there would be on-site affordable housing.

Director Erickson clarified that the Affordable Housing Resolution of 2015 requires that 20% of the affordable housing residents are housed on site.

Commissioner Thimm encouraged a commitment to public art in the plaza spaces. It helps to create an environment where people want to live, and it increases the ability of a space to thrive. Commissioner Thimm recalled that solar was mentioned in the presentation. He had concerns with the south sun and the way it would relate to the plaza spaces, especially with Building F at three stories and Building G at four stories. He questioned whether it would allow enough light to come into the plaza space. He commented on the benefits that take place for plaza spaces and the extension of usage time when the sun is allowed to come in and warm up the space. Commissioner Thimm asked if a traffic impact study was done for this project considering the density. Mr. Elliott answered no, but a study would be done as this project moves forward. Commissioner Thimm was not concerned about blocking view sheds, and he did not mind the notion of framing views. He would like to take a closer look at the buffer zone and where it starts to encroach into the area of needing a CUP within 100 feet of the Frontage Protection Zone, and whether five stories was appropriate in that location. That was his biggest concern at this point.

Commissioner Thimm referred to the connection between Kearns and Bonanza Drive and the ability to drive straight through as a shortcut. He questioned whether that was the best solution from the standpoint of traffic calming. He liked the idea of having a good strong bicycle access path through there but it needs to be safe. Commissioner Thimm thought the issue of the shortcut becoming a thoroughfare and creating an unsafe condition needed to be addressed. In general, Commissioner Thimm thought this plan was well thought out.

Chair Strachan stated that this project takes Park City and the Bonanza Park area into a completely different world. He was not suggesting that it did not comply with the General Plan, but the proposal is ambitious and unique. There needs to be design features that make it very attractive to the City. As it stands now, they do not know enough to judge. They have only seen pictures and in his view it is radically different from anything they have ever seen. Chair Strachan remarked that it would be an educational process through a series of many meetings, and the applicant needs to make the Planning Commission and the community comfortable with a very modern and very contemporary design that Park City has never seen before, particularly at this scale.

Chair Strachan focused on what he believed would be the primary issues. He noted that height would be the driving factor. He agreed with Commissioner Thimm that the height along the roads is inappropriate. It needs to be stepped and centered. Only then could

they have a gradual interplay with the other buildings that are likely to be built at some point in the future. Chair Strachan was opposed to creating a walled experience for travelers going through. He thought the pictures of Lower Main Street that Mr. Elliott showed in the presentation is a walled experience for walkers, bikers and drivers. That is not the model the General Plan embraces, and it is not the model that best serves this site. Chair Strachan was not opposed to tall buildings in the right place, but it should not be next to the road. He believed that if the applicant could move the height to different places, the Commissions would likely be more receptive to a height exception if it was off the road.

Chair Strachan agreed with public comment that the transit hub that the City appears to be moving towards must be tied into this project. The applicant needs to work with the City and incorporate it into their plan. If the two move forward on mutually exclusive pathways and never connect it would be a lost opportunity of the highest order. Chair Strachan requested that the applicant show how they intend to incorporate the transit hub when they come back for each meeting. He understood the City's plans were tentative at this point, but he suggested that they incorporate any information on what the City plans to do. Chair Strachan stated that bike paths should not go through parking lots and hard right angles never work for bike paths. The bike path shown in slide 61 of the presentation would not be a practical use for bikes. It may work for pedestrians, but in his experience pedestrians follow the bikes because bikes takes the shortest distance between two points. Chair Strachan remarked that it also needs to connect into the Rail Trail.

Chair Strachan remarked that as the Staff pointed out, many things need to be discussed in terms of the General Plan. The public expressed their concerns and comments and he left it to Mr. Elliott and Mr. Fischer's experience to sift out which comments need to be addressed. They need to provide the evidence that the Planning Commission needs in order to make a finding that it complies with the General Plan. Chair Strachan did not believe this project was a non-starter or out of the realm of possibility, but it will be a long process and they have a long way to go.

Director Erickson commented on the suggestion to tie in the potential purchase of property. He referred to bullet point #2 on page 96 of the Staff report and noted that two sections of the LMC require the applicant to deliver all properties owned by the applicant, which includes the Emporium and other parcels which may affect transportation and circulation in that district. He stated that if the Planning Commission was going to find for compliance with the General Plan, they should consider whether this property needs to be in compliance with the LMC to bring other properties owned by the applicant into this MPD process. This would include the potential sale of property, the gateway property and the Boneyard because all of these circulation elements need to be considered on a General Plan scale as they move forward. He emphasize that this could not be considered in isolation.

Chair Strachan agreed with Director Erickson; however, that gives the applicant an almost unworkable requirement. He believed the applicant is entitled to phase their project and he was not sure they could force them to bring forth a global plan on the idea of all or nothing. He understood that the City would like to see that connection, but the applicant owns the property and can propose whatever they want.

Director Erickson offered to review the LMC language. He thought there may be a way to address General Plan issues on a larger scale and site specific issues inside the application submitted. Chair Strachan believed the LMC speaks to that. The advantage is having a small handful of owners, and he would leave it to those owners to not allow one of them to ruin it for the rest by building non-connectable projects. Chair Strachan was less concerned about that issue, but he appreciated that the Staff was taking a broader, larger connectivity view. He urged the applicant to participate in all of those conversations. Chair Strachan recognized that Mr. Fischer has been developing in Park City for a long time and he trusted his experience and judgment to follow the Planning Director's direction.

Mr. Elliott stated that they have been working with transportation and intend to continue doing so. In the previous application they were told that they could not be processed together because they were not connected. Mr. Elliott thought there might be a disconnect between their understanding and the direction that was previously given. Commissioner Band asked if Mr. Elliott would like to process them all together. Mr. Elliott explained that at this point they decided to move forward with the corner because they do not know what will happen with the other parcels until they know what happens at the rear of the property.

Director Erickson stated that the City was moving forward to try and meet the transportation and the trip demand reduction goals. They have an agreement with UDOT to not approve any new accesses on SR248, and to reduce the number of accesses on to 248 to just Homestake Road. He noted that all the other accesses into the property come into play as they move forward looking at General Plan compliance for this parcel. Director Erickson was not concerned about the other land use issues. The primary concern were housing issues and transportation issues, particularly on Bonanza and SR248. Chair Strachan believed that was the right focus.

Mr. Elliott stated that this was submitted as a pre-application, understanding that there are a lot of complexities. He was trying to figure out what level of detail they needed to provide in the pre-application versus the MPD application. He stated that is has been a balancing act and the intention is not to show specific things. They were trying to find the right approach. He requested that they be able to focus on the General Plan issues for the next

meeting in terms of their approach and get direction from the Planning Commission to make specific adjustments in the MPD application.

Chair Strachan understood the concern and noted that it was a balancing act that is done with every pre-application. The Commissioners were asking for more detail but neither the General Plan nor the LMC is clear on what detail needs to be provided. Chair Strachan stated that from his general experience, the pre-applications that provide the greater amount of detail are usually the easier ones to get through. Hearing Mr. Elliott say that certain issues will be addressed when they reach the point of the actual MPD causes concern for both the Planning Commission and the public because it is all based on trusting that they will comply with the General Plan without knowing any specifics. Chair Strachan urged the applicant to be as specific as possible in terms of the issues the Commissioners outlined in their comments this evening.

Commissioner Band stated that she personally would like to see as much detail as possible in the pre-MPD process, and she thought the applicant would want to provide that detail so they would know what might not be acceptable before they get too far into the process. Mr. Elliott clarified that his struggle was how much interior detail they wanted to see. He believed that was part of the discussion about housing. He would not be able to say how much housing would be provided and the type of housing until he designs the interior of the building. He was trying to figure out what balance he could provide to get the right information to make the Planning Commission comfortable with the General Plan obligations. Mr. Elliott was comfortable with trusting the process and the process of design, taking it from the macro scale to the micro scale. The issue was finding the right balance for the pre-application.

Chair Strachan remarked that the key is to show where exactly they would put the affordable housing because that is the number one question. At a minimum, that needs to be specified. He noted that Mr. Elliott gave percentages of the different uses and it would be helpful to know where those uses are going to be on the site. Chair Strachan did not believe it was important to have detailed interior design.

Planner Astorga noted that the specific he was looking for were outlined on page 96 of the Staff report. As an example, the first challenge was that the specificity of each commercial use was not indicated, and he was unable to run the affordable housing formula to determine how many units would be required in the project. He was comfortable working with the percentages of uses to start running the formula to get a better idea of what the requirement would be. Chair Strachan thought it was incumbent upon the applicant to provide the Staff the information necessary to run the formulas and analysis.

Director Erickson stated that the Planning Department would work with the applicant to get more specifics on what they can deliver specifically. He believed that the attributes of the site and conformance with the General Plan were driven by external circulation, internal circulation and affordable housing compliance. Chair Strachan concurred. Director Erickson stated that height, volume and the other site designs that were mentioned could move from there.

Mark Fischer, the applicant, thanked the Planning Commission for their time and attention this evening. He stated that the goal is to create a fantastic projects. In terms of the global comment, it was his reason for developing all nine parcels. Mr. Fischer believes his proposal is global and they have gone to great expense and time to do it this way. He urged the Planning Commission to consider that the plan being presented is a global plan because the other parcels are clearly separate and not contiguous. Mr. Fischer was willing to take whatever direction is given by the Planning Commission and the Planning Department, but he wanted to clarify that this project is an attempt to do what he considers a global application by including the contiguous parcels. Mr. Fischer asked the Planning Commission not to assume that the Kimball Arts Center and other great amenities are not part of these buildings. They should assume that they are.

Mr. Fischer stated that he had written down all of the public comments and the Commissioners comments and he intended to address all of them.

After discussing potential dates to schedule the next meeting, the applicant was comfortable coming back on June 22nd.

MOTION: Commissioner Band moved to CONTINUE Bonanza Park East MPD to June 22nd, 2016. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 8:08 p.m.

Approved by Planning Commission: _____