

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 8, 2012

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Mick Savage, Adam Strachan, Jack Thomas

EX OFFICIO:

Thomas Eddington, Planning Director; Matt Evans, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Worel who was excused.

ADOPTION OF MINUTES

July 25, 2012

MOTION: Commissioner Hontz moved to APPROVE the minutes of July 25th, 2012 as written. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Thomas Eddington reported that the City Council had made the appointments for the Planning Commission. Those appointments would be formally announced the next evening at the City Council meeting. Director Eddington congratulated Adam Strachan and Nann Worel on their re-appointment, and he congratulated Stewart Gross on his appointment and welcomed him as the new Planning Commissioner.

Chair Wintzer announced that Mary Cook had passed away. He stated that Ms. Cook provided public input numerous times with great comments. It is very rare that someone from the public talks to the Planning Commission about items of concern without getting overly excited and provides

productive comments. Chair Wintzer thanked Mary Cook and her family for the positive experience the Planning Commission had working with her. Ms. Cook will be missed.

Chair Wintzer disclosed that he needed to recuse himself from the 1053 Iron Horse Drive discussion. Commissioner Strachan would act as Chair Pro Tem.

Chair Thomas disclosed that he joint ventured with another party to design the 1053 Iron Horse Drive project. Even though he was not awarded the project; he believed he could be objective and professional with regard to his comments this evening.

Commissioner Hontz remarked that the unintended consequence of the new trash and recycling policy in Old Town has made the City look unsightly. On a non-garbage and recycling day on Upper Park Avenue, she counted 44 garbage cans. She was concerned about the ability to navigate the roads during the winter when there is snow, garbage and recycling. Commissioner Hontz stated that she had already addressed her concern to the City Council. She also understood that it was the responsibility of the owners and property managers to take care of the problem, but that was not happening. In addition to being an annoying problem, it gives Old Town a negative image for visitors and guests.

CONTINUATION(S) – PUBLIC HEARING AND CONTINUE

1. Richards/PCMC Parcel – Annexation Petition
(Application # PL-12-01482)

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

MOTION: Commissioner Thomas moved to CONTINUE the Richards/PCMC Parcel annexation petition to August 22, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. 429 Woodside Avenue – Plat Amendment
(Application #PL-12-01550)

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

MOTION: Commissioner Thomas moved to CONTINUE the 429 Woodside Avenue Plat Amendment to August 22, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. 916 Empire Avenue – Steep Slope Conditional Use Permit

(Application #PL-12-01533)

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

MOTION: Commissioner Thomas moved to CONTINUE the 916 Empire Avenue Steep Slope conditional use permit to August 22, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1053 Iron Horse Drive, Public Works – Conditional Use Permit for Affordable Housing (Application #PL-12-01576)

Chair Wintzer recused himself and left the room. Chair Pro Tem Strachan assumed the chair.

Planner Matt Evans reviewed the application for a conditional use permit for a multi-unit dwelling in the General Commercial Zone. The official property address is 1053 Iron Horse Drive at the City's Public Works Yard; however the actual multi-unit dwelling would be on the Short Line Road side of the project.

The applicant, Park City Municipal Corp., was requesting a conditional use permit for a 13-unit residential building with five at-grade parking spaces on the first floor. The 13th unit would be an ADA accessible unit required by Code. The building does not have an elevator. The remaining 12 units range in size from 200 to 250 square feet. There would also be common space on each floor with seating areas, a laundry facility and closet space.

Planner Evans stated that the purpose of the building is to provide housing for transit employees as a tool to recruit and retain seasonal employees. He noted that the City currently provides housing in the Old Fire Station on Park Avenue; however, another type of project is contemplated for the location in the future.

Planner Evans reported that in 2009 when the conditional use permit came before the Planning Commission for the expansion of the Public Works Facilities, a residential building for transit employees was contemplated and discussed. At that time it was noted that funding was not available for the housing component. Since then the City has secured money for the project and would like to move forward.

Planner Evans stated that the proposal was for a three-story residential structure with a tower element on top. It would have seating on the very top and a green roof, photovoltaic, and solar panels for hot water. It will also have a stairway landing on the top for the top tower element.

Planner Evans presented a conceptual rendering of the proposed structure. He noted that the building is located in the Bonanza Park District. These types of projects have been contemplated by the City for the Bonanza Park area. It is surrounded by other commercial uses as noted in the Staff report.

Planner Evans remarked that a key element of the proposal is that there would be no parking on-site for tenants, and that would be specified in the lease agreement. The applicant was requesting a parking waiver for that location. Planner Evans stated that Section 15-3-7 in the LMC, Parking Standards, allows the Planning Commission to consider a waiver of parking for conditional use and master planned developments based on three criteria; 1) parking uses that overlap; 2) spaces within a project will serve those residing in the project rather than the general public; 3) factors that support the conclusion that the project will generate less parking than the Code would otherwise require. Planner Evans noted that the exception in the Code typically requires that the applicant provide a parking study to analyze whether or not the three conditions could be met. In this case, the parking study is simply that the applicant will require that the tenants do not have parking on site.

Planner Evans pointed out that the proposed building is located where there is a bus terminal for shift changes. It is anticipated that all the residents would utilize mass transit and there would be no need to provide tenant parking.

As indicated in the Staff report, the Staff reviewed this conditional use permit per the criteria in the Land Management Code and found no unmitigated impacts. Planner Evans reported that the applicant had concerns with Condition of Approval #3, which prohibits nightly rentals.

Commissioner Savage asked for clarification on the intended use. Brooks Robinson, the Senior Transportation Planner for the City, explained that Park City has a sub-culture of transit drivers and a number of them are housed at the Park Avenue fire station. These are seasonal drivers who travel around and work in different places from season to season. They do not have cars and they basically live out of suitcases and duffle bags. The ability to provide housing at the fire station has been a good recruiting tool for the City, but they would like to provide housing on-site where the buses are maintained and the shift changes occur.

Commissioner Hontz asked if anyone could apply to live in those units if they are not filled with transit workers. Mr. Robinson believed other City employees could live there, but it would be on a seasonal basis. Commissioner Hontz assumed the rental contracts would be seasonal rather than nightly. Mr. Robinson stated that the City did not want to be precluded from nightly rentals since it is an allowed use in the zone. That was the basis for objecting to Condition of Approval #3. They do not anticipate nightly rentals, but if a circumstance arises where someone would live there for less than 30 days, they would like to have that opportunity.

Rhoda Stauffer, the City Affordable Housing Specialist, stated that the fire station has been full for three years in a row, and there is always the need for more. Eleven people can be accommodated in the fire station and two additional people can be placed in the house next door. Seasonal workers have also been placed in other City-owned units on Cook Drive. However, if Park City has

a bad year and cannot hire as many transit employees, the housing would be opened to other seasonal employees. She did not believe it would ever be opened to the general public. Commissioner Hontz assumed the City would create a qualification standard for the units. Ms. Stauffer replied that this was correct.

Commissioner Hontz noted that the Staff report refers to the ADA unit as a guest unit. The other 12 units are classified as dwelling units. Mr. Robinson stated that it should read an accessible ADA unit, and the word guest should be stricken. Commissioner Hontz stated that the analysis indicates that there are only 12 units and therefore 12 parking spaces are required. She asked about the ADA unit. Planner Evans replied that parking is not required for an ADA unit.

Mr. Robinson reported that Park City Municipal Corp. received a Federal FTA grant. The City will be doing the interior finish and the FTA money will be used for the exterior. The FTA funds have allowed the City to move forward with a green building. There would also be a rooftop patio and ground floor patio for the residents, and a screening fence would help separate the residents from their workplace. Parking underneath the building would be for transit vehicles used by the City and not for residents.

Mr. Robinson requested that Conditions of Approval #3 and #4 be stricken because the lease agreement would prohibit residents from having a car. Chair Pro Tem Strachan thought it was better to save a few spots for tenants who might have a rental car for a few days or have visitors. Mr. Robinson anticipated that as the transit operation grows incrementally, parking would become a problem. To alleviate the problem, they were targeting a culture of bus drivers who do not have cars. In the event that a resident needs a place to park for himself or a visitor, there is on-street parking and the Rite-Aid parking lot that is used by many people who are not patrons of Rite-Aid. The resident could also make arrangement with some other property owner.

Commissioner Savage understood that the prohibition of car ownership was a perpetual restriction associated with the right to lease these particular facilities. Mr. Robinson replied that this was correct. Commissioner Savage asked if a maximum lease term would be defined. Ms. Stauffer stated that in the past, the leases have been six month leases. However, if a transit driver stays on for the next season and wants to keep living there, he would renew the lease for another six months.

Commissioner Savage stated that because the affordable housing initiative has a strong focus on fairness, he was concerned that the restriction of these units being available only to transit workers would create a fairness issue for others are employed elsewhere but would be willing to accept the terms of the lease. Ms. Stauffer replied that there are several properties in town that are strictly seasonal housing and it has never been an issue. One is at Silver Star and it is restricted to Sundance employees in the winter and to the Arts program in the summer. Silver Star is not owned by the City and to her knowledge the restriction has never been a problem.

Commissioner Savage asked if the concept of this housing project would be embraced by the City for a private ownership concept. Ms. Stauffer replied that the housing she described at Silver Star was privately owned and the City had signed off on it.

Commissioner Savage asked if the units would be available for married couples. Mr. Robinson stated that there was no prohibition against married couples; however, they have never had couples apply. The units are small at approximately 250 square feet and they are furnished with a queen or double bed. Two people could share a room but it would be crowded. There have never been children, but that would also not be precluded. Commissioner Savage thought it was conceivable that a three or four people could occupy one unit. He was told that the number of people would be restricted by the Building Code based on square footage.

Chair Pro Tem Strachan asked if any of the current residents at the fire station have cars. Ms. Stauffer was not aware of anyone with a car. She believed that Steve Reese from Transit would be able to answer that question.

Planner Evans pointed out that anyone with a car could get a parking permit at China Bridge.

Chair Pro Tem Strachan opened the public hearing.

Mary Wintzer stated that she is a general partner of Wintzer Wolfe Properties, and owner of the Iron Horse District across from Public Works where the residential building is proposed. Ms. Wintzer stated that for over 20 years they have had three two-bedroom apartments that were put in for affordable housing. Their tenants know that they have to deal with the noise element and they have adjusted to it. The City built two new buildings and in November a new salt shed was built closer to Iron Horse than the previous operation. The salt was loaded in November and by January she received calls from her tenants about a significant salinity in the air and salt on the cars and windows. Salt clouds were visible as the salt was mixed and hauled. Ms. Wintzer stated that she contacted the City and City has tried to help mitigate the problem. Vacuums will be used this winter to decrease the salt clouds.

Ms. Wintzer suggested that it might be premature to build anything more on the Public Works site until they know the outcome of the City's mitigation efforts. Secondly, she questioned whether was a disconnect in the overall planning. The City is talking about Bonanza Park and creating a vibrant neighborhood and shopping district; and at the same time they are proposing this affordable housing which locks in the City even more to having the Public Works operation in the middle of the newly proposed BOPA area. Ms. Wintzer felt the two discussions were contrary to each other. She realized that a significant amount of effort was put into the new bus garage and the salt shed, but then to add something else that might not be compatible is one more thing that will need to be rectified down the road. Ms. Wintzer asked the Planning Commission to consider those two issues and the overall picture for the Bonanza Park area.

Regarding the parking, Ms. Wintzer stated that during the winter cars are towed routinely every night because they have to plow their parking lots for 22 businesses. The people towed are usually up at Fireside or Iron Horse. Now that the parking issue has been raised, there was no doubt in her mind that to park behind Rite-Air, Park City Ski Boot or Right Angle Frame Shop would be a very small walk for any resident with a car, but without a parking space. It would mean more cars to tow. Ms. Wintzer urged the Planning Commission to require some parking on on-site to address the

possibility of someone having a car. She noted that due to budget cuts, enforcement is a problem and enforcement falls on the land owner.

Commissioner Savage asked Ms. Wintzer if she had a solution for addressing the parking problem. Ms. Wintzer thought at least one parking spot should be provided for each unit.

Planner Evans stated for the record that Ruth Meintsma was unable to attend the meeting this evening and had submitted her public comment in writing. Ms. Meintsma supported the project and believes it is a great location. Her only concern was that the sun shade element was too small.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Thomas remarked that the way the façade was broken down fits into the neighborhood, and he liked the massing and the orientation and the feel of the building. He had no primary issues with the proposal. Commissioner Thomas recalled that when the last transportation building was approved the rendering and materials were called out. He understood that the materials were changed after the Planning Commission reviewed and approved the finishes.

Mr. Joe Malilo, the project architect, explained that changes were made on one of the buildings. They were proposing to use the same green roof throughout to unify the façade and the same set of stucco on the salt storage bin and the new maintenance facility. Based on the comments, it was determined that it was better to make it a product of its own time rather than to copy the existing building. Materials changes were studied and eventually accepted.

Commissioner Thomas asked if Mr. Malilo would provide a sample board of materials for the proposed structure. Mr. Malilo stated that he would come up with a color board and corrugated metal that ties back to the transit use. Commissioner Thomas stated that he would be comfortable with Mr. Malilo submitting the sample board to the Staff for review. He encouraged a digital materials board.

Regarding parking, Commissioner Thomas did not understand why they would not provide one or two parking spaces on site. He agreed that it would be problematic to not have at least one resident parking space.

Commissioner Hontz stated that she would have liked this proposal to mesh more into the timing of the BOPA Planning because it is one of the elements they would like to see built in the District. The use fits, but it would have been beneficial to see this when they were looking at the overall picture for the entire District.

Commissioner Hontz struggled with the parking. She would like to agree that no one would ever use a car, but that was unrealistic and it would push parking into other places within the District. Commissioner Hontz thought there may be an opportunity to say that the residents cannot park on site, but they are required to get a China Bridge parking pass.

In terms of nightly rentals, Commissioner Hontz wanted the units occupied. She was concerned about having empty units because the Planning Commission put prohibitions on how it could be used. She preferred to strike Condition #3, but recommended adding a condition of approval that tenants will not be permitted to sublease their units.

Commissioner Hontz thought the mass, scale and height fits the District. She concurred with the importance of providing the Staff with a materials board, including the color and glazing of the windows and the garage doors. Commissioner Hontz emphasized that the materials and colors need to relate to the other structures.

Commissioner Hontz believed the proposed landscaping could be softened a little. She referred to page 49 of the Staff report and asked if a fence was shown in front. Mr. Malilo stated that it was a residential scale wood or wood product fence. The fence would provide a residential feel and give privacy. There would be landscaping within the fence. Mr. Malilo believed the landscaping along the street had already been done. He noted that the picture on page 49 was an old picture. Any landscaping missing around the base of the building would be replaced on the roof.

Commissioner Hontz asked for the height of the fence. Mr. Malilo stated that it was a 6-foot fence. It was designed at that height to allow for privacy. He noted that the fence could be lowered if the height was a concern. Commissioner Thomas thought the fence felt tall and foreboding. Commissioner Hontz concurred.

Planner Evans noted that the zoning code dictates the fence height within the setback. He was unsure of the exact height, but recalled that it was lower than 6 feet.

Commissioner Savage thought this item should be continued until they had a satisfactory solution to the parking issue. He suggested that the applicant give more consideration to the parking situation and find a mechanism to deal with the certainty that there would be times when a resident would have a car. He did not believe that a lease prohibiting cars was sufficient.

Mr. Robinson explained that cars were only prohibited on-site. If a resident has a car, he could still sign the lease as long as he provides written permission from another property owner allowing him to park on their property. That could be addressed in a condition of approval.

Commissioner Savage asked if there was a way for the applicant to come up with a solution to help mitigate the issue directly, as opposed to pushing it off on to other property owners and non-transit related parking facilities. He suggested the idea of shared parking. Commissioner Savage thought the situation needed a modeling approach to address people who may have cars.

Commissioner Savage understood that the project provided 12 parking spaces but it was allocated to a different use than for those residing in the building. He did not believe 12 spaces were needed for 12 units in this building; but he felt strongly that there should be a better solution than "all or nothing". There needs to be a mechanism that plans for eventual vehicles that may be guest driven or resident driven. Commissioner Savage suggested an internal agreement within the transit organization that enables the residents or their guests to obtain a parking permit from Public Works.

They could still mandate no cars; but if a parking space is necessary for a defined period of time, a permit could be easily issued for a parking space contiguous with the property.

Commissioner Savage addressed the concerns expressed by Mary Wintzer regarding the salt. He asked if the City was willing to make the statement that the issues associated with the salt movement do not create a health issue for the building occupants. Mr. Robinson pointed out that the City has been working on ways to mitigate the impacts. In addition, they have done air quality testing, and looked at operations and how the salt bins are managed.

Chair Pro Tem Strachan thought it would be wise for the City to allocate at least two of the twelve parking spaces for the residents. The City could implement a lottery system to determine how those spaces would be allotted amongst the tenants. Chair Pro Tem Strachan did not think prohibiting cars was a workable solution. He suggested adding a condition of approval stating that the City shall take all reasonable efforts to insure parking on adjacent private property.

Chair Pro Tem Strachan thought the lease should include language that restricts the housing to either transit or City employees or others who qualify; similar to what is required for affordable housing. That language should be addressed in a condition of approval.

Chair Pro Tem Strachan did not favor the idea of asking unrelated adjacent property owners for permission to park on their property as potential mitigation for the parking problem. In terms of the salt, Chair Pro Tem Strachan thought the City had an obligation to disclose the issue and let the tenant decide whether or not they want to live there. The salt facility was already built and the issue could not be regulated as a condition of this approval.

Commissioner Savage questioned why the Planning Commission could not request a safety assessment associated with the environmental impact. Commissioner Hontz stated that the salt could be more of a nuisance than a safety issue. Commissioner Savage agreed, and suggested that the nuisance could be made clear as a disclosure in the lease agreement. Commissioner Savage had no knowledge as to whether or not there were health issues related to the salt powder. Commissioner Thomas thought that issue was beyond the purview of the Planning Commission.

Assistant City Attorney, Polly Samuels McLean stated that health and safety were reasonable requests and it could be tied into the criteria for safe residential living. Ms. McLean commented on the suggestion for a condition of approval requiring that tenants meet the affordable housing qualifications if they are not City employees. In reviewing the criteria she could find nothing that would tie it to affordable housing. However, the applicant could agree to that stipulation since it is the intended purpose for those units.

Director Eddington asked if these units would be deed restricted as part of the FTA or City funding. He was told that there was no deed restriction. Commissioner Savage clarified that the FTA funding prohibits the building from ever being sold to a private party. Mr. Robinson replied that this was correct.

The Planning Commission discussed a condition to address the parking issue. Commissioner Hontz recommended language to state, "A minimum of two resident and/or visitor parking spaces shall be

allowed to park on-site seven days a week/24 hours per day as permitted by the City. Assistant City Attorney McLean recommended that to reduce the parking to make the exemption, the Planning Commission should find that a parking plan was discussed and that the use is primarily for transit drivers. Those findings support the fact that parking is not needed.

Assistant City Attorney McLean noted that a parking study was done when the original CUP was approved in 2009. She understood that for 2010 it was projected that there was an excess of 80 parking spots for the area. The issue was that by 2030 there would be a deficiency of two spots for individual cars due to an increase in bus drivers. At that point there would be a need for additional parking for bus drivers. Ms. McLean remarked that for this application they were talking about providing two spots, and there were adequate reasons to find for exempting a certain number of spots. She noted that the calculations in the study made clear that 11.5 were allocated for the residential units when the CUP was reviewed.

The Planning Commission amended the Findings of Fact and Conditions of Approval as follows:

Commissioner Hontz recommended a search and replace to correct every reference to the ADA accessible unit being a “guest” unit. The applicant indicated that it would be a “dwelling” unit and she preferred that the Findings and Conditions indicate the correct reference.

Findings 4 and 5 – Correct “ADA accessible guest unit” to read, “ADA accessible dwelling unit”.

Finding 6 - It is anticipated by the applicant that each unit will be leased to seasonal drivers who work for Park City. **In the event that the units cannot be leased to Park City employees, the applicant consents to seeking out tenants who would meet the affordable housing requirements.**

Finding 9 - Each tenant will be required to sign a rental agreement that prohibits the tenant from keeping a personal vehicle on-site **without a permit**. It is anticipated that the tenants will not have personal vehicles kept on the site, and thus there are minimal traffic impacts associated with the use.

Finding 11 – Because nightly rentals are 30 days or less, Commissioner Hontz did not want to preclude a 28 or 29 days stay. She revised the finding by striking the first sentence No rooms are anticipated to be available for nightly rental or lockout purposes. The second sentence, **Tenants will not be permitted to sublease their rented units at any time** remained as the finding.

Condition 2 – Correct ADA “accessible guest unit” to read, “ADA accessible dwelling unit”.

Condition 3 – was stricken as written, Nightly rental are prohibited and replaced with **Tenants will not be permitted to sublease their rented units at any time.**

Condition 4 - Twelve (12) on-site parking spaces shall be provided for the use of the tenants, as shown on the plans, shall be provided, **unless prohibited by the lease agreement between the**

City and the tenant. In no event shall fewer than two parking spaces be allowed for tenant and/or visitor use with a permit; seven days a week/24 hours per day.

Added Conditions

Condition 10 - Each unit will be leased to seasonal drivers who work for Park City. In the event that the units cannot be leased for seasonal drivers, they may be available for affordable housing for the City.

Condition 11 - A final landscape plan, including amenities such as fencing, shall be submitted to the Planning Department for approval.

Condition 12 - A materials board for the proposed building shall be submitted to the Planning Department for approval.

Condition 13 – The completion of air testing on-site for the salt storage facility is required.

Commissioner Savage asked if the City would be willing to consider a one year lease if they have a vacancy situation and want to allow someone else to reside in the unit. He wanted to know how the renewal process would work. Mr. Robinson stated that there is a strong seasonal component for Transit, the Park Department and other departments within the City. He did not anticipate any problems with filling seasonal units. He pointed out that a six-month lease could be renewed if a tenant wanted to stay for another six months.

MOTION: Commissioner Thomas moved to APPROVE the conditional use permit for 1053 Iron Horse with the Findings of Fact, Conclusions of Law and Conditions of Approval, with the modifications as stated. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1053 Iron Horse Drive

1. The site is located at 1053 Iron Horse Drive; the building will face Short Line Road.
2. The proposed Multi-Unit Dwelling is located within the Bonanza Park Specific Plan Area and within the General Commercial (GC) Zone District.
3. The applicant is requesting a Multi-Unit Dwelling which is listed as a Conditional Use within LMC Section 15-2.18-2(B)(4).
4. The proposed Multi-Unit Dwelling will be a three story building with a parking garage on the main level along with one ADA accessible dwelling unit, and with 6 units for each of the additional floors.

5. The LMC defines a Multi-Unit Dwelling as “a building containing four (4) or more Dwelling Units”. The proposed building would have twelve (12) dwelling units with one (1) ADA accessible “dwelling” unit, for a total of thirteen (13) units.
6. As proposed, each unit will be 200-250 square feet and will include a compact kitchen and sanitary facilities. A common area on each floor is also anticipated, and will include a washer and dryer (clothing), a storage closet and seating.
7. The structure has a total of 6,750 square feet and is comprised of three (3) stories with a roof top which includes an enclosed landing and doorway to a partially covered rooftop patio for the enjoyment of the tenants.
8. The parking ratio requirements found in LMC 15-3-6(a) residential uses, multi-unit dwellings, indicates that one (1) parking space per unit is required, thus a total of twelve (12) parking spaces is necessary to comply with the code. The applicant is proposing five (5) covered parking spaces and there are in excess of seven (7) additional uncovered parking spaces to meet this minimum requirement, although it is not anticipated that tenants will park personal vehicles on-site due to the lease restrictions proposed by the applicant.
9. Tenants will not be permitted to sublease their rented units at any time.
10. The proposed use is located on Short Line Road which is designated on the City’s Transportation Master Plan as a “Commercial Collector Street”, which is within a block of two (2) “arterial Streets”, Bonanza Drive and Park Avenue.
11. No additional utility capacity is required for this project. Snyderville Basin Water Reclamation District has indicated to Staff that they anticipated this project when they were updating the sewer lines in the area and previously installed a sewer lateral to the property at the desired location of the new multi-unit dwelling.
12. Emergency vehicles can easily access the project because of its central location and proximity to two large collector streets.
13. Street parking in front of the building is not anticipated or allowed. The area directly in front of the proposed building on Short Line Road has been constructed as a bus stop with a transitional lane taking up the entire frontage of the existing parking lot.
14. The parking area is directly accessed off of Short Line Road directly adjacent to the existing Iron Horse Administrative Building and in front of the Iron Horse Bus Terminal Building.
15. Fencing, screening is not anticipated with this project. Landscaping is currently being installed between the parking lot and Short Line Road within the existing landscape strip. This proposal will actually remove some of the landscaped areas, but rooftop landscaping on the proposed building will help to mitigate the loss of ground-level landscaping.

16. The building mass, bulk, orientation and the location on the site are not out of character with other existing buildings within the general vicinity. Most of the buildings in the area are characterized as quasi-industrial and commercial in nature, mostly using split-faced/smooth-faced block and wood siding.
17. The proposed height of the building is three (3) full stories (roughly thirty-two feet) with an overall height of 45 feet to the top of the roof structure over the top landing that leads to the roof deck. The Planning Director has determined that Section 15-18-4(A)(4) of the LMC applies to the proposal, which allows for a height exception up to 50% of the allowed zone height. In this case, the tower is a staircase landing required by building code for rooftop access, and is not considered habitable space.
18. No signs or signage is anticipated, and any future signs will be subject to the Park City Sign Code.
19. All future lighting will be subject to the LMC development standards related to lighting.
20. Park City Municipal Corporation will own and maintain the proposed Multi-Unit Building, and a lease agreement with seasonal drivers will be monitored and management of the residential building will be contracted as with other City owned housing units.
21. Due to the size of the existing buildings surrounding the proposed site, there are no issues with the physical design and compatibility with surrounding structures in mass, scale and style.
22. The applicant has indicated that no noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated within the GC District.
23. The applicant has indicated that the proposed use as a Multi-Unit Dwelling generate a negligible amount of increase in delivery and service vehicles to the area. Tenants are within reasonable walking distance to retail commercial uses, banks, recreation facilities, restaurants, etc.
24. The proposal is not located within the Sensitive Lands Overlay zone, but is located within the Soils Boundary and thus any removal of excavated soils are regulated by the EPA must be disposed of in an approved manner. According to the applicant, it is anticipated that the soils will be retain on-site and capped.

Conclusion of Law – 1053 Iron Horse Drive

1. The proposed application as conditioned complies with all requirements of the Land Management Code.
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass and circulation.

3. The use as conditioned is consistent with the Park City General Plan, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1053 Iron Horse Drive

1. All standard conditions of approval shall continue to apply.
2. The proposed Multi-Unit Dwelling will have a maximum of twelve (12) units with one (1) required ADA accessible dwelling unit for a total of thirteen (13) units.
3. Tenants will not be permitted to sublease their rented units at any time.
4. Twelve (12) on-site parking spaces shall be provided for the use of the tenants, as shown on the plans, shall be provided, unless prohibited by the lease agreement between the City and the tenant. In no event shall fewer than two parking spaces be allowed on-site for tenant and/or visitor use with a permit, seven days a week/24 hours per day.
5. Substantial compliance with the preliminary plans submitted in terms of scale, massing, height, general location, rooftop amenities, building materials, etc, shall be required. Any substantial changes to the plans submitted for review with this Conditional Use Permit shall require a modification to the approved Conditional Use Permit through the application process for such.
6. Because the property is located within the Soils Boundary, any removal of excavated soils are regulated by the EPA must be disposed of in an approved manner or retained on-site and capped appropriately.
7. Roof-top installed mechanical equipment shall be screened in back of and below the parapet wall.
8. Any future signs will be subject to the Park City Sign Code.
9. All future lighting will be subject to the LMC development standards related to lighting.
10. Each unit will be leased to seasonal drivers who work for Park City. In the event that the units cannot be leased to seasonal drivers, they shall be available for affordable housing for the City.
11. A final landscape plan, including amenities such as fencing, shall be submitted to the Planning Department for approval.
12. A materials board for the proposed building shall be submitted to the Planning Department for approval.

13. The completion of air testing on-site for the salt storage facility is required.
14. It is anticipated by the applicant that each unit will be leased to seasonal drivers who work for Park City. In the event that the units cannot be leased to Park City employees, the applicant consents to seeking out tenants who would meet the affording housing requirements.
15. Each tenant will be required to sign a rental agreement that prohibits the tenant from keeping a personal vehicle on-site without a permit. It is anticipated that the tenants will not have personal vehicles kept on the site, and thus there are minimal traffic impacts associated with the use.

2. **2175 Sidewinder Drive, Prospector Square**
(Application #PL-12-1522)

Commissioner Wintzer resumed the Chair.

Planner Evans reviewed the application to amend the Prospector Square supplemental plat for the Prospector Square Condominiums Conference Center. The proposal was submitted by the owners to redo the entrance to the existing HOA conference center/clubhouse. Planner Evans noted that it was originally platted as a one unit condominium; therefore, a plat amendment is necessary in order to remodel the entrance.

Planner Evans reported that the proposal swaps the square footage, with the addition of 170 square feet internally, as well as a 467 square foot balcony.

Planner Evans stated that the Staff was informed by the applicant's representative that it was unlikely that they would obtain the two-thirds vote required by the HOA to accomplish the plat amendment. Planner Evans pointed out that there was no way to get around that requirement. The plat amendment requires a two-thirds vote because it is owned by the Homeowners Association and it is common space. The bylaws specify the necessary voting related to common space.

Planner Evans stated that parking would be another major issue. He noted that 23 spaces are associated with this building. He was told that there was a shared parking agreement with Silver Mountain; however, the City was not aware of such an agreement. Based on the uses within the building, approximately 100 parking spaces would be required under the current Code. It was uncertain what was allowed when the structure was built in 1981. Planner Evans stated that the records from that time were limited and he had very little background on the original approval. He noted that there were 23 parking spaces on-site, 50 spaces at Silver Mountain and 24 spaces along the back side of this property.

Planner Evans stated that the proposal would result in a Staff level review of a new front to the building. However, because the plat amendment is tied to the project, the Planning Commission has the ability to comment on the plan. Height issues were discussed in the Staff report, including a

tower element. Planner Evans noted that the Planning Director can grant a height exception to the tower element. The chimney may need to be lowered a couple of feet.

Planner Evans reiterated that before anything moves forward the applicant needs to overcome the issue of obtaining two-thirds of the vote from the Homeowners just to amend the plat. He noted that according to the bylaws, if enough people come to the meeting and vote in the affirmative they could bond to do the remodel of the building front. However, moving any of the platted building lines would still require a two-thirds vote of all the owners. That would need to occur prior to recording the plat.

Commissioner Strachan questioned why the Staff was recommending a positive recommendation if there was non-compliance with the parking requirements and they did not have the required two-thirds vote for a plat amendment. Planner Evans read the submittal requirements. He noted that the information the Staff originally received from the applicant only said that they held a vote in the affirmative. He later found out that the affirmative vote was to bond for the building front remodel. It had nothing to do with the plat amendment, because at the time the applicants were unaware that a plat amendment was necessary before they could do the remodel. Planner Evans pointed out that they were swapping square footage for square footage, and as long as they do not increase the square footage of the building, the parking was considered legal non-conforming.

Chair Wintzer noted that the proposal did increase the square footage. Planner Evans replied that it was only increasing the interior by 170 square feet. That space is unclassified at this point and the use is undetermined. If that space is shown as storage it would not require a parking space. The square footage of the balcony would not be subject to a parking requirement because balconies are non-habitable space.

Director Eddington stated that the issue of the two-thirds vote would need to be resolved prior to recordation of the plat. If the Planning Commission chose to move forward with the plat amendment, the applicant would have one year to obtain two-thirds approval. If that could not be done, the approval would expire.

Commissioner Savage asked if there were concerns regarding adequacy of the existing parking at that location. Planner Evans was not aware of any concerns. Commissioner Savage stated that he goes to that location frequently and he never thought parking was an issue.

Commissioner Thomas vouched for the fact that getting a plat recorded was an arduous and careful process for the City. He was confident that the City would be as careful with this plat amendment. Commissioner Thomas was not concerned that something might slip through the cracks if the Planning Commission moved forward with approval.

Assistant City Attorney McLean clarified that she had advised the Planning Department that this was not a complete application because the applicant did not have the authority of the owners.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Michael Upwall, representing the applicant, stated that he was the architect for the proposed addition. Mr. Upwall remarked that they recently found out that the building footprint was platted, and unfortunately they were now discovering the challenges associated with it. He stated that the proposal was presented at the last HOA meeting and there was almost unanimous support to move forward. There was an analysis of the additional cost per homeowner and the relative increase in rents and opportunity that could be achieved from this expansion. It was favorably received. Mr. Upwall stated that there is a minority contingent who are satisfied with how things are do not want to make changes. They are dealing with that issue, coupled with two buildings that hold a good percentage of the homeowners in low income housing; one for Talisker and one for Deer Valley. They also have different thoughts and do not look at this as investment property. Mr. Upwall stated that the intent is to make good sense of two buildings that are close to each other by swapping footprint to allow for public gathering between the two buildings.

Mr. Upwall could not argue with the law. He was certain they would not get the two-thirds vote, and he asked if the Planning Commission could recommend a creative solution that would allow them to proceed with the remodel.

Chair Wintzer did not believe there was any way to bypass the voting issue because it is required by State law. Until that matter is resolved, there was no reason for the Planning Commission to move forward.

Assistant City Attorney McLean understood from the letter that a fast majority of the owners present voted in favor. The problem was that only 30% of the ownership was represented at the meeting. Since the proposal affects 100% of the owners, State law requires approval by 66% of the owners.

Commissioner Hontz suggested that the HOA could re-write their bylaws and designate that this building would only be assessed a certain percentage by one group of homeowners; and have this plat only be supported by the group who benefits. Commissioner Strachan pointed out that a two-thirds vote would still be required to amend the bylaws.

Commissioner Thomas suggested a continuance. Commissioner Strachan noted that the Planning Commission could not continue an incomplete application. He recommended that the Planning Commission forward a negative recommendation and let the applicant come back with a complete application for a CUP.

Director Eddington stated that if the Planning Commission intended to deny the request, the applicant may want to withdraw the application. Otherwise they would have to come back with a substantially different proposal.

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On behalf of the applicant, Mr. Upwall withdrew the application. He noted that he has been directed to redesign the building in its current footprint.

The Planning Commission moved into Work Session for discussion and overview of National Planning Trends. That discussion can be found in the Work Session minutes of August 8, 2012.

The Park City Planning Commission meeting adjourned at 7:45 p.m.

Approved by Planning Commission: _____