

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 22, 2012

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Katie Cattan, Planner; Kirsten Whetstone, Planner; Mathew 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 – August 8, 2012

Commissioner Hontz corrected the last sentence of Condition # 4 to read “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.” to accurately reflect that her comments were specific to having on-site parking.

Commissioner Hontz corrected Condition #10 to read, "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". The Correction replaced for with **to** and may with **shall**.

Commissioner Strachan recalled that the Planning Commission had determined that Findings of Fact 6 and 9 should be conditions of approval and not findings. To reflect that discussion, he corrected the minutes as follows:

Findings of Fact 6 & 9 should be Conditions of Approval of 14 and 15 and deleted from the findings. Deleting Findings 6 & 9 changed the numbering of the Findings of Fact. The word seeing in #6 was corrected to **seeking**.

MOTION: Commissioner Hontz moved to APPROVE the minutes of August 8, 2012 as corrected. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reported that the Staff was trying to schedule the joint Snyderville Basin/Park City Planning Commission meeting, and tentative dates were September 10th or September 24th. The Snyderville Basin Planning Commission has met several times with the County Council and another special meeting was scheduled on Thursday. The Park City Planning Department would have someone attend to hear that discussion. The intent was to make sure all the entities were in alignment with regional planning issues.

Chair Wintzer stated that he would be out of town on September 10th. Commissioner Savage stated that he would be out of town on September 10th, and he would also miss the next Planning Commission meeting on September 12th. Chair Wintzer noted that he would be also be out-of-town for the next Planning Commission meeting on September 12th.

Commissioner Strachan asked about agenda items for the joint meeting. Director Eddington stated that they would continue where they left off at the last meeting and talk about Route 40 in more detail, based on the Charles Buki presentation for regional planning.

Director Eddington reported that Gateway Planning was working on Form Base Code for Bonanza Park, and they would be in town to provide draft recommendations at the October 24th Planning Commission meeting.

Election of Chair and Vice-Chair

MOTION: Commissioner Thomas nominated Nann Worel as the new Chair for the Planning Commission effective September 12, 2012.

Chair Wintzer noted that Commissioner Worel was in Africa; however, through email correspondence she had expressed a willingness to accept the position if nominated.

Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Hontz moved to nominate Jack Thomas as the new Vice-Chair for the Planning Commission. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Chair Wintzer stated that he enjoyed his time as Chair of the Planning Commission and he appreciated the help he received from the other Commissioners. Commissioner Strachan thanked Chair Wintzer for doing a great job. The Commissioners concurred.

CONTINUATION(S) – Discussion, Public Hearing and Possible Action

Richard/PCMC Parcel – Annexation Petition **(Application #PL-12-01482)**

Chair Wintzer opened the public hearing.

Amy Holmwood, a part-time resident at 33 Payday Drive in the Thaynes Canyon Subdivision, was interested in knowing more about the Richards/PCMC Parcel. Ms. Holmwood had seen the sign posted on the property when they arrived this summer. She has called the City several times but was not been able to get any information on the proposal that is across the street from their house. Mr. Holmwood wanted to know what was going on and who would be able to tell them.

Director Eddington stated that Kirsten Whetstone was the project planner. He asked Ms. Holmwood to write down her name and phone number and he would make sure that Planner Whetstone contacts her and forwards the available reports. He informed Ms. Holmwood that she could also obtain the information herself by logging onto the City website and the link to past agendas and documents.

Director Eddington pointed out that the item was being continued to September 12th. Ms. Holmwood asked if a decision would be made at the September 12th meeting. Director Eddington replied that it was scheduled for public hearing, and whether or not it would be the final meeting would depend on the Planning Commission. If Ms. Holmwood was unable to attend the meeting on September 12th, she should submit her comments in writing to Planner Whetstone prior to that meeting.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE the Richards/PCMC Parcel – Annexation Petition September 12, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

200 Ridge Avenue - Subdivision **(Application #PL-10-00977)**

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

MOTION: Commissioner Thomas moved to CONTINUE 200 Ridge Avenue – Subdivision to September 12, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Land Management Code Amendments
(Application #PL-12-01631)

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

MOTION: Commissioner Thomas moved to CONTINUE the Land Management Code Amendments outlined on the agenda to September 12, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

Chair Wintzer requested a change in the order of the agenda and moved 543 Park Avenue, Washington School Inn to the first item.

1. 543 Park Avenue, Washington School Inn – Modification to a Conditional Use Permit (Application #PL-12-01535)

Planner Katie Cattan reviewed the application for a modification to the Conditional Use Permit at 543 Park Avenue, which is the Washington School House. The request was to modify the conditional use permit that was approved on November 10th, 2010.

Planner Cattan explained that Lot 34 was part of the original CUP application; however on the day of that meeting the applicant decided to remove Lot 34 from the proposal. Instead, the fence would go around the pool area and not extend into Lot 34. Planner Cattan noted that Lot 34 is a separate lot of record and is separately developable. She was unsure of the reason, but the lot was enclosed during construction. Due to that violation, the building permit could not be closed and the City could not issue a certificate of occupancy for a use that was not approved for that portion.

Planner Cattan stated that because Lot 34 was enclosed with a fence and a staircase leads to the pool, it should be included as part of the conditional use permit for the recreation facility. However, it is a single lot of record and there is no requirement within the LMC to do a lot combination for a conditional use permit. She noted that Conditional Use permits throughout town cross over lots. Planner Cattan clarified that a use can cross over a lot of record, but a building cannot because it would be in violation of the Building Code and the Land Management Code.

Planner Cattan pointed out that there were no buildings or structures on the site. Any future building or structure would require a modification to the conditional use permit if the building was to be tied to the Washington School Inn. If it was not tied to the Washington School Inn, this CUP would need to be modified to make Lot 34 a separate lot of record without access to the pool. The

Staff added Condition of Approval #2 to address that issue. The condition read, "If the owner plans to build a structure on Lot 34 in the future, the conditional use permit must be modified to review the proposed change. If the owner chooses to develop the lot separately, the CUP must be modified to no longer include Lot 34." Planner Cattan clarified that the request was an expansion of the property for the purpose of the conditional use.

Planner Cattan reported that the Planning Department received a letter from Tesch Law Offices at 4:45 this evening. She handed out copies to the Planning Commission and noted that she had not had the opportunity to read the letter. Planner Cattan noted that the Staff tries to inform anyone interested in applications that the packets are prepared the Friday before the meeting, and that any additional information should be received prior to that time so the Staff and the Planning have adequate time to review it.

Chair Wintzer asked if the walkway that runs through the lot was needed to meet Building Code or if it was a convenience walkway. Planner Cattan replied that it was for convenience. Chair Wintzer clarified that the Washington Inn School has the necessary exits out of the area without the walkway. Planner Cattan answered yes. She noted that the applicant could modify the fence to be only around the pool. They could also have a fence around the single lot without any modifications. The two options were to make it a separate lot and fence it as they like, which would not be part of the conditional use; or they could extend it. The applicant chose to make it an extension.

Commissioner Strachan asked why Lot 34 was removed from the original CUP application. Mike Elliott, representing the applicant, explained that the owners originally planned to save it as a possible future residential lot for themselves. It was later decided that due to its proximity to the pool it would be nicer to landscape the lot. Through the process they decided to add a stone walkway. Mr. Elliott pointed out that the walkway is rarely used because the access through the hotel is the main access for the pool. Lot 34 is currently a park-like setting.

Chair Wintzer opened the public hearing.

Joe Tesch apologized for submitting his letter later than expected; however, he was unable to access the Staff report online on Friday and he needed the report to formulate his letter. Mr. Tesch stated that he was representing John and Barbara Plunkett. His clients like the Washington School Inn and believe they are good neighbors. Mr. Tesch outlined a number of disagreements they had with items in the Staff report. One is that Lot 34 should be brought into the CUP as a plat amendment because it is integrated into the CUP. He was not aware of this type of CUP ever crossing lot lines and he did not believe it should. As indicated in his letter, a definition of a site is basically a separate geographic section in the city. A site is generally considered a lot of record. A number of sections in the LMC talks about the CUP on the site. Mr. Tesch was unsure why the City would consider the idea of a temporary borrowing of a lot for a short time as part of the CUP, but not combining it into the site. It was a bad idea and he was unsure whether they could make it a reasonable condition for expanding the CUP.

Mr. Tesch commented on violations that go beyond the fence. Lot 34 was not supposed to be part of the CUP; however, even though it was removed from the application, it was built to be part of the CUP. He sees that as a clear violation of the CUP and more than just accidental fencing.

Mr. Tesch remarked that the statement that there are no structures on Lot 34 is incorrect because a retaining wall that holds up the swimming pool patio goes far on to Lot 34. He noted that page 2, paragraph 2 of his letter talks about the retaining wall in detail. Mr. Tesch felt it was common sense and consistent with the Code to require Lot 34 to be brought into the site.

Mr. Tesch commented on the issue of protecting Old Town and the concern with creep. He reiterated that the Washington School Inn were good neighbors and provided a quality product for the City. The problem is that the applicants built something different than the CUP that was approved and it created part of the creep they worry about. In his letter Mr. Tesch had created a new set of conditions; most of them the same as the conditions prepared by Staff. However, condition #1 of his draft requires that Lot 34 must be added to the site by plat amendment. Condition #5 of his draft added language, "With regard to Lot 34, any changes to the steps, landscaping or fence as shown on the modified site plan, or any addition to the use of the lot by adding any furniture, temporary or permanent tents, gazebos, benches or chairs, or by adding any lighting, shall require a modification of the CUP". Mr. Tesch clarified that the added language was an effort to guard against creep.

Planner Cattan provided a brief overview of the site plan indicating the pool, the Washington School Inn, Lot 34, and the lot line with the retaining wall right up to it. Planner Cattan clarified that there was not a certified survey showing whether the retaining wall encroached on to Lot 34 or stopped at the lot line. She noted that a structure has to have footings and foundation, therefore, the retaining wall was not a structure by definition. Planner Cattan explained that if the applicant was not requesting a modification to include it in the CUP, the wall would be a violation and should be moved if it is on a portion of the lot. However, since the request is to extend the CUP to add Lot 34, it was not an issue if the retaining wall sits on a portion of Lot 34 because it is not a structure.

Chair Wintzer closed the public hearing.

Mr. Elliott clarified that the wall Mr. Tesch mentioned has nothing to do with the structural integrity of the pool or the other two walls that do support the pool. The walls that have structural integrity are completely on the Washington School Inn lot. The lower wall is strictly a landscape wall and could be removed if it became necessary.

Planner Cattan stated that when the CUP was approved height limits were placed on the wall, which is why that wall has more steps than what was originally shown on the site plan. During the approval process the Planning Commission added a condition of approval stating that no walls could exceed between 4 and 6 feet. Mr. Elliott pointed out that a wall existed prior to the project and the existing wall was removed and replaced with matching stone.

Mr. Elliott stated that the owners have no intention of doing any seeding, benches, gazebos or similar elements addressed in Mr. Tesch's letter.

Chair Wintzer asked if the applicant would be willing to bring Lot 34 into the Washington School Inn project. Mr. Elliott replied that they prefer to maintain it as a separate lot. When they started the process with former planner Kayla Sintz they understood that through the CUP modification they

would be able to create Lot 34 as part of the Washington School Inn lot, and still have the ability in the future to modify the CUP and use it as a residential lot.

Director Eddington clarified that there was no need to add Lot 34 with regards to footprint. Commissioner Savage asked whether the ability to have a CUP extend over lot lines was expressly allowed in the Code or just simply not prohibited. Planner Cattan replied that it was not prohibited by Code. She provided a number of examples where it already occurs in town, including Treasure Hill and the St. Regis. She noted that it is sometimes used as a phasing tool. Commissioner Savage asked if the situations were always contiguous lots with the same ownership. Commissioner Thomas stated that the Bald Eagle Subdivision was a place where it occurred on lots with different owners. The entire CUP granted it on individual lots. Commissioner Thomas remarked that there were many other examples in town.

Commissioner Thomas was comfortable with the requested CUP modification for the Washington School Inn. It visually and aesthetically improves the lot until the owner decides to develop it.

Chair Wintzer shared the concern about creep and he wanted to protect the neighbors against sprawl. He was not opposed to the portion of Mr. Tech's condition that addressed lighting, furniture, and landscaping. Chair Wintzer favored a condition of approval to prohibit this from growing into an unintended use.

Commissioner Savage stated that if the lot was owned by a different owner and that owner wanted to landscape it and add a walkway, he wanted to know what type of approval that would require. Director Eddington stated that if they were not proposing any grubbing or grading, the owner would be allowed to landscape the lot. Retaining walls lower than 4 feet would also be allowed. Anything higher than 4 feet would require Administrative CUP approval. Chair Wintzer pointed out that the owner would not be allowed any type of commercial activity as a separate lot because it is not connected to Main Street. Director Eddington replied that this was correct, and explained that his comment only addressed landscaping in response to Commissioner Savage's question.

Commissioner Hontz asked if a future application for Lot 34 would come back to the Planning Commission. If not, she preferred to add a condition of approval requiring that any future development would come back to the Planning Commission. Commissioner Hontz recalled that when the Planning Commission reviewed the original application in 2010, Lot 34 was under different ownership; however, she had not had time to research that as fact. The 2010 plan showed no access through Lot 34 and she believed this current plan with landscape access was a better result. She felt strongly that the Planning Commission should have the opportunity to see future development to control potential creep.

Commissioner Strachan noted that if the owner built a structure over 1,000 square feet it would come back to the Planning Commission as a CUP application. Chair Wintzer thought the lot looked steep enough to require a Steep Slope CUP.

The Planning Commission discussed Condition #5 as written by Joe Tesch and decided that it could be too restrictive as written. Chair Wintzer thought they should include the condition of

approval suggested by Commissioner Hontz to have a CUP come back to the Planning Commission for any proposed structure on the site.

Assistant City Attorney McLean asked for clarification on the proposed condition. She noted that the Planning Commission would not have the ability to require a steep slope CUP if the owner only wanted to build a house if it was not otherwise required by Code. Commissioner Savage pointed out that even a house would require the CUP to be modified, in which case it would come back to the Planning Commission. Director Eddington replied that this was correct.

Commissioner Thomas was not opposed to addressing lighting and noise, but he had concerns with restricting the owner's ability to change the landscaping. Commissioner Strachan agreed that they needed to focus on impacts to the neighbors. Planner Cattan noted that any proposed lighting would need to meet the Lighting Code and any electrical work would require a permit. She cautioned them to be careful about language so they would not prohibit things like Christmas lights. They should be very clear about what items would require a modification to the CUP. As the project planner, Planner Cattan suggested that any type of use that encourages a gathering of people would be prohibited to address the noise issue. She was unsure how they should address lighting.

Chair Wintzer clarified that the intent was to protect the neighbors from having a gathering park next to their bedroom window.

Commissioner Strachan pointed out that the original CUP required a one year review based on complaints from neighbors. He suggested that they place the same requirement on this application.

Planner Cattan drafted Condition of Approval #5 to state that the applicant is required to submit for a one-year review by the Planning Commission for compliance with the conditional use permit.

MOTION: Commissioner Thomas moved to APPROVE the conditional use permit for 543 Park Avenue with Findings of Fact, Conclusions of Law and Conditions of Approval, with the addition of Condition #5 as stated by Planner Cattan. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Washington School Inn

1. The property is located at 543 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. On November 10, 2012, the Planning Commission approved a Conditional Use Permit for a private recreation facility. In the HR-1 zone a Conditional Use Permit is required for a private recreation facility. A private lap pool for the bed and breakfast falls under the definition of a private recreation facility within the Land Management Code (LMC). The approved CUP allowed a lap pool behind the Washington School Inn.

4. On April 24, 2012 the City received a request for a modification to the November 10, 2012 approved CUP to expand the site to include Lot 34 of Block 5 of the Park City survey.
5. Lot 34 of Block 5 of the Park City survey is located on the north-west corner of the property. It is owned by the owner of the Washington School Inn. The lot is a single lot of record, dimensioned twenty-five feet wide by seventy-five feet deep.
6. The proposed modification encloses Lot 34 with the site of the Washington School Inn within a six foot high fence.
7. A conditional use permit can include more than one lot of record.
8. Multiple lots of record may be enclosed by a fence.
9. The fence was installed in violation of the Conditional Use Permit. The fence enclosed the entire rear yard of the Washington School Inn including Lot 34 of Block 5 of the Park City survey. Lot 34 was not included in the site for the November 10, 2012 CUP approval.
10. A modification of the CUP is required to allow the fence to stay in the current location and for the owner to receive a Certificate of Occupancy from the City.
11. No structures are proposed on Lot 34. Stepping stones vegetation and the extension of the fence around the lot are the only improvement proposed on Lot 34.
12. If the owner plans to build a structure on Lot 34 in the future, the conditional use permit will have to be modified to review the proposed change. If the owner chooses to develop the lot separately, the CUP must be modified to no longer include Lot 34.
13. The Washington School Inn is a landmark structure listed on the Park City Historic Sites Inventory and the National Register for Historic Places (listed 1978). The stone building was built in 1889. According to the Park City Historic Sites Inventory, when the site was nominated to the National Register in 1978, the building was vacant and in disrepair.
14. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to be rehabilitated and adaptively reused as a bed and breakfast. The site continues the use as a bed and breakfast.
15. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of the Park City Survey.
16. On October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.

17. On June 7, 2001, the City Council approved a plat amendment to combine seven old town lots into one lot of record.
18. Parking requirements for the site are not affected by this application.
19. The exterior of the existing historic Landmark Structure will not be modified.
20. Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval.
21. Organized events for the Washington School Inn Patrons and/or the general public, including parties, weddings, or other public assemblies, are not permitted in the HR1 Zone and are outside the scope of the 1983 conditional use permit.

Conclusions of Law – Washington School Inn

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

Conditions of Approval – Washington Inn School

1. The conditions of approval within the November 10, 2012 Conditional Use Permit continues to apply.
2. If the owner plans to build a structure on Lot 34 in the future, the conditional use permit must be modified to review the proposed change. If the owner chooses to develop the lot separately, the CUP must be modified to no longer include Lot 34.
3. This approval is for a private recreation facility. Any additional uses, including public assemblies, must be reviewed independently and are outside the scope of the 1983 bed and breakfast conditional use permit and the present private recreation facility conditional use permit.
4. Any modifications to signs, lighting, or landscaping shall be reviewed under the appropriate application.

5. The applicant is required to submit for a review by the Planning Commission by August 22, 2013. The Planning Commission review is for compliance with the Conditional Use Permit.

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

Commissioner Thomas thought it was important for the Staff and Planning Commission to have a work session discussion regarding the interpretation of three stories, prior to moving forward with this item and the next two items on the agenda. He believed all three applications exceeded the three story limitation. Commissioner Thomas stated that he was on the Planning Commission when the Code was written. He knows the intention of the Code and he watched the process carefully. He recommended that the three agenda items be continued until the Staff and the Planning Commission could reach an agreement on the meaning of three stories.

Commissioner Hontz concurred with Commissioner Thomas. In addition to the three-story interpretation, she believed other Code related matters in at least two of the agenda items would be better addressed in a work session. She did not think it would be beneficial for the applicants to have the Planning Commission review their projects before they had that discussion.

Planner Whetstone pointed out that 429 Woodside was a plat amendment and not a steep slope CUP. Commissioner Thomas clarified that the three-story restriction applies everywhere in the Historic District. The plat amendment suggests building footprint above the other stories, which is a fourth story.

Director Eddington favored the idea of a Land Management Code work session. However, the three items were on the agenda for public hearing. He suggested that the Planning Commission hear from the applicants and conduct the public hearing. They would still have the ability to continue the item pending the suggested work session discussion.

Commissioner Thomas also requested that they change the way applications are reviewed. In many circumstances the applications are far along before the Planning Commission has the opportunity to see them and make comments. He felt it was prudent to require a work session early in the process on a steep slope CUP. The applicant could submit a schematic phase showing the floor areas.

Chair Wintzer concurred. He noted that the applicant for 916 Empire came in with a complete set of plans and the Planning Commission had a different interpretation of three stories. He felt it was unfair to let an applicant go that far only to have the Planning Commission change their direction.

Commissioner Savage thought it made more sense to make certain that the Planning Department has a clear and distinctive understanding of the interpretation of the Code so they could do their job without having the Planning Commission intercede.

Commissioner Thomas felt it was an advantage to the applicant to come in early on a steep slope CUP so the Planning Commission could list their concerns and criteria in an effort to streamline the process for the architects.

Commissioner Hontz remarked that another option would be to require that a steep slope CUP come in as a work session. The Planning Commission continues to see this problem, and within the Code and the parameters of their role they continue to give direction that is significantly different than what they see. For that reason, it is imperative to see the applications and provide direction early.

Director Eddington stated that both the interpretation of the Code and the Steep Slope CUP process could be discussed at a work session. Chair Wintzer pointed out that the Planning Commission could not make Code changes without public notice and public input. The Planning Commission could not make a motion to require a change in the Steep Slope CUP review without going through the proper process.

Assistant City Attorney McLean pointed out that LMC amendments were scheduled as a work session item this evening. Under the definitions section was noticed discussion of a story, half-story and split level. Therefore, the Planning Commission could incorporate the Steep Slope and three story limitation into that discussion this evening.

Commissioner Thomas reiterated his suggestion to continue the three items on the agenda this evening so the applicants would have a complete understanding of how the Planning Commission and the Staff defines three stories. The applicants and their representatives were encouraged to stay for the work session discussion this evening.

Director Eddington noted that the Planning Commission still needed to open the items for public hearing. Commissioner Strachan thought the Planning Commission should take the opportunity to provide feedback before continuing the item.

The Planning Commission continued with 429 Woodside Avenue - Plat Amendment.

Planner Whetstone reviewed the request for a plat amendment to combine an existing lot of the Elder Park Subdivision with an adjacent metes and bounds parcel located to the rear. The Planning Commission held a public hearing on July 11th and no public input was presented.

Planner Whetstone noted that the Planning Commission raised two issues at the July 11th meeting, as identified on page 29 of the Staff report. The first was whether the rear parcel is considered open space. The second addressed concerns regarding the use of a potential accessory structure if one is proposed in the future. Planner Whetstone stated that the Staff had provided a number of conditions of approval to reach the standard of good cause, and the applicant had agreed to those conditions. She pointed out that good cause is a requirement for this type of plat amendment. One point for good cause was benefit to the neighborhood, as outlined on page 33 of the Staff report.

In terms of the remnant parcel, the Staff researched the application and found that it was a parcel of record with an Assessor's number. It is zone HR-1 and it is not part of the Sweeney Master Plan or part of the Treasure Hill Subdivision plat. The Staff felt it was clear from the research and the title report that it was not a designated open space parcel. The Staff was prepared to provide additional information on that issue if requested by the Planning Commission.

Planner Whetstone remarked that the Planning Commission had requested that the applicant provide a cross section. She reported that the house was under construction and had gone through a Steep Slope CUP and Design Review. Planner Whetstone recalled that the Planning Commission wanted to know the history of the original approval and that was provided as an exhibit in the Staff report. She had also researched minutes of those meetings and at that time there were concerns with how the construction would impact the historic house and whether it would still remain on the Historic Sites Inventory.

Planner Whetstone reviewed the cross section that was shown on page 83 of the Staff report. She noted that the historic house steps up and has a physical connection to the addition. The house has a fourth story that was approved prior to the changes to the Steep Slope CUP and the Design Guidelines. The applicant was proposing a 30 foot separation from the future accessory structure, which would be restricted to the two-story 24-foot height limitation. They would use no more than 660 square feet of footprint when the size of that lot would 3,006 square feet.

Planner Whetstone noted that Option D was the original approval and those sections were contained in the Staff report. The proposed changes were identified in orange. Planner Whetstone stated that the bump out area in the back was added footprint.

Planner Whetstone pointed out that the applicant was a new owner who was not party to the previous Steep Slope CUP or design reviews. The lot behind was available and he purchased it, which gave him the ability to have the extra lot area for the amendments to the design.

Since this was a plat amendment, the Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the draft ordinance.

David White, the project architect, commented on the concern regarding three stories, and clarified that they were only proposing two stories on the accessory structure. The building is totally separate; and even though it is accessed through the existing house it is not connected. The proposed height is under the 24' height limit. The footprint is 660 square feet. Mr. White pointed out that three stories would require the applicant to come back to the Planning Commission for a Steep Slope CUP.

Joe Tesch, representing the applicant, emphasized that the request was only for a plat amendment to combine two lots. His client has been very forthright about his intention to fill in one room in the middle of the existing building for 270 square feet, and he was willing to agree to a condition of approval limiting the amount of additional square footage to 270 square feet. Mr. Tesch stated that he has been on the site and the structure is not visible from the street. Mr. Tesch outlined what he believed were good causes to allow for the plat amendment.

Mr. Tesch referred to a previous comment by Chair Wintzer about the idea of preserving 25' x 75' lots in Old Town. He pointed out that the purpose statement talks about preserving combinations of 25' x 75' lots in Old Town, and that was exactly what this plat amendment would do. Mr. Tesch stated that he was speaking only to the good cause, because whether or not the agreed upon limitation of the accessory building was built in that location, the proposed plat amendment would

be a great benefit to community. Mr. Tesch stated that his client owns the property and he could fence it and put agriculture on it as a permitted use. Instead, he was suggesting that if he decides to build an accessory house, it would only be located directly behind the existing house. The owner was willing to put the other half of the property into a no-build zone and keep it as open space. The owner was also willing to give a ski easement across the lot. The owner has agreed to give Quittin' Time an access from the back of their building to the ski area. Mr. Tesch believed the benefits of the plat amendment were very good and offered more than what could occur without the plat amendment.

Mr. Tesch stated that in 2008 when the basic design was approved, there was a legal finding by the Planning Commission that the proposed use as conditioned was compatible with the surrounding residential commercial structures in scale, mass and circulation. In terms of size compatibility, Mr. Tesch referred to page 84 of the Staff report which showed the neighborhood. He noted that behind the parcel and up the hill were two very large homes on large lots that were part of the Sweeney Master Plan. He also indicated two large structures to the west of the parcel. Mr. Tesch believed the proposal for a potential accessory structure was consistent with the neighborhood and it was not out of character with the mass and size of Quittin' Time.

Chair Wintzer opened the public hearing.

Chris Whitworth, President of the Quittin' Time HOA, stated that he and his wife have owned their property for approximately 13 years. Many of the owners in their building are long time owners. Mr. Whitworth remarked that in the past five years they have invested \$800,000 in exterior improvements to the building to improve its appearance. Mr. Whitworth stated that the owners opposed the accessory building for several reasons. He referred to the cross section and noted that the view from the accessory building would loom over the back of their building. You would be able to through the windows and that compromises the privacy of the units. Heat was another issue. Mr. Whitworth stated that Park City summers are not as cool as they used to be and Quittin' Time has no air conditioning. There is no space to add air conditioning and people cool their units by opening the back doors. The accessory building would block the breeze from the south. Mr. Whitworth stated that even though there is a gap between the proposed building and the existing structure, the building would be less than 25 feet away. It seemed unlikely to him and fellow owners that the structures would remain unconnected and over time they would come back with additional requests for a breezeway or some type of roof connection. Mr. Whitworth stated that the Quittin' Time owners were originally told by the applicant that he wanted to build a house; not an accessory building. They received a letter from David White similar to a ballot with one box to check in agreement with the proposal. Mr. Whitworth was concerned that this would be a creeping project and go beyond what was being proposed.

Steve Chin stated that he had represented the owner, Steve Koch, in his acquisition of the site. Mr. Chin asked the Planning Commission to act in the context of fairness and according to what the LMC allows the applicant to do. If some things need to be explained, they would appreciate having that clarity.

Kel Green, an owner at Quittin' Time, noted that the consent form indicated that the accessory structure was for a possible guest house. It has since been changed to a more neutral term of

accessory building. Mr. Green believed the intent was obvious that the owner wanted a guest house. At the last meeting it was stated that he has a large family, which implied the intent for people to stay there. From what he understood from email exchanges, they were talking about a family room, an office, and bedrooms. It is called an accessory building but the original stated purpose was for a guest house. Mr. Green was told that because it does not have a kitchen it does not qualify for a guest house. He believed the intent was for people to stay there and it would provide all the amenities of a house with the exception of a kitchen.

Chair Wintzer closed the public hearing.

Commissioner Thomas referred to Exhibit K, the cross section through the property, and noted the multiple stories. He understood that the house was approved in 2008, prior to the Steep Slope Conditional Use criteria. Therefore, the original house would not be consistent with the current Code. Commissioner Thomas stated that the problem arises when the lots are combined because it becomes one property and one entity and one house. He counted five stories across the cross section, and the Code clearly stipulates three stories. Commissioner Thomas believed the application was inconsistent with the Code. To be fair to the applicant, the Planning Commission needed to continue the item until they have their work session discussion and could make interpretation of the Code clear to each other and the community. In the situation of combining the lots the Planning Commission could not give them the right to build the additional two stories because it was inconsistent with Code. Commissioner Thomas stated that he would support the plat amendment and the lot combination without that property and the levels being a condition. Commissioner Hontz concurred with Commissioner Thomas. The Planning Commission has to make a finding for good cause to move forward and she was not capable of making that finding without having the discussion of interpretation. Commissioner Hontz stated that she was not on the Planning Commission in 2008 when this came in for a Steep Slope CUP; however, in her opinion that process was a complete disaster and it was a demonstration of what not to do to a historic home. Massing, height and compatibility were issues at that time. If the Planning Commission allowed this plat amendment they would be adding mass and additional height with the proposed accessory structure. The next project on the street would be compared to that structure for compatibility and everything gradually becomes larger. It is too big and not compatible.

Commissioner Hontz pointed out that this proposal was being compared to structures that could not be built today under the current Code. The City has changed the Code to reflect what they no longer want, yet they are tied to reflect back and find compatibility with the same things they do not want to see in town. Commissioner Hontz thought the accessory building would make this more of an issue. She liked the idea of supporting the structures around a historically small home with numerous outbuildings. She understood that the intent of the Code was to revisit those patterns and/or save the structures. However, she believed that had turned into a loophole for most applications. Instead of being attached, they were now getting five or six stories of height on a site. According to the definition of good cause, that was not a community benefit and could cause health, safety and welfare concerns. Commissioner Hontz believed the City made a mistake in 2008 and the Planning Commission could make it worse if they moved forward on this application.

Commissioner Savage took a different position. The owner purchased a lot that was contiguous with his current lot. As a property owner, he should have rights that allow him to take advantage of

the property he owns. If the owner combines the lots he should be entitled to build a certain footprint on that piece of property. Commissioner Savage pointed out that the owner had significantly reduced the size of the footprint he was allowed to build, anticipating that he could build a two-story structure. He understood that height was the issue and not the footprint. Therefore, the solution would be to build a one story structure and make it twice as big. He believed the Planning Commission would be unhappy with that solution as well.

Commissioner Savage could see no reason why the owner should be prohibited from combining the lots. He thought the Planning Commission should forward a positive recommendation on the lot line combination and then consider his application within the context of the Code and what would be allowed for that combination of lots. Commissioner Savage felt they were penalizing the owner's rights as a consequence of the fact that a mistake may have been made with the original approval.

Commissioner Strachan agreed with Commissioner Thomas. He believed they could combine the two lots as good cause, but without the condition of approval that says it can only be two stories and the building pad is x-number of square feet. The owner would have to apply for a Steep Slope CUP on the second lot, and that is the process where they consider the number of stories. Commissioner Strachan clarified that he was not in disagreement with Commissioner Savage, but under the current proposal, the applicant was proposing an end result structure that would be five stories.

Commissioner Savage believed the two issues needed to be separated. Commissioner Strachan pointed out that the issues could not be separate with the current application because of the way it was drafted. Commissioner Strachan thought they should continue the item and let the applicant decide what was in his best interest. When the applicant comes back with a building proposal on the second lot, the Planning Commission could review it under the Code.

Commissioner Gross concurred with his fellow Commissioners.

Commissioner Strachan believed that no matter what was built on the second portion of the lot it would be four stories, which would automatically violate the Code.

Chair Wintzer stated that when the Planning Commission combines lots, they need to think through the consequences of what it allows. Before they combine these particular lots, he wanted to understand everything that could be done once the lots are combined.

Mr. Tesch clarified that the application was for a lot combination and the agreement was to limit the footprint and to give benefits to the neighbors. He stated that no one was suggesting that approval of the lot combination approves any development. Chair Wintzer pointed out that it does affect development because this conversation would not be taking place if there was not a request to combine the lots. Mr. Tesch remarked that the lot combination would not prohibit the Planning Commission from denying a building plan. It only limits what his client could otherwise do. They were not asking for any other approval.

Planner Whetstone remarked that the Planning Commission needed to consider the type of application. For the record, she clarified that the application was for a plat amendment and not for any type of development at this time. It only puts limitations on the lot development. She pointed

out that combining lots and remnant parcels was a standard practice in Park City. Planner Whetstone stated that another issue pertained to the consent letter that was sent to the neighbors. She explained that the application originally came in as a lot combination. It is an administrative application that requires consent of all adjacent property owners. If the owner cannot get consent from anyone, the Planning Director is allowed to make that approval on a lot line adjustment administrative application. Planner Whetstone referred to concerns regarding the connection and that it could later creep and connect. She indicated a pad on the site where a future building could only be constructed. She stated that the Planning Commissioner could condition the dimension. They could also add a plat note and condition of approval that says if an accessory structure is proposed or constructed it cannot be connected in any way to the main house. Planner Whetstone noted that because it is an existing four-story house, it would be non-conforming in terms of the Code; however, she was unsure whether it would be exempt because it had a historic house. If the definition of a story includes all the structures on the lot, it could not exceed four stories.

Commissioner Thomas pointed out that in the past they had situations where they denied increasing the non-compliance of the house because it did not meet the current Code.

MOTION: Commissioner Thomas moved to CONTINUE 429 Woodside Avenue – Plat Amendment to a date uncertain. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**3. 916 Empire Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01533)**

Planner Whetstone reviewed the application for a conditional use permit for construction on a 30% slope greater and than 1,000 square of floor area. The request was for a new single family home located at 916 Empire to be 2,300 square feet. The lot is a standard 25' x 75' Old Town lot.

Planner Whetstone noted that the Planning Commission reviewed this proposal on July 11th and the concerns expressed at that time were identified on page 102 of the Staff report. The application was continued to this meeting due to concerns related to the driveway grade and whether it would comply with Code and physically possible for a vehicle to come down the grade and into the garage. The Planning Commission requested that the applicant provide a cross section of the driveway. That cross section was included in the Staff report. Planner Whetstone had met with the City Engineer and found that the split grade of the driveway meets Code.

Planner Whetstone remarked that another concern was the three-story issue. She pointed that this particular application was a split level.

Commissioner Thomas believed every application to build on a steep slope was some type of split level. Planner Whetstone explained that on the uphill lots the levels are stacked on top of each other. Commissioner Thomas clarified that he has seen stacked levels on both uphill and downhill lots.

Planner Whetstone stated after the meeting on July 11th, the Staff relooked at the application and agreed that the method by which the Planning Commission tabulated stories was consistent with the Staff's method of tabulating stories when a fourth story is proposed. She clarified that the Staff reached the same determination that there was a fourth story on the uphill lot. However, the Code does not specify how to tabulate a story, and the Staff has been consistent in tabulating across the entire structure and counting levels. In looking at the plans submitted on July 11th, because there was a full story above the garage and a split level within the house, the Staff concluded that the Planning Commission was correct in identifying 3-1/2 stories.

Planner Whetstone remarked that the Staff asked the applicant to revise the plan and the plan was modified with the elevation at the street. She explained how the applicant modified the plan and how the Staff determined that it was now three stories.

The Staff recommended that the Planning Commission approve the revised design based on the findings of facts, conclusions of law and conditions of approval prepared for their consideration. The Staff concurs that a Steep Slope CUP is a case by case review because slopes can be very different. Planner Whetstone noted that since 1994 there have been five different ways to review applications on downhill lots.

Planner Whetstone pointed out that the applicant was not requesting any type of a height exception. She reviewed the revised plan as shown on page 136 of the Staff report.

Craig Kitterman, the project architect, remarked that much of the conversation at the last meeting revolved around the definitions, primarily because definitions can be defended for future cases. The problem is that the LMC defines a story as floor to floor, but it does not say how tall it is. He stated that in architectural legal proceedings, when there is no answer to a question, they often look to the standard of the architectural and construction industry. He noted that 20 years ago the industry standard was 8 feet. The industry standard is taller today for new homes. Kitterman stated that since the LMC does not define the measurement, he believed they should follow the standard of the industry of at least 8 feet.

Mr. Kitterman pointed out that the Code also does not address split levels. The split level was interpreted as adding a half floor. A one-and-a-half story Cape Code house was the best example. Mr. Kitterman stated that since a minimum 7/12 roof pitch is required in Old Town, they get volume to use up there. Therefore, the half floor with dormers would be the standard of the industry in terms of how to measure a half floor. Mr. Kitterman noted that they looked to various resources to find four or five definitions of a half floor. He was interested in hearing the discussion during the work session.

Chuck Heath, the applicant, asked if the story was being defined as internal space or external space. He believed the Planning Commission was more concerned about how the exterior looks, yet from reading the Code, the definitions appear to address the interior space. Mr. Heath believed the original plan was no more than three stories, and in every elevation it was 2-1/2 stories. He asked for clarification on whether the Planning Commission was regulating the interior use of the space or just looking at exterior design and those types of issues.

Chair Wintzer referred to the rear elevation drawing and stated that a constant issue is the height of the buildings when viewed from across the canyon. Chair Wintzer apologized that these issues were not raised earlier in the process before the design moved too far along. He emphasized the importance of setting the definition of three-stories before they could move forward with these projects. Chair Wintzer stated that approximately 80% of the historic buildings in Park City were one story. They eventually went to two stories and now some are five and six stories, staying within the 27 foot maximum height. Chair Wintzer reiterated that the cross-canyon view is what the Planning Commission considers.

Mr. Heath was confused because he thought the requirement was the height of the structure and not the number of stories within that height limitation. Chair Wintzer replied that it was also how they measure the height of the structure. Mr. Heath thought Chair Wintzer's explanation contradicted the design guidelines that require the building to be stepped on a steep slope.

Planner Whetstone presented the cross canyon view the applicant had provided.

Chair Wintzer remarked that at the last meeting the Planning Commission concurred that the proposed house at 916 Empire fits well with the neighborhood. They were not implying that it was a bad design, but it was important to define a definition of three stories before moving forward with any project. He understood that the applicant was caught in the middle.

Planner Whetstone pointed out that even if the Planning Commission sets a definition for three stories, this application was vested under the current Code and would not be subject to a Code amendment.

Commissioner Thomas clarified that the Planning Commission was looking for a consistent interpretation and not a definition. He believed there was a disconnect between the Staff and the Planning Commission on the interpretation of three stories.

Chair Wintzer remarked that the Planning Commission could take action on the application this evening; however, he felt the applicant might have a better outcome if he waited until after the Planning Commission discussed the interpretation issue.

Commissioner Hontz stated that it was inappropriate to continue this conversation or to take action on this application. She recommended that the Planning Commission take public input and continue the item until the next meeting.

Mr. Heath asked if the Planning Commission would actually draft a definition of three-story. Assistant City Attorney McLean explained that the work session discussion would define an interpretation of what currently exists in the Code and how the term "story" is interpreted in applications to make sure that it is being applied consistently.

Chair Wintzer opened the public hearing.

Craig Elliott stated that he attended this meeting to talk about the 3-story issue. He would hold his comments until the work session if the Planning Commission would take public input.

Chair Wintzer encourage Mr. Elliott to make his comments during work session.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE 916 Empire Avenue – Steep Slope CUP to a date uncertain. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

**4. 30 Sampson Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01487)**

Planner Evans reviewed the steep slope conditional use permit for 30 Sampson Avenue. He noted that the lot was approved in 1995. It is a 7,089 square foot lot in the HR-L District. Because of its odd shape, this particular lot required that the Planning Director make a determination as to setbacks. The Staff report outlined the required setbacks as determined by the Planning Director and the setbacks proposed in this plan. The front and rear setbacks would be 15 feet and the sides vary from five to ten feet. The lot was approved in 1995 and plat notes limit the size of the structure to 3,000 square feet, with a 400 square foot garage allowance. Planner Evans noted that the Staff report included a legal and binding letter of the interpretation made at the time, which said that the 3,000 square feet maximum applied to above ground and anything below ground did not apply. Planner Evans remarked that other issues related to the number of stories and height, and those would not be addressed pending the work session discussion.

Commissioner Strachan referred to the table on page 204 of the Staff report and asked for the difference between the overall area and the overall size. Planner Evans stated that the overall size was 4,587 square feet, plus the garage. The 2,998 was the footprint.

Commissioner Strachan asked why the size of the garage indicated in the Staff report exceeded 400 square feet.

Jonathan DeGray, the project architect, replied that anything in excess of 400 square feet goes against the 3,000 square foot maximum. Therefore, the combined total of above-grade living does not exceed 3,400 square feet at any point. The garage is larger but the house is smaller. Mr. DeGray referred to Commissioner Strachan's previous question and noted that the 4,587 square feet was the total square footage and included the garage. He also noted that 2,998 square feet was the total square footage above grade for the house.

Mr. DeGray walked through the plans and specific square footage numbers for the house and the garage.

Mr. DeGray outlined the criteria for the Steep Slope CUP and explained why they comply. He noted that the site is an unusual hourglass shape made up of two pods; lower and upper. The lower, smaller pod sets itself up well for a garage. The connection point is below grade and breaks the two structures visually. He referred to the landscape plan to show how it embellished between the

two buildings to visually separate them. The main building is setback 65 feet to the elevator and another 75 or 80 feet to the main structure from the street. With the grade changes, it will appear to be a totally separate building from any of the buildings along Sampson Avenue. It will appear to be more associated to the sites to the rear.

Mr. DeGray commented on the visual analysis and provided photographs taken from the Trolley Turnaround and the intersection of Marsac and Hillside, as well as from other locations shown on page 230 and 231 of the Staff report. Mr. DeGray noted that the lot behind this house was the last undeveloped lot of the Sweeney Subdivision and it would be fairly volumetric. Mr. DeGray presented a rendering showing how the building sets into the hillside and the volumetric is compatible to the other HR-L structures on Sampson Avenue.

Mr. DeGray noted that the access driveway has been placed at the highest point of Sampson Avenue along with the lot. It provides a short run into the garage and is as low as possible to allow the garage to nestle in and maintain the same pad elevation as the barn that occupied that same space. The pad is currently being used as a parking pad.

Mr. DeGray pointed out that the building itself acts as the retaining structure and no tall walls are proposed on site. There will be smaller stack rock walls. Along the driveway they are looking at a wall that starts at the edge of the property starting at 2 feet in height and increases to 5 feet by the entry. Those represent the tallest walls on the site. None of the walls would require special approvals. The City now requires that all walls within the proximity of the property line be geo-technical engineered and designed and signed off by the engineer.

In terms of building form and scale, the buildings should run parallel and the garages should be subordinate. Mr. DeGray believed they had met that criteria. He noted that the overall scale and bulk of the main building was reduced. The building height is 27' and falls within the 27' maximum height requirement. In some places the height is under 27' on average. The applicant was not requesting any special provisions.

Mr. DeGray stated that the purpose of the HR-L zone was to get away from the higher density HR-1 zone and to provide for larger single family homes on larger lots. He believed this application met the purpose of the HRL. On a 7,000 square foot lot they were proposing a maximum gross square footage of 4500 square feet with a visual square footage of 3400 square feet, which is compatible with adjacent structures.

Chair Wintzer opened the public hearing.

Debbie Schneckloth, stated that she has been resident at 40 Sampson Avenue for 40 years, and her name appears on the plat amendment that the Jorgensen property is part of, and she intended to explain her goal for doing that. Ms. Schneckloth stated that her concerns began on May 5, 2012 with the unauthorized use of her property by the 30 Sampson Avenue access. At that point she became very involved in the process and Planner Evans had been very patient answering her many questions. Ms. Schneckloth also intended to speak to the redrawn driveway access and her request that it be drawn on the applicant's own property. She commented on the setback determinations by Director Eddington and wanted to know his rationale for changing some of the

requirements of the Land Management Code. Ms. Schneckloth also wanted to speak to three of the items in the purpose statement of the HR-L zone and how two of the seven purposes of the HRL District appear to be obstructed by this project.

Ms. Schneckloth stated that when she expressed her concern about the access, she was informed by the Planning Department that the City was told that the applicant had an easement. Moving forward, she requested that the City require a checking of recorded easements when these applications come in so a property owner is not victimized by one person's word rather than what can be verified.

If this project moves forward, Ms. Schneckloth requested a condition of approval stating that the orange LOD fencing be replaced with a more permanent type site fencing, and that the points along the irregular 131' property line not be defined by the three existing pins, but instead be resurveyed to maintain accuracy. Ms. Schneckloth stated that this was abridged at 60 Sampson Avenue and 10 feet had been excavated before she discovered that the fencing had been taken down and it was on her property.

Ms. Schneckloth requested another condition of approval involving the City in any further enforcement so she could have a phone number of someone to call to have an enforcement person check on an issue.

Ms. Schneckloth stated that the driveway access redraw was at her request on the Jorgensen property. As explained to her by Planner Evans, the beginning point on the south end of the driveway was on grade with Sampson. She would like that checked by the City Engineer because she believes that at that point Sampson is 35 inches below the grade, and not on grade. Sampson goes very steep very fast and the discrepancy between grade as describe two to five feed with no retention required is not accurate as the lay of the land.

Regarding the setback determination described by the Planning Director, she understood from the Staff report that the setbacks were increased from the required 10 feet. However, she questioned why a five foot side yard setback was acceptable on the border of the only existing historic property on Sampson Avenue. Protection of historic property as per the HRL designation was not a condition and she questioned why. She was also concerned after hearing Mr. DeGray state that there was no need for more than 2-5 foot retaining walls with no engineering. She was suspect of how that would occur and retain her property and her home.

Ms. Schneckloth stated that the purpose of the HRL District as described was to reduce the density, which was the purpose of her plat amendment. She loves her home and it is a nice place to live, even though the access is difficult she likes everything about. The intent behind her plat amendment was to could save the tide of traffic problems, and other impacts that could be incurred on that small little street. Since her plat amendment, other things have occurred and they still face problems.

On the issue of preserving residential character in Park City, Ms. Schneckloth noted 205 Norfolk Avenue, which is 811 square feet in size, and 220 King Road, at 65 square feet in size do not reside in the HRL zoning. 220 King Road was annexed property into the Sweeney project and

annexed to the Old Town plat. Those properties did not come under the scrutiny that the HRL guidelines and historic districts require. In 1995 the Planning Commission put severe restrictions of 2,000 on all the properties because even though the Sweeney lots were already proposed with greater density, the intent was to preserve the character of Old Town. Ms. Schneckloth stated that the Herman house that was built by Jerry Fiat on Norfolk that was given as a comparison is a neighboring property, but it is not in the HRL zone. No conditional use permits were required for that property or any other property on Norfolk for nightly rentals. They are not in the HRL and should not be used as comparisons to bring up the square footage average of Sampson Avenue to 3566 square feet. If you accurately calculate the numbers, the square footage is actually 2572 square feet.

Ms. Schneckloth stated that another purpose of the HRL is to encourage construction of historically compatible structures that contribute to the character and scale of the district. She provided a picture of an old streetscape with the lot outlined. She noted that John Vrabel was out of town and unable to attend this evening, but he had given her photos to submit to the Planning Commission. She still loves this town that she came to in 1971 and she gave examples to show how far they have come over the years. Ms. Schneckloth clarified that she is not anti-development. She just wants everyone to play by the same rules. She respects the Planning Commission and others for the difficult job they do. The City has preserved so much of its heritage and she only wants everyone to build on their own property and abide by the same rules that are so beautifully written in the Land Management Code.

Chair Wintzer closed the public hearing.

Commissioner Thomas believed this project also fell under the same issue with regard to the number of stories. He felt it was best to continue the item until they had a clear interpretation of the Code.

MOTION: Commissioner Thomas moved to CONTINUE 30 Sampson Avenue – Steep Slope CUP to a date uncertain. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission met in work session to discuss Land Management Code amendments and the interpretation of a story. That discussion can be found in the Work Session minutes dated August 22, 2012.

The Park City Planning Commission meeting adjourned at 9:25 p.m.

Approved by Planning Commission: _____