

MINUTES

SNYDERVILLE BASIN PLANNING COMMISSION

REGULAR MEETING

TUESDAY, APRIL 12, 2016

Sheldon Richins Building (Library)

1885 West Ute Boulevard,

Park City, UT

COMMISSIONERS PRESENT:

Bea Peck, *Chair*

Julia Collins

Mike Franklin

Canice Harte

Chuck Klingenstein

Greg Lawson

Regrets: Colin DeFord

STAFF PRESENT:

Peter Barnes– *Planning and Zoning Administrator*

Jami Brackin– *Deputy County Attorney*

Amir Caus– *County Planner*

Gary Horton– *County Engineer*

Ray Milliner– *Principal Planner*

Patrick Putt– *Community Development Director*

Jennifer Strader– *Senior Planner*

Kathy Lewis– *Secretary*

The regular meeting of the Snyderville Basin Planning Commission was called to order at 6:00 PM.

REGULAR ITEMS

1. General Public Input Items

The general public input session was opened. There were no comments made and the public input session was closed.

2. Discussion and possible action regarding a vested rights determination; Silver Creek Unit I lots 42, 43, and 44; Joe Tesch, applicant – Jennifer Strader, Senior Planner

Planner Strader said because **Commissioner DeFord** was unable to be in attendance at this meeting, he forwarded some questions in an email. A hard copy of the questions was distributed. In addition, a hard copy of the County Council meeting minutes held on

February 23, 2016, was also distributed. Planner Strader said Mr. Tesch has also provided some supplemental information. Mr. Tesch said this was the declaration of George Mount showing he had contact with the zoning officials. One of the standards of a vested right is whether or not the applicant had conferred with and relied on the zoning officials.

Planner Strader gave some background of the Silver Creek Unit I subdivision. It was recorded in 1965 prior to any zoning. On the plat is a note that identifies the various uses that are applicable to specific blocks within the plat. For example, a block might be commercial, industrial, or multifamily residential.

Planner Strader said there were also CC&Rs for Unit I recorded that broke down the exact uses that were allowed in the commercial, industrial, or multifamily areas. For years, it was the practice of the County to recognize the uses on the plat even though the underlying zone has always been rural residential.

The applicant owns four lots of Unit I on the west side of Silver Creek Road. In 2011, the applicant applied for an opinion from the Omdsman's office to verify that the plat note had vested the uses that were listed on the plat. That opinion concluded that the County does not have the authority to uphold the uses, but should apply the existing zoning instead. At that time, the Community Development Director sent a letter to all affected property owners within Unit I stating that the County would be applying the existing zoning.

After receipt of that letter, the applicant filed this vested rights application. Shortly after that the County initiated a rezone for Unit I, which included the applicant's four parcels. The proposed zone was community commercial. As the rezone was working its way through the process, Staff recommended to the applicant that he hold off on the vested rights application pending the outcome of the rezone. The applicant agreed to do so.

The rezone was approved for the properties on the east side of Silver Creek Road only. This meant the applicant's four parcels remained rural residential. During the rezone process, the

applicant met with the Community Development Director to further discuss the applicability of the plat note to his four lots.

Planner Strader said her understanding is that the Community Development Director at that time reviewed the information provided. He determined there was enough information that convinced him that the applicant relied on the plat for Lot 45 specifically. Lot 45 received a grading permit to install some culverts. To her knowledge, there wasn't any information submitted that warranted the Director to make the same determination for lots 42-44. Lot 45 is referenced in the Staff Report for background purposes. At this meeting, they are only talking about lots 42-44.

Planner Strader said in 2013, the applicant requested another advisory opinion from the Omdsman to verify whether or not a property owner may claim vested development rights by incurring substantial expenses through reliance on the government's representations. The Omdsman's opinion concluded that if a property owner incurred significant expenses to develop the land, then the owner may claim the right to develop. That opinion also stated that the applicant incurred expenses of approximately \$50,000, which was a significant expense in their opinion. Since the 2003 opinion, Staff is not aware of any action that has taken place concerning lots 42-44. The information provided in the packet is information that was provided by the applicant.

Planner Strader explained that the process for a vested right determination requires the applicant first go to the County Council. They will look at the information provided to determine if there is enough information to warrant further consideration by the Planning Commission. If they find this is the case, then the Planning Commission reviews the application and forwards a recommendation back to the County Council who will make the final determination.

Planner Strader said in this case, they are talking about zoning estoppel, which she will let Attorney Brackin explain; however, there are four findings that need to be made for each individual lot in order to make a positive recommendation to the County Council. These are:

1. Was there an act or omission by Summit County which is clear, definite, and affirmative in nature,
2. on which the applicant reasonably relied in good faith,
3. thereby making substantial changes in position or incurring extensive expenses, and
4. the applicant inquired and conferred with Summit County regarding the zoning and the uses of the property that would be permitted.

The time was turned over to Attorney Brackin to provide more information. Attorney Brackin said whether or not someone has a vested right is a question of if there is a completed development application under an existing Code that would be vested by a different process. Secondly, it might be if the applicant has gone sufficiently down the road to have a right to a development approval. She said this is not necessarily that kind of case.

Attorney Brackin said in this case, the applicant is asking for a zoning or equitable estoppel, which is an equitable remedy that the courts can choose to recognize. Planner Strader has set forth the standards that each lot needs to meet. The burden is on the applicant to show that these standards apply. The reliance in good faith on the representations made by the County usually comes into play. Mr. Tesch has to show that his client relied on that representation in good faith.

Attorney Brackin said the Commission needs to look at what was done prior to the 2011 Omudsman's opinion. After that, Mr. Mount was on notice that Summit County no longer considered the CC&Rs as applicable. The properties were then under the existing zoning ordinances. Any reliance on Summit County's representation would be pre-2011. Specific findings will need to be made for each one of the lots.

Chair Peck asked Planner Strader to display the timeline. She asked when the first zoning ordinance or General Plan was enacted. Attorney Brackin said the first General Plan was created in 1977. Revisions occurred in 1982, 1988, 1992, 1998, and 2004. During this time

a grading permit was issued to Lot 45. **Chair Peck** confirmed these revisions included the zoning ordinances. The area was zoned rural residential with each revision.

Commissioner Klingenstein said he created a timeline in reviewing this application, but is missing one item. The first Omudsman's opinion was given to Mr. Mount on December 12, 2011 concerning that the County would uphold their zoning. Attorney Brackin said at that time the County was told to quit using the CC&Rs.

Commissioner Klingenstein said a second opinion included representation from Mr. Tesch's office, dated April 30, 2012 on behalf of a different landowner. The third opinion was July 22, 2013 on behalf of Mr. Mount. It stated there was evidence of significant expenditures. Attorney Brackin commented this opinion centered on if there was evidence to show that the zoning estoppel argument applied and that there may be a vested right.

Commissioner Klingenstein said he assumed that at some point, Mr. Tesch will explain why they put the other opinions in packet. It is confusing on how these tie in. He said the timeline doesn't make sense. He found it odd that the October affidavit was referenced in the February affidavit. **Chair Peck** said perhaps Mr. Tesch can provide them a timeline on the expenses. Mr. Tesch said this was a matter of continuing to go through records and finding more expenses.

Chair Peck turned the time over to Mr. Tesch to present his case. Mr. Tesch said he was not expecting questions as he thought this would be a consent agenda item. The plat map for the subdivision was approved by the Planning Commission and the County Commission. On the face of the plat it says that these lots are zoned commercial. In his packet, he has placed a copy of the plat (page 113). On the document it states these lots are zoned commercial.

From 1965 through 2012, the County, including the County Legal Department, all took the position that this was zoned commercial. Exhibit J (page 58) in his packet is a statement which is difficult to read. He has typed it out to make the reading easier. In 2003, Attorney Jamie Brackin stated the CC&Rs take precedence. That was the County's position. There is

also a statement from Chief Deputy Attorney Dave Thomas to the same extent. The attitude was that it didn't make any difference what the zoning ordinance said. The lots in Unit I were zoned and could be commercially developed. For 47 years (1965 to 2012) the County took the position that this was zoned commercial. In 2012, the County changed their mind.

Mr. Tesch said his client purchased this lot in 1996. At that point, the County considered these lots vested commercial. The 2011 Omudsman's opinion tells the County they can longer use the CC&Rs; they have to follow the established zones. Mr. Tesch referred to the last paragraph of the Omudsman's opinion. That includes a statement that if there was a landowner that relied on the County's actions and if the County's actions were clear and unequivocal, then the landowner may have a vested right.

Mr. Tesch said the second vested right opinion received from the Omudsman found that Mr. Mount had met every requirement. He had demonstrated \$50,000 in expenses, which was a sufficient amount; he finds the property had been vested.

Mr. Tesch said there was a third opinion from the Omudsman that was requested by a neighbor. It was found that he also had vested rights. Attorney Brackin said this was only for Lot 45. Mr. Tesch disagreed. He said if this document is studied, it will show the request was for all four lots. He pointed out the footnote on the bottom of page 122. It states "Mr. Mounts owns Lots 43, 43, 44, and 45." The Omudsman's opinion was in regards to all of the lots.

Attorney Brackin said that prior to 2011, they don't dispute that the County made representations that it was commercial under the CC&Rs. The County corrected this practice in 2011. She added that Lot 45 was the lot with the grading permit and the one where the financial outlay was expended. That is the lot that the County has granted a vested right. This meeting is about the other three lots. Mr. Tesch directed the Commission's attention to page 124. The last paragraph refers to Lots 42, 43, and 44. He said they already had vested rights for Lot 45. This was about the remaining lots.

Commissioner Klingenstein referred to page 127, the second sentence under conclusion. It states, *“Mr. Mount has established the vested right to the type of commercial development provided in the 1965 declaration on all of his four lots located at the Silver Creek Junction...He also incurred substantial expenses in his efforts to develop and market the lot...”* **Commissioner Klingenstein** said he finds the language touches on all four lots, and yet specifies *“the lot”* which is singular. Planner Strader referred **Commissioner Klingenstein** to the last sentence. This reads, *“Since this construction activity involved all four lots, his rights extend to all four lots.”*

Chair Peck requested they go back to the four standards. She said they are concerned about the timeline and the inactivity. She referred to the case law of Western Land Equities mentioned by Attorney Brackin. It states that one of the factors is diligence in pursuing the activity. Mr. Tesch said that is not one of the four criteria.

Chair Peck said she is interested in the timeline of his activity and for the expenses. She found the actual expenses that the Omudsman was relying on were a little jumbled. Were the expenses spread over the four lots or just centered on one lot? What was the time gap between the expenses? After 2011, there seems to be a lot more action that took place.

Mr. Tesch said they are almost at a litigation level. He has never had a hearing where his client’s affidavit was contested. **Chair Peck** said the Commission has been asked to determine whether or not there is a zoning estoppel. She agreed this is uncomfortable because they have to make findings based on the facts. The expenses are the facts.

Mr. Tesch said by affidavit, there have been \$68,000 of improvements put in place. He doesn’t have the actual receipts. These have never been required when coming before a Planning Commission in the 30 years he has been in practice.

Mr. Tesch said Mr. Mount bought the parcel in 1996. There were 15 years from that time until 2011. In 2011, he was told there is no chance to develop commercial. During those 15 years he brought potential buyers before the Planning Department where it was confirmed

that it was zoned commercial. During that time, three conversations were held with Attorney Dave Thomas.

Mr. Tesch said Mr. Mount's early income is less than \$25,000. In his situation, \$68,000 is a substantial expense. Mr. Tesch said the culvert that was placed on Lot 45 was misplaced. **Chair Peck** asked if a culvert would have been required regardless of its designation. Mr. Tesch said he doesn't think there is any way in making that determination.

Commissioner Lawson said standard number 3 refers to "*substantial changes in position or incurring extensive expenses.*" Can it be explained how the expenses were tied to the commercial zoning of the other three lots? If the expenditures weren't based on the improvements of a commercial expectation, he questioned if the third criteria has been met.

Mr. Tesch asked Mr. Mount if he would have made the improvements to all four lots, including the road, if this was only residential. Mr. Mount said he would not; in fact he would not have purchased the lots. **Commissioner Lawson** said the improvements don't appear to him to be focused on some future commercial expectation. Mr. Mount said he expected all of the lots to be commercial. He purchased three different times creating contiguous ownership of the lots. His expectation was always commercial until he received the letter in 2011.

Commissioner Lawson asked if he is able to tie the expenditures to a commercial use. Were these simply improvements no matter what it was zoned? Mr. Mount said there were marketing and flyers which were commercial. Mr. Tesch asked what difference would that make. The reason these things were done was to develop and sell the lots for a commercial use. **Commissioner Lawson** said to him these were reasonable good land improvements to make for future development regardless of the use. Culverts and drainage systems would have been just as suitable for a residential development. He is asking if Mr. Mount made substantial changes in order to accomplish a commercial development.

Commissioner Harte pointed out the “*or*” in the sentence (*or incurring extensive expenses.*)

The expenses are only one qualifying piece. Mr. Tesch said all of the marketing expenses were to the figure of substantial expenses. Mr. Mount relied on the stated intent when bringing people to the property. The improvements may have been just as good for residential, but he wasn’t selling it as residential.

Commissioner Klingenstein asked if there is an exhibit that shows the grading and culverts that were actually put in. The packet only shows a statement that a culvert was put in on Lot 45. Planner Strader said there was an excavation permit to go under the main road. No grading permits were included in the packet.

Commissioner Klingenstein said the grading permit only lists Lot 45. He would appreciate a picture or a site plan. He asked Mr. Mount to describe the work done. Mr. Mount said there was excavation, a culvert, along with clearing and fixing the road in front of all four lots.

Mr. Mount said there were actually three culverts put in. When the culvert on Lot 45 was put in, a tremendous amount of water backed on his property. He said the other two culverts were on Earl Street where Lots 42-44 are located. He explained that a developer who owned Lot 41 put in a road and it didn’t meet standards, forming a dam. As a result, he and others could not get to their properties. An excavator, who was also a property owner, said he would do the work if Mr. Mount would pay for the culverts, which he did. One culvert was placed between Lot 44 and Lot 45. The other was between Lot 42 and Lot 43.

Commissioner Klingenstein asked for an explanation between the two excavation permits. Mr. Mount said the culverts on Earl Street were put in prior to the culvert on Lot 45. He further explained that because so much water had gone through to Lot 45, they had to bring in 100 truckloads of fill dirt.

Commissioner Klingenstein said it seems everything was done on one lot, yet somehow they have Lots 42-44 being included in the permit. Mr. Mount said the work was done on Lot 45, but the other lots were affected by the work.

Commissioner Franklin said Plat I is noted for flooding. He asked if the culvert was put in to drain the water from the water table. Mr. Mount said there was a sliver of wetlands that went through there. **Commissioner Franklin** said he read Mr. Mount either had to change the grading or put the culvert in. Mr. Mount said that is true. The work was done and the County signed off as well of the Army Corp of Engineers.

Commissioner Collins said she is a resident of the Silver Creek Subdivision, but she has no vested interest in this application. She referred to the substantial expenses. Over the course of 15 years, it would be 3,500 annually. To her, that does not warrant substantial expense. She asked if there is a definition of substantial expense. Attorney Brackin said there is no definition. Mr. Tesch said that Mr. Mount's income is less than \$25,000 a year. A lot of people have a 401-k. This is his 401-k. \$68,000 is a substantial amount to Mr. Mount.

Commissioner Collins said it would be helpful to have the property tax records. Mr. Tesch said he didn't include the property taxes. He thought it would be too complicated to explain; however, Mr. Mount paid commercial taxes on the property until 2011 when the letter was received from the Omudsman. **Chair Peck** asked if the taxes were then reduced to residential instead of commercial. Attorney Brackin said the land was taxed differently. She doesn't know how the taxed amount was affected.

Commissioner Harte asked Attorney Brackin to explain the process that took place to change the property from a commercial zone to a residential zone. Attorney Brackin said prior to 2011, there was an opinion from County Attorney Dave Thomas that the plat was recorded prior to zoning and that the CC&Rs was essentially the zoning of the area. The County recognized the CC&Rs for Silver Creek for Unit I and elsewhere.

Attorney Brackin said that in 2011, Mr. Mount requested an opinion from the Omudsman. It was at that time, the Omudsman told Summit County they had no authority to enforce CC&Rs. The County needed to enforce its own zoning ordinances that had been appropriately adopted. The Community Development Director at that time was Don Sargent. He issued a letter to every Silver Creek Unit I property owner to explain the rules that would come into play from that time forward. The properties had both residential and commercial uses. Single family development was allowed. Light industrial and commercial uses were also allowed.

Commissioner Klingenstein asked if the County participates in the Omudsman process. Attorney Brackin said the Omudsman's opinion is advisory. The County doesn't necessarily have to comply with the given opinions, but if they get challenged and lose, they are in bigger trouble. A decision was made in the Attorney's office that they would honor the Omudsman's opinion. That is when they gave notice to everyone in Silver Creek Unit I that the County would apply the existing zoning. She said the underlying zoning has always been rural residential.

Commissioner Harte said in 2011, when the County issued the letter, was there an expectation that someone would challenge this decision? If so, what was the process of challenging it? Attorney Brackin said there was an appeal period for challenging this decision. No one did. Mr. Tesch responded that he filed an appeal; however, Attorney Dave Thomas refused to take it. He was told to file for a vested right.

Commissioner Harte asked Attorney Brackin if there is a way to confirm that. She said there is. She will have to go back and look through the records and talk with Attorney Thomas. **Commissioner Harte** asked what the current position of the County is. Attorney Brackin said it is the County's position that this area is rural residential with one unit per lot, unless someone has an equitable or zoning estoppel claim. In that case, a vested rights application would need to be filed. The burden is on the applicant to show they have a vested right.

Commissioner Harte referred to each of the listed standards.

Number 1: He asked if the statement refers to the situation prior to 2011.

Attorney Brackin said the finding is that Mr. Mount spoke to someone at the County prior to 2011. He was told the four lots were zoned commercial.

Number 2: Commissioner Harte said that Mr. Mount took these statements as the official word. That is how he then acted.

Attorney Brackin said that is correct. Prior to the 2011 notice, he acted in good faith based on the representation of County Staff.

Number 3: Commissioner Harte said the key word seems to be the word “or.” He said that **Commissioner Collins** challenged the extensive expenses. Both of these standards seem like a judgment call. Attorney Brackin agreed.

Number 4: Commissioner Harte asked what is happening now. To him, confer means he spoke with Staff; but that was not necessarily a positive recommendation.

Attorney Brackin said he needs to have conferred with County Staff at some time before 2011 concerning if the commercial zone was applicable on his four parcels. Attorney Brackin said as to his second point, it doesn’t mean he had to file an application or have something in writing. Mr. Tesch referred **Commissioner Harte** to page 5. An appeal was sent on March 15, 2012 to the Community Development Department.

Chair Peck said she understands when Mr. Mount purchased the property the CC&Rs were the guidance for what a landowner could do. The CC&Rs indicated the type of uses that could take place on the property. She said she assumes when he bought the property he read the CC&Rs and understood the allowed uses per the CC&Rs.

She said when he purchased the property in 1996, zoning was in place. There was already a conflict between the zoning ordinances and the CC&Rs. When he bought the property, which set of rules did he assume he would have to follow? Mr. Mount said he looked at the plat and did a title report. This showed the property as commercial. He thought that Attorney Thomas had felt it was grandfathered in.

Chair Peck asked if his plans include following the CC&Rs of that time, or is he trying to obtain a more general commercial use. Mr. Mount said he is trying to sell the land, not develop it. Currently, he has an offer on all four lots. As he understands it from the developer, they want to put in some kind of multi-family housing, which is a commercial use. The purchase is conditioned on the vested right.

Chair Peck said that speaking for the Commission, this is very difficult. They are being asked to make a legal determination concerning a zoning estoppel. Attorney Brackin agreed that the Commission is acting in a quasi-judicial capacity. **Chair Peck** said they are being asked to apply the facts to these four standards and determine the outcome. It is difficult. It is a large packet. She thinks they have tried their best to digest it and to get to the point where the conclusion is clear, definite, and affirmative. But the end result is that nothing is clear or definite, with the exception of Lot 45.

Chair Peck said she believes she can find reasonable reliance on the affidavits and can take Mr. Mount's testimony at face value. She isn't sure his expectations of commercial zoning can be taken into consideration, without the specific diligent acts.

As far as the extensive expenses, **Chair Peck** said she is troubled by the timeline. She can't separate what was spent on each of the lots. As she looked over the expenses, she saw it jump \$48,000. She wasn't sure if the expenses were pre-2011. She thinks that is important. She isn't comfortable making a decision at this meeting. She would like to have a timeline for the expenses. She doesn't doubt that the money was spent, but it needs to be more detailed, such as where and when it was spent. Which lot(s) did the expenses apply to? Mr. Tesch said they wouldn't object to a short continuance. He went over what they have on the "to-do" list thus far.

Commissioner Klingenstein said he would like to have a diagram of where the improvements took place. He would like to hear the County's side of what happened with the July 22, 2013 Omdsman opinion. The County obviously doesn't agree with it.

He said there seem to be gray areas on both sides. They need to have clarity when acting in a quasi-judicial form. **Chair Peck** agreed. They have to have the facts to base the findings on. That is what they are being asked to do. Mr. Tesch said this isn't a case that needs to meet "beyond reasonable doubt." They just need to provide substantial evidence that overcomes any doubt.

Commissioner Klingenstein said the estoppel argument is what happened before 2011. It is incumbent on Mr. Tesch and Mr. Mount to provide the information to make this clear. Mr. Tesch said this will not be a problem.

Commissioner Lawson said he is somewhat swayed by looking at the advisory opinion dated July 22, 2013. Whatever they can do to substantiate that would be helpful to him in making a decision. What facts were given to lead the Omdsman to make this conclusion?

Commissioner Klingenstein said when they come back; please make it clear and concise. Mr. Mount said the figure he showed the Omdsman was \$25,000. He thought that was significant. After that opinion, he tried to calculate his expenses. He went back and pulled out all his tax notices and his notes since he purchased the land. The number grew as he went through the process. He had expenses for both this property and the property he owns in Summit Park. **Chair Peck** recommended these expenses be separated. It would be helpful to know what was spent on Lots 42-44. She is unable to give the expenses credence because it is all mixed together.

Chair Peck said because this is not a hearing, they can continue the item until the next available meeting. She asked when Mr. Mount was marketing these parcels, if the question ever arose if the commercial uses were limited to what was outlined in the CC&Rs. Mr. Mount said that question comes up quite often. The party that is currently interested in purchasing the lots wants to have the lots rezoned to commercial in accordance with the CC&Rs from 1965.

Commissioner Klingenstein made the motion to move the vested rights determination process to the next available date that works for both the applicant and Staff.

Commissioner Franklin seconded the motion.

- **MOTION CARRIED (6 – 0)**

Chair Peck requested they remember the timing in getting the information to the Commission. They need to have adequate time to give it justice.

3. Approval of Minutes

February 9, 2016:

Commissioner Klingenstein made a motion, which was seconded by Commissioner Franklin, to approve the minutes as corrected. All voted in favor.

- **MOTION CARRIED (5 - 0) Commissioner Collins abstained. She was not present.**

February 23, 2016:

Commissioner Klingenstein made a motion, which was seconded by Commissioner Lawson, to approve the minutes as written. All voted in favor.

- **MOTION CARRIED (4 - 0) Commissioner Collins and Commissioner Franklin abstained as they were not present.**

A ten minute break was observed.

WORK SESSION

1. Discussion regarding Red Barn restaurant Conditional Use Permit for the adaptive reuse of a historic structure; 1352 West White Pine Canyon Road – *Ray Milliner, Principal Planner*

Principal Planner Ray Milliner said this application is for a conditional use for the adaptive reuse of a historic structure. This is a new process that the Planning Commission recommended to the County Council a little less than one year ago. The Council approved it last year.

The applicant is looking to occupy the property at the corner of White Pine Canyon Road and Highway 224. The building is known as the Red Barn. Some pictures were shown of the structure. The proposal is to put in a 1,750 square foot restaurant on the lower floor. The entrance to the building would be on the north side, which currently functions as the secondary access. The reason is to fulfill the requirement for the distance from a school and a church.

The applicant is requesting to add eight parking spaces to the existing twelve spaces. This would total twenty parking spaces. The structure would be shared with the existing occupant, which occupies the second floor.

Planner Milliner said in May of 1997 a low impact permit for the adaptive reuse of a historic structure for an architect's office was approved under the old process. In January 1998, the Planning Commission approved a low impact permit for a small coffee shop on the first floor. This is a similar use to what is proposed tonight; however, this use will be more intensive. The approval for the coffee shop expired due to inaction. Planner Milliner said there was a façade easement required at the time; however, no façade easement has been found. The proposed floor plan was displayed. The elements of the floor plan were explained.

Planner Milliner said Staff finds that the building is historically significant. The Commission needs to decide if they agree. The Commission must also decide if the use is allowed. Is a restaurant on the list of allowed uses? The third finding the Commission must make is that it complies with the qualifying conditions which the Commission drafted a year or so ago.

A site plan was displayed that showed what has been proposed. The existing building and the proposed parking area were pointed out. One of the issues that have been discussed is the placing of an exhaust fan that would penetrate the building. The exhaust fan would be visible from the Highway 224. A graphic was shown of an exhaust

fan that is similar to what would be used. Planner Milliner pointed out the general location of where the fan would be placed. If it were to be painted to match the color of the roof, would that subdue the visibility?

Planner Milliner said other questions for the Commission to consider are:

- Is this use appropriate for the site?
- Are the modifications to the building appropriate for a historic structure?
- Have the impacts been mitigated or does something more need to take place?

Chair Peck welcomed Sean Wharton, who is a restaurant owner and a member of the Eastern Summit County Planning Commission. Mr. Wharton referred to the picture of the existing structure. He pointed out the existing mechanical implements that come out of the roofline. He used that as a reference point to verbally illustrate where the fan would be placed. The penetration would be 26" by 26". This would be similar to a swamp cooler. It would not affect any interior structure.

Mr. Wharton told about an alternative option to attach the fan. It would come through the shed roof. This would make it lower and off the main face of the structure. **Chair Peck** asked about the pipes she can see protruding from the roofline. Mr. Wharton said they exist now. The fan would be an additional mechanical coming up through the roof in very close proximity to what is already coming up. No other alterations will be made to the exterior of the building. He said a restaurant needs to have an exhaust fan. He is willing to build a cupola around the fan, but that may not be something the Commission would want.

Commissioner Klingenstein said he is disappointed the conservation easement can't be located. This is a key issue. A conservation easement should have been placed at that time. If that is not there, it changes all of the rules. He needs a definitive answer from Staff. Planner Milliner said he spent about an hour looking for it.

Commissioner Klingenstein said he doesn't feel good about an exhaust fan on a historic structure. A heating flue is perhaps 6" in diameter. He doesn't mind one or two of those, but this is 26" x 26". That is why he feels the façade easement is important. If the façade easement is in place, this would be a restaurant use under a normal process. If it is not in place, he will proceed accordingly.

Commissioner Lawson said for him, the exhaust fan on the northerly side would solve his issue. He doesn't think a small restaurant would overly impact the traffic. **Chair Peck** asked what the hours would be. Mr. Wharton said he was thinking about 8:00 a.m. to 9:00 p.m. or 10:00 p.m. on the weekends.

Commissioner Lawson said he would support **Commissioner Klingenstein's** argument about the conservation easement. **Commissioner Klingenstein** said his question is if it was ever recorded and if the restaurant use should follow the normal CUP process. That means there would be parking and traffic considerations; all of the usual considerations that go with a normal CUP. **Commissioner Franklin** said he is concerned about the roof penetration. It would be an eyesore for the public.

Commissioner Collins said she agrees with what has been said about the determination of the historic designation. She would like to touch more on the transportation aspect, specifically the traffic flow. It looks really tight. She wonders which parking spaces would be for the restaurant and which would be for the office.

Mr. Wharton said the parking closest to the road is the existing parking. There are no stalls that are ADA compliant. He would like to add two additional parking stalls with black top that meets the ADA requirements. The back is flattened grass that has already been used for parking. This area would have to be improved. The parking would be shared. He has never seen more than two to three cars in the parking lot. The downstairs was part of the architectural business, but currently it is empty.

Commissioner Collins asked how many employees are anticipated. How will the employees get to work? Mr. Wharton said he thinks at the peak times there would be about five employees. They would come by cars, bikes, or bus. The nearest bus stop is across the street by the corner. The bike path is also very close.

Commissioner Collins asked if the parking could handle a resort shuttle. Mr. Wharton said he thinks that would be perfectly acceptable. He would try to get the hotel guests coming down from The Canyons. It would be good to coordinate with the concierge to bring a shuttle.

Commissioner Collins stated the plans indicate the restaurant could hold 70 guests and 5 employees. It would be important to encourage alternate transportation. Mr. Wharton responded that is why he wants to have a family-style restaurant. There is a need for that type of a restaurant. Everything seems to be high end. **Commissioner Collins** asked if he has spoken with the church about any shared parking. Mr. Wharton said he had not.

Commissioner Collins said that restaurants tend to produce a lot of glass and garbage. Mr. Wharton said he already has a restaurant in Kamas called The Gateway Grill. He has been very proactive in their green waste management. This restaurant won the recycling business of the year award. That is because they produce almost zero waste. All of the green waste goes to animals and compost.

Commissioner Harte said he is not comfortable with the exhaust fan. He isn't sure what other options there might be. He would like to do everything they can to preserve the building. Other things will be need to be worked out, but this is his major concern.

Mr. Wharton referred the Commission to Provision 6 found in the Staff Report and the portion entitled "Deed, or Restrictive Use Covenant Required." This is asking a lot of the

property owner to preserve the building. In exchange, he is asking for one penetration into the roof.

Commissioner Harte replied that is from the perspective of a restaurant going in. All these things could be accomplished if a different business was going in. Mr. Wharton asked if they feel that the deed restriction is significant enough in regards to the preservation of the building. **Commissioner Klingenstein** said this was supposed to have been done in 1997, but it didn't happen. He thinks they should do it right this time if the conservation easement can't be found.

Chair Peck referred to an email received from **Commissioner Deford**, who could not be in attendance. His concern was that the building is presumably already being preserved. Under the new historical preservation statute, they hoped to have an adaptive use of the building that would foster preservation. If the building is already being preserved and the architecture office is there, why would they want to intensify the use of the building? His objection relates to the fact that this is a restaurant opposed to a different type of use that may not require additional parking, transportation, and an alteration to the roofline.

Chair Peck said the response they received from Staff is that there is a qualifying provision to mitigate the uses that could cause damage to the structure. She didn't sit in on the Council meeting so she is unsure of why the Council felt the qualifying provisions would be able to filter negative impacts.

Planner Milliner said the original provision stated that although the building was still in existence, the use was not. No one in this area milks cows anymore. The Council essentially said that none of the historic buildings in the Basin are being used for their original uses.

Planner Milliner said he believes **Commissioner Deford** shared the same concern of **Commissioner Klingenstein**, which is that this has already been done. Do they want to allow more intensity on top of what was originally allowed? This goes back to whether or not the preservation easement was actually recorded. To date, he is unable to find it. **Chair Peck** said she has no comments beyond what has already been said. Staff should continue the search for the easement.

Commissioner Klingenstein said the crux of the issue is that Mr. Wharton is choosing to follow an ordinance called an adaptive reuse of a historic structure, which was designed for the purposes of protecting a historic structure. To him, the key point remains if that was properly recorded. The normal CUP process is also available. This would require parking studies, traffic analysis, and the rest of the CUP mitigation standards. Planner Milliner said if he is unable to find the easement, would the direction of the Commission be to address the exhaust fan on the roof and for Staff to come back with a recommendation.

Commissioner Klingenstein said he is happy to entertain a restaurant in the facility, but first he has to know if there is a façade preservation easement in place or not. If not, it needs to go through the normal CUP process. This is because you don't get a second bite at the apple. Planner Milliner asked if that is how the other Commissioners feel.

Commissioner Harte said he isn't opposed to having a restaurant here. He is interested in protecting the building.

Mr. Wharton said this is information that he doesn't fully understand. He said if the building is vacated and the property owner has to rent it to someone, he has to have a certain amount of rent to keep his building maintained. How does this process work as tenants change?

Attorney Brackin said the CUP runs with the land. Another restaurant could come in. Planner Milliner added the approval for the coffee shop expired for lack of action; therefore, that CUP is no longer in existence. **Commissioner Collins** said once the impact to the roof is made, if the restaurant fails, the impact to the roof is still there. Mr. Wharton said that restoration would be relatively simple.

Mr. Wharton asked how the Commission feels about having more or less parking. **Chair Peck** said they don't want to have more parking. They are encouraging people to get into their cars less. Mr. Wharton said they will have to use all the possible solutions, such as carpooling and mass transit. **Chair Peck** said that Staff will let them know when this is ready to come back.

Chair Peck said because there seem to be members of the public who would like to comment on the Discovery item, she will move the order of the next two agenda items.

2. **Discussion regarding Discovery Core Final Subdivision Plats – Amir Caus, County Planner**

Michael Milner introduced himself. He is the applicant. Scott Anderson is with him. He is one of the property owners. Mr. Milner said the project has a long history. It began in 2009 with another applicant. It has gone through several hearings and modifications. The old plan had 105 units. The new plan has affordable housing based upon 50% of the AMI. It also has attainable housing which is 120% of the AMI. Additionally, there are moderate-rate single family homes.

Mr. Milner said his company has developed a lot of things, such as the factory stores, Wal-Mart, and Ranch Place. A few months ago he and his coworkers were having a meeting about affordable housing. The topic came up about the need to meet the needs of a group that isn't thought of regularly. That is when they came up with the idea of creating attainable housing. Attainable housing is geared towards the income of the

policemen, firemen, and teachers. They are 100% of the AMI, but are typically not able to get a market rate house.

Mr. Milner said as part of the approval process, they had to come up with approximately 24 units of affordable housing. They were not required to have any attainable housing, but they thought this would be a perfect mix in the project. They came up with a new concept of 95 units.

Planner Caus said the CORE designation was approved in 2011. There was to be 105 units with 30 units on the west portion and 75 units on the east. Soon after approval, a lawsuit was filed by a private group of neighbors that opposed the project. That lawsuit was settled with certain requirements. These requirements were included in the Staff Report. Final plats were received in March 2013 for phase one and September 2013 for phase two. Soon after that, a series of special exceptions were applied for, which was denied by the County Council. Since that denial, Staff has met several times with the applicant and their team.

Planner Caus said the current proposal has 22 units for phase one and 24 units in phase two and 49 units in phase three. Illustrations were shown of the map and the overall plot, including the open space. The layout of the units was displayed showing the location of the market-rate, affordable, and attainable housing.

Planner Caus said there are critical lands on the property. These include wetlands, steep slopes, and geological hazards. As a result, the design has been difficult for the site. The conformation of Code compliance is difficult for Staff. This depends on the final layout, which relies on engineering requirements to be met. At this time, there are several requirements that are not being met. Changes in a project of this size have a domino effect. A change in the driveway can have an effect on the road, and so on.

Planner Caus said he will turn the time over to the applicant to make a presentation. He noted that the Basin Recreation District has a representative in attendance. The Summit County Engineer, Gary Horton, was also present. Planner Caus said **Commissioner Deford** had forwarded some comments.

Scott Loomis said this project goes back to when CORE was approved in 2008. At that time, there was a strong perceived need for affordable housing in the community. The essence of CORE was to provide incentives to developers to create affordable housing. The incentive was the trade-off of more density for affordable housing. This was the only project approved under CORE that was appealed because the math ratio seemed to have been mis-figured.

Around that time, Mountain Land Community Housing Trust was fortunate to receive a grant. This was to evaluate the effectiveness of ownership of affordable housing. Park City was the recipient of a grant with nine major U.S. cities, like Washington D.C. and New York. Today, most of these units were not built and the grant has ended; however, the need for affordable housing is just as great.

Mr. Loomis said this is a tough site. Originally, it had townhouses up the hill. When they started thinking about attainable housing, they decided they wanted to make a unit for everybody, including first responders. There will be 46 townhouse flats on the lower part of the hill and 49 market homes on the upper.

Mr. Loomis said he recently had a conversation with a developer who said he is building townhomes with a square footage of 1,400. These start at \$650,000. They hope the townhouses will start at less than \$250,000 for people who are at 50% of the median income. For the upper homes, they will start well under \$400,000. He said this is something they desperately need in this community. Mr. Loomis described how the affordable and attainable housing was calculated.

Chair Peck said she is struck by how many outstanding issues there are, even though this is a work session. Not only is there is a large number of outstanding issues, but the substance of the issues are of concern. This makes it difficult for the Commission to intelligently comment on the issues. The issues are about wetlands, driveways, and cul-de-sacs. Only a few things have been resolved.

Chair Peck said the Commission would like to give them good feedback, but she feels this is a premature work session. Nor does she believe the Commission can give enough feedback at this meeting to prepare them for a May 10th public hearing. She believes that a series of work sessions is needed. There are many open-ended questions that can be resolved with Staff. She would like to hear from the other Commissioners if they too feel more information is needed.

Commissioner Harte said he feels that **Chair Peck's** point is valid. He asked Mr. Milner what was their hope for this meeting. What were they looking for? Mr. Milner said they feel that many of the issues listed in the Staff Report have been resolved. They feel that many of the issues can be eliminated, such as the questions with the school. He has a letter from the school which clears up all of their concerns.

Mr. Milner said that in addition to the feedback Staff desires, they have three major issues that they wanted to have input from the Commission on. These are the cul-de-sacs, the sidewalks, and the ADA standards. He said they have a power point presentation that will demonstrate how they proposed to address these concerns. For instance, how they were able to obtain 74% open space through the use of cul-de-sacs.

Mr. Milner said Staff also wanted the Planning Commission's feedback because it affects a lot of the things they are doing. They have some issues with the bridge and wetlands. The Army Corp of Engineers has signed off on it, but there are some structural issues.

Mr. Milner said he would like the Commission to see the overall plan and what they are doing. He would like feedback on these issues, and they plan to have the rest cleared up within two or three weeks. **Chair Peck** said they should go ahead with the power point, but she advised the applicant this may be continued for another work session.

Commissioner Klingenstein said of the requirements in the Staff Report, only two comply, one was not applicable, and one asked for discussion. They cannot be effective Planning Commissioners if there are that many holes. He advised that they want the Staff Report to be their best friend. That is the way they get approved.

Commissioner Lawson said he is in favor of a power point. He has about ten statements in response to questions coming from Staff. He counted over 30 pending issues. **Chair Peck** recalled the Commission took a visit to the site. The time was turned over for an abbreviated power point presentation.

Andy Kitchen showed the power point. A slide showed an area that would be dedicated to the County. Additionally, internal open space has been provided for a total of approximately 75% open space.

Mr. Kitchen said that connectivity has been provided through the site to a dedicated trailhead and other areas of the project. Five-foot sidewalks have been provided for the site. This was an area they would like input from the Commission on. They know the intent of the Code is to minimize hardscape. There have been discussions on how much sidewalks should be provided. Prior design versions have placed the sidewalk on one side. Would that be adequate, or is a trail also needed? Staff has requested additional sidewalks. They are working with Staff to keep the rooflines low on the units off Kilby Road.

There are three bubbles that have been approved in the CORE. The two bubbles on the west side include the attainable and affordable housing. The bubble on the east side has

single family market rate homes. Those are the three development areas. The rest is open space.

Mr. Kitchen said they have tried to match the landscape with the roadways, which is why they have utilized cul-de-sacs. They have terraced the landscape. This is the second area they would like to have feedback from the Commission.

Mr. Kitchen showed architectural layouts for the attainable and affordable housing. These structures will work with the topography and will eliminate the over-grading of the lot. He reiterated the two things they would like feedback on is the extent of the sidewalks and about the cul-de-sacs.

Chair Peck said she doesn't feel like she can provide feedback on those things until she hears what the Fire Department and the Engineering Department think. For example, she needs to know about the length of the cul-de-sac and if the Fire Department can get trucks in and out. Mr. Kitchen said at the last meeting with the Fire Department, verbal agreement was given; however, they were waiting for Engineering on one item. The Fire Department has worked with them extensively on the cul-de-sacs as well as the secondary access. He thinks they are very close to completing a lot of things, more so than indicated in the Staff Report.

Commissioner Harte said typically the Commission waits until they have the sign-offs, and then they weigh in. It is premature for them to weigh in on the two questions they have asked concerning the cul-de-sacs and sidewalks.

The County Engineer, Gary Horton, said that from a County Engineering point of view they have made progress. There are still things that need to be worked through, specifically regarding sidewalks. The applicant is looking for comments from the Commission because Staff is at a disagreement with the applicant regarding sidewalks and trails.

He explained that from Staff's viewpoint, this should be a walkable community. There should be either a sidewalk or a trail on both sides of the street. That is currently not the case and is where the applicant would appreciate some feedback. It has a ripple effect based on the number of units and the engineering that needs to be done. That is part of the reasons they wanted to have this meeting.

Commissioner Harte said that speaking for himself he will fall back on what Staff recommends. This is not always, but generally is, the case for the Planning Commission.

Commissioner Collins said that her reaction is that cul-de-sacs are not walkable. They don't have either internal or external connectivity. What would be the distance someone would have to walk from the cul-de-sac to the road in phase three? Mr. Kitchen answered that 600 feet meets the Code requirements.

Commissioner Collins said the sidewalk stops between phase two and phase three. She asked for an explanation. Mr. Kitchen said there will be connectivity within the existing bubble and to the trail. He said the challenge has been to minimize the hardscape and give a natural feel that works well within the existing topography.

Commissioner Collins said the intent of the zone is to have internal and external circulation, not just within the bubble.

Mr. Milner introduced Tom Romney, who is the consulting engineer. He explained that Mr. Kitchen is the engineer with the project. Tom said they have met with the County Engineering Department. There has been turnover with Staff and it has been hard to get things in writing. When they first sat down, they wanted to have a sidewalk on one side only, the reason being to preserve as much of the site as possible.

Tom said that connectivity is also important to them. This includes connectivity within the development and to the school. They have met frequently with the Snyderville Basin Recreation District. The open space will be dedicated to them. They have made

sure they have provided an 8-foot asphalt trail all the way to where they plan to have a future trailhead.

As far as internal connectivity, they want to be sure that everyone has connectivity within their pod. They believe that people will be more likely to cross the road to take an 8-foot trail to the other sections than to take the sidewalk. They think the sidewalk would rarely be used.

Tom said they believe that cul-de-sacs are in the best interest of the hillside. It provides the greatest preservation of trees and the least amount of grading. **Commissioner Collins** said the trail between the bubbles doesn't accommodate the use of a stroller. Tom said they have found that mothers like to walk next to each other while pushing their strollers. The more narrow sidewalks won't accommodate that.

Tom said that more sidewalks means there will be more grading and greater impact. The trail will be paved with asphalt. Basin Recreation has agreed to plow the trail in the winter. The HOA would pick up any places that weren't plowed, including the parking lot and the sidewalks by the townhomes.

The HOA would also be responsible for maintenance of the emergency access road. This will be a road with a gate. The Fire Department said they don't see a problem with having pedestrians on the road going to the school. They would move out of the way if there was an emergency. The school would also be allowed to use the open space within the development.

Chair Peck summarized by saying the Commission needs an updated Staff Report on what has and hasn't been agreed to. This should include what they have worked out with the Basin Recreation District. They need to have the sign-offs. **Commissioner Franklin** said this holds true for all service providers.

Planner Caus said they have preliminary will-serve letters. The utility providers have said they don't want to look at this until the Engineering Department is satisfied. There have been so many iterations of the project, they want to wait until the final layout is before them. **Chair Peck** said the Engineering Department should come back with the issues resolved. If there is something in there that can't be resolved, the Commission will focus on that.

Mr. Milner referred to the bubble slide. He said this is the land they were given to work with. They were asked to preserve the view corridor. They actually have more flat property that they could work on, but the Council said all they have are these three areas to work in, which is 24 acres out of 70. That is why they came up with cul-de-sacs. It allows enough density to be able to justify being able to do it and donate half of the property to the Community Housing Trust. **Chair Peck** asked Planner Caus for this information to be included in the next Staff Report.

Mr. Milner said they are working to meet the Code and have a project with integrity. They are trying to build affordable single family homes, of which there is very little in the Park City area. **Commissioner Franklin** said he applauds the effort to build homes that would be available to first responders. He is concerned that they will give the go ahead, but then there will be a large number of exceptions. Mr. Milner said they have never asked for exceptions. That was a previous developer. They intend to follow the Development Code as it is written.

Commissioner Lawson asked if all of the orders of the court have been taken care of. He agreed this is a difficult project to judge. Not only do they have to make sure the Development Code has been satisfied, but that the court orders have also been met. Mr. Milner said the court orders have been satisfied. Planner Caus said that depends on the final project layout. For example, the bridge is required to span over the flood plain. He doesn't believe that has been planned. He said there are items like this that can't be pinpointed until the final layout.

Commissioner Lawson said he finds it disturbing they are proposing a small intrusion into the wetland. He would say no to that. It isn't consistent with the court order of the CORE requirements. He doesn't think even a .09 intrusion into the wetlands is justified. They need to know the court orders as far as the intrusion of the wetlands. They need to make sure the environmental requirements are satisfied.

Commissioner Lawson said he thought the requirement to keep the snow bank down to two feet is impractical. This needs to be corrected to begin with. Cut and fill is an important consideration.

Commissioner Lawson said the parks, trails, and trail heads don't seem to be addressed in accordance with the plan that was approved by the County. Planner Caus these were requirements of the original approval. They are no longer being shown on the latest submittals. Staff requests a discussion point on these items.

Mr. Milner said the Army Corp has signed off. They have met every stated requirement. There has been a court order dismissal due to a lawsuit being dismissed. As far as parks and playgrounds, they haven't gotten to that point as of yet. **Commissioner Franklin** asked if this can be completed by May 10th. Mr. Milner said he doesn't know, but they won't come in half prepared. **Chair Peck** thanked the applicant for his time.

3. Discussion regarding a Final Site Plan for Skullcandy building on Lot 4 of the Park City Tech Center Subdivision – Amir Caus, County Planner

Introductions were made of those in attendance with the applicant. These were Jake Boyer and Dave Allen, both from the Boyer Company. Jared Ford is from Ensign Engineering. Planner Caus said the handout distributed at this meeting has been updated from what was sent in the packet. **Chair Peck** said it is difficult to have the latest information given at this meeting. Planner Caus said they intend on walking the Commission through the updates.

Planner Caus said the last time they met, the Commission instructed the applicant to work further on the parking lot layout to achieve greater conformity with the master plan. Since that meeting they have developed a plan that is closer to adhering to the Master Plan. The new plan only impacts blocks four and five of the master plan. It has stepped parking and a connection to Tech Center Drive. It leaves greater flexibility for future projects that may come in. The retaining walls have been reduced significantly. In lieu of one large wall, there is a series of walls that are much lower in height.

Planner Caus said the grade of the secondary access is much lower. It has been decreased from 10% to 5%. Aspen draws and service drives are no longer being proposed. Staff believes there are some items that still need to be addressed as found in Chapter 4.

Commissioner Lawson asked if the requirements have been met. Planner Caus said they appear to be, but this needs to be confirmed with the detailed drawings.

Mr. Allen apologized this information is coming to them late. They sat down with Staff last week to refine the information which was shown two weeks ago. This was a new idea that Staff came up with. He described their efforts and those with whom the efforts were coordinated. One of their goals has been to come up with something that Staff supports.

Mr. Allen showed some slides of the area. He went over the benefits of what they think this new plan achieves. These are:

- All development will be contained on Blocks 5 and 6.
- It will have terraced parking.
- They have reduced the height of the retaining walls.
- Meadow Road is in the exact location that was shown on the Master Plan. It is just like the design guidelines indicate. There is an eight foot parking shoulder that did not exist before.
- There is parallel parking along Meadow Drive.
- The landscaped areas along Meadow Drive were described.
- The pedestrian circulation is more in line with the development plan.
- A new sidewalk has been added at the request of Staff.

- The location of a proposed gravel trail was shown.
- A trail would connect to the Liberty Peaks apartments.
- A dashed brown line was used to show the sidewalk.
- The plan minimizes off-site construction, which is a benefit as they intend to revise the master plan. The less permanent infrastructure they put in, the more flexibility they will have.
- They will not be building the service drive at this time for the reason as listed above.

Commissioner Klingenstein asked about the service drive and the aspen draw. Mr. Allen said this will be a future discussion. It was discussed if this area should be an aspen draw, a service road, or some other item? They are trying to leave the options open.

Commissioner Harte asked where the dividing line between the two lots would be located in the area above the Skullcandy building. How many parking spaces will each lot have? A site plan was shown. Mr. Allen said Meadow Road is the dividing line. Where the parking stalls would be located was discussed. There are 228 parking stalls planned. Mr. Allen turned the time over to Mr. Ford.

Mr. Ford said they have two cross sections of the site to help show the terracing. This demonstrates how they have worked with Staff to meet the design guidelines. He said there will be landscaping on the north side of Meadow Drive, along with a parking bay and a two-tiered retaining wall that will help to offer a softer approach. There will be an upper parking bay. They don't want to move the gas line. Other planned improvements were described. Mr. Allen said the maximum angle for the driveway into the parking lot is 5%. Previously, it was a 10% slope.

Planner Caus added that the Engineering Department has said that due to the proximity to the intersection, the access to Tech Center Drive will be required to be setback as far as possible. This will allow a larger building on the other lot in the future. **Commissioner Collins** asked if they would share parking with this building as well. Mr. Ford said it would be shared.

Planner Caus said that shared parking is part of the design guidelines. Mr. Allen commented that this is all one lot even though there are two blocks on it. He anticipates that before anything is built on Lot 5 or Lot 8 they will be looking at the plan with an eye towards how they can better share parking. They are not planning anything to the west of the parking entrance. Mr. Boyer said parking structures will be needed in the future.

Mr. Allen said there are a lot of uses that could take place on this lot. It is across from the transit center. The infrastructure is simple enough they could make changes if they need to in the future. The Fire Department likes this plan better than the other one.

Commissioner Harte asked about a portion of Meadow Road. Planner Caus said this is a work in progress. Not all of the kinks have been worked out yet. Mr. Allen stated that Meadow Road will go straight. They have not had time to update the plan.

Commissioner Lawson asked for an explanation of what will be located on the northeast corner of the building. Mr. Ford said there will be an underground storage tank. They will create an underground detention area. Mr. Allen said this will act as a pre-detention area that helps to clean the water before it gets to the other detention basins that are on the surface.

Commissioner Collins asked to go back to the pedestrian circulation plan. She asked what is currently on the plan and what is proposed. Mr. Allen pointed to the plan to demonstrate what does and doesn't exist. He included the sidewalks and the trails in his explanation.

Commissioner Collins asked what her safe route would be if she is getting off at the transit stop with her mountain bike. Mr. Allen pointed this out. **Commissioner Collins** said it is important to her that someone can get off the transit stop and bike to work. She said sidewalks have a limited speed and going through a roundabout on a bike is terrifying.

Commissioner Collins had two issues she wanted to bring to their attention. She would like greater detail on the retail store and the warranty center. The retail store will be a low-use allowed function. She would like to know how much of the overall building space will be devoted to the retail store and the warranty center. What will the traffic implications be?

She also requested more information about the sign that is planned for the front of the façade.

Mr. Allen said they will have the information about the floor plan at the next meeting. To **Commissioner Collins'** second question, they have had mixed input about the signage plan. They have been told that because this is not part of this approval process it should be removed. Planner Caus said he thinks **Commissioner Collins** is asking for clarification of what the sign will look like; however, Staff would still prefer it is removed from the final site plan. Mr. Allen said they will show the Commission what their plans are, but this is subject to change. A request was made to get the information earlier to the Planning Commission so they will have time to read it thoroughly.

Several members of the Commission thanked those who have worked hard to produce this document. It honors the development design guidelines. They look forward to this coming back.

DRC UPDATES

(NONE)

COMMISSION ITEMS

Commissioner Collins said she would appreciate an update on the Transportation Master Plan. **Commissioner Klingenstein** agreed. Director Putt said there will be a joint meeting the next day between the County Council and the Park City Council on transportation.

DIRECTOR ITEMS

The agenda for the April 26th meeting was given.

Chair Peck said when Staff receives a 131 page packet, especially when they don't have a lot of experience on the subject, they should at least be notified this is coming their way. Even as an attorney who understands estoppel, she spent eight hours yesterday plowing

through this. Director Putt said he will start giving them a heads-up a meeting in advance. He said they try to manage the meeting as best as they can.

Chair Peck said it isn't as much about the evening, but about the preparation time. They need to have the time to prepare in order for the Commission to give good feedback. This is something that Staff will need to work out. If an applicant is going to submit something like this, the Commission should have a week to prepare. They need to make the findings which will become part of the record.

ADJOURN

At 10:15 p.m. the meeting was adjourned.



Approval Signature