

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JULY 9, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Pro-Tem Gross, Preston Campbell, Steve Joyce, John Phillips, Clay Stuard

EX OFFICIO:

Planning Director Tom Eddington; Christy Alexander, Planner; John Boehm, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Pro-Tem Gross called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except for Commissioners Strachan and Worel who were excused.

**ADOPTION OF MINUTES**

June 25, 2014

Commissioner Joyce referred to page 19 of the Staff report, page 17 of the Minutes, second paragraph, and changed "Parking lot F would be completely regarded, to correctly read, "Parking lot F would be completely **regraded**."

MOTION: Commissioner Stuard moved to APPROVE the minutes of June 25, 2014 as corrected. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington commented on discussion at the last meeting regarding the PCMR Woodward proposal and noted that the item was formally continued to July 23<sup>rd</sup> rather than July 9<sup>th</sup>. He reported that PCMR has since requested a continuance to a date uncertain to allow time to work through some of the design and MPD issues.

Commissioner Stuard stated that he had sent an email to Director Eddington and Shauna Stokes in the Planning Department regarding a concern about the lack of architectural standards for older, single family neighbors that experience a lot of tear-down and rebuilds, as well as substantial remodeling. His concern related to a particular project in the Park Meadow One neighborhood which he did not believe was compatible with the rest of the neighborhood. Commissioner Stuard had asked Director Eddington to add this issue to the list of items for the LMC discussion. In addition to the current setbacks and height limitations, he would like to include lot coverage, massing and scale, appropriate articulation of the upper stories to the lower stories, and architectural styling. Commissioner Stuard thought the issue was more likely to occur as the neighborhoods get older. Commissioner Stuard stated that as a result of his conversation with Director Eddington and Ms. Stokes, he was invited to attend the Staff meeting next week.

Director Eddington stated that at the last meeting the Planning Commission had the discussion relative to vinyl siding and the fact that there are only design guidelines for the Historic Districts. Based on old Park City planning codes and old Park City guidelines from the 1970's and early 1980's, the Architectural Guidelines chapter in the LMC was created to consolidate all of the guidelines and make them Code. Unfortunately, it is more generic and less qualitative than they would like for guidelines. Director Eddington noted that Flagstaff was the only area outside of Old Town where guidelines were established. The Planning Department has always wanted to establish a set of Park City guidelines that would be flexible to address the characteristics of individual neighborhoods.

Commissioner Stuard clarified that he had not communicated his concerns and conversations with the rest of the Planning Commission due to the requirements of the Open Public Meetings Act. He asked whether it would be appropriate to have other Commissioners attend the Staff meeting because he would like to see it opened up to a broader discussion.

Director Eddington thought it might be more beneficial to bring it back to the Planning Commission as a work session item so everyone could be involved in brainstorming ideas.

Commissioner Joyce stated that aside from reading all the minutes from the City Council meeting, the Planning Commission has no way of knowing whether or not a recommendation they forward to the City Council was accepted, rejected, or modified. He requested that the Staff provide an update to the Planning Commission if the City Council rejected or modified their recommendation on a specific item. He emphasized that an update would only be necessary if there was an exception to the recommendation.

Director Eddington stated that the Planning Department could have the Project Planner convey any exceptions to the Planning Department during the Staff Communications portion of the meeting. He noted that in the past few months the City Council has favorably accepted their recommendations without exception.

Commissioner Joyce commented on the number of continuations on the agenda this evening, as well as two potentially straightforward plat amendments. He asked if the Planning Department had ever considered using a Consent Agenda for these types of items. Director Eddington replied that the Planning Commission had Consent Agendas in the past but it was discontinued three or four years ago because the Commissioners were consistently removing items from the Consent Agenda to discuss a particular issue. It became very difficult for the Staff to determine which items could be Consent and the Legal Department recommended that they notice all items for public hearing.

Assistant City Attorney McLean clarified that the LMC states that conditional use permits and steep slope conditional use permits may be Consent items. However, a public hearing is required for plat amendments. Ms. McLean noted that the problem with approving several items together is that sometimes people will sit through an entire meeting waiting to speak on an item not realizing that it had already been approved.

Commissioner Stuard understood Commissioner Joyce's concern, but he thought it was better to err on the side of public input. Commissioner Joyce clarified that he was not suggesting that they bypass public input. Using the Continuations as an example, he noted they would call for public input on each item to be continued this evening even though there was no one in the audience. He was only suggesting a way to streamline the process.

Commissioner Stuard commented on the spread sheet the Planning Commission was given earlier in the year with projects that would be discussed throughout the summer; and he felt that much of it had not materialized. He thought their time was being underutilized and that the agendas could be heavier. Director Eddington noted that the Bonanza Park discussions were started with the joint meeting and it was scheduled to come back to the Planning Commission at a special meeting on August 6<sup>th</sup>. The Planning Commission was ahead of schedule on the LMC Amendments because they were started in June rather than October as previously scheduled. Director Eddington stated that part of the timeline included Staff time to prepare the documents. He pointed out that the Planning Commission had three work sessions on PCMR, but the formal public hearing would be continued to a date uncertain at the applicant's request. The Staff was trying to schedule Treasure Hill as soon as possible. Director Eddington stated that overall the schedule was moving forward quite well. Commissioner Stuard reiterated that the Planning Commission has had a number of light meetings that he believed their time could be better utilized.

Chair Pro Tem Gross ask if it was possible to open the public hearing on all the items being continued rather than each one individually. Assistant City Attorney McLean replied that it would be appropriate as long as the public had the opportunity to speak on individual items.

**CONTINUATIONS – Public Hearing and Continuation to date specified.**

Director Eddington requested that 333 Main Street and 200 Ridge Avenue be continued to August 13th rather than July 23rd as stated on the agenda.

Chair Po Tem Gross opened the public hearing on the following items:

1. 317 Ontario Avenue – Steep Slope Conditional Use Permit  
(Application PL-13-02136) (Continue to August 13, 2014)
2. 1851 Little Kate Road, Dority Springs Subdivision – Plat Amendment  
(Application PL-12-01733) (Continue to July 23, 2014)
3. 333 Main Street – The Parkite Condominiums Record of Survey Plat for Commercial Units (Application PL-14-02302) (Continue to August 13, 2014)
4. 200 Ridge Avenue, Ridge Overlook – Plat Amendment  
(Application PL-10-00977) (Continue to August 13, 2014)

A member of the public asked how the City intended to access that portion of the road.

Director Eddington stated that the Staff had not conducted a formal review and they had not received the final submission from the applicant. The item was continued to August 13<sup>th</sup> to allow the applicant time to submit all the materials and for the Staff to conduct a proper review.

5. Land Management Code Amendments related to: (Application PL-14-92348)
  1. Definitions (LMC Chapter 15) (Continue to date uncertain)
  2. GC and LI regarding animal services
6. 7379 Silver Bird Drive, Silver Bird Condominiums at Deer Valley First Amendment – Condominium Plat Amendment  
(Application PL-14-02322) (Continue to July 23, 2014)

7. 692 Main Street, 692 Main Street Condominiums – Condominium Plat  
(Application PL-14-02344) (Continue to July 23, 2014)

Chair Pro Tem Gross closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the above items to the dates specified. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

#### **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

1. 1604 & 1608 Deer Valley Drive, Fawngrove Condominiums – Condominium Plat Amendment (Application #PL-14-02290)

Planner John Boehm reviewed the application for the First Amendment to Fawngrove Condominiums First Supplemental Record of Survey. The project is located at 1604 & 1608 Deer Valley Drive North. The applicant was requesting an approval of an amendment for the record of survey to combine Fawngrove Condominium units 42 and 43 into one unit to be designated as Unit 42. No exterior changes were proposed with this project. The only change would be the removal of an interior wall to create one single unit.

The Staff had reviewed the proposal and found that the proposed amendment is consistent with the purpose statements of the residential development district, and the use as residential condominiums was unchanged. The additional floor space proposed would have minimal impact as it minimizes the site disturbance, preserves existing natural open space and limits the impacts on the development.

The Staff recommended that the Planning Commission conduct a public hearing for the First Amendment to the Fawngrove Condominiums First Supplemental Record of Survey and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Chair Pro Tem Gross opened the public hearing.

There were no comments.

Chair Pro Tem Gross closed the public hearing.

Commissioner Joyce understood from the Staff report that combining the units would create one less unit and that the requested combination would not increase the number of units allowed by the MPD. Commissioner Joyce asked if they would be allowed to build another unit to replace the unit that was lost through the combination.

Director Eddington stated that part of the Deer Valley MPD uses Unit Equivalents; therefore, it is a square footage calculation. It would not add additional square feet or units to the development. The only change is that one unit ends up being larger than the others. Director Eddington noted that a unit equivalent is 2,000 square feet according to the LMC.

Commissioner Joyce read Finding of Fact #12, "The combination does not increase the number of units allowed by the MPD." If the number of units were literally reduced, he believed that another unit could be built. Commissioner Joyce was certain that was not the intent, but he felt it should be explicitly addressed.

Assistant City Attorney McLean thought Commissioner Joyce had raised a good point. She recommended adding a condition of approval stating that combining the two units would not decrease the number of units in accordance with the Deer Valley MPD. Overall the Fawngrove Condominium project should be deemed to have 61 units in total, regardless of the combination. Director Eddington believed the square footage and unit equivalents would restrict the ability to build another unit.

Commissioner Joyce read Finding of Fact #7, "The MPD did not approve the project under the unit equivalent formula." Based on Finding #7, Director Eddington agreed with adding a condition of approval.

Planner Boehm added Condition of Approval #5, "The combination of these two units shall not constitute a reduction in the number of units, and that number shall remain at 61 units per the Deer Valley MPD."

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the First Amendment to Fawngrove Condominiums First Supplemental Record of Survey, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance as amended. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1604 & 1608 Deer Valley Drive

1. Fawngrove Condominiums are located at 1600 Deer Valley Drive North within the Deer Valley Resort Large Scale MPD.
2. The site is within the RD District.
3. The owner of Units 42 and 43 requests to combine these units into one single unit. These units are located at 1604 and 1608 Deer Valley Drive North.
4. Fawngrove Condominium Declaration, Article XXXIV allows for combination of units.
5. Fawngrove Condominiums consists of sixty-one (61) residential condominium built over two phases consistent with requirements of the Deer Valley MPD.
6. The sixty-one (61) units have been previously constructed.
7. The MPD did not approve the project under the unit equivalent formula.
8. The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged.
9. The proposed amendment is consistent in that the additional floor area that results from removal of the common wall is minimal as it minimizes site disturbance.
10. The proposed amendment preserves the existing natural open space, and limits impacts of development.
11. The combination would yield a single unit that would be 2,390 square feet in size.
12. The combination does not increase the number of units allowed by the MPD.
13. All construction is proposed within the existing building envelope.
14. The plat identifies that a parking space has been assigned for the use of Unit 42. Unit 43 also has a designated parking space. LMC § 15-3-6-(A) indicates that a multi-unit dwelling is to have two (2) parking spaces for an apartment/condominium greater than 1,000 square feet and less than 2,500 square feet. The proposed combined unit meets this requirement and no additional parking is required as a result of the amendment.

Conclusions of Law – 1604 & 1608 Deer Valley Drive

1. There is good cause for this Amendment to the Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Surveys.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 11th amended and restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1604 & 1608 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the combined Unit 42 shall be issued until this amendment to the condominium record of survey is recorded.
4. All conditions of approval of the Deer Valley Resort 11th Amended and Restated Large Scale MPD and the Fawngrove Condominiums shall continue to apply.
5. The combination of these two units shall not constitute a reduction in the number of units; and that number shall remain at 61 units per the Deer Valley MPD.



**2. 341 Ontario Avenue, 341 Ontario Avenue Subdivision – Plat Amendment (Application PL-14-02335)**

Planner Christy Alexander reviewed the application to combine two full single lots of record along 341 Ontario Avenue into one lot of record. An existing historic home on the lower portion of the property currently sits over the lot line. The requested combination would remedy that situation. Because the home is historic it would be legal non-complying with the setbacks. The applicant intends to build a garage on Ontario as an addition to the existing home.

Commissioner Joyce referred to Condition of Approval #6 stating that if the boardwalk is crossing on this property, a public access easement will be required along the west edge of the properties and shall be recorded with the plat. Planner Alexander identified the location of the boardwalk and noted that the Staff did not believe the boardwalk was on the property. However, the City Engineer wanted to make sure that if it did touch at all, the applicant would need an agreement with the City. Planner Alexander stated that the owner was amenable to an agreement if necessary.

The Staff requested that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 341 Ontario Subdivision plat based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Chair Pro Tem Gross understood that the intention was to combine the lots and build an addition to the historic home. However, he understood that if the lot combination was approved the owner would be allowed to build a duplex. Planner Alexander replied that the Planning Commission could add a condition of approval requiring that the structure remain a single family home. Assistant City Attorney McLean stated that if the Planning Commission intended to add that condition of approval, they should also add a finding as to why they were making that recommendation.

Commissioner Campbell noted that a duplex is a conditional use in the zone and the owner would have to come back to the Planning Commission for a CUP if he wanted to build a duplex. Chair Pro Tem Gross remarked that a duplex would still be allowed and the CUP would only be the process. Commissioner Campbell was unsure whether the Planning Commission had the right to restrict it to single family.

Assistant City Attorney McLean stated that the historic home would be a challenge in following the guidelines to create a separate entrance for a duplex. Commissioner Phillips believed the Planning Commission could address that issue if it came back for a CUP.

Commissioner Joyce did not believe the Planning Commission had enough information to impose the restriction as a condition of approval of the plat amendment. The Commissioners concurred.

Chair Pro Tem Gross opened the public hearing.

There were no comments.

Chair Pro Tem Gross closed the public hearing.

MOTION: Commissioner Stuard moved to forward a POSITIVE recommendation to the City Council for 341 Ontario Avenue Subdivision plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the draft ordinance of the Staff report dated July 9, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 341 Ontario Avenue

1. The property is located at 341 Ontario Avenue within the Historic Residential (HR-1) District.
2. On April 29, 2014, the applicants submitted an application for a plat amendment to combine two (2) lots containing a total of 3,750 square feet into one (1) lot of record.
3. The application was deemed complete on May 8, 2014.
4. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling and 3,750 square feet for a duplex.
5. The maximum footprint allowed in the HR-1 zone is 1,519 square feet for the proposed lot based on the lot area.
6. The property has frontage on and access from Ontario Avenue.
7. The existing house does not meet the current side yard setbacks as it crosses the common lot line and is within 1.4' of the south property line. The house is listed as a significant historic house on the Historic Sites Inventory. The existing non-complying setback on the south property line will remain. As conditioned, the proposed plat amendment does not create any new non-conforming situations.

8. The plat amendment secures a 10 foot public snow storage easement across the frontage of the lot.

9. Ontario Avenue is a narrow, steep street. Combining the lots to provide an addition to a single family house will reduce parking requirements from four spaces to two spaces.

#### Conclusions of Law - 341 Ontario Avenue

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

#### Conditions of Approval – 341 Ontario Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued unless the applicant has first made application for a Historic District Design Review and a Steep Slope CUP application if applicable.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

5. A 10 foot (10') wide public snow storage easement is required along the frontage of the lots with Ontario Avenue and shall be shown on the plat.

6. If the boardwalk is crossing on this property, a public access easement will be required along the west edge of the properties and shall be recorded with the plat.

Commissioner Stuard noted that members of the public had arrived late and he requested that they be given time to speak if they came for a particular project.

The gentlemen indicated that they were interested in 200 Ridge Avenue. Director Eddington informed them that the item had been continued to August 13<sup>th</sup>, at which time there would be a public hearing. Chair Pro Tem Gross re-opened the public hearing for 200 Ridge Avenue to allow the gentlemen the opportunity to comment this evening. Their comments can be found under the Continuation section of the Minutes.

The Planning Commission adjourned the regular meeting and moved into Work Session for training by Scott Robertson with the IT Department regarding the City Policy for the stipend and use of their iPads.

The Park City Planning Commission meeting adjourned at 6:45 p.m.

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