

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JANUARY 29, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

**ADOPTION OF MINUTES**

January 15, 2014

Chair Worel referred to page 4 of the Staff report, page 2 of the minutes, fourth paragraph, first sentence, which read, "Mr. Tedford asked for an update on Kimball Arts Center and there they are in the process." She corrected the sentence to correctly read, "...**where** they are in the process.

Chair Worel referred to page 24 of the Staff report, page 22 of the minutes, second to the last paragraph, and corrected Hans Hugie to correctly read, Hans **Fuegi**.

MOTION: Commissioner Strachan moved to APPROVE the minutes of January 15, 2014 as amended. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

Jim Tedford stated that it was recommended at the last meeting that he speak with the Staff regarding issues he had raised. After a good conversation with some of the Planners, he wanted to pass along his suggestions to the Planning Commission. Mr. Tedford noted

that his first concern related to the proposed library expansion. After reviewing the plans online and reading through the Historic District Design Guidelines, he did not believe the expansion fit with a number of the guidelines. Mr. Tedford remarked that the old building is a classic old Park City Building, much like the Marsac Building. He thought the Carl Winters building deserved to the same consideration that was given to the Marsac Building when it was renovated. If there is any way to accommodate the expansion into the current building, that should be the first option.

Mr. Tedford read from the guidelines, "Additions should be visually subordinate to historic buildings when viewed from the primary public right-of-way". In his opinion, the proposed addition does not reinforce the visual dominance of the historic structure because of its modern architectural style. Related to other guidelines, Mr. Tedford could not tell from the drawings if there would be a transitional element between the historic and the new. He did not believe the proposed addition represented any elements of the original building. He especially pointed out the glass wall on the north side as not resembling the historic structure. Based on the Historic Design Guidelines, Mr. Tedford did not think the proposed addition was appropriate. He understood that classrooms and a café inside the building had been discussed and he strongly recommended that option first. If not, he encouraged the City to look at a different addition that would not be visually intrusive.

Mr. Tedford was prepared to make suggestions to the new General Plan under Historic Character.

Chair Worel informed Mr. Tedford that the Planning Commission had already forwarded a positive recommendation to the City Council to accept the General Plan. Aside from the joint meeting with the City Council on February 5<sup>th</sup>, the Planning Commission would no longer be discussing the General Plan. Mr. Tedford stated that he would take his ideas to the City Council.

Commissioner Strachan pointed out that the same was true with the Library Expansion because the Planning Commission had already forwarded their recommendation to the City Council. He explained that the Library Expansion still needed to go through the Historic District Design Review, but beyond that it was in the hands of the City Council.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington confirmed that the joint meeting with the City Council was scheduled for Wednesday, February 5<sup>th</sup> at 5:00 p.m. Director Eddington noted that the Planning Commission may have a site visit to North Silver Lake regarding the lockout units at 3:30 that same day prior to the joint meeting.

Director Eddington announced that all Boards and Commissions were invited to a reception with the City Council the following evening, January 30<sup>th</sup> from 4:15-5:00 p.m. at City Hall.

Director Eddington reported that Mountain Accord, formerly known as the Wasatch Summit, was having an open house at the Park City High School on Tuesday, February 4<sup>th</sup> from 4:00-7:00 p.m. and the Commissioners were welcome to attend.

Assistant City Attorney McLean stated that if enough Commissioners attend the open house it would constitute a quorum. If the Commissioners know for sure they would be there, it could be noticed as such. However, if the Commissioners were not prepared to commit to attending, she suggested that if they do end up with a quorum that they not sit together. Director Eddington understood that it would be an open house format.

Director Eddington reported that the new Mountain Accord website was up and running and it should be better than the previous website.

Director Eddington announced that the Planning Commissioners have the opportunity to become members of the MARC under the same perk as the City employees. The membership is free but they are taxed on the value. He stated that the Commissioners also have the opportunity to access ski passes for Deer Valley and PCMR. The passes are obtained through a same day check-out/check-in basis. The passes are available in the HR office but they cannot be reserved in advance. Director Eddington explained the process for obtaining the passes for Saturday or Sunday skiing.

Commissioner Gross noted that the Planning Commission needed to appoint an alternate for the COSAC committee. Director Eddington stated that the Staff would add that to the agenda for the second meeting in February.

Director Eddington stated that the Planning Commission also needed to appoint a liaison for the Board of Adjustment.

Commissioner Phillips disclosed that he has been an acquaintance with Gary Knudson for many years; however, he did not believe that association would affect his ability to discuss the Knudson Subdivision application this evening.

**CONTINUATION(S)** – Public Hearing and Continuation to date specified.

1. Park City Heights Phase I - Subdivision (Application PL-13-02189)

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

MOTION: Commissioner Strachan moved to CONTINUE the Park City Heights Phase 1 Subdivision to February 12<sup>th</sup>, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 1450/1460 Park Avenue – Conditional Use Permit for Multi-unit Dwelling/setback reduction (Application PL-13-01831)

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

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 1450/1460 Park Avenue – CUP, to February 12<sup>th</sup>, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

3. The Retreat at the Park First Amended, located at 1450/1460 Park Avenue – Plat Amendment (Application PL-13-01830)

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

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the Retreat at the Park, First Amended plat amendment to February 12<sup>th</sup>, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

### **REGULAR AGENDA – Discussion, Public Hearing and Possible Action**

Chair Worel noted that the Planning Commission had agreed on a hard stop of 10:30 p.m.

1. **Knudson Subdivision – 1314 & 1350 Empire Avenue – Plat Amendment.**  
**(Application PL-13-02096)**

Planner Christy Alexander reported that the applicant was the Park City Redevelopment Agency, represented by Matt Twombly, and Gary Knudson, represented by Steve Schueler with Alliance Engineering.

Planner Alexander reviewed the application for a plat amendment to combine 11 lots; Lots 8-12 and 33-38, and the adjacent abandoned Norfolk Ave right-of-way of Block 19 of the Snyder's Addition to the Park City survey. The lots are between 13<sup>th</sup> and 14<sup>th</sup> Street and Empire and Norfolk Avenue adjacent to PCMR.

The applicants were requesting to combine the 11 lots into three lots and to be owned by the Park City Redevelopment Agency, as well as Gary Knudson. Planner Alexander reported that historically Gary Knudson has owned most of the properties for over 40 years. Mr. Knudson currently owns the Acorn Inn, which sits on the proposed Lot B.

Planner Alexander provided the Planning Commission with an updated ordinance. The plat was cleaned up to remove an access easement on Lot C and to change the lot line on Lot B so the deck would be in compliance with the setback standards. Planner Alexander noted that the new lots comply with the current ordinance. The Park City Redevelopment Agency is looking to purchase all the lots within Lot A to develop a pedestrian east-west connection between Miner's Hospital up to PCMR. The Acorn Inn would still sit on Lot B. There was no current intention to develop Lot C at this time; however, in the future it could be developed into condominiums and single family homes, and split into whatever uses are allowed within the RC zone.

The Staff had no concerns with the requested plat amendment. Planner Alexander noted that one item within the Code states, "The application shall include all contiguous holdings by the owner, unless specifically waived by the Planning Department and Planning Commission." Planner Alexander clarified that Mr. Knudson owns two lots south of Lot B and two lots South of Lot C. On January 23<sup>rd</sup> the Planning Director made a determination that Mr. Knudson was not required to subdivide those lots with this plat amendment.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council; and to waive the requirement per LMC 15-7.1-6(A) and not require Mr. Knudson to subdivide the contiguous properties located at and around 1314 and 1350 Empire Avenue. Director Eddington clarified that it was three Old Town lots.

Steve Schuler was prepared to answer questions on behalf of the applicant. He clarified that the purpose of the subdivision plat was to facilitate a legal purchase of property by the RDA. That was the reason for not including all the contiguous land holdings held by Mr. Knudson.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan was comfortable with the application in general. He clarified that the RDA would be purchasing Lot A. Planner Alexander replied that this was correct. Commissioner Strachan referred to Exhibit G on page 42 of the Staff report. He did not understand how acquiring Lot A would allow for a walkway.

Mr. Twombly explained that the purpose was for the legal sale of the property. He believed that in the future the lot would be combined with an adjoining lot to the east to make the connection. It would be the senior center property.

Commissioner Gross asked about the L-shaped piece of land between the senior center and the lot. Mr. Twombly replied that it was contiguous with Lot A. Commissioner Strachan pointed out that the Exhibit in the Staff report did not show that middle piece. Mr. Twombly explained that without the plat amendment the RDA purchase would have split the lots, which would have been illegal. The Commissioners were comfortable with Mr. Twombly's explanation.

Commissioner Strachan pointed out that the Provision 15-7.1-6(A) of the Land Management Code appeared to be specific that it was enacted to stop a potential work around. Assistant City Attorney McLean stated that it comes up often and the idea is to capture other land that may be non-complying or has issues. In this case, these were Old Town lots, which is not an issue. Ms. McLean remarked that the main intent behind the provision is to make sure all the land is included in a subdivision. The provision forces the applicant to show it and the City can make the determination of whether or not it should be included.

**MOTION:** Commissioner Strachan moved to WAIVE the requirement per LMC 15-7.1-6(A) requiring subdivision of contiguous holdings located at or around 1314 and 1350 Empire Avenue. Commissioner Gross seconded the motion.

**VOTE:** The motion passed unanimously.

**MOTION:** Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Knudson Subdivision at 1314/1350 Empire Avenue plat amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Revised Draft Ordinance. Commissioner Joyce seconded the motion.

**VOTE:** The motion passed unanimously.

Findings of Fact – Knudson Subdivision

1. The property is located at 1314 & 1350 Empire Avenue within the Recreation Commercial (RC) District.
2. On December 31, 2013, the applicants submitted an application for a plat amendment to combine eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW containing a total of 25,883 square feet into three (3) lots of record.
3. The plat amendment is necessary in order for the applicants to move forward with the City's RDA redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR, as well as remove lot lines under the Acorn Inn and provide access for Lot C to Norfolk Avenue.
4. The application was deemed complete on January 7, 2014.
5. A per Land Management Code (LMC) 15-7.1-6(A), "An Owner of the land or his representative shall file with the Planning Department an application for the approval of a final Subdivision Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership", as defined herein, with an indication of the portion which; is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office.
6. The Planning Director made a determination on January 23, 2014 that Gary Knudson is not required to subdivide the contiguous holding located at and around 1314 & 1350 Empire Avenue. Rather, the applicant may move forward with the request for a three lot plat amendment at 1314 & 1350 Empire Avenue only.
7. The RC zone requires a minimum lot area of 1,875 square feet.
8. Lots A and B have frontage on and access from Empire Avenue. Lot C has frontage on and access from Norfolk Avenue.
9. The proposed subdivision contains a total of 25,883 square of area. Lot A contains 14, 625 sq. ft., Lot B contains 4,133 sq. ft., and Lot C contains 7,125 sq. ft.

10. Lot A is intended to be used for a future RDA pedestrian connection between PCMR and Miner's Hospital. The Acorn Inn will remain on Lot B. Lot C is not intended to be developed at this time.
11. The proposed plat amendment does not create any new non-complying or non-conforming situations.
12. The plat amendment secures a public snow storage easement across the frontage of Lot A on Empire Avenue.
13. The amendment of eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW would be the second largest plat amendment in the neighborhood. The largest of these plat amendments is the Carl Winters School Subdivision which contains seventy-two (72) lots and the next largest is the Park City High School Mechanical Arts Building which contains seven (7) lots.

#### Conclusions of Law – Knudson Subdivision

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 or Approval – Knudson Subdivision

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. Modified 13-D sprinklers may 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.

The Planning Commission adjourned the regular meeting and moved into Work Session for training on the Open Meetings Act.

The Park City Planning Commission meeting adjourned at 6:40 p.m.

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