

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES - DRAFT
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 14, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Jack Thomas

EX OFFICIO:

Thomas Eddington, Planning Director; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

The Commissioners met in work session prior to the regular meeting. The work session discussion can be found in the Work Session Minutes dated August 14, 2013.

ROLL CALL

Chair Worel called the meeting to order at 7:50 p.m. and noted that all Commissioners were present except for Commissioner Wintzer who was excused.

ADOPTION OF MINUTES

July 31, 2013

MOTION: Commissioner Strachan moved to APPROVE the Work Session Minutes of July 31, 2013 as written. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to APPROVE the Regular Meeting minutes of July 31, 2013 as written. Commissioner Savage seconded the motion.

PUBLIC INPUT

Jim Tedford referred to his proposal and noted that the last time he attended a Planning Commission meeting he was told that his request would be addressed within three to five

months and he was unhappy with the response. Mr. Tedford believed he deserved a yes or no answer on whether or not the Planning Commission would consider his proposed changes to the Land Management Code. He clarified that he was not asking the Staff for consideration. He was asking the Planning Commission directly, as was his right per the LMC, to consider the proposed amendments to the Land Management Code. Per the LMC, he was requesting that the Planning Commission put his item on the agenda and to deal with it as promptly as possible.

Mr. Tedford noted that the Planning Commission was provided with copies of his proposal at a previous meeting. He reviewed this proposal as follows:

Title 15 LMC, Chapter 11 – Historic Preservation
15-11-6 – Additional Duties

Mr. Tedford read, “In addition to the powers set forth in Section 15-11-5, the Historic Preservation Board may, at the direction of the City Council, participate in the design review...” He noted that the current language reads, “and participate in the design review of any City-owned project located within the Historic Zones.” Mr. Tedford proposed a change to the language to read, The HPB may, at the direction of the City Council, participate in the design review of **any** projects located within the Historic Zones.

Mr. Tedford stated that under the current language he understood that an applicant would have to spend \$500 to take it to the HPB for review. He also understood that the policy dragged the process on too long. Mr. Tedford thought the City Council should have the option to ask the HPB review a project. He clarified that it was only an option and the City Council would not have to do it. Mr. Tedford personally believed that the HPB does not have the power to do much of anything. If he has an issue, he was not willing to pay \$500 to have it reviewed by the HPB.

Mr. Tedford believed an important aspect of the LMC would be to give the HPB the opportunity for review without it being a financial hardship on the applicant.

Title 15 LMC, Chapter 11 – Historic Preservation
15-11-10 – Pre-application Conference

Mr. Tedford read the current language of the second paragraph, “Each application shall comply with all the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that because of the slope of a proposed development certain guidelines are not applicable. If the Planning Department determines that certain guidelines do not apply to an application, the Planning Department Staff shall

communicate, via electronic or written means, the information to the applicant. It is the responsibility of the applicant to understand the requirements of the application.”

Mr. Tedford believed the current language opens the door to determining that nothing applies and the historic guidelines could be bypassed. Mr. Tedford suggested that they eliminate the language between the first and last sentence. The new language would read, Each application shall comply with all the Design Guidelines for Historic Districts and Historic Sites. It is the responsibility of the applicant to understand the requirements of the Application.

Mr. Tedford noted that the third paragraph states that, “Applications may be exempt from the Historic Design Review process, include, but are not limited to the following.” He thought the language should be changed to say that it was limited to the following. He again thought they were opening to the door to bypassing the Design Guidelines.

Mr. Tedford requested that the Planning Commission put this on the agenda, which he has the right to do; and they have the ability to say yes or no. He was not happy with having to wait for the Staff to put this on the agenda.

Mr. Tedford stated that since the last time he attended a Planning Commission meeting, he had read the old General Plan and the proposed Updated General Plan. From his reading, it appeared that some of the language was changed but it still covered the same subject. With regards to Historic Main Street, Mr. Tedford noted that the definition of integrity was included in the new General Plan, but he thought it refers to what already exists. It does not apply to new infill projects. He stated that the phrase that keeps coming up is in the new proposed General Plan is to, “maintain contact and scale of local historic district with compatible infill development.” Mr. Tedford thought the City needed to better define compatible. He spent time researching the definition of compatible and found several different meanings. He personally knows people who have different ideas of what constitutes compatibility in the Historic District. People will push the envelope unless the definition is very clear.

Commissioner Strachan guaranteed that if Mr. Tedford would draft black and white objectively applied criteria for compatibility, the Planning Commission would be much more eager to put it on the agenda. He noted that the Commissioners deal with compatibility every day, and they struggle because it is a subjective term.

Commissioner Thomas thanked Mr. Tedford for reading and providing input on the new General Plan. He informed Mr. Tedford that a joint session with the City Council was scheduled in September and he thought the definition of compatibility should be on the agenda as they go through individual pieces of the General Plan.

Mr. Tedford commended the Planning Commission for doing the right thing in terms of the MPD discussion. It went to the City Council and they passed the Planning Commission recommendation unanimously.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reported that a joint meeting with the Planning Commission and City Council was scheduled for September 4th. It would begin the General Plan and policy discussions that stemmed from the task force meetings. He assumed the meeting would begin at 5:00 or 5:30 and he would notify the Commissioner when the meeting time was finalized.

Director Eddington understood that some of the Commissioners would be absent from the September meetings. Commissioners Savage, Strachan and Worel would not be in attendance on September 11th. Commissioners Hontz, Savage and Strachan would not be in attendance on September 25th. Chair Worel noted from the July 31st minutes that Commissioner Wintzer stated that he would be out of town from August 15th to September 1st. She assumed he would be able to attend the September meetings. Director Eddington would follow up with Commissioner Wintzer to make sure they would have a quorum on September 11th and 25th.

Assistant City Attorney McLean suggested that the Staff forward a copy of the finalized agenda to the Planning Commission. If anyone has a conflict and needs to be recused, the item could be rescheduled for a later meeting when more Commissioners are in attendance.

Assistant City Attorney McLean reported that the applicant for 30 Sampson Avenue submitted a request for an Ombudsman advisory opinion. The item was scheduled on the City Council agenda and it would be continued until that issue is resolved. Commissioner Strachan asked if the Ombudsman is obligated to take every request. Ms. McLean replied that he has to take every request that meets the statutory requirement.

Director Eddington reported that the City Council was taking applications for new Planning Commissioners; however, any new appointees would be delayed until after the General Plan is completed in December. The position was being advertised. Any Commissioner whose terms were expiring and wanted to reapply should submit their application no later than September 3rd.

Commissioner Hontz noticed when reading that Staff report that her husband, Jonathan Weidenhamer, had written the Staff report in 2005 for 1127 Woodside Avenue. She did not believe that presented a conflict or would affect her decision this evening.

CONTINUATION(S) – Public hearing and continue to date specified.

1. Land Management Code – Amendments to Chapter 2.4 – Historic Residential-Medium Density (HRM) District

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

MOTION: Commissioner Thomas moved to CONTINUE the LMC Amendments to Chapter 2.4 – Historic Residential Medium Density District to August 28, 2013. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

2. 7905 Royal Street – Record of Survey Amendment
(Application PL-13-01968)

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

MOTION: Commissioner Thomas moved to CONTINUE 7905 Royal Street to August 28, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1127 Woodside Avenue – Plat Amendment
(Application #PL-13-01893)

Planner Anya Grahn reported that the property owners at 1127 Woodside Avenue were requesting a plat amendment to combine four lots of record into one lot. The lots include Lots 7, 8, 25 and 26 of Block 8 of the Snyder's Addition. The existing 1904 Landmark house currently straddles the interior lot lines between Lot 7 and 8. There is also a legal non-conforming non-historic garage that encroaches between Lots 7 and 26.

Planner Grahn stated that the house and garage do not meet the current side yards setbacks. She noted that the Chart on page 101 of the Staff report incorrectly showed that the required side yard setbacks were 10 feet. The required side yard setbacks are actually 5 feet. The house is 4.5 feet from the north side yard setback. The garage is 1.4 feet from the south side yard setback. The garage was also 19 feet tall, which exceeds the 18-foot height requirement for an accessory structure. Planner Grahn stated that the house and the garage conform to the front and rear yard setbacks and the house meets the maximum height requirement. The garage and the house were both below the maximum building footprint as existing.

Planner Grahn explained that the applicant was requesting this plat amendment in order to move forward with an HDDR. The Staff met with the applicant in February to discuss the options for possibly adding a small addition to the house. At that time the applicant was also considering connecting it to the garage. However, in talking with the architect it appears she only plans to add a mud room and a bedroom, which would add approximately 335 square feet of footprint to the historic house.

Planner Grahn pointed out that any new additions would have to comply with the setbacks required by the Land Management Code as well as the Historic District Design Guidelines. An accessory apartment above the garage was approved in 1992. As it sits now the property is similar to a duplex because of the accessory apartment above the garage and the house. Planner Grahn clarified that the owner intends to use it as a single-family property and not have renters.

Planner Grahn noted that the total square footage of the house and the garage was 2,672 square feet, which includes the footprint and the upper levels. She noted that 2,672 was the number calculated by the architect, but it does not correspond to the Summit County Recorder's information provided on the chart. She stated that this was not the first time the Staff has found that the Summit County Recorder has incorrect information.

Planner Grahn remarked that the amendment of the four lots would create one of the largest lots in the neighborhood, as outlined in the comparison chart on page 102 of the Staff report. Other larger plat amendments were seven lots at the Park City Mechanical Arts Building, as well as a plat amendment of three lots at 1140 Woodside. She noted that the majority of the lots in the neighborhood were between 2 and 2-1/2 lot combinations.

The Staff found good cause for this application because moving the interior lot lines would help the applicant improve the site. It also allows the City to gain a 10-foot wide snow storage easement along Woodside and Norfolk Avenue. At the same time, Planner Grahn thought they needed to be sensitive to the fact that there is a historic Landmark home on the property and, therefore, not allow a property owner to maximize the footprint.

In researching past applications, they found that in June 2011 the Planning Commission approved a plat amendment at 929 Park Avenue that actually set a footprint limitation. That application was a plat amendment for two full lots and the remnants of two additional lots. There was also a historic house that straddled interior lot lines. At that time the Planning Commission added a condition of approval that included a reduction of footprint based on the Land Management Code Footprint Formula.

Planner Grahn stated that if they were to do the same for 1127 Woodside, the four lots currently equate to 7,501 square feet and the footprint formula calculates 2,461 square feet. She pointed out that it would not limit the footprint but there was the potential to negotiate an average for what it should be.

Planner Grahn referred to a wooden fence along the south property line and suggested adding a condition of approval requiring an encroachment agreement if one does not already exist, to settle any issues that may arise with the fence.

Commissioner Strachan asked Planner Grahn for the footprint limitation. Planner Grahn stated that after looking at it again, she would suggest 2,100 square feet. Currently, the maximum footprint could be 2,461. It would give the applicant some flexibility in adding the addition or possibly changing the non-historic garage in the future.

Jonathan DeGray, representing the applicant, was comfortable with reducing the footprint as long as it allowed the owner to improve the historic home to make it more livable by adding a mud room and a small bedroom. They were looking for an additional 350 square feet. If the 2,100 square feet proposed by Planner Grahn would allow for that expansion, he would not be opposed.

Commissioner Savage clarified that 2,100 square feet would allow for the proposed expansion plus a little extra.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz supported the Staff recommendation, with proposed changes to the Findings of Fact and Conditions of Approval. Planner Grahn referred to Finding 7 and removed the language "...and possibly an addition to the non-historic house", since the owner was no longer considering an addition to the garage. The new finding should read,

The applicant is considering a rear addition to the historic structure. Thus far no HDDR application has been submitted.” The remainder of the last sentence was also deleted.

Planner Grahn noted that Findings 14 and 15 should be corrected to reflect a 5 foot side yard setback instead of a 10 foot side yard setback.

Planner Grahn noted that Condition 7 should be added to address the 2,100 square foot footprint limitation. Mr. DeGray clarified that he was comfortable with the square footage, but he wanted to check the math to make sure it would allow for the 350 square foot addition.

The Commissioners discussed revisions to Finding 11. Assistant City Attorney McLean recommended that they keep the first sentence because it adds justification to why they were limiting the footprint. They could then add that the owner consents to limiting the size to 2100 square.

Commissioner Hontz suggested that they should also reference historically significant and landmark structures to justify the limitation.

The first sentence of Finding 11 was revised to read, “The maximum footprint of 2,461 square feet is significantly larger than any surrounding single-family residential properties, in particular historically significant and landmark structures; and the owner consents to limiting the size to 2,100 square feet; however....”

Commissioner Hontz referred to Condition of Approval 3, and suggested adding a comma after the word “home”, and another comma after the “HDDR”. She felt the commas made the sentence easier to read and understand.

Commissioner Hontz referred to Condition 5 and recommended changing “Two (2) 10’ wide public snow storage easements...” to read, “One 10-foot wide public snow storage easement is required along the street frontage of Woodside and one 10-foot wide public snow storage easement is required along the street frontage of Norfolk Avenue.” She thought it was better to separate the two for clarity.

Mr. DeGray reiterated his concern about making sure the footprint numbers were accurate before they were memorialized in a condition of approval. Commissioner Hontz stated that the Staff could bring back the Findings and Conditions for ratification to allow Mr. DeGray to work with the Staff to check the numbers before it goes to the City Council. If the number is different than 2,100 square feet, the Planning Commission could discuss it at that time.

Commissioner Savage pointed out that having to come back to the Planning Commission would delay the process for the application. Commissioner Strachan suggested that Mr. DeGray and Planner Grahn step into the hall and work out the math, and come back with revised Findings and Conditions that the Planning Commission could ratify this evening. The Commissioners concurred.

Planner Grahn and Mr. DeGray left the room and the Planning Commission moved to the next item on the agenda.

Planner Grahn and Mr. DeGray later returned with agreement on the square footage and the revised Findings and Conditions.

Commissioner Hontz referred to the table on page 102 of the Staff report and clarified that per the Summit County Recorder, the 1,358 square feet was in the actual structure and not a footprint. Planner Grahn replied that this was correct. However, in re-measuring the house, Mr. DeGray found that the actual size is 2,672 square feet, including the garage. She pointed out that if the Summit County Recorder's office was that far off on this property, she could only imagine the discrepancies with the rest of the properties on the street.

Commissioner Hontz wanted to know the square footage of the Landmark structure at 1127 Woodside without the garage. Mr. DeGray could not recall the actual square footage of the house, but the footprint was calculated at just under 800 square feet. The basement was 400 square foot basement and there was 250 square feet upstairs. He estimated the square footage to be approximately 1400 square feet. Commissioner Hontz believed that 2,100 square feet would allow significantly more than the 350 square feet needed for the addition. Mr. DeGray calculated that there was a little over 800 square feet in the existing house in footprint and they were looking for an additional 350 square feet.

Commissioner Hontz wanted to address the house separately from the garage, because in order for the garage footprint to expand, it does not meet the Code in terms of setbacks. Mr. DeGray emphasized that the owner did not want to expand the footprint of the garage, and he was willing to make that a condition of approval.

Assistant City Attorney McLean pointed out that the garage is not historic and it could be torn down in the future and a new garage built. Commissioner Savage thought the condition should address the house. If someone wanted to change the garage they would have to submit a different application. Director Eddington stated that they should limit the square footage of the house to 1200 square feet in one condition, and state in a separate condition that the square feet footprint of the garage would not exceed 880 square feet either as is or if it was torn down and replaced.

Commissioner Hontz stated that in looking at the table on page 102 she thought the 1200 square feet for the footprint limitation of the historic house made sense, because they were trying to replicate the pattern and limitations and footprints they see in the existing structures. She wanted to continue to maintain the compatibility she sees in the charts.

Assistant City Attorney McLean reiterated her concern that because the garage is not historic, they have no way of knowing what might happen in the future. If someone wanted to attach a garage that meets the Historic District Guidelines, they would normally be entitled to do that. It would be confusing in the future to decipher what would be permitted or not, with a plat note that talks about the existing garage. Commissioner Strachan stated that someone could come in for a plat amendment to amend the plat for the garage. He asked if a plat amendment for the garage would create a legal problem. Ms. McLean stated that it creates additional hurdles. She recognized that if the applicant's representative was willing to accept a condition of approval it should not be a problem.

Commissioner Savage suggested that they restrict the total allowed footprint on the lot to 2100 square feet and the footprint for the house could not exceed 1200 square feet. It would constrain the size of a garage but it would not prohibit anything as long as it stays within the total footprint. Mr. DeGray pointed out that this was a Landmark structure and it would have to go through a full HDDR. Expanding the home beyond a reasonable notion would be prohibited by the Landmark status.

Speaking on behalf of his client who was out of town, Mr. DeGray stated that a maximum of 2100 square feet, with the understanding that it is a Landmark structure and would have to go through an HDDR, would be most appealing.

Commissioner Hontz suggested that they add Condition 7 to read, "The maximum footprint allowed on the lot is 2,100 square feet. The maximum footprint allowed for the house is 1,200 square feet." The Commissioners concurred.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council for the Plat Amendment at 1127 Woodside Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report and as amended. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1127 Woodside

1. The property is located at 1127 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting to combine four (4) Old Town lots into one Parcel.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of a rear yard addition to the historic house as well as a future addition to the non-historic garage.
4. The amended plat will create one new 7,501 square foot lot.
5. Currently the property is four (4) Old Town Lots, Lots 7 and 8 as well as Lots 25 and 26 of Block 8.
6. The existing historic 1,358 square foot home is listed as "Landmark" on the Historic Sites Inventory (HSI).
7. The applicant is considering a rear addition to the historic structure. Thus far, no HDDR application has been submitted and the applicant met with Planning Staff to discuss the possibility of an addition on February 6, 2013 during Design Review.
8. The existing non-historic garage straddles Lots 7 and 26 of the Snyder's Addition. It is classified as legal non-conforming.
9. Any proposed additions to the existing historic home will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
10. The maximum building footprint allowed is 2,460.56 per the HR-1 LMC requirements. The current footprint of the historic structure is 679 square feet and the footprint of the garage accessory structure is 871 square feet. This would allow a maximum footprint addition of 910.56 square feet; however, the applicant intends to only introduce a small addition to the historic house with a footprint of 350 square feet. This small increase to the size of the house will maintain its compatibility with other homes in the neighborhood.
11. The maximum footprint of 2,461 square feet is significantly larger than any surrounding single-family residential properties, in particular historically significant and landmark structures; however, adherence to the Design Guidelines for Historic Sites would require that the mass and scale of any new additions is compatible with the historic structure. The applicant proposes to add a small addition of approximately 350 square feet to the historic building.
12. The amendment of four (4) lots would be one of the larger plat amendments in the neighborhood. The largest of these plat amendments is the Park City High School Mechanical Arts Building at 1167 Woodside which contains seven (7) lots. Other larger plat amendments include the combination of three (3) lots at 1147 Woodside. The majority of plat amendments within this neighborhood range from two (2) lots to two and one-half (2.5) lots.
13. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 7 and 8.

14. The garage is considered non-complying because of subsequent zoning changes and no longer conforms to the zoning regulation's setback. The garage sits 1.4' from the south property line; the current code requires a five foot (5') side yard setback. The garage encroaches over the lot line between Lots 26 and 7. The plat amendment will remove these encroachments over interior lot lines.
15. Per LMC 15-2.2-4, existing historic structures that do not comply with building setbacks are valid complying structures. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 7 and 8 and does not comply with the required five foot (5') side yard setback along the north property line as it is only four feet six inches (4'6") from the property line.
16. New additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

Conclusions of Law – 1127 Woodside

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 – 1127 Woodside

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 that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. 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.

5. One (1) 10 foot (10') wide public snow storage easements is required along the street frontage of the lot along Woodside Avenue and one (1) ten foot (10') wide public snow storage easement will also be required along the street frontage along Norfolk Avenue. These both shall be shown on the plat.
6. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.
7. The maximum footprint allowed on the lot is 2,100 square feet. The maximum footprint allowed for the house is 1,200 square feet.

2. 7620 Royal Street – Record of Survey Amendment

Planner Whetstone provided a handout of the plat with a change to the square footage being proposed for Unit 401. The revised ordinance was also provided.

Planner Whetstone reviewed the request to amend Unit 401 of the Royal Plaza Condominiums, a condominium project located at Silver Lake. The amendment would convert limited common deck and chimney area to private area for Unit 401. Planner Whetstone noted that the net increase would be 40 square feet. She noted that the Staff report incorrectly showed the net increase of 66 square feet due to a problem with CAD doing the survey. The plat that was submitted with the application stated that the new unit would be 66 square feet that what was currently platted. The Staff calculated a net increase of 40 square feet and the number needed to be amended. Planner Whetstone noted that the correct increase of 40 square feet would be recorded in the square footage of Unit 401.

Planner Whetstone reported that this was the third amendment to the Royal Plaza; however unit 401 has never been amended. In 2009 the Staff relooked at the units and found that they needed to add a significant amount of UEs. At that time the Deer Valley Master Plan was amended to account for that.

Planner Whetstone referred to an analysis in the Staff report comparing the permitted through the MPD/CUP and the proposed. The applicant requested an increase of 40 square feet and that change was reflected in the first paragraph of the ordinance.

Planner Whetstone noted that the project must comply with the Deer Valley Master Plan. The Staff reviewed the request and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended to correctly reflect the correct Unit Equivalent Addition of .02 unit equivalents, as opposed to .03.

Chair Worel did not disagree that the increase was diminimus, but she wanted to know at what point it would become significant. Director Eddington stated that according to the MPD Section of the Code, if there was a change in density or the unit configuration for the MPD, it would come back for an amendment to the MPD. A small amount of square footage and changing a deck and balcony space is considered diminimus. Planner Whetstone pointed out that there was also no change in footprint because it is a deck area that sits above living space.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for 7620 Royal Street condominium record of survey, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended in the draft ordinance. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 7620 Royal Street East

1. The property is located at 7620 Royal Street and is Unit 401 of the Royal Plaza condominiums.
2. The Royal Plaza condominium building is located on Lot A of the Silver Lake # 1 Subdivision. The subdivision plat was recorded on November 8, 1989.
3. On April 4, 1991, a record of survey plat was recorded creating 13 residential condominiums (7.269 UE) and 13 commercial/office condominiums identifying private, common, and limited common areas with underground shared parking to be known as the Royal Plaza Condominium plat.
4. Unit 401 was platted with 2,124 square feet of private living area.
5. The property is located within the Residential Development (RD-MPD) zoning district and is subject to the Deer Valley Master Planned Development (MPD), that sets forth maximum densities, location of densities, allowed uses, developer-offered amenities, and other conditions for the entire Master Plan. The property is located within the Silver Lake Community of the MPD.

6. On June 27, 2002, the City Council approved the 1st Amended Royal Plaza record of survey plat to identify and add commercial space within the building. The first amended Royal Plaza record of survey plat was recorded on April 30, 2003.

7. Unit 401 was not changed by the First Amended plat.

8. On September 3, 2009, the City Council approved the 2nd Amended Royal Plaza record of survey plat to 1) convert 150 sf of limited common deck area appurtenant to Units 301 and 309 into private space for Unit 309, 2) convert 425 sf of common area (within the existing walls and roof of the building) to private area for Unit 402, 3) convert 346 sf of limited common deck area appurtenant to Unit 402 as private area for this Unit, and 4) convert 151 sf of private space currently within Unit 402 to limited common deck area. The total residential UE allowed after the 2nd Amended plat was 7.622 UE. The 2nd Amended plat increased the existing private floor area for 301, 309, and 402 by 705 sf (0.352 UE). The plat was recorded on February 1, 2010

9. Unit 401 was not changed by the Second Amended plat.

10. Concurrent with the Second Amended plat was an approval to amend the Deer Valley MPD to transfer 1,038 sf of unallocated, un-built commercial UE from Silver Lake to Royal Plaza to resolve the discrepancy in the square footage of built residential UE, as compared to MPD allowed UE. The MPD (Eleventh Amended) currently allows for 7.6215 residential UE (15,243 sf) residential, 14,400 sf (14.4 UE) commercial, in addition to support commercial and meeting space.

11. On June 28, 2013, an application for a plat amendment was submitted to the Planning Department requesting to convert a net 40 square feet of existing limited common deck area to private area for Unit 401. Unit 401 currently contains 2,124 sf of private area (1.096 UE- rounds to 1.1 UE). The requested amendment would add 40 sf (0.02 UE) of private area for a unit size of 2,164 sf (1.098 UE- rounds to 1.1 UE).

12. The change in residential UE of 0.02 UE is diminimus and an MPD amendment is not required. No new building footprint area is created. No new units are created and the MPD concept and configuration of property and uses is not changed. No new uses are created with the plat amendment and only the legal ownership of existing space is modified. The proposed modifications are not substantive and will not have a negative impact on the surrounding area, the Deer Valley project, or the greater Park City community.

13. The State Condominium Act requires a vote of the condominium owners and approval of the amendment by 2/3 of the condominium owners.

14. On August 5, 2013, the Royal Plaza owners association voted to approve and consent to the transfer of limited common space to private space for unit 401. According to the minutes, 97.7% of the voting power of the Association approved the proposal (one unit did not return the ballot). Additionally, the owners voted to authorize and direct Mr. Wells to execute an amendment to the Declaration of Condominium and to make submittal to the City for a record of survey plat amendment.

15. The existing parking garage contains 168 parking spaces apportioned by easements to Royal Plaza (58 spaces), Mt. Cervin (35 spaces), and Deer Valley Resort (75 spaces). The Royal Plaza residential parking space allocation of 15 is based on a rate of 1 space for each of the 9 one bedroom units, 1.5 spaces for each of the 4 two and three bedroom units. The number of bedrooms does not increase with the expansion. There is sufficient parking to accommodate the proposed expansions and no additional parking demand is created.

16. The proposal is unique in that there is no increase in building footprint or units and no impacts on the use or developed space at Royal Plaza. Only legal ownership of existing space is modified. The proposal is not precedent setting.

17. Findings in the staff analysis section are included herein.

Conclusions of Law – 7620 Royal Street East

1. There is good cause for this record of survey plat amendment.
2. The record of survey plat amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. As conditioned, the record of survey plat amendment is consistent with the current Eleventh Amended and Restated Deer Valley MPD.
4. The proposed record of survey plat amendment will materially injure neither the public nor any person.
5. Approval of the record of survey 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 – 7620 Royal Street East

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 the conditions of approval, prior to recordation of the plat.
2. The applicant will record the record of survey 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 granted by the City Council.
3. All conditions of approval of the Deer Valley MPD, Silver Lake Village No. 1 Subdivision Parcel A, and Royal Plaza condominium record of survey plat shall continue to apply.
4. All construction subject to this plat amendment requires a Building Permit and approvals from the Building and Planning Departments.
5. A plat note shall be added requiring maintenance of all required elements of the fire protection plan, including residential fire sprinkler systems.

The Park City Planning Commission meeting adjourned at 8:50 p.m.

Approved by Planning Commission: _____