

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
FEBRUARY 13, 2013

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Anya Grahn, Planner; Francisco Astorga, 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 except Commissioner Wintzer who was excused.

Planner Worel moved the Work Session items to the end of the Regular Meeting to allow the applicants the opportunity to leave if they were not interested in sitting through the work session.

**ADOPTION OF MINUTES**

October 24, 2012

Commissioner Hontz referred to page 47 of the Staff report, page 1 of the minutes under Public Input, first sentence, and noted that a quotation mark needed to be added before the word Preserve in "Preserve Historic Main Street".

MOTION: Commissioner Savage moved to ADOPT the minutes of October 24, 2012 as modified with the addition of the quotation mark. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

December 11, 2012

MOTION: Commissioner Savage moved to ADOPT the minutes of December 11, 2012 as written. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

January 9, 2013

Commissioner Hontz referred to the conditions of approval on pages 106 and 107 of the Staff report, pages 16 and 17 of the minutes, and asked if the conditions would ratify what the Planning

Commission had approved on 99 Sampson Avenue. She did not believe the conditions of approval matched the terms of their vote. Commissioner Hontz read Condition #6, "The applicant shall limit the number of motor vehicles parked on the property during any given rental period to no more than eight persons total", and stated that the condition was incorrect. Commissioner Hontz read Condition #7, "The applicant shall limit the motor vehicles parked on the property during any given rental period to no more than two". She suggested looking back at the original language for Condition 6 for the correct language.

Commissioner Hontz referred to Condition #8, and noted that page 103 of the Staff report, page 13 of the minutes, reflected the concurred decision of the Planning Commission for Condition #8 to reflect the language of the business license requirements. She believed Condition #8 was inaccurate as written, as well as omitting the requirements of the business license. Commissioner Hontz corrected Condition #8 to reference the business license language read by Assistant City Attorney McLean on page 13 of the minutes, page 103 of the Staff report.

Commissioner Hontz referred to Condition #10 and recalled that the Planning Commission decided on a three strike rule instead of a one year review. She referred to a comment by Commissioner Wintzer on page 103 of the Staff report that a one year review was an onerous process. Commissioner Hontz was uncomfortable with Condition #10 as written.

Commissioner Hontz referred to pages 105-106 of the Staff report and noted that Finding of Fact #17 was also incorrect because it did not match the business license language.

Commissioner Hontz was uncomfortable approving the minutes because they did not reflect the motion for approval. Even though she had voted against the motion, she understood the conditions behind the approval and the conditions written were not what they voted to approve.

Director Eddington stated that the Staff would go back and look at the conditions. He recalled that the Planning Commission wanted to match the 24 hour requirement of the business license. He believed the change made to Condition #8 to change 15 hours before and 15 hours after trash pickup to 12 hours before and 12 hours after matched the business license requirements. Commissioner Hontz disagreed because 12 hours before and 12 hours after sounds like 24 hours, except when the trash pickup does not come. For that reason, it needs to match the business license; otherwise it could be 12 hours six days prior to pickup. She felt strongly that the language needed to match the business license language referenced on page 103 of the Staff report. Director Eddington stated that Condition #8 could be tied to the business license. However, he thought there was a subsequent discussion about 12 and 12, which is why the condition was written to replace 15 and 15 instead of specifying 24 hours.

Director Eddington stated that the discussion would be confirmed with the recording and with Planner Matt Evans.

Commissioner Hontz referred to page 126 and 127 of the Staff report and the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Richards Annexation. She asked if the conditions matched what the Planning Commission approved that evening or what was approved by

the City Council. Director Eddington stated that Planning Commission minutes should match the Planning Commission approval.

Commissioner Hontz referred to Condition of Approval #1 and noted that the Planning Commission did not approve having the entire parcel zoned ROS and SF. Director Eddington recalled that it should be SF and some ROS on the Richards parcel. Commissioner Hontz understood that the zoning had been changed by the City Council, but it was not the record of the Planning Commission.

Commissioner Hontz requested that the Staff review all the findings, conclusions and conditions for the Richards Annexation because she recalled that something else had not referenced exactly what was approved.

Commissioner Hontz suggested a search and replace to correctly spell Deters by adding an s. The correct name is Heinrich Deters.

The minutes were tabled to the next meeting pending verification of the conditions and findings outlined by Commissioner Hontz.

## **PUBLIC INPUT**

Ruth Meintsma, a resident at 305 Woodside, commented on what appears to be a problem with the historic preservation process. It is serious enough that it compromised a preservation effort and caused unnecessary loss of historic fabric. She was speaking about a particular project at 335 Woodside, but the same glitch has occurred in the process for both greater and lesser projects in Old Town. Ms. Meintsma stated that after the fall of the home at 335 Woodside, in an effort to rewrite the now invalid preservation plan for 335 Woodside, the Planning Staff was pro-active in first setting up a site visit. Present at the site visit were the Building Official in charge, the applicant's architect and engineer, the crane operator, Planner Francisco Astorga, the Historic Preservation Planner and Ms. Meintsma and her brother. Ms. Meintsma clarified that she attended the site visit because she had been following the project from the beginning. Her brother has background in construction and historic preservation and he had also followed the project. The site visit concluded with Planner Astorga asking that the applicant's representatives to submit a plan in writing to amend the house tipping into the hole and emphasizing the need to save as much of the house and historic material as possible.

Ms. Meintsma stated that after receiving the requested written plan from the applicant's engineer, which created more questions, the Planning Department set up a round table meeting that included the Chief Building Official, the Building Official in charge, Planner Astorga, the Historic Preservation Planner, the Crane operator and herself and her brother. At the conclusion of what was a brainstorming meeting, the engineer's proposal was discarded and after considering several options, the consensus was that the best way to approach the redress of 335 Woodside was to surgically disassemble the roof to save the valuable 1"x10" 100-year-old rough hewn roof deck planks and beams for possible use in replacing damaged portions of the structure. To remove the north and east walls as whole panels and to evaluate and save the damaged but not destroyed south wall. Ms. Meintsma noted that after the meeting the Building Department dismissed the

aforementioned plan for the reasons that it was too time consuming and labor intensive to disassemble the roof, and it was too dangerous to work under the roof.

Ms. Meintsma believed the process went awry when a new plan was devised by the Building Department to cut free and pull only the north and east walls, and let the roof and everything else fall into the hole to be removed as waste. The new plan was not sent back to the Planning Department for a preservation overview, and the Building Department justified overstepping the Planning Department by saying that it was not necessary nor was it required to have input from the Planning Department. Ms. Meintsma stated that if the proper protocol is not to require proper input from the Planning Department when changes to a historic project occur after approval and a building permit is in place, this weak point has and will continue to compromise the preservation process and the protocol should be re-evaluated. If it was not the proper protocol and the Building Department should have had input from the Planning Department on an HSI project, then the Building Department needs to be given direction on this all important point. Ms. Meintsma noted that from personal experience, the Building Department does not have preservation purview. They are never able to answer her questions and she has to do her own research or eventually seek answers from the Planning Department.

Referring back to the house at 335 Woodside Avenue, Ms. Meintsma remarked that two walls were partially saved; one was damaged in the removal. The rest was trashed. She had taken a number of photos to show that there was still plenty of historic material that could have been saved, including the gable on the south wall and the planks from the roof. Unfortunately it was all trashed and hauled away.

Ms. Meintsma believed that more of the historic material would have been saved if the Planning Department had been involved in the final follow-up and mitigation of the house. She wanted to know if the proper protocol was followed, and if it was, the protocol needs to change. She noted that the contractors on site insisted that the roof planks were rotten. She understood why they took that position because it would have been a laborious effort to remove and save the planks. Ms. Meintsma felt that the Planning Department would have taken a different point of view in terms of how long it would have taken to disassemble the roof. She encouraged a change in the process to keep the Planning Department involved in every step of changing plans after an approval.

Director Eddington reported that the Planning Commission was working with the Building Department to look at the plan and identify whether any issues were not properly addressed.

Henry Sigg, the owner of Lots 48A-D and parking lot G in Prospector, stated that with all the new planning in Bonanza Park and zone 3, it was brought to his attention that some of the diagrams have roadways coming through his platted lots. Mr. Sigg understood that his lot was part of the discussion but it was not in the mix. He wanted to ensure that it becomes part of the mix because he has development rights. Mr. Sigg stated that he already had discussions with Director Eddington, Planner Astorga and the City Engineer, and he believed many people on Staff were not aware that some of the properties existed in ownership in part of Prospector Square and the common area. Mr. Sigg had provided the plat information and he encouraged the Planning Commission to include any unbuilt lots in Prospector with the same re-development rights that might occur in some of the other areas being considered.

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

Director Eddington reminded the Planning Commission about an email they received regarding Camp Training, which is training for historic preservation. The Historic Preservation Board, the City Council, the Planning Commission, Staff and others were invited. It is a one-day intensive training on historic design review, the challenges, public participation, legal issues, and other issues related to historic preservation. It is a one-day seminar and the Planning Commission was encouraged to attend. The last training camp was held in 2009. The Camp was scheduled for Friday, June 7<sup>th</sup> at the Treasure Mountain Inn. The time would be confirmed later.

Planner Astorga reported that the CNU, Congress New Urbanism Group, was holding their National Conference in May. The group primarily focuses on traditional neighborhood design. The conference will be held in Salt Lake City and the Staff would be involved in some of the workshops. He encouraged the Planning Commission to check the website or contact the Staff for additional information if they were interested in learning more about the concepts.

Director Eddington offered to email the website address to the Commissioners. It is an extraordinary conference and they were fortunate that it was being held in Salt Lake this year. He noted that the workshops would be held in Salt Lake; however, they were trying to make arrangements for tours in Park City, biking, hiking, etc., as part of the mobile workshops.

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

### **1. 1492 Park Avenue – Plat Amendment (Application #PL-12-01739)**

Planner Anya Grahn reported that both the Building and Planning Departments have been working closely with the applicants on a proposed remodel. They have been working to create a building permit and to issue a demolition permit. The demolition permit was only for removing the exterior stucco and the roofing materials. However, the roof is gone and only the trusses are left. The issue with removing the stucco was that it was plied to a fiberboard and the board was attached to the stud. When the stucco was removed it also ripped out the board that was holding it in place. There were unanticipated structural issues and the Staff was currently trying to decide how to move forward. Planner Grahn noted that the structure was not historic.

Planner Grahn understood that the Building Department intended to double the cost of the building permit when one is issued; however, they were still working out the details.

Planner Grahn reviewed the application for the requested plat amendment. During the HDDR the Staff realized the property was a metes and bounds parcel and the applicant would like to make it a legal lot of record. Planner Grahn presented the survey and noted that the applicant intends to follow the metes and bounds description and the existing lot lines would not be adjusted. Land would not be added or subtracted. The applicant was requesting the plat amendment to make the parcel a legal lot of record.

Planner Grahn stated that after meeting with the Building Department, an additional condition of approval should be added to require an encroachment agreement. The Staff has been working with the Legal Department and Building Department to resolve the encroachment issue. She noted that 2' of the existing roof overhangs on the north side of the property line, which is shared by 7-Eleven.

Planner Grahn stated that a condition of approval was written to address a snow shed easement; however, snow clips would be put on the rebuilt roof. That should resolve the snow shed issue and the easement would not be necessary

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Chair Worel referred to Condition #4 on page 136 of the Staff report, "A Snow Shed Easement of seven feet (7') is required along the north property line". She then referred to language on page 130 of the Staff report which states that there is no setback on the north side. Planner Grahn explained that it is a non-complying structure because it was built at zero setback on the north property line. It also has less than a 15' setback across the front of the property line, which is an issue and contributes to making it a non-complying structure. She noted that because the remodel would not expand the footprint the amount of non-compliance would not be expanded, which complies with the LMC.

Steve Urry, representing the applicant, apologized for the accidental removal of the roof. He emphasized that there was no intention to do anything contrary. It was a misinterpretation between the General Contractor and the Building Official, and the definition of removing the building materials was never discussed in detail. Mr. Urry commented on his discussion with the Building Department and how they intend to address the encroachment of the roof that extends 2' over the property line. He noted that the encroachment has existed since 1970 and there has been a dispute or argument between the two property owners past or present. Mr. Urry stated that the applicant has been communicating with the adjacent property owner and they have an agreement for access to set up the 7' disturbance area.

Commissioner Gross remarked that this building represents a gateway view into the community because it is the first anyone sees coming from the Park Avenue/Deer Valley intersection. Unless they get the right treatment along the north side to make it more inviting to the public, it would not serve the community or the tourists at any level. In his opinion it is a garbage building and he was unsure why the applicant wanted to keep it up.

Mr. Urry thought the elevations showed that they were making substantial improvements to the structure. Mr. Gross reiterated that this was a gateway into Old Town and it needs to be more enticing. Mr. Urry stated that they were putting in stone and wood, changing the roofline and adding dormers to make it more aesthetically pleasing. He was confident that the finished product would be a significant improvement.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 1492 Park Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Assistant City Attorney McLean recommended that the Planning Commission consider the Staff recommendation to add the Condition of Approval regarding the encroachment of the roof overhang.

They should also add a finding of fact stating that there is an encroachment of the roof overhang across the north property line. The Condition of Approval should state that the roof overhang encroachment must either be resolved or the applicant must obtain an encroachment agreement.

Commissioner Strachan asked if they could make a finding that the roof encroaches since the roof is gone. He was comfortable with a condition of approval requiring an encroachment agreement for the overhang on the north side, but he did not think they could make a finding that the roof encroaches when there is no roof. Ms. McLean wanted to make sure that the encroachment was addressed if the roof is rebuilt the same way.

Assistant City Attorney McLean suggested that they revise Condition #4 to state that if snow melt is addressed, the snow shed agreement would not be needed. Director Eddington drafted language stating, "If snow clips or snow melt is utilized in accordance with the Building Department, an easement for snow shedding is not necessary."

Commissioner Thomas amended his motion to include the revisions as stated. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1492 Park Avenue

1. The site is located at 1492 Park Avenue, Park City.
2. The site is within the Historic Residential-Medium Density (HRM) District.
3. The metes and bounds parcel is approximately 8,414 square feet in size.
4. The proposed one-lot subdivision does not increase or change the boundaries of the parcel. Currently, the parcel is 62.95 feet wide along Park Avenue, its western boundary. It is 121.85 feet long along the north side yard, 66 square feet along the east rear yard, and 129.92 feet long along the south side yard.
5. Per LMC 15.2.4-4, the Minimum Lot Area for non-residential uses shall be determined by the Planning Commission during the Conditional Use review. The use of the property has always been non-residential, the structure is pre-existing, the size of the property is not changing and the size of the lot is appropriate for the non-residential use, therefore the

minimum lot size shall be 8,414 square feet. The current lot size is comparable to other commercial sites in the district.

6. The proposed use of the existing building as "Office, General" is not a permitted use in a non-historic building in the HRM District.
7. On September 26, 2012, Planning Director Thomas Eddington made a determination that the use of the building could continue being used for commercial/office use as a legal non-conforming use.
8. The existing structure has a footprint 4,544 square feet; however, the proposed alterations will increase the building's gross floor area to 6,694 square feet; however, the proposed modifications will not increase the existing building footprint.
9. There are minimum required Front, Rear, or Side Yard dimensions in the HRM District of fifteen feet (15'), ten feet (10'), and five feet (5'), respectively. There are setbacks associated with the HRM zone of which the parking lot and north and west sections of the building are located. The existing structure currently has a two to four foot (2' - 4') setback increasing from north to south along the front yard, and a forty-three foot (43') rear yard setback. There is a zero foot (0') setback along the north side yard, and a twenty foot (20') setback on the south side yard.
10. A January 16, 2013 letter from the Planning Director addressed the non-complying status as to the north side yard setback. Applicants are submitting a request for a determination as to the front yard non-compliance.
11. According to LMC Section 15-9-6(A), any Non-Complying Structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such structure.
12. The property is currently accessed from a driveway on Park Avenue. The driveway leads into a rear parking lot containing eleven (11) parking spaces.
13. Sullivan Road is a city-owned private driveway for City Park.
14. Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The applicant shall not contest the installation of curbs and landscaping along Sullivan Road.
15. The plat must be recorded before the City issues a Certificate of Occupancy.
16. The applicant requests approval of the subdivision application to create a legal lot of record in order to be able to construct the proposed improvements to the exterior, the basement, and the second floor.



17. The property located at 1492 Park Avenue is within the Soils Ordinance Boundary.
18. Prior to its demolition, the roof encroached two feet (2') across the north property line. In the reconstruction of the roof structure, the Building Department has requested that any snow shedding be resolved, or a snow shed agreement be obtained with the neighboring property. Similarly, the encroachment must be resolved or an encroachment agreement must be obtained.

Conclusions of Law – 1492 Park Avenue

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

Conditions of Approval – 1492 Park Avenue

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 plat 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 is granted by the City Council.
3. Plat must be recorded prior to issuance of a Certificate of Occupancy (CO).
4. Snow shedding must be resolved to the satisfaction of the Building Department, or a Snow Shed Easement of seven feet (7') will be required along the north property line.
5. Modified 13d sprinklers shall be required for all renovation/reconstruction.
6. Per the Soils Ordinance outlined in LMC 11-15-1 Park City Landscaping and Maintenance of Soil Coverage, a Certificate of Compliance must be obtained if the cap is disturbed. Currently, the approved HDDR application does not require a Certificate of Compliance because no excavation or soil will be disturbed.
7. All conditions of the September 23, 1977 variance apply, including that Sullivan Road is a city-owned private driveway for City Park and that Sullivan Road shall not be used as an entrance. All ingress and egress shall be of Park Avenue. The Applicant shall not contest the installation of curbs and landscaping along Sullivan Road.

8. A ten foot (10') public snow storage easement is required along the frontage of the property on Park Avenue and Sullivan Road.
9. All encroachments along the north property line must be resolved to the satisfaction of the Building Department or an Encroachment Agreement must be obtained.

2. **315 Park Avenue – Plat Amendment**  
**(Application PL-12-01728)**

Planner Kirsten Whetstone reviewed the request for a plat amendment to reconfigure three lots of the existing plat called the 315 Park Avenue Subdivision. The subdivision was a combination of Lots 4, 5, 6, 27, 28, 29 of Block 3 and configured into three lots. The plat was recorded with the County in 2007. The applicant would like to reconfigure the lots to make them more equal in size. The existing configuration includes one large lot, which is Lot C at 3750 square feet, which allows a duplex. If the lots are made equal in size as proposed, all the lots would be single family lots and a duplex would not be allowed. She indicated a small peninsula that would be an extension of Lot B in the reconfiguration, as opposed to being an extension of Lot A.

The Planning Staff reviewed the proposed plat and finds good cause for this plat amendment as the plat amendment reconfigures the existing platted lots to create more logical property boundaries. It also resolves encroachment issues with conditions of approval. The encroachments are the low walls and a sliver of the shed on Lot A. The lots are vacant. The proposal reduces the density from a potential of four units to three units, and secures public snow storage easements along the two right-of-ways.

The Staff 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 outlined in the ordinance. Jonathan DeGray, representing the applicant, was available to answer questions.

Chair Worel opened the public hearing.

Ruth Meintsma was pleased that the lots were going to be developed. She referred to page 157 of the Staff report, the existing lots and replatted lots. In terms of lot size and footprint, she believed that the numbers for Lots A and B were transposed. Ms. Meintsma favored more equal sized lots; however, if the lot size changes, the side yard setback on the large lot would be reduced to a 3' setback, which results in a 4' loss of open space. She asked if the applicant would consider retaining two of the side yard setbacks as a benefit the neighborhood.

Chair Worel closed the public hearing.

Commissioner Hontz referred to page 157, the existing lot requirements, and noted that the maximum footprints for Lots A, B and C add up to a maximum footprint of 3,543.46. In looking at the replatted lot requirements under maximum footprint for Lots A, B and C, the total maximum footprint is 3,681.78. This was the basis for Meintsma's observation that the difference between

the two numbers results in a reduction of the side yard setback and creates a larger footprint. Commissioner Hontz agreed that maintaining a similar footprint would benefit the neighborhood and that could be accomplished by maintaining the existing setbacks. She could also be comfortable with only maintaining the existing maximum footprint number of 3,543.46.

Commissioner Strachan clarified that the issue was only with Lot C where the side yard setback would move from 5' to 3'. Planner Whetstone explained that the Lot footprints were based on the lot size, and the setbacks were based on the LMC requirement for the width of a lot. She stated that the information under the re-platted lot requirements gives the applicant what the LMC currently allows. The footprint calculations under the existing requirements were based on the LMC requirements for the size of the lot.

Commissioner Hontz asked if Lot C would need a Steep Slope CUP. Planner Whetstone replied that any of the lots could require a Steep Slope CUP, depending on where the structures are located on the site.

Mr. DeGray assumed that Lots B and C would have to go through the Steep Slope process. Commissioner Thomas stated that the setbacks could be increased during the process because that is one of the stipulations of the Steep Slope CUP. Planner Whetstone pointed out that the Planning Commission would have more specific design information at that time, as well as the visuals.

Commissioner Hontz stated that if they wait until the Steep Slope CUP process, she wanted a finding of fact or condition of approval stating that the footprints may be reduced at the time of a Steep Slope CUP. She noted that the maximum footprint was already referenced in Finding of Fact #23 on page 162, but she thought it should also include the fact that it could be reduced through the Steep Slope CUP. Commissioner Thomas believed that the ability to reduce the footprint was already a criteria of the Steep Slope CUP process.

Director Eddington understood that Commissioner Hontz was asking to specifically include the setbacks in the finding. He suggested the language, "This may be reduced at the time of the Steep Slope CUP."

Planner Whetstone clarified that the lots sizes for Lots A and C reflected in the Staff report were correct based on the plat. Lots A and C were 2,812.5 and Lot B was 3,037.5 square feet.

Commissioner Hontz referred to the Good Cause statement on page 157, first sentence, second line, and suggested that they revise the language to read, "...reconfigure the existing platted lots to **create property boundaries preferred by the applicant**, resolves encroachment issues, reduces the density from a potential four units to three units, reduces the **potential** parking requirement...." "The plat amendment resolves encroachment issues by requiring removal of, or easements for, the existing encroachments."

Planner Whetstone noted that the good cause language was also Finding #26, and the finding should be revised to include the suggested changes.

Commissioner Strachan asked if encroachment agreements were currently in place. Planner Whetstone answered yes. Commissioner Strachan asked how the plat was amended the first time. Commissioner Hontz noted that the findings and conditions reference the requirement for encroachment agreements. Planner Whetstone explained that typically an encroachment is recorded before the plat is recorded. She did not believe there were Findings at the time of the original plat and that the walls may be remnants of the historic home. Commissioner Strachan assumed that no one had bothered to get encroachment agreements when the plat was recorded.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 315 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 315 Park Avenue

1. The property is located at 315 Park Avenue and consists of three lots of record, namely Lots A, B, and C of the 315 Park Avenue Subdivision.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The lots are currently vacant and undeveloped with the exception of low rock walls, railroad ties and concrete retaining walls, and a sliver of a shed encroaching on these lots from adjacent lots.
4. Constructed across the underlying Park City Survey lot lines, a house previously stood at 315 Park Avenue
5. On May 7, 2007, the house was determined by the Historic Preservation Board to be a non-historically significant structure.
6. On June 6, 2007 a demolition permit was issued and the structure was removed. The house was not listed on the Park City Historic Sites Inventory.
7. The existing lots were created during the plat amendment approval for 315 Park Avenue Subdivision, being a replat of Lots 4, 5, 6, 27, 28, and 29, Block 3 of the Park City Survey.
8. Lots B and C have frontage on Woodside Avenue and Lot A has frontage on Park Avenue.
9. Existing Lot A contains 3,037.5 square feet, Lot B contains 1,875 square feet, and Lot C contains 3,750 square feet. Lots A and B are of sufficient lot area for a single family house. Lot C has sufficient lot area for a duplex.

10. A duplex requires a Conditional Use permit and single family homes are an allowed use in the HR-1 zone.
11. The 315 Park Avenue Subdivision was approved by the City Council on March 16th, 2006, extended on June 28th, 2007 and recorded at Summit County on September 24th, 2007.
12. On November 27, 2012 the owner submitted an application for a plat amendment to reconfigure the property lines for the three existing lots.
13. The application was deemed complete on January 2, 2013.
14. The application is a request to reconfigure the three existing Lots A, B, and C into three lots that are more equal in size and have more logical property boundaries. The request is to create Lot A amended to contain 2,812.5 sf, Lot B amended to contain 3,037.5 sf, and Lot C amended to contain 2,812.5 sf.
15. All three amended lots are of sufficient lot area for a single family house in the HR-1 zone and no lot is of sufficient lot area for a duplex.
16. The HR-1 zone requires a minimum lot area of 1,875 square feet. All lots meet this minimum lot size.
17. No changes are proposed to the access with amended Lots B and C having access and fronting onto Woodside Avenue and amended Lot A having access and fronting onto Park Avenue.
18. There is a reduction in the both the potential density and the parking required to be provided as the existing plat allowed one of the lots to be a duplex, due to the size of the lot. Potential density of the existing plat is 4 dwelling units and potential density with the re-plat is 3 dwelling units. The off-street parking requirement for 4 dwelling units is 8 spaces and for 3 units it is 6 spaces.
19. The lots are subject to the Park City Design Guidelines for Historic Districts and Historic Sites.
20. Lots A and B do not contain areas of slope greater than 30%. Lot C contains areas of slope that are 30% or greater.
21. The proposed plat amendment does not create any new non-conforming situations as the lots are vacant.
22. There are existing encroachments onto the proposed lots that will need to be resolved prior to recordation of the plat. There are rock walls from adjacent Lot

30 onto Lot C, as well as a concrete retaining wall across the frontage of Woodside Avenue onto adjacent Lot 30 from amended Lot C. There are also railroad tie retaining walls and a sliver of a shed from adjacent Lot 6 onto amended Lot A. There are low rock walls on amended Lot B that do not encroach onto adjacent lots and do not required resolution.

23. The maximum building footprint allowed for amended Lots A and C is 1,200.66 square feet per the HR-1 LMC requirements and the maximum building footprint allowed for amended Lot B is 1,280.46 sf. Setbacks may be reduced at the time of the Steep Slope CUP per LMC Section 15-2.2-6(B)(7).
24. The plat amendment secures public snow storage easements across the frontage of the lots.
25. Location of the sewer main may require a privately owned and maintained wastewater ejector pump for wastewater services, with final determination to be made at the time of the building permit application.
26. There is good cause to reconfigure the existing platted lots to create property boundaries preferred to the applicant, resolve encroachment issues, reduce the density from a potential of four units to three units, reduce the potential parking requirement from eight off-street spaces to six off-street spaces, and secure public snow storage easements across the frontage of the proposed lots.

#### Conclusions of Law – 315 Park 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 – 315 Park 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. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet.
5. Modified 13-D sprinklers will be required for new construction as required 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.
6. A 10-foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and Woodside Avenue and shall be shown on the plat.
7. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easement shall be provided.
8. The Snyderville Basin Water Reclamation District requests that a note shall be added to the plat prior to recordation of the final mylar stating the following, "Lots B and C may require a privately owned and operated wastewater ejector pump for wastewater services". As a condition precedent to plat recordation, the SBWRD shall review and sign the plat.

The Planning Commission adjourned the regular meeting and moved into Work Session. That discussion can be found in the Work Session minutes dated February 13, 2013.

The Park City Planning Commission meeting adjourned at 9:00 p.m.

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