

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 10, 2012

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Jack Thomas, Mick Savage, Adam Strachan, Charlie Wintzer

EX OFFICIO:

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

=====

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Gross, who was excused.

ADOPTION OF MINUTES – September 26, 2012

MOTION: Commissioner Strachan moved to ADOPT the minutes of September 26, 2012 as written. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Planning Commission that the Planning Commission meeting on October 24, 2012 would begin at 5:00 p.m. with a joint meeting with the City Council to hear a presentation by Gateway Planning regarding the draft Form Base Code for Bonanza Park. Following the presentation the Planning Commission would move into their regular agenda.

Director Eddington noted that time was scheduled during work session to discuss the first elements of the General Plan. At the last meeting a special meeting for the General Plan discussion was tentatively scheduled for Tuesday, October 16th, and the Staff would like to hold that meeting to discuss additional chapters if the Planning Commission was still amendable. The Planning Commission agreed to meet on October 16th at 5:30 p.m. in the Council Chambers.

Chair Worel stated that she would be arriving late for the meeting on October 24th. Commissioners Thomas stated that he would be unable to attend the meeting on November 14th. Commissioners Hontz and Strachan would also miss the November 14th meeting. Commissioner Savage noted that he would possibly have to miss the November 14th meeting as well.

Director Eddington reported that the Staff was still trying to schedule a meeting with the Snyderville Basin Planning Commission. November 5, 2012 was a potential date that was being pursued. He would inform the Planning Commission if a date is finalized.

Director Eddington introduced Anya Grahn, the new Planner who replaced Kayla Sintz. Planner Grahn would primarily be doing historic preservation and working on the General Plan.

CONTINUATION(S) – Public Hearing and Continue to Date Specified

Land Management Code Amendments – Chapter 1-General Provision and Procedures; Chapter 2-Zoning; Chapter 3-Off Street Parking; Chapter 4-Supplemental Regulations; Chapter 5-Architecture Review; Chapter 6-Master Planned Development, Chapter 7-Subdivisions; Chapter 8-Annexation; Chapter 12-Planning Commission; Chapter 15-Definitions. (Application #PL-12-01631)

Chair Worel opened the public hearing.

Meg Ryan, a Park City resident and a Land Use Planner, stated that she works with City Councils and Planning Commissions throughout the State on State and Federal Compliance issues. However, she was speaking on behalf of herself this evening as a resident of Park City. Ms. Ryan remarked that she had read staff reports and minutes from previous meetings to understand the changes and processes. She had sent the Commissioners and the City Council members an email last week regarding process and education to get the message out to the public in a better way.

Ms. Ryan had three points this evening and she handed out additional information. The first point was process and outreach. The second related to the proposed changes to the MPD sections and the third point was the subsection related to the Kimball Arts Center discussion.

Ms. Ryan stated that from reading the minutes and Staff reports, it is apparent that the proposed changes are unclear in public noticing. She requested that the agendas and notices provide more detail for the public. For example, the Staff, City Council and Planning Commission may know what it is in Chapter 6, but the general public would have no idea and would not be familiar with how to access the Staff report or understand it. She also requested clarification in the noticing on how the public could provide input, particularly if they are unable to attend a public hearing. Ms. Ryan suggested that those who do the radio spots be more descriptive because people can only comment if what they are being asked to comment on is clear and where they can find the information.

Ms. Ryan had passed out a handout called Mind Mixer. She was not endorsing the company, but she thought it was a good process that some cities utilize for interaction when they go through General Plan changes. It was another tool in addition to visioning. Ms. Ryan pointed out that she had made that same suggestion to the City Council.

Director Eddington reported that the City was looking at opportunities to begin using Mind Mixer. City Engineer Cassel stated that Mind Mixer was already being used for the Deer Valley Drive construction project next summer. Director Eddington stated that the first discussion was scheduled

for the next day, and the City was trying to bring it on line project by project to see if they could use it for more projects.

Ms. Ryan stated that her second point was specific to Code changes to the MPD. She was trying to fully understand what question was being asked of the public. She assumed they were requesting input on the draft dated September 26th. Ms. Ryan noted that her comments specifically related to the changes to Title 15, Chapter 6, Master Planned Development. She understood the subset discussion about why the change may or may not be occurring, but the exact discussion was not clear. In looking at the minutes it appears to be a global discussion about MPDs, which may be a good and necessary discussion. However, from her reading of the changes, it looks like they are removing the HCB and HRC zones, which were never prescribed but allowed. Use definitions were added, and a change was made for the open space definitions and the type of open space allowed. The language also talks about the HRC and HCB zones. Ms. Ryan was confused as to why the zones were eliminated, yet other areas in the draft talk about provisions for these zones. Ms. Ryan also questioned a new concept about a fee in-lieu purchase for open space.

Ms. Ryan had reviewed the minutes from the City Council meeting when the MPD changes were discussed, and the Council indicated that open space would be an on-going discussion and that it needs to parallel any changes to the MPD. Ms. Ryan could not find where the Planning Commission had fully discussed the proposed changes and she assumed they would still have that discussion. Ms. Ryan clarified that the actual changes were unclear and specifically for MPDs what they wanted the public to comment on.

Ms. Ryan stated that her third point was the issue of the Kimball Arts Center and how that was intervening itself into the MPD process. She noted that the August 23, 2012 City Council minutes reflected some discussion about alternatives in thinking about how the Kimball Arts Center proposal get process through the City. The City Council specifically wanted a public process, and when they discussed the MPD process they specifically wanted an exploration of how criteria for the MPD could possibly address one particular situation. Ms. Ryan understood that there were two issues regarding MPDs. One was the global MPD changes which were part of the annual review, and the second is the discussion of another process. She thought some of the amendments were addressing that sub issue.

Ms. Ryan asked why the MPD process was being caressed to fit a concept that did not have an application. There is already a process for that application to move forward, which would be the Heber Avenue subzone amendment. That area and the properties in that area were meant to be a transition zone from Main Street to the HRC before the Town Lift. Ms. Ryan pointed out that the HRC zone has many provisions and criteria that allow for a development on the Kimball Arts Center parcel. She questioned why this process was being back ended when a process already exists in the Heber Avenue subzone and an application could be submitted. Ms. Ryan remarked that the disconnect is that people believe they are commenting on an actual proposal when no proposal has been submitted. It appears that the Planning Commission is trying to change an existing process to accommodate a specific development plan. She was unsure why the Kimball Arts Center was not being required to submit an application and go through the public process like every applicant. She would like an explanation as to why the existing process was not being utilized. Mr. Ryan clarified

that she would be asking the same questions to the City Council and giving them the same message the following evening.

Ms. Ryan reiterated her request for better direction and information prior to the public hearing on October 24th.

Chris Schaefer stated that he spoke at the last meeting and commented on the MPD concept from the Kimball Arts Center. Since that time he has had the opportunity to read all the information on the City website, and he wanted to follow up on his previous. Mr. Schaefer stated that reading the first page of the MPD document, he came across three different items with regard to the Kimball Arts Center. From his reading, it appears that the project being proposed violates the spirit and the idea of an MPD. One is to insure neighborhood compatible; however, the building proposed is in no way compatible with anything in the immediate neighborhood. The second was to provide opportunities for appropriate re-development and reuse of existing structures and sites and maintain compatibility of the surrounding neighborhood. Mr. Schaefer remarked that the building concept shown by the Kimball does not even complement the existing Kimball building. The third item is to protect residential users and neighborhoods. Speaking as a private citizen and property owner in the building next door to the Kimball, he and other homeowners in the area were very concerned about property values if this very large structure is built in the middle of Old Town.

Mr. Schaefer understands that changes to the LMC are necessary at times, but the Kimball Arts Center should be made to follow the same rules as everyone else. Proper procedures are already established in the City for someone who wants to build in a zone. He felt the Kimball was trying to go around the system with this MPD proposal.

Chair Worel closed the public hearing.

MOTION: Commissioner Wintzer moved to CONTINUE the LMC Amendments listed on the agenda to October 24, 2012. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 264 Ontario Avenue – Plat Amendment (Application #PL-12-01628)

Commissioner Wintzer disclosed that he lives in the neighborhood; however, he did not believe that would affect his decision on this plat amendment.

Planner Whetstone reviewed the application for a plat amendment to combine three lots and small portion of a fourth lot of Block 60 of the Park City Survey, located at 264 Ontario Avenue. The request was to combine the lots into one lot of record for an existing landmark structure. The existing house has been designated as a Landmark structure on the Historic Sites Inventory. The

house was constructed across property lines and the applicant owns all three lots, as well as the small portion.

Planner Whetstone presented the existing conditions survey. She indicated a large slope on the edge of Ontario that goes all the way up and noted that the porch and a portion of the house sits in the platted right-of-way. She pointed out the location of existing McHenry and noted that some of the existing paved McHenry sits on Lots 14 and 15.

The property is in the HRL zone, which requires a minimum combination of two lots. The zone also requires that any future applications go through a Historic District Design Review. If the slope is 30% or greater and the applicant proposes more than 1,000 square feet, a Steep Slope CUP would be required. Planner Whetstone stated that the maximum footprint for this particular lot combination is 2,064 square feet. The combined lots would be 5,677 square feet. The existing house has a footprint of 793 square feet, which does not include the porch. The total additional footprint is 1,271 square feet.

The Staff did an analysis of lot combinations in the area and found that most of the lot combinations that exceed 3750 square feet did not have a restricted footprint. The lot with a restricted footprint in the Bear Subdivision was 6500 square feet. Planner Whetstone clarified that the footprint was restricted because it took out the right-of-way. Therefore, the size was based on the lot and not the right-of-way. Planner Whetstone stated that the average of the lots greater than 3750 square feet and went through a plat amendment was 2,280 square feet. The applicants were proposing 2,064 square feet. The average footprint of all the replatted lots, including the ones that are 3750, is 2,140.

Planner Whetstone noted that based on a formula in the Code for the entire zone, as the lot size increases the footprint increases at a decreasing rate. The Staff recommended that the footprint be based on the lot formula in the Code for the HRL zone.

Commissioner Hontz asked if the hatched area shown on the subject property should also include the one lot to the south. From looking at the existing conditions slide, it appeared that the three lots included that portion. Planner Whetstone agreed that it should be included.

Commissioner Hontz asked if the City still maintains the right-of-way on McHenry Avenue in that area. Director Eddington replied that the right-of-way has not been vacated. Planner Whetstone distributed copies of a revised plat showing the right-of-way that was proposed to be dedicated. She noted that the lot size did not include the dedicated area and the footprint would not be based on the dedicated right-of-way.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 264 Ontario Avenue Subdivision plat, according to the findings of fact, conclusions of law and conditions of approval outlined in the draft ordinance.

David Constable, the applicant, stated that he has owned the property for 12 years and up to this point they have had good tenants. It has typically been a low-income situation. He and his wife

currently live on Deer Valley Drive and they would like to move forward with this project. Mr. Constable believes it will be a benefit to the neighborhood and the size will be compatible. Since it is historic it will fit with the neighborhood. He stated that currently three tenants live on the property and all three park on Ontario. If his project is completed, it will remove some of the cars off of Ontario and put parking on McHenry. Mr. Constable believed the McHenry access would benefit Ontario.

Commissioner Strachan referred to page 42 of the Staff report showing the subject property crosshatched in red and Lot A west of the subject property. He wanted to know what had occurred with that lot in terms of the encroachment on to Ontario Avenue. Planner Whetstone indicated the area from that subdivision that was dedicated to Ontario. Commissioner Strachan asked how that affected the porch of this landmark structure because it was also encroaching. Planner Whetstone stated that an encroachment agreement would be required. Director Eddington clarified that the City would not give up public property. The intent would be to record the encroachment agreement.

Commissioner Strachan stated that he was looking towards the future because many other lots in the area have the same issue.

Commissioner Hontz asked if there would be no need for a further right-of-way beyond the edge of the asphalt on McHenry. City Engineer Cassel stated that additional right-of-way would not be necessary. The intent is to establish McHenry and keep it the way it is. There is no future plan to expand the width of McHenry. Commissioner Hontz pointed out that McHenry is a very narrow street. Mr. Cassel believed the road was approximately 15 feet.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz remarked that this was a fantastic landmark structure and she believed the lot combination would help the applicant improve and preserve the structure. However, she was concerned about what they could see in the Steep Slope CUP and hoped that it would be reasonable. Commissioner Hontz noted that the Planning Commission has seen a number of applications where another structure, such as an accessory building, comes in with multiple stories; and/or the main house also goes up in size creating a cascading creep up the hill. She asked if that issue should be addressed at this point. Commissioner Hontz thought it made better sense to come in from McHenry and have one story above ground. It would fit well on the site versus something taller.

Commissioner Hontz noted that there was no recommendation or condition of approval that prohibits moving the house. She believed one of the attractions of the lot is that the house is in the right location. Planner Whetstone replied that it was included as a condition but it was apparently redlined out.

Director Eddington remarked that because the structure is listed on the Historic Sites Inventory as a Landmark structure it cannot be relocated unless it qualifies for movement based on an assessment by the Chief Building Officer and deemed unsafe or has threatening conditions. This particular structure does not qualify for movement.

Commissioner Hontz asked if they could add language indicating that the structure does not qualify for movement. Assistant City Attorney McLean stated that the process and decision regarding movement of the house is the purview of the Historic Preservation Board review. It was not part of this process.

Commissioner Thomas was comfortable with the conditional use permit process on steep slopes. Given the experience and expertise of the project architect, he was sure the applicant and his architect could come up with a design that is compatible with the historic nature of the building.

Commissioner Wintzer was concerned about potential stories given the number of recent applications with a three-story structure behind an existing three-story structure. He believed it was an issue worth discussing. Commissioner Wintzer suggested that one story above street and one story below street would be a large enough garage and it would resolve the concerns of a third story creep.

Chair Worel thought that would be addressed in the CUP process. Commissioner Wintzer pointed out that if it is allowed the Planning Commission would not have the opportunity to control it. Commissioner Strachan stated that the only tool would be to restrict the footprint. Commissioner Wintzer replied that restricting the height of the accessory structure would address the concern. Commissioner Strachan remarked that the height could also be restricted in the CUP process. Commissioner Wintzer concurred. Commissioner Thomas stated that the CUP process was the appropriate time to address those issues.

Commissioner Hontz pointed out that David White, the project architect, was the architect for another project where the number of stories was an issue. She believed Mr. White was well aware of the Planning Commission's position based on those discussions.

Commissioner Strachan felt it was a common problem with this section of the Land Management Code because Good Cause is a worthless standard. He noted that the LMC defines Good Cause as, "Providing positive benefits and mitigating negative impacts determined on case by case basis." Commissioner Strachan thought the Planning Commission should have a broader discussion at another time about whether or not the LMC should be amended regarding this issue. However, for this application he believed there was good cause for the plat amendment.

Commissioner Wintzer stated that from living in the neighborhood he also sees the plat amendment as a positive. He clarified that the comments regarding stories was not directed to the neighborhood. It was a broader context based on past experience. If they open the door to allow an accessory building, the question is whether or not to restrict the size.

Commissioner Strachan stated that he views the neighborhood as two sections, where the west side of Ontario is a classic Old Town 25' x 75' lots and the east side is not. For whatever reason, the two

sides were designed differently and they have not evolved the same. Commissioner Strachan thought the CUP process was the appropriate time to look at ways to make the project compatible with both sides of the street because they are different.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 264 Ontario Avenue Subdivision in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the attached ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Finding of Fact – 264 Ontario Avenue

1. The property is located at 264 Ontario Avenue within the Historic Residential Low (HRL) zoning district.
2. On August 1, 2012 the property owner submitted an application to the Planning Department for the proposed plat amendment.
3. The application was deemed complete on August 10, 2012.
4. The plat amendment combines Lots 13, 14, and 15 with a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing Landmark house.
5. The proposed plat amendment will create one (1) lot of record that is seventy five feet (75') wide by seventy feet (70') feet deep. The minimum lot width in the HRL zone is thirty five feet (35'). The lot depth is the minimum distance from the front property line to the rear property line.
6. The area of the proposed lot is 5,677.45 sf (5,773.45 square feet minus 96 square feet of area dedicated to the McHenry Avenue ROW). The minimum lot size in the HRL zoning district is 3,750 square feet.
7. There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory.
8. The Landmark structure was constructed in or around the year 1890 across lot lines between Lots 13 and 14. A non-historic lean-to shed crosses from Lot 14 to 15, Block 60 of the Park City survey. The house encroaches onto platted Ontario Avenue.
9. The applicant cannot obtain a building permit to build an addition to the historic house if it crosses an internal lot line. A plat amendment must be recorded prior to issuance of a building permit for a future addition.
10. The owner is not proposing to move the house from its existing location.

11. The property has frontage on platted Ontario Avenue and existing McHenry Avenue.
12. A 96 square foot portion of McHenry Avenue exists on the subject property.
13. The porch and front of the Historic Structure encroaches up to eight and a half (8-1/2) feet into the platted Ontario Avenue ROW.
14. Maximum footprint allowed on the lot is 2,064 square feet. The footprint of the existing landmark structure is 793 square feet.
15. The neighborhood is characterized by a mix of single family historic homes and single family non-historic homes on single and combinations of "Old Tow" lots. The average footprint of re-platted lots greater than 3,750 sf, in the surrounding area is 2,283 square feet per the findings in Table 1.
16. The lots are situated on narrow streets, namely Ontario Avenue and McHenry Avenue, which are not located within their respective platted rights-of-way. There is little or no available on-street parking in this neighborhood. Snow removal from McHenry may put snow onto the first 10' of the proposed lot front McHenry. Snow removal from Ontario occurs onto platted Ontario Avenue and therefore no snow storage easements on the lot area fronting Ontario are necessary. Paved Ontario is twenty feet below and forty (40') to sixty (60') to the west of the proposed lot.
17. All findings within the Analysis section are incorporated herein.

Conclusions of Law – 264 Ontario Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. The public will not be materially injured by the proposed plat amendment.
4. As conditioned the pat amendment is consistent with the Park City General Plan.

Conditions of Approval – 264 Ontario Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval prior to recordation of the plat amendment.
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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat must be recorded prior to issuance of a building permit for any additions to the historic structure.
 4. A 10-foot wide public snow storage easement will be located along the property's frontage with McHenry Avenue. The easement shall be indicated on the final plat.
 5. Modified 13-D sprinklers will be required for all new construction and noted on the plat.
 6. An encroachment easement into Ontario Avenue, for the existing historic house, porch, shed and retaining walls shall be recorded and the recording information shall be indicated on the final plat, prior to recordation of this plat amendment.
 7. Approximately ninety-six (96) square feet of property shall be dedicated to Park City as McHenry Avenue ROW and shall be so indicated on the final plat.
2. **11398 N. Snowtop Road, Lot 1 Hidden Hollow – Plat Amendment (Application #PL-12-01637)**

Spencer White was representing the owner of Lot 140, who lives in Florida.

Planner Whetstone reviewed the request for a plat amendment to create a small, 3,452 square foot driveway parcel, 'Parcel A' out of Lot 1 of the Hidden Hollow subdivision at Deer Crest. Lot 1 is 9.54 acres and the property was annexed into the City as part of the Hidden Hollow annexation and the Hidden Hollow Subdivision that followed.

Planner Whetstone stated that the parcel is needed to construct a Code compliant driveway for Lot 140 of the Snowtop Subdivision. The Snowtop Subdivision was approved by Wasatch County and annexed to Park City as part of the Deer Crest annexation. It came in with the parcel for the St. Regis, Slalom Village and other open space land. Planner Whetstone noted that the line shown between the two subdivisions was the County Line. Hidden Hollow is in Summit County and Snowtop is in Wasatch County. Both subdivisions are in Park City and under the purview of the Planning Commission and the City Council.

Planner Whetstone clarified that the purpose of the plat amendment was to resolve an issue with a driveway that is too steep and does not meet Code. Planner Whetstone remarked that several years ago the house was under construction and construction was stopped due to financial issues. Construction has started again, but the driveway is still an issue. The City Staff met to find a solution and determined that the best solution would be to ask the owner of the Hidden Hollow lot to provide property for this driveway.

Commissioner Strachan asked if there was a current driveway cut. Planner Whetstone indicated the driveway cut on the site plan. She explained that the owner of the Hidden Hollow subdivision agreed to an easement for the driveway and the applicant obtained a permit to construct the

driveway with the easement. However, the owner of Lot 1 did not want the driveway on his property and it was eventually sold to the owner of Lot 140.

Commissioner Savage asked if the easement was ever recorded. Planner Whetstone replied that the easement was recorded as a construction easement to build the driveway. The overall easement was not recorded.

Planner Whetstone reiterated that the requested plat amendment would create a small driveway parcel. A condition of approval states that the parcel is not separately developable as a unit and is solely for the purpose of the driveway, retaining walls and landscaping. The plat amendment does not impact Lot 140.

The Staff conducted an analysis and determined that there was good cause for the requested plat amendment. 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 identified in the draft ordinance.

Spencer White clarified that there is an existing unpaved driveway on his property, but it is too steep to meet Code.

Commissioner Wintzer asked for the grade of the new driveway. Mr. White replied that it was an 11% grade and it would be heated. The driveway was approximately 300 feet long. Given the length, Commissioner Thomas asked how the fire department turnout would work. City Engineer Cassel noted that there was a dry pipe system at the top and a turnout would not be necessary.

Mr. White stated that the house sat unfinished for years until his client purchased it. His client had gone through an administrative conditional use permit and an encroachment permit with engineering due to the ROW. At the last minute the owner of Lot 1 was concerned about liability issues regardless of the easement agreement, and he decided to sell the parcel.

Commissioner Thomas assumed the retaining walls required engineering and that it would be a condition of the approval. Planner Whetstone replied that the retaining wall required a conditional use permit, which was approved administratively.

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 based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Lot 1 Hidden Hollow

1. The property, Lot 1 of Hidden Hollow Subdivision at Deer Crest is located at 11398 North Snowtop Road. The property is located within the Estate (E) zone designation.
2. Lot 1 of the Hidden Hollow Subdivision at Deer Crest is a 9.37 acre, vacant single family lot, located at 11398 North Snowtop Road.
3. Hidden Hollow Subdivision at Deer Crest was approved by the Park City Council on April 13, 2000. The subdivision plat was recorded on July 6, 2011 and is subject to Ordinance #00-27. The area of the Hidden Hollow Subdivision was officially annexed into Park City as the Hidden Hollow Annexation on December 17, 1998. The annexation plat was recorded a Summit County on September 9, 1999.
4. This plat amendment creates a 3,452 sf driveway access parcel, "Parcel A", from Lot 1 of the Hidden Hollow Subdivision for the purpose of providing additional area for construction a code compliant driveway for an adjacent lot, namely, Lot 140 of the Snowtop Subdivision, located at 11380 North Snowtop Road.
5. North Snowtop Road is a private road with platted easements for joint use by residents of both the Hidden Hollow Subdivision and the Snowtop Subdivision.
6. The Snowtop Subdivision was approved by Wasatch County on December 15, 1998 and the plat was recorded on December 23, 1998. The entire subdivision was annexed into Park City with the Deer Crest Properties Annexation in 1999.
7. A single family house is currently under construction on Lot 140 (Snowtop). The current driveway exceeds the maximum grade of 14% and the City Engineer and Building Department require a Code compliant driveway prior to issuance of a Certificate of Occupancy for the house. The driveway is currently being constructed with a building permit and a recorded temporary construction easement from Lot 1 to Lot 140.
8. Hidden Hollow Subdivision Lot 1 will be reduced from 9.37 acres to 9.29 when this plat amendment is recorded. There are no other changes proposed to Lot 140 of the Snowtop Subdivision. Lot 1 continues to meet all zone requirements as to size.
9. "Parcel A" is restricted in use to a driveway, retaining walls, and landscaping and other minor and incidental uses associated with the home.
10. The driveway parcel, "Parcel A", is not proposed to be combined with Lot 140 because Lot 140 is in Wasatch County within the Snowtop Subdivision, and "Parcel A" is located in Summit County within the Hidden Hollow Subdivision. Both subdivisions are located within the Park City Municipal Boundaries. Combining "Parcel A" with Lot 140 would create a lot that is within two different Counties.

11. This plat amendment also replats an amended building envelope for Amended Lot 1 of Hidden Hollow Subdivision to accommodate the driveway parcel. The building envelope of Lot 1 is reduced from 38,018 sf to 34,940 sf.
12. "Parcel A" is a non-buildable (for primary structures) parcel permanently associated with Lot 140 of the Snowtop Subdivision.
13. On April 26, 2012, the Planning Department approved an administrative conditional use permit for the retaining walls for the proposed driveway for Lot 140. The conditional use permit was required due to the retaining walls heights exceeding 4' in the front setback and 6' in the side setback areas.
14. There is good cause for this plat amendment. The amendment will allow the owner of Lot 140 to construct a code compliant driveway for access to the house currently under construction that is necessary prior to issuance of a Certificate of Occupancy and the plat amendment cures the issue of the overly steep driveway.
15. Both lots (Lot 1 and Lot 140) will have to abide by the setbacks required from each of the lots.
16. The applicant stipulates to the conditions of approval.

Conclusions of Law – Lot 1 Hidden Hollow

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 amendments.
4. Approval 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 – Lot 1 Hidden Hollow

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. All conditions of approval of the Hidden Hollow Subdivision at Deer Crest, as found in Ordinance #00-27, shall continue to apply to amended Lot 1 and shall remain in full force and effect with recordation if this plat amendment. A note shall be added to the amended plat to this effect and referencing the current Ordinance and Ordinance #00-27.
4. A note shall be added to the plat stating that: "Parcel A' shall become part of the ownership of Lot 140 of the Snowtop Subdivision in perpetuity and is not separately building or developable for any structure or units with the exception of a driveway, retaining walls, landscaping, irrigation, and other on-site utilities typically associated with a driveway use. The parcel cannot be used as a separate developable parcel for the construction of an additional home or to count towards additional density."

The Planning Commission adjourned the regular meeting and moved into work session. That discussion can be found in the Work Session Minutes dated October 10, 2012.

The Park City Planning Commission meeting adjourned at 8:25 p.m.

Approved by Planning Commission: _____