

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 14, 2011

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Pettit who was excused.

ADOPTION OF MINUTES – November 9, 2011

MOTION: Commissioner Strachan moved to ADOPT the minutes of November 9, 2011. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reported that Treasure Hill was still in negotiations with the City; and part of that was a continuation of a letter of Intent with the City Council to continue those negotiations. The City agreed to extend the pending CUP application through March 19th, 2011 because progress was being made.

Commissioner Strachan asked when the extension request for North Silver Lake would come before the Planning Commission. Director Eddington replied that it was scheduled for the next meeting on January 11th, 2012. Commissioner Thomas noted that he would need to recuse himself from that discussion due to his involvement with the project.

Commissioner Worel stated that she would be unable to attend the meeting on January 11, 2012.

Chair Wintzer was very impressed with the KPCW forum. He encouraged the Commissioners to contact KPCW with any issues they would like them to focus on if they hold another forum.

Commissioner Savage asked about the relationship between KPCW and the Park City Foundation in terms of the forum. He was unable to attend, but wanted to know if there was any coordination related to progress on the General Plan. Commissioner Strachan, who sat on the panel, replied that

the forum was not related to the General Plan. The forum was initiated by KPCW and they brainstormed the panelist and topics.

Commissioner Thomas suggested that the Planning Commission receive formal notice for the next forum. He was unaware of the forum and only heard about it the day before it took place. He was unable to attend on short notice.

PUBLIC INPUT

There were no comments.

CONTINUATION(S) - PUBLIC HEARING AND CONTINUE AS OUTLINED

North Silver Lake, Lot 2B – Extension of Conditional Use Permit
(Application #PL-11-01392)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE North Silver Lake, Lot 2B to January 11, 2012. Commissioner Hontz seconded the motion.

VOTE: The motion passed. Commissioner Thomas abstained from the vote.

Land Management Code – Amendments to Chapter 10 for Special Exceptions and Chapter 15 for definitions of Special Exceptions

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

Planner Kirsten Whetstone remarked that the LMC Amendments relate to removing special exceptions from Section 15-10-8 of the Land Management Code, as well as the reference to them in Chapter 1. Based on input at the Staff level, the special exceptions were proposed to be removed because they are confusing as written in the LMC and do not comport with the State Code. However, the Staff would look at alternatives to replace the special exceptions to address unique situations within the City. The proposed alternatives would be presented to the Planning Commission during a work session.

The Staff recommended that the Planning Commission open the public hearing this evening and continue it to January 11, 2012.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the amendments to Chapter 10 and Chapter 15 of the Land Management Code to January 11, 2012. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 44 Chambers Street, aka 44 Ontario Canyon Road - Subdivision (Application #PL-11-01387)

Planner Francisco Astorga reviewed the request to subdivide two metes and bounds parcels into two lots of record at 44 Chambers Street in the HR-1 District.

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.

Planner Astorga noted that the existing historic landmark site would be located on Lot 1, as shown on page 34 of the Staff report. The historic structure itself meets the setbacks, but a small porch located on the north side would not meet the setbacks per Code. However, a provision in the LMC states that all historic structures are considered in legal compliance. Due to the historic status of the structure, there were no setback issues. Planner Astorga clarified that this application would not increase the level of non-compliance.

Commissioner Worel asked if this was the same owner who had previously applied and was approved, but the subdivision was never recorded. Planner Astorga answered yes, and noted that the owner could not recall why it was not recorded in 2007.

Chair Wintzer opened the public hearing.

Ruth Gezelius, the property owner to the west of the subject property, favored subdividing the parcel into two lots of record. Ms. Gezelius viewed the proposal as preferable to any type of 25' wide subdivision of the parcel because the lots are large. Out of approximately 25 lots on Prospect and Chambers, there are only five homes in the neighborhood that sit on 25' x 75' lots. She believes the larger lots fit into the template of her historic neighborhood.

Chair Wintzer closed the public hearing.

Commissioner Strachan asked if the lots Ms. Gezelius mentioned were platted larger or if they had been combined in the past. Mr. Astorga replied that in looking at the survey, the only lots that were platted were the ones directly north and south. The other lots would need to apply for a subdivision to make them lots of record if the owners intend an addition or expansion.

Ms. Gezelius explained that the property was still owned by the Mining Company in the 1970's and various parcels were transferred. There were actually four lots of record with the original transfer from the Mining Company, including her lot. It is irregular because the parcel was owned by the Mining Company longer than some of the other parcels in town.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for 44 Chambers Street based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Ontario Canyon Subdivision

1. The property is located at 44 Chambers Street.
2. The property is located in the Historic Residential (HR-1) District.
3. The property is two (2) metes and bounds parcels with an existing house on the northern parcel consisting of approximately 1,346 square feet in floor area.
4. The footprint of the structure is approximately 750 square feet.
5. The current metes and bounds parcels are approximately 0.20 acres (8,712 square feet) in area.
6. The proposed subdivision plat creates two (2) lots of 4,389 square feet and 4,292 square feet respectively.
7. The minimum lot area for a single family dwelling is 1,875 square feet.
8. The minimum lot area for a duplex 3,750 square feet.
9. A duplex is a conditional use that requires Planning Commission review and approval.
10. The proposed width of lot 1 is fifty-nine feet (59').
11. The proposed width of lot 2 is fifty-five feet (55').
12. The minimum width of a lot is twenty-five feet (25').
13. The proposed lots will meet the lot and site requirements of the HR-1 District.
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14. Water and sewer service is desirable for newly subdivided lots.
15. Currently the site contains a historic single family dwelling located towards the north of the property.
16. The site is currently listed as a Landmark on Park City's Historic Site Inventory.

17. The front and rear yard setbacks of the historic structure are consistent with the zone requirements.
18. The side yard setbacks of the historic structure are consistent with the zone requirements.
19. There are no other violations or non-compliances found on the site.
20. No remnant parcels of land are created with this subdivision.
21. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 44 Ontario Canyon Road

1. There is good cause for this Subdivision Plat.
2. The Subdivision Plat is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision 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 – 44 Ontario Canyon Road

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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10 foot wide public snow storage easement along the frontage will be required.
4. Modified 3D sprinklers are required for new or modified structures.
5. The existing sewer lateral for 57 and 59 Prospect Street utilize the sewer lateral stubs provided to them in Prospect Avenue. Rerouting these laterals around new construction on these lots may be required.

The Park City Planning Commission meeting adjourned at 5:55 p.m.

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Approved by Planning Commission: _____