

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
SEPTEMBER 24, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean,  
Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

**ADOPTION OF MINUTES**

August 27, 2014

Commissioner Strachan referred to page 5, paragraphs 3 and 5, and noted that the "L" was missing from Chair Worel's name and it should be corrected.

MOTION: Commissioner Phillips moved to APPROVE the minutes of August 27, 2014 as corrected. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington stated that the Planning Commission typically appoints a liaison to attend Board of Adjustment meetings. He noted that Commissioner Stuard had volunteered to be the liaison, but since he was no longer on the Planning Commission they needed to appoint another Commissioner. Commissioner Band volunteered to be the liaison.

Chair Worel commented on the change for how the Planning Commission is paid for their time on the Planning Commission. She understood that someone from the HR Department was going to provide an explanation this evening. Director Eddington was unaware that the Commissioners were expecting to hear from the HR Department; however, he explained that in order to comply with the State Accounting Rules, the Finance Department has required that the Commissioners be treated as City employees for financing purposes. They would be paid for the actual hours they spend on Planning Commission business. Director Eddington believed the pay would stay the same or could possibly be higher.

Commissioner Strachan noted that the Commissioners were given notice that they had to fill out a W-4 in the HR office. He believed they could ask specific questions at that time rather than have someone from the HR Department attend a meeting. There was some confusion as to whether the Commissioners would receive a 1099 or a W-2 at the end of the year. Director Eddington offered to have Brooke Moss or another representative from the HR Department attend the next meeting.

**CONTINUATIONS (Public Hearing and Continue to date specified.)**

1. 900 Round Valley – Park City Medical Center/IHC Master Planned Development  
(Application PL-13-01932)

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

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 900 Round Valley – Park City Medical Center/IHC MPD to October 8, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 900 Round Valley drive – Park City Medical Center CUP for Phase II  
(Application PL-14-02427)

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

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 900 Round Valley Drive – Park City Medical Center/IHC CUP for Phase 2 to October 8<sup>th</sup>, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

3. 1825 Three Kings Drive – Conditional Use Permit for Office Building  
(Application PL-14-02329)

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

VOTE: Commissioner Strachan moved to CONTINUE the public hearing for 1825 Three Kings Drive CUP to October 8<sup>th</sup>, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

#### **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

1. 1103 and 1105 Lowell Avenue – An ordinance considering Barbara’s Subdivision Plat Amendment. (Application PL-14-02448)

Planner Francisco Astorga was the project planner. Planner Astorga was unable to attend the meeting this evening and Director Eddington reviewed the application in his absence.

Director Eddington reported that the applicant was proposing to replat six partial lots into two lots. An existing structure on the property would be demolished as part of the recordation of the plat. The plat would propose Lot 1 at 1118 square feet. Lot two, which is a flag lot, would be 2163 square feet. Director Eddington noted that the flag pole section of the lot is a typical Old Town lot width of 25’ wide. It would move to the back and widen to approximately 62 feet in the rear.

The applicant was proposing to demolish the structure on the front lot and propose a new development for that site. A new house would be built on the back portion of the proposed flag pole lot, Lot 2.

Craig Elliott, representing the applicant, requested a two year approval process because of the existing building structure and the amount of time required for approval of the design process. With the building season ending, he thought it made logical sense to have more than a year. Assistant City Attorney McLean was unclear as to why Mr. Elliott was requesting longer than a year because a building permit does not need to be pulled within year on a plat amendment. Mr. Elliott explained that there is an existing structure where the property line goes through and it needs to be moved forward with the plat amendment. He was requesting that they extend the time frame for demolishing the structure to two

years versus one year based on the process and cycle for approvals, as well as the construction season.

Commissioner Strachan asked if the applicant was requesting the plat amendment to be able to access the house in the back. Mr. Elliott replied that it makes a better condition for a house in the rear and it creates a more appropriate relationship for a house in the front. The existing structure is dated and unattractive. In doing the plat amendment they would have to move the property line into where the existing duplex structure is located. Mr. Elliott stated that in a previous meeting this was talked about as an option. After looking closer at the site and their plans, the applicants chose to take that option.

Director Eddington referred to a typo in the table on page 43 of the Staff report for setbacks. He noted that Planner Astorga had inadvertently switched the front yard setbacks for the two proposed lots. To be correct, Proposed Lot 1 would have a front yard of 10' and a rear yard of 10'. Proposed Lot 2, which is the deeper lot, would have a front yard setback of 15 feet and a rear yard of 10'.

Chair Worel opened the public hearing.

Brett Adams, the resident and owner of 1109 Lowell Avenue right next door, recalled that the Planning Commission had done a site visit last year. During one of the meetings he had commented that he would like the applicants to have the home of their dreams and suggested at the time that they tear down the existing structure. He was pleased that they were contemplating demolishing the structure. Mr. Adams had concerns with the design for the back lot based on the plans he had seen last year. He had not seen the current plans, but he still had concerns about the size of the back structure off the flag lot. He had no idea what was being proposed on the smaller lot. Mr. Adams was opposed to the large behemoth structure that was originally proposed on the back lot last year. He was very interested in knowing their plans for the flag lot shape.

Mr. Adams asked how the 10' setback would work with a 27' height. Director Eddington explained that Lot 1 would sit 10' back from the right-of-way. Mr. Adams clarified that he was less concerned about the size. His concern was having a hulking behemoth structure with a very vertical façade. He pointed out that the existing structure built in 1978 has that feel and he would be happy to see it demolished. Mr. Adams understood that there was a possibility to create a duplex in the future on the flag lot, which would create three units on the site. He had questions and concerns regarding the density. He pointed out that until he sees the actual plans it is difficult as a neighbor to understand exactly how he feels or how he would be impacted.

Chair Worel closed the public hearing.

Commissioner Joyce had looked through Google maps trying to find examples of a house behind a house in this area. He asked if that situation was addressed in the Design Guidelines. Director Eddington stated that there are one or two examples in the Empire/Lowell area. Regarding the Historic District Design Review, Director Eddington stated that historically some of the houses were oddly offset and placed in odd locations. He believed it was a typical characteristic. However, many of those houses are gone because they were in ski slope and open space areas. Director Eddington stated that the Historic District Design Guidelines address the impacts of a structure that sits behind a front structure on a right-of-way. The guidelines work to keep the impact of the mass of the rear structure down so it does not impose the front structure. Director Eddington noted that those issues are addressed in the guidelines, as well as the setbacks that are typical for historic residential homes.

Commissioner Thimm noted that the Staff report states that no structure shall be erected to a height greater than 27' from existing grade. He asked if that was an end point. Director Eddington stated that as part of the proposal for a Steep Slope CUP, the applicant would submit a survey of the property with the existing topo lines, and that is what the Staff would consider to be existing grade. If the existing structure is demolished and the front lot has a basement and creates a cavernous area, the grade is interpolated to run natural to the slope of the existing grade. The contours would not be altered. Commissioner Thimm asked if it would be measured from the very lowest point of that existing grade. Director Eddington replied that it is measured at the contour.

Assistant City Attorney McLean remarked that even though State Code does not specify a timeframe for a plat, the Park City LMC requires it to be within one year of approval. The Code also codifies a way for an applicant to apply for an extension that would go straight to the City Council to streamline the process. Commissioner Strachan asked if the requirement is one year to record or one year to commence work. Assistant City Attorney McLean replied that it is one year to record. The applicant would not have to commence work; however, they would have to demolish the structure before they could record the plat. If the applicant needed an additional year, they could submit an application for a one-year extension prior to expiration of the first year. Ms. McLean pointed out that a one-year extension is typically granted unless the Code has changed.

Commissioner Strachan asked if the extension had to be approved by the City Council or whether the Planning Commission could grant a two-year time frame. Assistant City Attorney McLean stated that the Planning Commission could recommend a two-year time frame in their recommendation to the City Council, but they would not be able to grant it because the LMC requires that the final plat shall be signed and recorded within one year of approval.

Mr. Elliott was comfortable with sending that recommendation to the City Council.

Director Eddington referred to page 50 of the Staff report and noted that the proposed plat said 1103 Lowell Avenue Subdivision. He clarified that the actual name is Barbara's Subdivision, which is stated throughout the Staff report; but that correction had not been made by Alliance Engineering on their drawing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 1103 and 1105 Lowell Avenue, Barbara's subdivision, according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report, with a recommendation to the City Council that they extend the one-year plat recordation requirement to two years. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Barbara's Subdivision

1. The property is located at 1103 and 1105 Lowell Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 1 & Lot 2, southern portions of Lot 3 and 30, Lot 31 and Lot 32 (minus the east ten feet of lots 30, 31, & 32) of Block 34 of Snyder's Addition Survey.
4. The site currently contains a duplex that was built in 1978.
5. When the structure was built a two-family building (duplex) was an allowed use in the district. Should this application be approved, the applicant would demolish the existing duplex prior to plat recordation as a condition of approval.
6. The entire area is recognized by the County as Parcel no./Tax id no.: SA-321-A.
7. The proposed plat amendment creates two (2) lots of record from the existing area consisting of 8,680 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.

10. Lot 1 is proposed to be 2,581.10 square feet.
11. Lot 2 is proposed to be 6,094.03 square feet.
12. The proposed lots meet the minimum lot area for a single-family dwelling.
13. A duplex is a conditional use in the Historic Residential (HR-1) District.
14. The minimum lot area for a duplex is 3,750 square feet.
15. Lot 1 does not have enough area to qualify for a duplex dwelling.
16. Lot 2 meets the minimum lot area for a duplex.
17. The minimum lot width allowed in the district is twenty-five feet (25').
18. Lot 1 is proposed to have a lot width of thirty seven feet (37').
19. Lot 2 is proposed to have a lot width of twenty five feet (25').
20. The proposed lots meet the minimum lot width requirement.
21. Lot 1 is proposed to have a building footprint of 1,118.5 square feet.
22. Lot 2 is proposed to have a building footprint of 2,163.5 square feet.
23. Land Management Code § 15-4-7 indicates that all lots shall have a front, two (2) sides, and a rear setback.
24. Land Management Code § 15-4-7 indicates that there are four (4) exceptions to setback standard. Furthermore sub-section E indicates that any lots, which are not specified in this section, shall have setbacks determined by the Planning Director.
25. The Planning Director has conducted an analysis of proposed lot 2 and have determined that this proposed lot does not fall under the four (4) specified exceptions listed under sub-sections A-D due to its unusual flag lot shape and have determined the following setbacks:
  - a. The front yard setback shall be limited to a fifteen feet (15'), minimum.
  - b. The rear yard setback shall be limited to ten feet (10'), minimum.
  - c. Where the lot is twenty five feet (25') wide, the side yard setbacks shall be

three feet (3'), minimum.

d. Where the lot is sixty two feet wide, the side yard setbacks shall be five feet (5'), minimum, and fourteen feet (14'), total.

26. The Planning Commission agrees with the Planning Director's setback determination.

27. Development shall comply with Building Height parameters including the following height provisions: Maximum Height, Final Grade, Lowest Finish Floor Plane to Highest Wall Top Plate, Vertical Articulation, Roof Pitch, etc.

28. Each structure shall meet applicable parking standards.

29. Staff has identified that the duplex does not meet current LMC standards outlined above such as the side setbacks and height including vertical articulation.

30. The current building on the site is considered legal non-complying.

31. The LMC indicates that a non-complying structure may continue to be used and maintained subject to the standards and limitation of LMC Chapter §15-9.

32. The existing remnant parcels will become part of a legal lot of record.

33. This plat amendment is consistent with the Park City LMC and applicable State law Planning Commission - September 24, 2014 Page 47 of 338 regarding subdivision plats.

34. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

35. The applicant stipulates to the conditions of approval.

#### Conclusions of Law – Barbara's Subdivision

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.

2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

3. 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 – Barbara’s Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the plat 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 at the County within one 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 for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All new construction will require modified 13-D sprinklers.
4. A ten feet (10’) wide public snow storage easement will be required along the front of the property.
5. The existing duplex shall be demolished prior to plat recordation.

**2. Ratification of Amended Park City Heights Development Agreement.  
(Application #PL-13-02009)**

Planner Whetstone stated that this item was a ratification of an amended development agreement. She explained that once an application for a master planned development is approved by the Planning Commission, the applicant has six month to provide a development agreement to the City. Typically, the City and the applicant draft the agreement together. Planner Whetstone remarked that the amendments to the Park City Heights master plan development were required based on soils issues and the need to create an on-site repository. The concept plan had to be modified and some units were relocated to accommodate the repository. The modified concept plan came before the Planning Commission during a work session in November 2013, at which time the Commissioners agreed to amend the MPD. Planner Whetstone noted that the revised application was submitted on July 30<sup>th</sup>, prior to the initial expiration. The amendments were approved and the applicant met the six month timeline to submit the development agreement.

Planner Whetstone stated that this had not come back to the Planning Commission for ratification sooner because the water agreement was one of the items being amended. The original development agreement was drafted when the City was actually a property owner in the project, and the agreement was between the City and the previous developer. Due to the change in ownership, as well as other issues, the Staff Determined that the development agreement needed to be amended. Planner Whetstone referred to the

Amended Development Agreement on page 247 of the Staff report and noted that Boyer Company and Park City Municipal were removed as the developers. Ivory Development was inserted as the new developer in the Amended MPD action letter from the November 6, 2013 approval.

Planner Whetstone clarified that the Staff discovered that the expiration date in the action letter was incorrect. The letter indicates that the MPD expires two years after approval. However, the Code states that the MPD expires two years after execution of a development agreement or an amended development agreement. Condition of Approval #36 was amended to reflect the correct expiration; although it was not an issue because the site work had already begun. The Condition was amended to make sure the document reflected the intent of the Code.

Planner Whetstone pointed out that the primary changes to the Development Agreement were to address the amended site plan, the change from two developers to one developer, and a new phasing plan that was discussed at the time of the amended MPD and the subdivision plat. Planner Whetstone noted that the design guidelines were also amended, and those amendments were attached to the Staff report.

Planner Whetstone reported that neither a public hearing nor noticing to property owners within 300 feet is required for a ratification item. However, published noticing was provided.

Chris Gamvroulas, President of Ivory Development and the project representative was available to answer questions

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan was pleased to hear that the amendment to the deadline was academic and that the deadline was one year. In looking through the minutes of the November 6, 2013 and the October 9, 2013 meeting, it was clear that the MPD would expire in November of 2014. He was comfortable if that no longer mattered. However, if it was an issue, he believed the developer needed to apply for an extension.

Assistant City Attorney McLean understood that the trigger to avoid the expiration is to pull a building permit. She noted that the developer had pulled a permit prior to the November expiration date. Mr. Gamvroulas replied that this was correct. Commissioner Strachan

was uncomfortable amending the development agreement if the expiration date was a moot point. He believed it was written correctly the first time. Assistant City Attorney McLean stated that the Development Agreement is dated today, September 24, or from the date the Mayor signs it. She suggested that the Planning Commission could add language reflecting the reality of where it stands today.

Planner Whetstone asked Commissioner Strachan to clarify why he believed it was a one year expiration when the Code clearly states two years after ratification of the development agreement. She asked if Commissioner Strachan was saying that the Planning Commission had added a special condition for an earlier expiration. Planner Strachan read from the November 6<sup>th</sup> minutes, "It was noted that Condition #36 had October 26, 2014 as the expiration date of the extension, and that needed to be changed to reflect one year from the date of approval, which would be November 6, 2014. Assistant Attorney McLean recommended that the Planning Commission make an amended motion to change the date in Condition #36." Motion was by Commissioner Thomas, now Mayor, regarding the extension. It passed unanimously.

Planner Whetstone believed the language referred to the extension of the subdivision plat, which had not been recorded. She agreed that subdivision plats expire after one year. Commissioner Strachan pointed out that it was the MPD and not the subdivision, because the subdivision was not addressed on November 6<sup>th</sup>. Condition of Approval #36 that they were being asked to amend this evening was the same Condition in the November 6<sup>th</sup> minutes.

Mr. Gamvroulas noted that a permit was pulled to begin the soils work in February, and a building permit for development construction was pulled in July. They were just weeks away from paving the roads. The developer had posted a \$3.5 million bond with the City and the project was well underway. Mr. Gamvroulas did not have a strong opinion either way on whether or not to amend the Condition. Commissioner Strachan stated that as long as the developer was in compliance, he preferred not to amend the condition. He commented on the 18 amendments they have seen with the Deer Valley MPD and he expected that Park City Heights would be amended several times before the project is completed. He preferred to have as few amendments as possible to keep future Planning Commissioners from having to read through all the different amendments. He could see no reason to amend the expiration date since the developer had already moved beyond that point.

Director Eddington clarified that the developer had pulled the permits and if they did not continue with construction they would be in violation of the 180 day building permit review.

Planner Whetstone asked if there was actual language in the development agreement that talks about expiration. Commissioner Strachan noted that expiration dates were addressed in Sections 1.2 and 1.4. As far as he could tell, all the redlined dates were changed to November 6, 2013. Since November 6, 2013 was the date the Commissioners had met, he could not understand why they would amend the condition to give an extension from the present date.

Mr. Gamvroulas stated that one reason for delaying ratification of the Amended Development Agreement was the water agreement and working on the details of the tank size and the type of equipment to install on the tank. They were still negotiating with Public Works as late as last week. Planner Whetstone explained that it was initially thought that the water agreement was part of the development agreement; however, they found that it was actually an attachment to the annexation agreement which is reviewed by the City Council. The water agreement is still part of the Development Agreement but it needs to be approved by the City Council. A date would be set within the next couple of weeks for the City Council to review the water agreement.

Commissioner Strachan could find nothing in the Development Agreement that requires the Planning Commission to note the extension. He believed the Condition could stand as written and the Planning Commission could move forward with approval.

Commissioner Strachan referred to page 250 of the Staff report, Sections 6.1 of the Amended Development Agreement. He noted that the language, "Project platting and construction may occur in phases based upon market conditions. The final plat for the last phase of the Project shall be recorded no later than 10 years from the date of this Agreement", had been stricken. He could not recall discussing that language.

Mr. Gamvroulas explained that one of the reasons why they had looked at extending the date from the original development agreement was due to the two year delay to mitigate the soils. He recalled from the discussion that the reason was to make sure that the ten years was from the date they commenced construction and not the 2011 date of approval.

Director Eddington noted that the first part of the stricken language was duplicative of what was written in the section above. The ten years was still part of the agreement but since it was already mentioned, the duplicate language was stricken.

Commissioner Band referred to page 272 of the Staff report, and read from Condition of Approval #47, "The applicants shall approach the adjacent property owner to the west to explore a mutually agreeable plan for incorporating the parcel." She asked if that had been done. Mr. Gamvroulas replied that it had not yet occurred. One of the reasons for the condition related to a discussion during the original planning stage to potentially stub a

road into that property. The condition was added to at least have a discussion with the adjacent property owner. Mr. Gamvroulas stated that they have been so focused on the remediation and development work that they have not approached the property owner. He anticipated contacting the property owner when they were ready to move forward.

MOTION: Commissioner Phillips moved to RATIFY the Amended Development Agreement for Park City Heights as redlined, including the amendment to Condition #56 as redlined in the Amended Action letter. Commissioner Joyce seconded the motion.

VOTE: The motion passed 5-1. Commissioner Strachan voted against the motion.

3. **Round Valley Park City Annexation and Zoning Map Amendment – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR4E and Sections 2 and 3. T2SR4E East of US 40 and North of SR248. Park City Municipal is the applicant. The proposed zoning is Recreation Open Space. The property is primarily City-owned open space encumbered with conservation easements with the exception of two 1 acre City-owned, non-encumbered parcels, and includes the 120 acres Osguthorpe conservation easement area.**  
(Application PL-13-01857)

Heinrich Deters thanked the Planning Commission and the Planning Staff for agreeing to continue this item at the last meeting. The delay in forwarding a recommendation allowed him and other parties the opportunity to review the annexation agreement. Mr. Deters stated that during the delay he was also able to reach out to UDOT, one of the sponsors, and he had met with Steve Osguthorpe as well. Mr. Osguthorpe and UDOT were very supportive of the Planning Commission's recommendations. He had wanted to make sure there was clarity from a legal standpoint and from the sponsors.

Planner Whetstone noted that on August 27<sup>th</sup> the Planning Commission discussed the Round Valley Annexation, which is approximately 1300 acres of primarily City owned property. UDOT owns a small portion and the Osguthorpe owned property has a conservation easement on it. The Planning Commission had visited the site and held work sessions. At the August 27<sup>th</sup> meeting the applicant agreed that Recreation Open Space zoning was appropriate for the entire annexation property, including the parcels known as the Gordo Parcels. The Planning Commission had closed the public hearing and was prepared to forward a recommendation to the City Council. However, the applicant requested a continuation to review the annexation agreement and the Planning Commission continued the item.

Planner Whetstone explained that the proposed annexation would bring City-owned property into the City limits.

Commissioner Thimm referred to page 159 of the Staff report which stated that the City was requesting additional language through the annexation agreement provided by Staff. Mr. Deters had asked the Planning Commission to allow time for the Legal Department to review the language before it was adopted. Commissioner Thimm asked if that legal review had taken place.

Mr. Deters answered yes. He explained that as the applicant's representative he had just seen the new language prior to the start of the August 27<sup>th</sup> meeting, and wanted to make sure that the Legal Department and the City Manager had the opportunity to review the language before it was forwarded to the City Council. The review had taken place and he appreciated the additional time.

Commissioner Thimm noted that page 159 of the Staff report also talks about the Gordo parcel. He asked if the relocation of the Recycling Center was still under discussion. Mr. Deters stated that he was not prepared to answer the question because he was not part of that discussion. His understanding was that the discussions were ongoing. Mr. Deters remarked that when the City initially purchased the Gordo parcels there was a possibility that the Recycle Center could be relocated in that location, which is why it was mentioned in the Staff report.

Director Eddington clarified that there have been discussions in the past relative to whether or not the Gordo parcels would be a good location. At this point, it was still in the early phases and nothing has been finalized. Assistant City Attorney remarked that any programming for that location would go through some type of public process. She understood that the City, as the applicant, has tried to be very clear that there are ideas of using it for Municipal function type uses. To her knowledge nothing definitive has been discussed or applied for.

Commissioner Thimm asked if the public process would be to come before the Planning Commission. Assistant City Attorney McLean replied that it would be to the City Council as the owner. Director Eddington pointed out that if the use involved a CUP, it would come to the Planning Commission.

Commissioner Joyce stated that one of the benefits of zoning the property ROS is that many uses that would be allowed under the LI zone are conditional uses in the ROS zone and would require Planning Commission review and approval.

Commissioner Band stated that she was in the audience during the August 27<sup>th</sup> meeting, and she recalled that Commissioner Joyce had raised a question about the adjacent property and why it was zoned RD. The Staff had offered to come back with an update

and she asked if they had that information. Planner Whetstone replied that the Staff report included language from a letter written by Former City Manager, Tom Bakaly, indicating that the property had been subdivided into lots. However, when she researched the parcels with the County, there was not a subdivision plat. Planner Whetstone believed the property may have been zoned RD with the idea of a residential use.

Mr. Deters stated that the adjacent property in question was part of the Bango-Wardley annexation, and a housing development was actually proposed. One parcel was an open space purchase for a park that was annexed by the City and brought in. The other property was purchased to be developed with the thought that it may be an appropriate location for affordable housing. Since then the property has sat vacant and nothing has been done. Director Eddington believed Mr. Deters was correct in his explanation of the background. There were plans and ideas for the property that never came to fruition.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation for the Round Valley Park City annexation zoning to the City Council in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – Round Valley Park City Annexation and Zoning

1. The annexation petition is a request to annex approximately 1,368 acres into the Park City municipal boundary and to amend the official zoning map to include the property in the Recreation Open Space (ROS) zoning district.
2. The Round Valley Park City annexation area is currently located in unincorporated Summit County.
3. The non-deed restricted “Gordo” parcels, both UDOT and City owned, are within the Quinn’s Junction neighborhood and along the main 248 entry corridor to Park City.

4. The proposed land uses are consistent with the purpose statements of the ROS zoning district and the Planning Staff recommends that the entire annexation area be zoned ROS.
5. The proposed annexation meets the purposes stated in the Annexation Policy Plan, in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City.
6. The annexation will bring City owned open space land into the Park City Municipal boundary and enable services to be provided to the Property, such as police and community development services, which are more easily accessible from the City than the County.
7. The annexation does not change or remove any existing deed restrictions or conservation easements from the Property and only the four lower "Gordo" parcels are not restricted from development due to deed restrictions and conservation easements.
8. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
9. This property is located within the Park City Annexation Expansion Area, adopted by the City Council in 2003.
10. Provision of municipal services, such as police, water, and community development, for this property is more efficiently provided by Park City than by Summit County, in particular for non-deed restricted "Gordo" parcels.
11. The annexation petition has been reviewed pursuant to Utah Code Annotated (UCA) Sections 10-2-401, 402, and 403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.
12. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and will protect the general interests and



character of the community, assure orderly growth and development of the Park City community in terms of utilities and public services; will preserve open space and ensure environmental quality, will protect a prominent entry corridor, view sheds, and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general public health, safety, and welfare.

13. The City Staff and Review Team have reviewed the proposed annexation against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of the August 27, 2014 Planning Commission Staff Report.

14. No development or subdivision of the land is proposed at this time.

#### Conclusions of Law - Round Valley Park City Annexation and Zoning

1. The Annexation and Zoning Map amendment are consistent with Annexation Policy Plan and the Park City General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval - Round Valley Park City Annexation and Zoning

1. The Official Zoning Map shall be amended to include the Round Valley Park City Annexation parcels with the Recreation Open Space (ROS) Zone with the Frontage Protection Zone for properties having frontage on State Road 248.
2. The annexation agreement shall be fully executed and recorded with the Annexation Plat.
3. All current ROWs will remain under their respective jurisdiction.
4. **510 Payday Drive – Thayne’s Creek Ranch Estates Phase II Subdivision Plat (Application PL-14-02427)**

Planner Whetstone handed out copies of the revised plat and a revised ordinance amending the findings and conditions.

Planner Whetstone reviewed the subdivision plat application for three single family lots and a parcel for a recreation center in the Thaynes Creek area. The title of the plat is the Thayne's Creek Ranch Estates Phase II. The Phase I plat was approved last year. Planner Whetstone noted that the Richards/PCMC Annexation annexed this area of County land that included the Park City open space along SR224, and 12 acres of property that was privately owned by the Frank Richards Trust. A preliminary plat included seven lots for single family development and an additional parcel for the riding arena.

Planner Whetstone reported that this application was the second phase of that development for Lots 5, 6 and 7. Parcel 8 is a non-residential lot and Lot 5 is the existing farm with an existing family house, a shed with a studio apartment, a guest house with a garage and two barns. Planner Whetstone stated that the lots are single-family lots large enough to be equestrian property and allows two horses per acre.

Planner Whetstone stated that the maximum building footprints for lots 5, 6 and 7 were allowed at 4900 square feet on the preliminary plat. She had inadvertently showed them as the same size as Lots 1 and 2, which is 4,150. That change was redlined in the ordinance. The staff report outlined the discussions at the time of the preliminary plat and Phase I.

Planner Whetstone noted that a fencing plan was approved at the time of the preliminary plat. The Planning Commission indicated that white fencing similar to the existing fence could be installed around the lots. However, for Lot 7 the fence was identified as being a wood post fence to protect the visual appearance of the open space.

Planner Whetstone pointed to the barn sizes that were redlined in Finding #12 of the ordinance. The existing hay barn on Lot 6 may remain in addition to a new 1300 square foot barn that must be outside the building zone. Lots 5 and 6 were allowed six horses which is why the barns were allowed to be larger in the preliminary plat. The Planning Commission was being asked to allow an 1800 square foot barn on Lot 7.

Planner Whetstone stated that Condition #23 was redlined for the 4900 square foot maximum building footprint. She noted that the preliminary plat restricts the height of the house on Lot 7 to 28'. It is a building height of 23' with an allowance for a pitched roof of 5' for a total of 28'. A condition of approval was added to indicate that the building height on Lot 7 shall be restricted to 23' with an additional 5' feet for a pitched roof with a roof pitch of at least 4/12. Planner Whetstone remarked that typically in this zone 28' is allowed with 5' for a pitch roof for a total of 33'. Lot 7 was restricted to a maximum height of 28' because of the view corridor.

Planner Whetstone noted that the revised plat showed the no-build areas, which is a 50' buffer from the wetlands, as well as the no-build area on the east property line for Lot 6 and on the north property line for Lot 7, as discussed by the Planning Commission at the time of the annexation and preliminary plat.

The Staff recommended that the Planning Commission conduct a public hearing, consider input and consider forwarding 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 as redlined. Planner Whetstone stated that the Staff had only met with the applicant the day before to review some of the requested changes. If the Planning Commission needed additional information, they could continue the item to the next meeting.

Steve Schueler with Alliance Engineer and Frank Richards, the property owner were present to answer questions.

Mr. Richards stated that an item he had discussed with Planner Whetstone was the possibility of an option on Lot 7 for a larger footprint of 5500 square feet in exchange for lowering the roof line by 5 feet. Planner Whetstone noted that the preliminary plat identified the building footprint on Lot 7 as 4900 square feet with the reduced height. Mr. Richards understood that it was 4900 square feet with the 28' height. Planner Whetstone replied that it was 4900 square feet with the already reduced height. She requested input from the Planning Commission regarding the requested option since Mr. Richards has only presented the idea the day before.

Mr. Richards explained that he had a prospective buyer for the property and the buyer would like to spread out the home in a ranch-style design as opposed to building higher. He believed lowering the height to gain a larger home was a reasonable exchange.

Mr. Schueler explained that another item mentioned by the potential buyer was the fact that they were having a hard time fitting the house and the barn on the property and still adhere to the Code requirement for the barn to be located 75' from the residence. Another item they would like the Planning Commission to consider is changing the no-build zone on Lot 7. Currently the no-build zone is 336 feet from the property line. Mr. Schueler believed 336 feet was an arbitrary number at the time it was determined and it was not based on any specific criteria. The potential buyers would like the no-build zone reduced by 36 feet, making it 300-feet from the northern property line. The reduction would allow room to set the house back from the cul-de-sac and still leave the 75' space between the barn and the house as required by Code.

Mr. Richards pointed out that the house, even at 5500 square feet, would occupy less than 5% of the total property area. Under the current requirements, the setback, and the 75 feet of space from the barn, there is only approximately 150' from north to south to locate the home. An additional 36' would help relieve the limited space.

Director Eddington clarified that the request was to reduce the height from the zone height of 28' down to a maximum height of 23'.

Planner Whetstone stated that the revised plat showed the 336 feet of no-build area. The applicant was requesting that it be reduced to 300 feet. Mr. Richards reiterated that the 336' no-build zone plus the wetlands and the wetlands buffer of 50', leaves an unreasonably small area to locate a home on the lot. Mr. Schueler stated that in addition to the no-build area and the wetlands, there is also an easement that was set up for Snyderville Basin. Everything combined results in a small developable lot area. Some flexibility would help a future buyer develop the site.

Commissioner Phillips asked for the purpose of the no-build zone. Director Eddington stated that it was implemented to protect some of the open space view sheds in the area and to keep the development somewhat clustered in a ranch setting near the existing infrastructure.

Commissioner Strachan stated that there was also a concern about fencing when Phase 1 was initially done. The Planning Commission did not want white picket fences running the lot lines. The no-build zone was an effort to make sure that nothing could occur in that area because it is an important view shed.

Commissioner Thimm referred to the comment that 336 feet was an arbitrary number. He asked if there was history on why or how that number was derived. In his opinion, 336 appeared to be a specific number. Director Eddington believed the calculation started with the estimated building size and setback from the cul-de-sac, then a 75' separation for barn to building, and a small barn on the back and a setback behind the small barn. Commissioner Strachan stated that the number was not arbitrary and resulted from an extensive discussion. He thought it was unfortunate that the minutes from that meeting were not included in the Staff report.

Mr. Richards stated that they were utilizing less than 4% of the lot for the house itself. He reiterated his request for some flexibility to locate the house more in line with the buyer's wishes.

Commissioner Thimm asked for more information on the idea of the 23' plus 5' for the roof height. He understood that the discussion only occurred late yesterday. Planner

Whetstone remarked that during the preliminary plat discussion, the Planning Commissioner placed a height restriction on Lot 7 because it was more visible than the other lots in the subdivision. The height restriction was 23' plus 5' for the pitch, for a maximum height of 28-feet. At that time the building footprint was 4900 square feet. It was not until yesterday that the flexibility options were requested because of the prospective buyer.

Jeff Petersen, representing the applicant, explained that currently the height is 28' plus 5'. Planner Whetstone clarified that for Lot 7 the maximum height was actually 23' plus 5' based on the preliminary plat. Mr. Petersen stated that the applicant was proposing a reduction in height down to 23' in exchange for additional square footage. Planner Whetstone noted that the five foot reduction was already specified in the preliminary plat for Lot 7, reducing the height to 23'. Lot 7 had the same footprint as Lots 5 and 6.

Chair Worel stated that there was a tremendous amount of discussion when the preliminary plat was approved. She agreed that it was unfortunate that the minutes were not included in the Staff report. Since she and Commission Strachan were the only Commissioners who were involved in that discussion, it would have benefitted the new Commissioners to have that background.

Mr. Richards stated that the neighbor behind Lot 7 was one reason why consideration was given to reducing the height. The neighbor has since sold his house and the new owner has not made any comments regarding the property. The new owner was aware that a new home would be built on the lot.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan stated that because this was an important property on an entry corridor, it was worthwhile giving the new Commissioners time to get updated on the previous discussions. In addition, he believed the Commissioners needed time to consider the impacts of the redlines that were handed out this evening and the wetland delineation report related to the no-build zone. Commissioner Strachan noted that the lots have been approved, but he did not think the Planning Commission was prepared to make a decision on the applicant's request because they needed to understand it. Commissioner Strachan recommended a continuance and he suggested the possibility of a work session to address the issues. He understood the history and what Mr. Richards was talking about, but it was

unfair to expect the new Commissioners to have that same understanding without knowing the background.

Commissioner Strachan had a different view of the no-build zone and the history. He did not believe it was arrived at arbitrarily, but he was willing to look at it again.

Planner Whetstone requested feedback on the fencing plan, on Lot 7 in terms of the height, the building and the barn size, and whether they had comments on the hay barn and building an additional horse barn. Chair Worel requested the minutes from the previous meeting before providing feedback.

Commissioner Band wanted to see the minutes and to understand how the 336' no-build number came about, as well as the height issue. In theory the numbers seem fine, but she would like to visualize it on the site and understand the history.

Commissioner Phillips agreed that the new Commissioners needed to understand how some of the decisions were made before making further comments. Aside from being new Commissioners, it was important to read the minutes to see how the determining factors were implemented before entertaining the request to make changes.

Commissioner Joyce stated that when he read through the Staff report it was mostly about what had been approved. Clearly that was not the case since they were given redlined documents this evening with corrections and requested changes. When this comes back to the Planning Commission he would like the reason for the changes to be more clearly identified.

Commissioner Thimm concurred. He wanted to see the minutes and have another opportunity to visit the site and visualize the massing proposed.

Planner Whetstone asked if it would be helpful to have the applicant prepare an exhibit showing the difference in heights. Commissioner Phillips thought an exhibit would be helpful. Commissioner Strachan asked if the lots in Phase 2 had been staked. Mr. Richards replied that the perimeter of all the lots were staked out and he had put in steel posts to preserve the corners.

Mr. Richards stated that the no-build zone does not protect the wetlands because they are already protected by a 50' buffer around them. When the Commissioners visit the site he suggested that they look at the home to the west and notice how high up it sits. Regarding the fencing, Mr. Richards read from the Staff report, "The proposed fencing plan is consistent with the preliminary plat and annexation agreement. White fencing consistent with the existing perimeter fence will be installed to delineate the property line for each of

the lots as well as within Lots 5, 6 and 7 to create secure areas for horses if desired.” Mr. Richards believed the language in the staff report contradicts the earlier discussions regarding the wire fence. He was not opposed to wire fencing on Lot 7, and he was willing to do whatever the Planning Commission required. Mr. Richards stated that he sold the acres to the east to the City and he leases it from the City. He needs to have some type of fence because he uses the property to graze some of his horses. A fence would delineate the perimeter of this particular lot.

Commissioner Campbell stated that typically he is the one who tries to move things forward for the applicant. He also understands that this Planning Commission is not allowed to bind the hands of a future Commission, as previous Commissions were not allowed to bind their hands. However, he was hesitant to overturn what the previous Planning Commission had done without understanding their reasons for doing it. He was not opposed to a continuation as long as the process was not prolonged.

Commissioner Strachan suggested that the Commissioners also read the past Staff reports in addition to the minutes. Commissioner Strachan agreed that the process should not be delayed. Rather than trying to schedule a site visit that meets the schedules of all the Commissioners, he thought it was better for individual Commissioners to visit the site on their own time. If four or more of the Commissioners visited the site at one time, it would have to be publicly noticed. Mr. Richards offered to meet any of the Commissioners on site to show them around. Planner Whetstone would email the Commissioners with two or three dates that Mr. Richards would be available to meet on site.

Mr. Richards would be out of town for the next meeting on October 8<sup>th</sup> and requested a continuation to October 22<sup>nd</sup>.

MOTION: Commissioner Strachan moved to CONTINUE the Subdivision Plan public hearing on 510 Payday Drive to October 22<sup>nd</sup>, 2014. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:15 p.m.

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