

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 11, 2015

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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NOTE: Due to recording failure these minutes were prepared from the Staff report and Notes.

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

January 14, 2015

MOTION: Commissioner Phillips moved to APPROVE the minutes of January 14, 2015 as written. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioner Campbell abstained since he was not present for the January 14th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planner Kirsten Whetstone announced that the Planning Department would be hosting an open house on Wednesday, February 18th from 4:00-7:00 p.m. in the Council Chambers, to discuss the Historic District and the Design Guidelines. The open house is an opportunity for the public to learn more about historic preservation efforts and to provide input on current issues facing the historic district.

The Staff requested that the 9 Hidden Splendor Court matter scheduled on the agenda this evening be continued to February 25th. Since it was advertised on the agenda this evening the Planning Commission should take public input. To accommodate the public who had attended to make comment, Hidden Splendor Court was moved to the first item on the agenda.

REGULAR AGENDA – Discussion, public hearing, action.

1. **9 Hidden Splendor Court – 9 Hidden Splendor Re-Plat – Plat Amendment to Combine four lots into a single lot of record.** (Application PL-15-00000)

The Staff requested that this item be continued to February 25th, 2015.

Chair Worel opened the public hearing.

Eric Baer, a neighbor, asked to read a letter he had written since he would not be able to attend the meeting on February 25th. Mr. Baer opposed the proposed Plat Amendment and expressed his concerns.

Laurie and Kenyon Sweeney were concerned that the proposed plat amendment would impact their quality of life. Building would eliminate the open space and make the area feel crowded.

Assistant City Attorney McLean remarked that there would be a note on the plat stating that the “A” lots could not be built upon, per a previous Land Use agreement.

Chair Worel closed the public hearing.

MOTION: Commissioner Phillips oved to CONTINUE the 9 Hidden Splendor Court Plat Amendment to February 25, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

**2. 312 & 314 Upper Norfolk Avenue – Condominium Record of Survey Plat
(Application PL-14-02287)**

Planner Whetstone reviewed the application for a Condominium Record of Survey Plat for property located on Lots 5 and 6 of Block 30 of the Park City Survey. The property is owned by the applicant. The original lots lines from the historic survey still exist on said lots. The owner desires to combine the property into one lot of record by removing the existing interior lot lines with the proposed condominium plat. The proposed plat will also identify private, common, and limited common ownership areas of the existing duplex structure and property, and will provide for common ownership of the covered access stairs.

Planner Whetstone reported that on December 1, 2014, the City received an application for a Condominium Record of Survey for an existing duplex located at 312 and 314 Upper Norfolk Avenue located in the HR-1 District. Approval of the Condominium Record of Survey allows for each unit to be sold separately and allows the shared access stairs to be designated as common area. The duplex is an existing structure that was constructed in 1988.

On November 19, 2013, the Board of Adjustment conducted a public hearing and approved variances for front and side yard setbacks, as well as a variance to the maximum building footprint for each unit to allow construction of two detached single car garages at the front of the property, reconstruction of the uncovered parking pad structures in the front setback, and construction of a covered, shared staircase to replace an open staircase that leads from the street to the front doors of the duplex units located one story below the street. Planner Whetstone explained that the reason for constructing a cover over the staircase was due to safety concerns.

Parking requirements for the duplex of two spaces per unit are currently met with the existing elevated open concrete parking pads located in the front of the units at the street level. The applicant has submitted an application for a Historic District Design Review for construction of two detached single car garages, reconstruction of the parking pad and railings for the second space for each unit, and construction of a covered, common staircase to access front entrances of the units from the street. The front doors of the duplex are located a story below street level.

The proposed condominium Record of Survey plat memorializes the covered common staircase and common walls between the duplex units, as well as identifies private, common, and limited common ownership areas of the existing duplex and associated property of the lots.

Conditions of approval of the November 19, 2013, Board of Adjustment action included a condition of approval stating that "conditions of approval will be recorded as notes on the future condominium record of survey plat prior to recordation". Conditions of approval of the November 19, 2013, Board of Adjustment Action shall be included as notes on the final plat prior to recordation. These conditions were reiterated in the recommended conditions of approval for this plat.

The Staff conducted an analysis and Staff finds good cause for this Condominium record of survey plat and conversion as the units will be able to be sold separately and the plat provides common area ownership designation for the covered shared access stairway and common walls between units.

The Staff recommends that the Planning Commission hold a public hearing for the King Duplex Condominiums Record of Survey Plat located at 312 and 314 Upper Norfolk Avenue and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Commissioner Band did not believe a two-unit condo made sense. She commented on the regulations related to condos and expressed her concerns that this arrangement would complicate the ability to obtain financing. Commissioner Band would like to the applicant to have the option to sell units independently of one another.

The applicant, Carol O'Donoghue, was bothered by Commissioner Band's comment because she needed financing to build the garages. Commissioner Band suggested that Ms. O'Donoghue speak with her lender.

Chair Worel asked if the Planning Commission should continue this item until the issue is researched and resolved. Ms. O'Donoghue stated that she needed the approval to move ahead with building the garages. Commissioner Band asked if people in a two-unit condo could apply for a rezone. Assistant City Attorney McLean replied that it would require vacating the condo plat.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thimm agreed that covering the stairway makes it safer.

Commissioner Campbell had no issues with the proposed request.

Commissioner Phillips was comfortable with the request; however he did not like having the two garage doors so close together. Commissioner Phillips stated that he would like to see the minutes from the BOA meeting.

Chair Worel asked about encroachments. Planner Whetstone stated that there was only one encroachment, which is a diminimus encroachment of the wooden stairs. An encroachment agreement is not required for the diminimus encroachment of an at grade wood step.

Commissioner Joyce clarified that they were not really stairs. They are actually terraced railroad ties.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 212 & 314 Upper Norfolk Avenue – Condominium Records of Survey Plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 312 & 314 Upper Norfolk Avenue

1. The property is located at 312 and 314 Upper Norfolk Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The existing structure is a duplex constructed in 1988 on Lots 5 and 6 of Block 30 of the Park City Survey.
4. A duplex was an allowed use in the HR-1 District at the time of the building permit and construction. A duplex is now a conditional use in the current Land Management Code.
5. The area of the condominium plat is 3,750 square feet which is the minimum lot area for a duplex in the HR-1 District.
6. On November 19, 2013, the Board of Adjustment granted variances for the property, including a variance to the required five (5') foot side yard setbacks, the required ten (10') foot front setbacks, and the maximum building footprint of 1,519 sf for the combined two lot area. The proposed condominium plat memorializes future

construction of two detached single car garages, reconstructed open parking pads, and construction of a covered common stairway to be constructed utilizing the variances granted subject to review and approval of a Historic District Design Review application.

7. Two (2) parking spaces are to be provided for each unit, with one space located within a single car detached garage and one space located on an open elevated parking pad structure at the front of the lot to be reconstructed subject to variances granted by the Board of Adjustment on November 19, 2013.

8. Unit 1 contains 2,355 sf (including the lower level) and Unit 2 contains 2,103 sf (including the lower level). Each Unit also contains 441 square feet of private garage/parking area. Of the 441 sf of private parking/garage area, 252 is identified as garage space for a future single car garage and 189 sf is identified as open parking pad area.

9. The 252 square foot detached single car garages are proposed to be constructed in the near future, subject to variances granted by the Board of Adjustment on November 19, 2013. The 189 square foot open parking pads located adjacent to the garages are proposed to be reconstructed with the garage construction project, subject to the variances granted by the Board of Adjustment.

10. Conditions of approval of the November 19, 2013, Board of Adjustment action included a condition of approval stating that "conditions of approval will be recorded as notes on the future condominium record of survey plat prior to recordation".

11. The shared, covered staircase, proposed to be constructed to meet the current building code, is identified on the record of survey plat as common area. The shared staircase is proposed to be constructed with the garages and parking pad subject to the variances granted by the Board of Adjustment.

12. The remaining lot area is identified as limited common area with use and ownership restricted to each adjacent unit. All decks are identified as private area.

13. The existing conditions survey indicates wooden steps on the north side of the property encroach onto the City Open Space property to the north. There is also a diminimus encroachment (less than 6") onto the Treasure Hill Subdivision Open Space located east of the City Open Space.

14. The findings within the Analysis section of this report are incorporated within.

Conclusions of Law – 312 & 314 Upper Norfolk Avenue

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

Conditions of Approval – 312 & 314 Upper Norfolk Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey and Condominium Documents and CC&Rs for compliance with State law, the Land Management Code, and conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at Summit 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 CC&Rs shall include a tie breaker mechanism.
4. Conditions of approval of the November 19, 2013, Board of Adjustment Action shall be included as notes on the final plat prior to recordation.
5. No portion of the garages shall be used for additional living space
6. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Attic area may be used for storage. Trash and recycling bins may be stored in the garages
7. The garages shall not exceed 11'6" from the finished floor elevation to the top of the roof.
8. The area underneath the garages shall not be enclosed for use as habitable living

space.

9. Encroachments across property lines will need to be addressed by an encroachment agreement or removal of the encroachments. An encroachment agreement is not required for the diminimus encroachment of an at grade wood step.

3. 930 Empire Avenue – Plat Amendment to combine one and a half lots into a single lot of record (Application PL-14-02604)

Planner Grahn reviewed the applications for a Plat Amendment for property located at 930 Empire Avenue. The property is in the HR-1 District. The subject property consists of all of Lot 26 and the southerly ½ of Lot 25 of Block 15, Snyder's Addition. The original lot lines from the historic survey still exist on the lots and the owner is requesting to combine the property into one lot of record by removing the existing interior lot lines. The applicant owns Lot 26 and the southerly ½ of Lot 25. They do not own the northern half of Lot 25.

Planner Grahn stated that currently the site contains a 3-story single-family A-frame dwelling that was built in 1975. The site is not listed on the City's Historic Sites Inventory and the applicant has applied for a demolition permit to remove the existing A-frame and develop the property, since A-frames are not protected structures. The applicant had submitted a Pre-Historic District Design Review application for the new residential structure.

Planner Grahn noted that an existing parking pad currently consumes much of the front yard setback and extends into the City right-of-way. The applicant can either remove the existing parking pad from the public right-of-way, or enter into an encroachment agreement with the City, as required by Condition of Approval #4. Any new on-site parking shall be provided entirely within the platted Lot and out of the Empire Avenue right-of-way.

Prior to redeveloping the lot, the applicant would be required to submit for an HDDR Approval.

The Staff had conducted an analysis and finds good cause for this plat amendment as it will eliminate the existing interior lot line and create one new legal lot of record from 1-1/2 existing lots. Without this plat amendment, any new development would be confined to Lot 26 as no new development would be permitted to straddle an interior lot line.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the plat amendment

for 930 Empire Avenue, based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Band asked if encroachment agreements were easy to do. Planner Grahn replied that encroachment agreements with the City are typically straightforward.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Plat Amendment at 930 Empire Avenue to combine one and a half lots into a single lot of record, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 930 Empire Avenue

1. The property is located at 930 Empire Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 26 and the southerly half (1/2) of Lot 25, Block 15, Snyder's Addition. The applicant does not have ownership of the northerly half (1/2) of Lot 25.
4. The entire area is recognized by the County as Parcel SA-154.
5. The site is not designated as historic by the Historic Sites Inventory (HSI).
6. The building footprint of the existing A-frame dwelling is approximately 1,104 square feet.
7. The proposed plat amendment creates one (1) lot of record from the existing area consisting of approximately 2,812.5 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. The proposed lot meets the minimum lot area for a single-family dwelling.
11. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed lot is thirty-seven and one-half feet (37.5') wide. The proposed lot meets the minimum lot width requirement.
12. The existing structure meets all required front, rear, and side yard setbacks. Any new development on the property will also be required to meet the setbacks, as defined by LMC 15-2.2-3.
13. There is an existing parking pad that encroaches into the Empire Avenue right-of-way.
14. The applicant applied for a Building Department demolition permit for the existing A-frame structure on January 16, 2015. The applicant also submitted a Pre-Historic District Design Review application to the Planning Department on January 27, 2015, for a new single-family residence.
15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 930 Empire Avenue

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 – 930 Empire Avenue

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) years' 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 ten feet (10') wide public snow storage easement will be required along the Empire Avenue frontage of the property.

4. The applicant can either remove the existing parking pad from the public right-of-way, or enter into an encroachment agreement with the City. New on-site parking shall be provided entirely on the platted Lot and out of the Empire Avenue right-of-way.

4. 955 & 347 Ontario Avenue – An ordinance considering the Ontario Three Subdivision Plat Amendment. (Application PL-14-02542)

Planner Francisco Astorga reviewed the application for the Ontario Three Subdivision Plat Amendment for property located at 355 & 347 Ontario Avenue in the HR-1 District. The subject property consists of Lots 18, 19, and 20, Block 54 of the Park City Survey. Lots 18 and 19, known as 355 Ontario Avenue, is owned by Ontario, LLC, Bill McKenna. This site is also listed on Park City's Historic Sites Inventory and is recognized as a Landmark site. The property is also known as the Levins D. Gray House built circa 1902. This site was listed on the National Register of Historic Places in 1984 as part of the Park City Mining Boom Era Residences Thematic District. The house retains its historic integrity. The house is sited towards the rear of the lot. The front of the house is opposite from the street, as pedestrian access is from a path off Shorty's Stairs. This house does not have vehicular access. Due to the historic nature of the site, it was built over the lot line. The lot line between Lot 19 and 20 currently goes through the house.

Lot 20, known as 347 Ontario Avenue, is owned by Michael Stewart. This existing house was built in 2000.

Planner Astorga noted that Ontario LLC and Michael Stewart were co-applicants on this application, based on an agreement between the two parties to exchange property. The owner of Lot 20, Mr. Stewart, has an agreement with the owner of Lot 18 and 19, Ontario LLC, to purchase a portion of Lot 19 to the north with the intent of modifying the entrance to the existing residence on Lot 20. The original lot line when Park City Survey was platted still exists between Lots 18, 19, 20. The owners desire to reconfigure Lots 18, 19, and 20 into two lots of record by re-configuring the existing lot line between Lot 19 and 20, and removing the lot line between Lot 18 and 19. The proposed plat amendment would

reconfigure the lot line between Lots 19 and 20 making Lot 20 bigger and the combined Lots 18/19 smaller. The owner of Lot 20 has an agreement with the owner of Lot 18 and 19 to purchase a portion of Lot 19 to the north consisting of 398 square feet. Both applicants were considering remodels to the existing structures on the lots.

The Staff had conducted an analysis and found good cause for this Plat Amendment as the lot line going through the historic structure between Lot 18 & 19 is proposed to be removed. Also, the proposed lots meet the current parameters in terms of minimum lot size and lot width, and the character of the district will not be negatively changed. Additionally, the plat amendment removes the ability to construct a duplex on Lot A because the proposed lot does not meet the minimum lot requirements for a duplex. Public snow storage and utility easements are provided on the lots.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the Ontario Three Subdivision Plat Amendment based on the findings of fact, conclusions of law and conditions of approval in the draft ordinance.

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 to the City Council for the Ontario Three Subdivision Plat at 955 & 347 Ontario Avenue, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 955 & 347 Ontario Avenue

1. The property is located at 355 & 347 Ontario Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of Lots 18, 19, and 20, Block 54, Park City Survey.
4. Lots 18 and 19, known as 355 Ontario Avenue, are currently recognized by the County as Parcel PC-449.

5. 355 Ontario Avenue is listed on Park City's Historic Sites Inventory (HSI) and is recognized as a Landmark site.
6. The historic house at 355 Ontario is sited towards the rear of the lot and the front of the house is opposite from the street, Ontario Avenue, as the pedestrian access is from a path off Shorty's Stairs and does not have vehicular access.
7. Due to the historic nature of the site, it was built over the lot line.
8. The lot line between Lot 18 and 19 currently goes through the historic house.
9. Lot 20, known as 347 Ontario Avenue, is currently recognized by the County as Parcel PC-450.
10. The house on 347 Ontario was built in 2000 and is not historic.
11. The proposed plat amendment creates two (2) lots of record from the existing three (3) lots.
12. The plat amendment removes the lot line between Lots 18 and 19 going through the historic structure on 355 Ontario Avenue and reconfigures the lot line between Lots 19 and 20 making Lot 20 bigger and combined Lots 18/19 smaller.
13. The owner of Lot 20 has an agreement with the owner of Lot 18/19 to purchase a portion of Lot 19 to the north consisting of 398 square feet.
14. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
15. The proposed lot size of Lot A is 3,352 square feet.
16. The proposed lot size of Lot B is 2,273 square feet.
17. The minimum lot area for a single-family dwelling is 1,875 square feet.
18. The proposed lots meet the minimum lot area for single-family dwellings.
19. The proposed land transfer disallows Lot A of being eligible for a duplex dwelling due to the required minimum lot area of 3,750 square feet.

20. The width of Lot A is 41.5 feet.

21. The width of Lot B is 33.5 feet.

22. The minimum lot width allowed in the HR-1 District is twenty-five feet (25').

23. The proposed lots meet the minimum lot width requirements.

24. Based on proposed lot size, the maximum building footprint for Lot A is 1,388.3 square feet.

25. Based on proposed lot size, the maximum building footprint for Lot A is 1,000.3 square feet.

26. The front and rear yard setbacks for both proposed lots are ten feet (10') minimum.

27. The side yard setbacks for proposed Lot A are five feet (5') minimum.

28. The side yard setbacks for proposed Lot B are three feet (3') minimum.

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

Conclusions of Law – 955 & 347 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 regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 955 & 347 Ontario Avenue

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) years' 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 ten feet (10') wide public snow storage easement will be required along the Ontario Avenue frontage of the property.

4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

**5. 74 & 80 Daly Avenue – 74 & 80 Daly Avenue Subdivision – Plat Amendment.
(Application PL-14-02449)**

Planner Alexander reviewed the request for a Plat Amendment for the purpose of subdividing a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue into two lots of record located in Block 74 of the Park City Survey. The applicant currently owns all of the property and requests to subdivide the property to create two new lots on which he plans to build new homes at 74 & 80 Daly Avenue in the HR-1 District. Currently the proposed lots are vacant of any structures. Both proposed lots meet the minimum lot area standards as given for the HR-1 District. The applicant intends to build new single-family homes on the proposed lots. The applicant had provided preliminary home designs to the Design Review Team to discuss Historic District Guidelines and LMC requirements, but he had not yet submitted official Historic District Design Review or Steep Slope CUP applications.

A previous plat amendment application submitted by a previous owner went before the Planning Commission and City Council in 2012. At those meetings, the Planning Commission and Council had several concerns and the Planning Commission eventually forwarded a negative recommendation to the City Council. The history and outcome of the Planning Commission and City Council meetings were provided in the Staff report. Due to the concerns and issues raised by the City Council the original plat amendment application from 2012 was withdrawn. The previous applicant sold his property and no further applications were made until the current applicant/owner submitted this application on August 1, 2014.

A neighboring property at 68 Daly Avenue has an existing deck encroaching in two places over the lot lines onto the proposed Lot A. The encroachment issue was resolved through

an encroachment agreement that was recorded in July 15, 2014. Limitations regarding house size and other issues could be addressed with the Steep Slope CUP process.

The Staff conducted an analysis and found good cause for this plat amendment. Combining the parcels and subdividing the lots will allow the property owner to develop homes and will create legal lots out of the existing parcels. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City, and furthering the health, safety, and welfare of the Park City community. Issues in regards to compatibility with the neighborhood have been addressed as Lot B has been reduced to allow only a single-family house. Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with all Building Codes, the Land Management Code, and applicable Historic District Design Guidelines requirements. A Steep Slope CUP would address previous concerns of structures falling down the hillside to the west of the property.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision Plat Amendment based on the findings of fact, conclusions of law and conditions of approval in the draft ordinance.

Chair Worel opened the public hearing.

Carlene Riley asked questions unrelated to the plat amendment application. She stated that she would research the application and submit any comments to the Staff.

Delphine Comp asked how large a home the applicant would be allowed to build.

Planner Alexander stated that Lot A would be allowed a max of 972.4 square feet footprint going up to a 27' height and Lot B would be allowed a max of 1, 418.7 square feet footprint going up to a height of 27'.

Commissioner Phillips believed the questions being asked by the public were more appropriate for the CUP process since house size, etc. would be addressed at that time. He encouraged the public to hold those types of comments for the CUP public hearing.

Chair Worel closed the public hearing.

Planner Alexander pointed out that the applicant would like to maximize the footprint in which case the structures could be larger.

Commissioner Band was not in favor of handicapping this owner when others could have larger homes.

Planner Whetstone pointed out that basement areas are not counted towards square footage in residential areas.

Commissioner Campbell stated that it would be more appropriate for the Planning Commission to look at house size and neighborhood compatibility during the CUP process. He did not believe it was a discussion for the plat amendment.

Commissioner Strachan could not support having vacated Anchor be part of the lot size. Based on Commissioner Strachan's comment, Commissioner Joyce thought the building footprint should be changed now rather than waiting for the CUP. Planner Alexander pointed out that Anchor Avenue was already vacated to the applicant and he now owns it.

Assistant City Attorney McLean was unfamiliar with the history of the Anchor vacation. Planner Astorga stated that he was the Planner in 2012 and could provide some background. He noted that the owner did not petition to vacate Anchor Avenue. It was the City who determined that Anchor would never be used and it made sense to vacate it. Planner Astorga pointed out that doing a house size analysis at the plat amendment stage has been done in the past.

Commissioner Phillips asked if the owner could build in the vacated area. Planner Alexander answered yes. After further discussion regarding vacated Anchor, Assistant City McLean suggested that the Staff needed to do more research on the vacation of Anchor and whether building could occur in the vacated area.

Commissioner Joyce was unsure how they would do a restriction based on compatibility. He was leaning towards addressing compatibility as part of this plat amendment.

Commissioner Phillips assumed that both lots would have to come in for a CUP.

Commissioner Thimm thought the design could yield a massing solution. He did not think the platting stage was the best place to look at compatibility and massing. He preferred to address those issues with the CUP.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision Plat Amendment in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Joyce seconded the motion.

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

Commissioner Joyce requested to see a compatibility analysis when the item comes back for a CUP.

Findings of Fact – 74 & 80 Daly Avenue

1. The plat is located at 74 & 80 Daly Avenue within the Historic Residential (HR-1) District.
2. The 74 & 80 Daly Avenue Subdivision consists of a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey.
3. On February 28, 2012 the City received a previous application by a previous owner of this property for a two lot subdivision plat amendment. After three meetings at the Planning Commission the Commission voted 4-1 to forward a negative recommendation to the City Council due to concerns of compatibility and issues with the owner of 68 Daly, Pete Henderson. The City Council discussed the item on August 30, 2012 and decided to continue the item to their October 25, 2012 meeting. The previous applicant then pulled their application on October 9, 2012 in order to work through the concerns discussed by the City Council.
4. On August 1, 2014, the current owner and applicant submitted an application for a plat amendment to subdivide parcels containing a total of 5,643.92 sf into two (2) lots of record. Lot A will consist of 2,200.80 sf and Lot B will consist of 3,443.12 sf.
5. The application was deemed complete on December 11, 2014.
6. The parcels at 74 & 80 Daly Ave are currently vacant.
7. The HR-1 zone requires a minimum lot area of 1,875 sf for a single-family dwelling.
8. The maximum footprint allowed in the HR-1 zone is 972.4 sf for the proposed Lot A and 1,418.7 sf for the proposed Lot B based on the lot area of the lots.
9. As conditioned, the proposed plat amendment does not create any new noncomplying or non-conforming situations.
10. The property to the northwest (68 Daly Ave) currently has an existing single-family home built in 1982 which has an existing deck encroaching in two places over the lot lines onto the proposed Lot A. An encroachment agreement was recorded July 15,

2014 as Entry No. 998906 in Book 2248 at Page 1048 of Official Records.

11. The property directly to the northwest (68 Daly Ave) also contains a concrete pad, concrete stairs, wood steps and a landing leading to the existing single-family home which are built directly adjacent to the lot line shared with the proposed 74 Daly Ave.? No encroachment permits are needed as this stairway does not encroach onto the property at 74 Daly Ave.

12. The property directly to the south (84 Daly Ave) contains an existing single-family home that comes within inches of the proposed property lines. No encroachment permits will be needed as the existing home does not cross the property line, however, a 6 foot side setback will be required for any new home constructed on Lot B.

13. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lots.

14. A 20 foot wide temporary construction easement exists along the south portion of Lot B. The temporary construction easement will need to be removed prior to Building Permit approval. The temporary construction easement shall not be abandoned until all necessary utilities within the adjacent sewer and utility easements are installed.

15. There is a 5 foot wide sewer easement and 6 foot wide utility easement along the south edge of 80 Daly.

Conclusions of Law – 74 & 80 Daly Avenue

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

Conditions of Approval – 74 & 80 Daly Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued until the plat is recorded and until the Historic District Design Review and Steep Slope CUP, if required, applications are submitted and approved for each lot.
4. No building permit for any work shall be issued on Lot B until the temporary construction easement is abandoned on Lot B.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
6. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Daly Avenue and shall be shown on the plat.

Park City Planning Commission meeting adjourned at 6:45 p.m.

Approved by Planning Commission: _____