

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 8, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Steve Joyce, John Phillips, Doug Thimm

EX OFFICIO:

Planning Manager Kayla Sintz, Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander Planner; Hannah Turpin, Planner, Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

June 24, 2015

Commissioner Band referred to Page 8 of the Staff report, page 6 of the Minutes, and the phrase, "They were talking about Deer Valley but now they would eventual have the same discussion...". She corrected the word eventual to correctly read **eventually**.

Commissioner Joyce referred to page 24 of the Staff report, page 22 of the Minutes and corrected Chair Worel closed the public hearing to correctly read **Chair Strachan closed the public hearing**.

MOTION: Commissioner Joyce moved to APPROVE the minutes of June 24, 2015 as corrected. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Manager Kayla Sintz announced that she was resigning from Park City Municipal to be closer to family in Toronto/Ontario Canada. She and her partner have a wedding planned in October and they plan to assist with a family business. Ms. Sintz stated that she has been with the City since 2008 and she was now looking forward to an exciting culture change.

The Board congratulated Ms. Sintz. Chair Strachan stated that he has worked with Kayla for many years and she is a consummate professional and a joy to work with. He was sad to see her go but he was certain that she would shine in whatever she does.

Commissioner Phillips disclosed that he would be recusing himself from 52 and 58 Silver Strike Trail due to the fact that he has contracts and has performed work on those projects.

Commissioner Phillips also recused himself from the Alice Claim items on the agenda due to a prior relationship with the applicant.

WORK SESSION

The applicant had requested that this work session be postponed to allow time to re-design a portion of their project. The Staff was not opposed to a postponement; and since work sessions are not published or noticed there were no issues with a postponement.

Planner Astorga stated that he has been communicating with three people who provided public comment and he informed them that the work session would be postponed.

Since the item was scheduled on the agenda, Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

CONSENT AGENDA

Chair Strachan requested that Lot 20, Block 9, Snyder's Addition, Norfolk Avenue be removed from the Consent Agenda for discussion.

MOTION: Commissioner Worel moved to remove Lot 20, Block 9, Snyder's Addition, Norfolk Avenue from the Consent Agenda and move it to the first item on the regular agenda. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Because Commissioner Phillips had recused himself from 52 and 58 Silver Strike Trail, the Planning Commission took separate action on the remaining Consent Agenda items.

Chair Strachan opened the public hearing on the Consent Agenda.

1. 940 Empire Avenue Subdivision – Plat Amendment Combining one and a half lots in order to remove the lot line under an existing non-historic home.
(Application PL-15-02762)

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 940 Empire Avenue Subdivision Plat on the Consent Agenda, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 920 Empire Avenue

1. The plat is located at 940 Empire Avenue within the Historic Residential (HR-1) District.
2. The 940 Empire Avenue Subdivision consists of Lots 23 & southerly ½ of 22 of Block 15 of the Snyder's Addition to the Park City Survey.
3. On May 7, 2015, the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on May 7, 2015.
5. The lots at 940 Empire Avenue currently contain an existing A-frame single family home.
6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. The existing home currently has a zero foot (0') southerly side setback and the existing home encroaches onto 936 Empire Avenue by approximately 0.3 feet on the

lot line shared with 936 Empire Avenue as well as the existing retaining wall that encroaches approximately one foot onto 936 Empire Avenue.

9. An encroachment agreement was previously recorded between 936 Empire Avenue and 940 Empire Avenue on 2015.

10. The existing side yard setbacks to the north are 13.5 feet which complies with the LMC.

11. The front yard setback is 27 feet which complies with the LMC but the rear yard setback is only 7 feet which makes this structure legal, non-conforming.

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

Conclusions of Law – 920 Empire Avenue Subdivision

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 – 920 Empire Avenue Subdivision

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. Recordation of this plat and completion and approval of a final Historic District

Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction on the proposed lot.

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. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat.

6. Snowshed agreements from the northerly neighbor are required prior to plat Recordation.

2. 52 and 58 Silver Strike Trail – Seventh Supplemental Plat for the Belles at Empire Pass (Application PL-15-02775)

MOTION: Commissioner Worel moved to forward a Positive recommendation to the City Council for 52 and 58 Silver Strike Trail, the Seventh Supplemental Plat for Belles at Empire Pass Units 15 and 16 on the Consent Agenda, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed. Commissioner Phillips abstained.

Findings of Fact – 52 and 58 Silver

1. The property, Units 15 and 16 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 52 and 58 Silver Strike Trail. The property is located on portions of Lot 1 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.

2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.

3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

4. On July 28, 2004, the Planning Commission approved a Master Planned

Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.

5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 15 and 16 are located on a portion of Lot 1 of the Silver Strike Subdivision.

6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.

7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.

8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.

9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.

10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.

11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.

12. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Units 5 and 6. These plats were recorded on October 28, 2013.

13. On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11.

14. On April 3, 2014, the City Council approved the Sixth Supplemental Plat for Constructed Units 7, 8, and 17. On December 11, 2014, the City Council approved an amendment to the Sixth Supplemental Plat.

15. On May 19, 2015 the Planning Department received a complete application for the Seventh Supplemental Plat for Constructed Units 15 and 16.

16. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for all constructed units at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.

17. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.

18. Units 15 and 16 are located on a portion of Lot 1 of the Silver Strike subdivision plat.

19. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area.

20. Unit 15 contains 4,988.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.31 UEs based on the Total Floor area of 6,626.8 sf (includes basement area but not 600 square feet of garage area).

21. Unit 16 contains 4,977.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.45 UEs based on the Total Floor area of 6,901.8 sf (includes basement area but not 600 square feet of garage area).

22. The twelve (12) units platted to date (Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 17) utilize 31.07 Unit Equivalents (UE). Adding Units 15 and 16 brings the current total to 37.83 UE. Units 2, 13, and 14 are yet to be constructed.

23. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components,

as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat.” Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.

24. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.

25. The findings in the analysis section are incorporated herein.

Conclusions of Law – 52 and 58 Silver Strike Trail

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 15 and 16.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 52 and 58 Silver Strike Trail

1. The City Attorney and City Engineer will review and approve the final form of the supplemental 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 present the final signed mylar plat to the City, for City signatures and recordation at Summit County, within one year of the date of City Council approval, or this approval will be considered void; unless an extension request is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated,

and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.

4. As a condition precedent to issuance of a final certificate of occupancy for Units 15 and 16, this supplemental plat shall be recorded at Summit County.

5. A note shall be added to the plat prior to recordation stating the following, "At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards".

6. The unit sizes and UEs shall be reflected on the plat.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Lot 20, Block 9, Snyder's Addition, Norfolk Avenue, the property is located between 1046 Norfolk Avenue and 1102 Norfolk avenue on a vacant lot - Steep Slope Conditional Use Permit for construction of a new single-family dwelling on a vacant lot. (Application PL-15-02723)**

Planner Hannah Turpin reviewed the request for a Steep Slope CUP for a new single family home on a vacant lot located at Lot 20 on Norfolk Avenue. Lot 20 is located between 1046 Norfolk Avenue and 1102. The driveway is the only portion of the structure located on a slope greater than 30%, which was due to the increased height of Norfolk Avenue.

Planner Turpin reported that a Historic District Design Review application for the design was approved on June 10th. Staff finds that the proposed application and design comply with the criteria for a Steep Slope Conditional Use Permit and has no unmitigated impacts.

Planner Turpin asked Chair Strachan if there was a specific criteria he wanted to discuss. Chair Strachan had questions regarding the stepping on the downhill façade and the 27' height. He referred to the site drawings on page 156 of the Staff report. He pointed to the drawing at the bottom left that was marked architectural shingles and indicated a 27' height restriction at wall. Chair Strachan questioned why the ridge was higher than the actual line. Planner Turpin stated that in looking at the topo survey, the topo goes down in that location so the ridge actually meets the 27' foot height. She clarified that it was measured at the actual façade and not in the middle of the structure.

Planning Manager Sintz explained that it was measured and calculated through the roof over topo, which is more accurate than projecting a line up 27' feet. However, in looking at the elevation the height was a little deceiving. Planner Turpin remarked that the 27' line is a requirement on the actual application, even though the Staff uses the roof over topo.

Commissioner Phillips stated that he has seen this on several projects. However, he was confused by the language in parenthesis, "at wall". Planner Turpin understood that "at wall" was only saying that the line was representative of the existing grade at the bottom of the wall. Planning Manager Sintz stated that different designers and architects notate their drawings differently, but it was not how the Staff analyzes the height.

Chair Strachan commented on stepping. He could see where the first floor was completely subterranean, but he could not find the complete submersion of the first floor. Planner Turpin presented a drawing and pointed to the area where the first floor was submerged. Chair Strachan indicated the portion of the first floor that he believed was still not subterranean. Planner Turpin agreed that some, but not all, of the first floor was submerged. Chair Strachan asked if it triggers the stepping if the first floor is not completely subterranean. Planner Turpin recalled that the Staff accepted the above ground portion because the applicant changed the materials to break it up into different components. She pointed out that they had also stepped the roof.

Chair Strachan clarified that his concern was compliance with the Code language stating that stepping was not required if the entire first floor is submerged underground. He pointed out that in this case much of the first floor is submerged but not all of it.

Planner Turpin stated that the downhill façade is stepped and she pointed out where it goes up 23' and back 10'. Commissioner Phillips clarified that it was 23' from existing grade. Planner Turpin answered yes, noting that the grade was not changed more than four feet below that. Commissioner Phillips believed the design did meet the required stepping. Chair Strachan was comfortable with Commissioner Phillip's assessment. Commissioner Thimm stated that he had looked closely at the plans and he was satisfied that it met the requirements.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to APPROVE the Steep Slope Conditional Use Permit for Lot 20, Block 9, Snyder's Addition, Norfolk Avenue, based on the Findings of

Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Lot 20, Block 9, Norfolk Avenue

1. The property is located on Norfolk Avenue at Lot 20, Block 9 of Snyder's Addition to the Park City Survey.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. A single family dwelling is an allowed use in the HR-1 District.
4. The property is described as Lot 20, Block 9 of the Snyder's Addition to the Park City Survey.
5. The lot contains 1,875 square feet.
6. The lot is currently vacant.
7. A Historic District Design Review (HDDR) application was approved by staff on June 10, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
8. This is a 25' x 75' "Old Town" lot. There is minimal existing vegetation on this lot. This is a downhill lot.
9. Access to the property is from Norfolk Avenue, a public street.
10. Two parking spaces are proposed on site. One space is located inside a single car garage and one is accommodated by a driveway parking space.
11. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes.
12. The proposal consists of a single family dwelling of 2,532 square feet, including the basement area and single car garage.
13. The driveway is designed with a maximum width of eleven feet three and-a-half

inches (11'3.5") and is approximately thirty five feet (35') in length from the garage to the existing edge of Norfolk Avenue with a minimum of eighteen feet (18') of driveway located on the property. The garage door complies with the maximum height and width.

14. The proposed driveway has an overall slope of 8.9% as measured from the front of the garage to the edge of the paved street.

15. An overall building footprint of 844 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.

16. The proposed structure complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').

17. The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling fitted with a NFPA 13 Modified System shall be eight feet (8') (Condition of Approval #11). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks. The proposed structure is setback eight feet (8') from the encroaching historic garage.

18. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height.

19. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Norfolk Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

20. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.

21. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 40% slope area.

22. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are

less than twenty-seven feet (27') in height.

23. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

24. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

25. This property is required to have independent utility services for water, sewer, power, etc.

26. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

27. The findings in the Analysis section of this report are incorporated herein.

28. The applicant stipulates to the conditions of approval.

Conclusions of Law – Lot 20, Block 9 Snyder's Addition, Norfolk Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)

2. The CUP, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – Lot 20, Block 9, Snyder's Addition, Norfolk Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the west from damage.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance. .
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the west and the non-historic structure to the north.
7. This approval will expire on June 24, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
9. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
10. Modified 13-D residential fire sprinklers are required for all new construction on this

lot.

11. The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling fitted with a NFPA 13 Modified System shall be eight feet (8'). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks.

12. The driveway width must be a minimum of ten feet (10') and will not exceed twelve feet (12') in width.

13. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.

14. Construction waste should be diverted from the landfill and recycled when possible.

15. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

2. 222 Sandridge Avenue – Plat Amendment to combine portions of Lots 19, 20 and 21 in Block 72 of the Park City Survey into one lot of record (Application PL-15-02769)

Planner Whetstone reviewed the request for a plat amendment at 222 Sandridge Avenue . The owner, 222 Sandridge LLC, was represented by David Baglino. The request is to combine portions of Lots 19, 20 and a small piece of Lot 21 in Block 72 into one lot of record. An existing historic house sits over the lots lines.

Planner Whetstone stated that the applicant would like to do an addition to the home. The Staff was in the process of working on a HDDR application. Planner Whetstone explained that the lots needed to be combined in order to move forward with the proposed addition.

Planner Whetstone stated that this item was not put on the Consent Agenda because she had received a call from a neighbor requesting the survey and title information. She had not heard back from the neighbor and assumed that he was satisfied with the information

provided. Another reason was that there seemed to be a discrepancy between the GIS and the City's legal description. The City Engineer had reviewed the title report, the legal description, the existing conditions survey, and photos. When Planner Whetstone visited the site she noticed that the property corners were marked at the west edge. She noted that the legal description states that the property goes to the west edge of the road; however, the map shows it going to the east edge of the road. To address the issue, the City Engineer had suggested adding a condition of approval stating that "Prior to plat recordation the property owner shall verify that the driveway for 228 Sandridge is not located on subject property (222 Sandridge), and if it is located on 222 Sandridge or a portion thereof, an access easement shall be provided for the benefit 228 Sandridge Avenue."

Mr. Baglino stated that the applicant agreed with adding the condition of approval.

Planner Whetstone noted that the survey, the title report and the legal description on the Historic Sites Inventory comports with the title report that the applicant does not own the road.

Mr. Baglino remarked that the survey done by Alliance Engineering indicates that the roadway is not part of the property; but that was not shown on the legal description. Planner Whetstone clarified that because of the discrepancy with the GSI the City Engineer wanted verification of ownership.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the draft ordinance.

Mr. Baglino remarked that all three parcels are owned by 222 Sandridge and the purpose was a simple lot line cleanup.

Commissioner Worel referred to page 189 and the reference to tiered historic low rubble stone walls that do not have foundations. She asked if the walls needed to be shored up and whether they had a retaining purpose. Planner Whetstone stated that the walls between the two properties served no purpose; but she did not believe the walls should be removed. Mr. Baglino clarified that the wording "rubble" was correct and that the walls served no retaining purpose. Mr. Baglino stated that they do intend to shore up the foundation.

Planner Whetstone indicated an encroaching railroad tie wall and noted that the owner of 222 would need to provide an encroachment for the property on the north.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 222 Sandridge Avenue Plat Amendment based on 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 unanimously.

Findings of Fact – 222 Sandridge Avenue Subdivision

1. The property is located at 222 Sandridge Avenue.
2. The property is in the Historic Residential-1 (HR-1) Zoning District.
3. The subject property consists of portions of Lots 19, 20, and 21, Block 72, Park City Survey.
4. The property is recognized by Summit County as Parcel PC-600 (Tax ID).
5. There is an existing landmark historic structure located on Lots 19 and 20 that straddles the common property line. The house was constructed circa 1904.
6. The proposed Plat Amendment creates one (1) lot of record from portions of three (3) lots consisting of a total of 3,553 square feet.
7. The maximum building footprint for a lot this size is 1,455 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential-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. A duplex dwelling is a conditional use in the Historic Residential-1 District.
12. The minimum lot area for a duplex dwelling is 3,750 square feet.

13.The proposed lot does not meet the minimum lot area for a duplex dwelling.

14.The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25'). The proposed lot is 31.96 feet wide and meets the minimum lot width requirement.

15.The existing historic house has a zero side yard setback on the north property line. This is a legal non-complying condition because the house is historic and this portion of the house was added on circa mid- 1940s. Existing house complies with the south side yard setback.

16.The submitted certified as-built survey shows a tiered historic low rubble stone wall (no foundation, just piled stones) buried in heavy vegetation encroaching a diminimus 3"-4" onto subject property from the property to the west for approximately five feet (5') along the rear property line.

17.An historic rubble pile of rocks is also located between the subject property and property to the north. It is about 18" high and does not have a foundation. The pile of rocks retains the ground between the two houses. This encroachment is historic and diminimus in nature.

18.A railroad tie retaining wall is located on the property line between the subject property and adjacent property to the north. The railroad tie wall encroaches from the property to the north onto subject property a diminimus 1"-2" for about five feet (5') in one area and encroaches approximately 15" onto subject property at another location to the east.

19.The applicant bears the burden of proper approvals for the railroad wall that encroaches 15", which may include providing an encroachment agreement for the neighbor, or the retaining walls may be relocated or removed to be completely on each separate property.

20.The property is located within the Flood Plain area identified on the FEMA maps.

21.The property is located within the Park City Soils Ordinance boundary.

22.Establishment of a sewer easement and upgraded sewer laterals are required for this property.

23.According to the title report and existing conditions survey, the road, "Sandridge

Avenue”, is not part of the proposed plat. To ensure that access to 228 Sandridge is not impeded by this proposed plat Staff recommends a condition of approval that prior to recordation of the plat the property owner will verify that the driveway access to 228 Sandridge Avenue is not impeded and if the driveway is located on a portion of 222 Sandridge Avenue then an access easement will be required to be provided for the benefit of 228 Sandridge Avenue.

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

Conclusions of Law – 222 Sandridge Avenue Subdivision

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 plat amendments.
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 – 222 Sandridge Avenue 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 the final signed mylar has not been presented to the City for City signatures for recordation 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 of July 30, 2016, and an extension is granted by the City Council.
3. All new construction shall comply with LMC setback regulations in effect at the time of building permit issuance.
4. A ten feet (10') wide public snow storage easement will be required along the Sandridge Avenue frontage of the property and shall be shown on the plat prior

to recordation.

5. 13-D sprinklers are required for any new construction or significant renovation of existing.

6. The encroaching railroad tie retaining wall on the north property line shall be resolved prior to plat recordation.

7. An elevation certificate, showing that the lowest occupied floor is at or above the Base Flood Elevation (BFE), shall be submitted prior to issuance of a building permit and reviewed by the City Engineer.

8. All requirements of the Park City Soils Ordinance shall be complied with as part of the building permit process for any future construction on this property.

9. All requirements of the Snyderville Basin Water Reclamation District shall be satisfied prior to recordation of the plat.

10. Prior to plat recordation the property owner shall verify that the driveway for 228 Sandridge is not located on subject property (222 Sandridge) and if it is located on 222 Sandridge or a portion thereof, an access easement shall be provided for the benefit 228 Sandridge Avenue.

3. 1893 Prospector Avenue – Master Planned Development Application for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square (Application PL-15-02698)

Planner Whetstone reviewed the application for a Master Planned Development for an 11 residential dwelling unit building proposed at 1893 Prospector Avenue. Nine units are proposed as market rate low attainable units. Two units are proposed as deed restricted units in compliance with the City's Housing Resolution 25-12.

The project is located in the General Commercial zone, which requires a conditional use for residential uses. The Planning Commission approved the CUP on May 13, 2015. On May 13th the Planning Commission also reviewed the Master Planned Development, at which time it was discovered that the LMC as written did not allow an MPD for this project. The Planning Commission recommended that the Staff relook at that section of the Code. The Staff came back with a Land Management Code Amendment to allow any project to be submitted as an MPD in the GC and LI zone, which would allow smaller projects to take

advantage of some of the criteria and planning flexibility. The LMC amendment was approved by the City Council.

Planner Whetstone reiterated that the Planning Commission held a public hearing and reviewed this project on May 13th and continued the item. The applicants were back again this evening for action by the Planning Commission.

Planner Whetstone reported that the Staff had completed an analysis of all of the criteria of the Master Planned Development. Specifically, the applicant was requesting a height exception of approximately 6' over the zone height of the GC, which is 35 feet for a flat roof and 40' for a pitched roof. In order to grant the height exception the Planning Commission must find that it complies with specific criteria.

The Staff requested that the Planning Commission conduct a public hearing and consider approving the MPD at 1893 Prospector Avenue.

Ehlias Lewis, representing the applicant, had nothing to add to their previous presentation. He stated that the intent was to create an interesting design with attainable housing inside City limits. He stated that with the high importance of having natural lighting in each unit and having oriented the building to achieve that, the previous discussion was centered around the height exception. Mr. Lewis pointed out that only 30% of the building would be above the height restriction in the GC zone in Prospector Square.

Mr. Lewis stated that the building was intentionally laid out to give open space for public decking for the residents. Their burden is the development agreement they have with the Prospector Square Property Owners Association to retain the parking because the lot was moved. To meet that burden the building is on stilts. Mr. Lewis requested that they be allowed the height exemption for the top section which has two units. He thought the design was much more interesting than a simple rectangular building, which they were allowed to do without coming to the Planning Commission. Mr. Lewis believed this project was a benefit to the City and he explained how they were trying to promote alternative uses of transportation. There is emphasis on the Rail Trail connection to get the occupants in and out of the building in a resort style.

Mr. Lewis had prepared models for the May 13th meeting and he brought the models back this evening. He noted that the design had not changed since the last meeting.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Band pointed out that attainable housing was not a condition of approval of this project, and everyone was pleased that they were doing it. Commissioner Band understood that Mr. Lewis has been hesitant to limit nightly rental in the property. She is in real estate for a living and she knows how difficult it can be to finance a project when there is nightly rental. Commissioner Band stated that nightly rental does not in and of itself make it a non-warrantable condo. A non-warrantable condo requires 20% down, which makes it more difficult to be attainable for young professionals. However, when they get to the point of 48% investment, i.e. nightly rental, anything above that becomes non-warrantable. Commissioner Band stated that when they begin selling to young professionals she was not convinced that they would not be inundated with second homeowners looking for nice priced new construction in Park City. She believed they could quickly end up with nightly rentals and a second home project.

MOTION: Commissioner Phillips moved to APPROVE the Central Park City Condominiums MPD based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Central Park City Condominiums

1. The subject property is located at 1893 Prospector Avenue and consists of Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat.
2. The Gigaplat replat was approved by City Council on June 5, 2014. The final mylar was recorded on May 1, 2015.
3. Lot 25b is a vacant, undeveloped privately owned development lot that is currently part of an asphalt parking lot. The lot contains 5,760 sf.
4. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision Overlay.
5. On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums (aka Central Park City Apartments) project located in the General Commercial zoning district. The application was considered complete on February 24, 2015.

6. On February 24, 2015, the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.

7. The MPD is being processed concurrently with the Conditional Use Permit for residential uses in the General Commercial district.

8. On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the April 8th meeting where it was continued to the May 13, 2015 meeting.

9. In the General Commercial (GC) zoning district, residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission. Retail, restaurant, bars, offices uses, and similar uses are allowed uses in the GC zone.

10. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision Overlay.

11. The proposed building consists of approximately 11,279 sf of residential uses and circulation area. The proposed FAR is 1.96. There are seven units at approximately 810 sf, three units at 1,017 s, and one studio unit at 500 sf. The units are designed to be smaller, attainable market rate dwelling units for full time residents. At least one, if not two of the units will be deed restricted affordable units to satisfy the required affordable housing obligation required by Resolution 2-15, pending approval by the Housing Authority. The remaining units will be market rate units.

12. Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for the eastern portion of the building to a height of 41'6". Approximately 30% of the total roof area is subject to the height exception request. The remaining roof areas (70%) of the building less than 35' in height.

13. The building does not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone based on the total lot area.

14. There are no adjacent structures that will experience potential problems, such as

shadowing, loss of solar Access, and loss of air circulation due to the extra 6'6" of building height for the eastern 30% of the building. The neighboring condominium properties to the east and west are located more than 120' away from the subject building. The proposed building at 1897 Prospector is located 50' to the north with the residential units located on the upper floors and the property management shop located on the eastern portion of the building so as to not be affected by shadows, solar access or air circulation. The rail trail, while not an adjacent Structure, is located approximately 65' to the south of the building, and is approximately 12' higher than the parking lot. The building will not cause loss of solar access or air circulation on the rail trail due to the location, orientation, and relationship of the building to the trail.

15. Additional landscaping is proposed that does not currently exist within the parking lot and along the perimeter of Parking Lot F that will provide vegetated buffering between the proposed building and adjacent structures and rail trail as noted in #13 above. There is sufficient setback and separation between the proposed building and the edge of Parking Lot F to buffer the adjacent condominium buildings from adverse impacts due to the additional building height.

16. There is no requirement of open space in the GC zone, however, additional Building Height results in a more articulated and open building design with the opportunity to provide open decks and patios as useable open areas for the residents.

17. The applicant provided renderings, floor plans, and elevations that demonstrate the transition in roof elements and articulation provided by the additional height for a portion of the building that complies with the façade variation and articulation as required in Chapter 5 Architectural Guidelines.

18. Utilities necessary for this use are available at or near the site. A utility plan was approved by the City Engineer and utility providers and utility easements necessary for the use were provided on the plat amendment prior to recordation.

19. Any additional utility capacity, in terms of fire flows and residential fire sprinklers will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. Necessary utilities and upgrades shall be installed as required by the City Engineer.

20. Twelve (12) parking spaces are required for the proposed residential uses. Twelve covered parking spaces are proposed on the main level. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F,

there will be a total of 103 parking spaces, including the 12 spaces located under the building, as per the Owner's parking agreement with the Prospector Square Property Owner Association. All 103 parking spaces are intended to be shared parking per the parking agreement. There are approximately 91 spaces currently.

21. A pedestrian bridge connection to the Rail Trail is proposed from the building. The Rail Trail is owned by State Parks and certain permits and/or encroachment agreements will be necessary in order to construct the bridge. The informal connection from Lot F to the Rail Trail will be maintained.

22. The site plan includes an existing trash/refuse area that the applicant will screen by constructing an enclosure of materials compatible with the building. Recycling facilities for the building will be provided on the lower parking level to be convenient to the residents.

23. No outdoor storage of goods or mechanical equipment is proposed.

24. No fencing is proposed.

25. The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented towards the Rail Trail and is separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on any existing units, or on the Rail Trail.

26. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.

27. No changes to the existing open space within the Prospector Square planned area are proposed with the residential uses. The new building is proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as open areas for the residents of the units to share.

28. The physical design of the building, in terms of mass, scale, style, design and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the surrounding buildings. The proposed building is contemporary and distinct in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents.

29. No signs are proposed at this time. All signs are subject to the Park City Sign Code.
30. Exterior lighting will be reviewed at the time of the building permit review.
31. The residential uses will not create noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site.
32. The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area.
33. There are no loading docks or delivery bays associated with these uses.
34. The applicant initially intends to own the building and rent the units as long term residences. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County.
35. The proposal exists within the Park City Soil Ordinance Boundary.
36. The development is located in a FEMA Flood Zone A.
37. The development is located adjacent to a stream with wetlands.
38. The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation (1.5 AUE at 900 sf per AUE). The applicant's affordable housing mitigation plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for a portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The applicant's preference is to include two required deed restricted units and nine market rate units within the proposed building. The Park City Housing Authority has final approval authority of the Housing Plan.
39. On May 13, 2015, the Planning Commission conducted a public hearing and approved a Conditional Use Permit for residential uses in the GC Zoning District for this project and continued the Master Planned Development to May 27, 2015.
40. On May 27, 2015, the Planning Commission conducted a public hearing and continued the item to July 8, 2015. No public input was provided.
41. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – Central Park City Condominiums MPD

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility and protects residential neighborhoods and Uses.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable Land and least visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearing held in accordance with this Code.

13. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.

14. The MPD, as conditioned, addresses and mitigates Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

15. Additional building height, as reviewed by the Planning Commission on July 8, 2015, complies with the criteria for additional building height per LMC Section 15-6-5 (F).

Conditions of Approval – Central Park City Condominiums MPD

1. All standard conditions of project approval shall apply to this project.
2. Any signs associated with the use of the property must comply with the City's Sign Code.
3. No outdoor storage of goods or mechanical equipment is allowed on-site. The location of the trash dumpster enclosure shall be approved by the Planning Department prior to building permit issuance.
4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans, including review to ensure adequate fire flows for the building, is required prior to building permit issuance.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Final building plans, exterior building materials and colors, and final design details must be in substantial compliance with the plans reviewed by the Planning Commission on July 8, 2015 and shall be approved by staff prior to building permit issuance.
8. Building Height will be verified for compliance with the approved MPD plans prior building permit issuance.
9. The Construction Mitigation Plan, submitted prior to building permit issuance, shall

include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction.

10. Prior to construction of the pedestrian bridge connection to the Rail Trail all required permits and/or encroachment easements and agreements shall be obtained from the State Parks property owner and the City. If required permits, easements, and agreements are not obtained the bridge will not be constructed.

11. A stream alteration permit and/or 404 permit will be required for any work in the stream area.

12. An elevation certificate will be required showing that the lowest occupied floor is at or above the base flood elevation.

13. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated.

14. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of the building.

15. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building.

16. All exterior lighting on the terraces and porches shall be reviewed by the Planning Department with the Building Permit application and shall be subdued, down directed, shielded, and with no exposed bare bulbs.

17. A Development Agreement shall be ratified by the Planning Commission within six months of this approval. The Agreement shall reiterate all applicable requirements for Development Agreements in the LMC as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD.

18. The Affordable Housing Mitigation Plan shall be approved by the Housing Authority and shall be included in the final Development Agreement.

19. All required affordable housing shall be complete, with certificates of occupancy issued and/or fees in-lieu paid in full, prior to issuance of any certificates of occupancy for the market rate units.

20. The building plans shall be reviewed at the time of the building permit review for incorporation of best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.

4. **Alice Claim south of intersection of King Road and Ridge Avenue – Alice claim Subdivision and Plat Amendment (Application PL-08-00371)**
5. **Alice Claim south of Intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height (Application PL-15-02669)**

Commissioner Phillips recused himself and left the room.

Planner Christy Alexander reported that the Planning Commission had reviewed the applications on June 10th, 2015, at which time the applicant requested that the Planning Commission continue the items to allow them time to prepare a written response to the comments made by the public and the Commissioners. The applicant was given a deadline of June 24th to submit those comments. The applicant did not meet the June 24th deadline; however, on June 30th they submitted a letter requesting that the Planning Commission continue these items to the July 22nd meeting. In their request they indicated that they were working on negotiations with the neighbor, and they also needed additional time to draft their comments.

The Staff recommended that the Planning Commission grant the request for a continuance to July 22nd because at the last meeting some of the Commissioner chose to defer some of their comments until they saw the applicant's response. The Staff would like those comments submitted on the record on July 22nd so they could make sufficient findings for whatever recommendation is made at that meeting.

The Staff recommended that the Planning Commission conduct a public hearing and continue the two items until July 22, 2015. The Staff also requested that the Planning Commission place a firm deadline on the applicant that all comments must be submitted by noon on July 13th. Planner Alexander pointed out that the Planning Commission has the discretion to decide whether or not to grant the continuation.

Brad Cahoon, legal counsel for the applicant, stated that when they met on June 10th they heard a number of comments from the Planning Commission and the public; and at that time they were not quite sure how they would approach it. Mr. Cahoon stated that when

these items were continued to this evening he had forgotten about a scheduled vacation that took two weeks of his time. He had drafted a lengthy letter and they had eight new exhibits that the Planning Staff had not yet seen. They would have the materials finalized and ready to submit on Monday, July 13th.

Jerry Fiat, representing the applicant, stated that there have been a lot of comments about the history of Alice Lode and what it is, and he wanted to clarify the big picture from a historical perspective. Chair Strachan was willing to hear Mr. Fiat this evening, but he suggested that it might be in his best interest to present everything at one time on July 22nd.

Chair Strachan was personally inclined to grant the continuance until July 22nd and allow the applicants the opportunity to submit their items and make their case. The Commissioners concurred.

Commissioner Thimm stated that he would be on vacation and would miss the meeting on July 22nd. He recalled that Chair Strachan had also mentioned that he would not be in attendance on July 22nd. Since Commissioner Phillips recuses himself from the Alice Claim items, Commissioner Thimm was concerned about having a quorum for the meeting.

Commissioners Band, Joyce and Worel all stated that they would be at the July 22nd meeting. Chair Strachan noted that they would have a quorum if Commissioner Campbell would be there. Planner Alexander offered to check with Commissioner Campbell. Chair Strachan remarked that the dates had been set by the Staff and the applicant and if there was not a quorum it would have to be continued to another date. He asked the Staff to give the applicant as much notice as possible if it needed to be continued beyond July 22nd.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE Alice Claim south of Intersection of Kind Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment to July 22, 2015 with a deadline for the applicant to submit all materials by noon on July 13, 2015. Commissioner Worel seconded the motion.

VOTE: The motion passed. Commissioner Phillips was recused.

MOTION: Commissioner Thimm moved to CONTINUE the Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height to July 22, 2015, with a deadline for the applicant to submit all materials by noon on July 13, 2015. Commissioner Worel seconded the motion.

VOTE: The motion passed. Commissioner Phillips was recused.

Assistant City Attorney McLean stated that if the applicant misses the July 13th deadline, the Planning Commission would be notified. If that happens, she suggested that the Commissioners submit the comments they deferred from the last meeting to the Staff in writing by July 15th to be discussed and incorporated into the record on July 22nd. Ms. McLean clarified that if the applicant submits their material on July 13th the Commissioners should wait and comment on the new information.

The Park City Planning Commission Meeting adjourned at 6:25 p.m.

Approved by Planning Commission: _____