

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 23, 2015

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Interim Planning Director, Bruce Erickson; John Boehm, Planner; Makena Hawley, Planning Technician; 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.

ADOPTION OF MINUTES

September 9, 2015

Commissioner Joyce referred to page 16 of the Staff report, page 14 of the minutes, second to the last paragraph, fourth line, and corrected structural engineering to correctly read **structural engineer**. On that same page, Commissioner Joyce referred to the second to the last line of the last paragraph and corrected demolition to correctly read, **demolish**.

MOTION: Commissioner Phillips to APPROVE the minutes of September 9, 2015 as corrected. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioners Worel and Band abstained from the motion since they were absent from the September 9th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Interim Planning Director Bruce Erickson reported that the Staff was moving forward with the Staff reports on the changes to the Land Management Code for the Historic Districts. The reports were on his desk for review and he anticipated having some ready for the next meeting. Mr. Erickson stated that the Planning Commission would first see the changes in a Staff report for discussion. The amendments would not be finalized into the legal language of the LMC until everyone agrees with all the concepts. Once the amendments are codified they would come back to the Planning Commission for a recommendation to City Council.

Mr. Erickson appreciated the Commissioners attendance at the joint meeting with the Snyderville Basin Planning Commission meeting. He asked Chair Strachan to provide a summary of the joint meeting.

Chair Strachan stated that the joint meeting with the Snyderville Basin Planning Commission was the first of what is intended to be a series of joint meetings quarterly to focus on inter-regional issues such as affordable housing and transportation. The public is encouraged to attend the joint meetings. Chair Strachan noted that Park City would host the next joint meeting at the Marsac Building. The time and date had not been confirmed. The plan is to meet quarterly and to alternate between the Sheldon Richins Building and the Marsac Building. An agenda would be posted with specific topics for each meeting. Chair Strachan stated that the joint meetings are an ongoing effort to plan regionally and not just in a vacuum.

Mr. Erickson noted that the topic for the next joint meeting will be affordable/employee/achievable housing. He stated that this Planning Commission shares a high commitment with the Snyderville Basin Planning Commission to get the housing accomplished in a timely manner.

Chair Strachan suggested that when Park City hosts the next joint meeting that they meet in the back of the Council Chambers to create a more informal setting for the two Planning Commissions to converse. He also thought food would add to the relaxed setting.

Commissioner Joyce asked when the Alice Claim proposal would be before the City Council. He recalled that the meeting last week was the original scheduled date but he had not seen it on the agenda. Mr. Erickson stated that Alice Claim was noticed for the October 8th City Council meeting. The Council would have a site visit on October 8th and take public comment during the meeting.

Assistant City Attorney McLean noted that there were two Alice Claim applications. The applicant had appealed the CUP denial to the City Council. The second was review and action by the City Council on the Planning Commission recommendation on the Subdivision. Mr. Erickson anticipated that another modification to the Staff report would be required to answer questions from the City Council and the public after the site visit. He did not expect a Council decision on October 8th.

Commissioner Joyce asked for the status of the vertical zoning discussion. Mr. Erickson stated that vertical zoning was scheduled for their last meeting in October or the first meeting in November. The plan is to have the entire package of amendments ready for the City Council in December.

CONTINUATIONS (public hearing and continue to date specified.)

1. 550 Park Avenue – Steep Slope Conditional Use Permit for construction of a new single-family dwelling and a Conditional Use Permit for a parking area with five or more spaces. (Application PL-14-02451) (Application PL-15-02471)

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

MOTION: Commissioner Worel moved to CONTINUE the 550 Park Avenue steep slope conditional use permit to October 14th, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

1. **710-900 Main Street – First Amended, Fourth Supplemental Record of Survey for Summit Watch at Park City – proposal to remove existing plat note that requires Planning Commission approval for all uses except outdoor dining.**
(Application PL-15-02845)

Planner John Boehm distributed copies of additional public input he received after the Staff report was sent to the Commissioners.

Planner Boehm reviewed the application for the First Amended, Fourth Supplemental Record of Survey map for Summit Watch at Park City, located at 710-900 Main Street. The applicant, which is The Summit Watch Condominium Owners Association, was proposing to remove plat notes on the Summit Watch records of survey, and all of the

associated supplemental record of survey plats that pertain to outdoor dining and other outdoor uses. Planner Boehm stated that the plat notes strictly prohibit, without prior Planning Commission approval, any outdoor uses and events that would otherwise be processed administratively by City Staff as currently allowed in the HRC zoning district. Planner Boehm noted that the record is unclear as to why these notes were placed on the record of survey plats. The Staff researched numerous meeting reports and minutes and was unable to determine the reasoning for these specific plat notes.

The Staff had analyzed the proposal to remove the plat notes and found that doing so would make the Summit Watch Record of Survey more consistent with the underlying HRC zoning requirements.

Planner Boehm reported that currently the adjacent properties in the HRC District are allowed to apply for administrative permits for outdoor uses and special events without first seeking approval from the Planning Commission. Examples of events would be the Park Silly Sunday Market, World Cup Events for the US Ski and Snowboard teams, and the Sundance Film Festival, as well as many others. The Staff has found that there are no unique characteristics in this project that require additional regulation beyond the underlying zoning requirements for the HRC zone.

Planner Boehm had received public input regarding noise and odors associated with special events. He explained that the concerns of noise, odors, and hours of operation shall be mitigated through the Administrative permitting process as they are mandatory approval criteria. In addition, notice of an Administrative Conditional Use Permit review is posted ten day prior to permit approval, which allows the opportunity for neighbors to voice any concerns.

The Staff found good cause for this record of survey amendment as it creates a level of consistency with the surrounding uses in the HRC zone. All relevant criteria will continue to be analyzed as part of the Administrative review. The Staff recommended that the Planning Commission conduct a public hearing for the First Amended, Fourth Supplemental Record of Survey for the Summit Watch at Park City, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Chair Strachan opened the public hearing.

Alex Butwinski stated that unlike most other places in the District this could affect the neighbors. He suggested adding a more stringent noticing requirement other than just a notice in the newspaper. He did not have an answer but asked the Commissioners to consider the current noticing requirement and strengthen it if necessary.

Chair Strachan closed the public hearing.

Planner Boehm stated that the noticing requirement for administrative conditional use permits is posting the property ten days in advance of final action and mailing a notice of review to every property owner within 300 feet of the project. Chair Strachan assumed the requirement was based on the LMC. Planner Boehm answered yes. Chair Strachan questioned whether it was possible to increase the noticing without amending the LMC.

Assistant City Attorney McLean remarked that the current application is to remove the note for consistency with the zone requirements. If the Planning Commission had good reason to want additional requirements for this particular project, instead of removing the note they could amend the note to require certain noticing requirements.

Commissioner Band stated that Summit Watch is on Main Street in a very commercial area, and if residents choose to stay during Sundance they should expect a little hoopla.

Chair Strachan thought it would be worthwhile to have a noticing requirement to the HOA. Mr. Erickson stated that noticing already goes to the HOA. Commissioner Joyce pointed out that people within 300 feet are noticed currently.

Commissioner Joyce drove by the project and he could not see anything different from what they see anywhere else. Changing the entire zone would be a separate discussion. Commissioner Joyce could not understand why that piece was deemed different, because there are residences running all the way up Main Street and throughout the Historic District.

Commissioner Worel agreed. She could not understand why they would hold Summit Watch to a different standard than the rest of the zone. Commissioner Band agreed. In her opinion, the existing plat notes did not make any sense. She thought it made sense to remove them. Commissioner Phillips concurred.

Commissioner Thimm agreed with his fellow Commissioners; however, if a previous Planning Commission made the decision to add it as a condition for good reason, he wanted to know and understand the reason. Like the Staff, he had done his own research and could find no reason for placing the note initially. He believed that if the reason had been significant, it would have been documented on the record.

Mr. Erickson supported the Staff recommendation for the reasons stated. However, if the Staff finds something that is out of order, as part of the Administrative Conditional Use Permit they can take a separate action. The purpose of this application was to clean up the plat.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 710-900 Main Street First Amended, Fourth Supplemental Record of Survey for Summit Watch at Park City, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 71-0900 Main Street

1. The property is located at 710-900 Main Street within the Historic Recreation Commercial (HRC) District.
2. The Summit Watch at Park City Record of Survey plat was approved by City Council on October 7, 1993 and the plat was recorded with Summit County on February 7, 1994.
3. The Summit Watch at Park City Record of Survey plat was required as of part of the Town Lift Phase I – Small scale MPD agreement that was approved by the Planning Commission on April 22, 1992
4. The Third Supplemental Record of Survey for Summit Watch at Park City was approved by City Council on May 16, 1996 and the plat was recorded with Summit County on September 30, 1996.
5. The Third Supplemental Record of Survey for Summit Watch at Park City plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.
6. The Fourth Supplemental Record of Survey for Summit Watch at Park City was approved by City Council on September 25, 1997 and the plat was recorded with Summit County on April 10, 1998
7. The Fourth Supplemental Record of Survey plat was required as of part of the Summit Watch Revised Concept Plan – Large Scale MPD that was approved by the Planning Commission on November 23, 1994.
8. The November 23, 1994 Summit Watch Revised Concept Plan – Large Scale MPD approval contains a Condition of Approval stating that all uses in the project shall be governed by the HCB zone.

9. On July 6, 2015, the applicants submitted an application for a record of survey plat amendment. The application was deemed complete on July 9, 2015. On September 7, 2015, the application was revised to consolidate three separate applications into this one application.

10. The Record of Survey plat amendment would make the subject property consistent with the underlying zoning requirements for the Historic Recreation Commercial (HRC) zoning district.

11. The Record of Survey plat amendment would allow the applicant to apply for administrative permits, without prior Planning Commission approval, for outdoor uses.

12. Staff could not find any information in prior meeting minutes and reports regarding the specific need for additional regulation beyond the zoning requirements for the Historic Recreation Commercial (HRC) zoning district.

13. There are no unique characteristics in this project that require additional regulation beyond the underlying zoning requirements for the Historic Recreation Commercial (HRC) zoning district. Adjacent properties in the HRC zone are currently allowed to apply for Outdoor Uses and special events through administrative processes.

14. Special events and Outdoor Uses that currently take place in the HRC zone include the Sundance Film Festival, Park City Silly Sunday Market, and U.S. Ski/Snowboard events.

15. The findings in the Analysis section are incorporated herein.

Conclusions of Law – 710-900 Main Street

1. There is good cause for this condominium plat amendment.

2. The amended condominium 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 condominium plat amendment.

4. Approval of the amended condominium 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 – 710-900 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.

2. The applicant will record the amended condominium plat 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 condominium plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All conditions of approval of the original Summit Watch at Park City Record of Survey plat continue to apply.

2. **1000 Ability Way – Conditional Use Permit Application for an accessory building greater than the 600 square feet in the Recreation Open Space (ROS) Zoning District for the National Ability Center (Application PL-15-02876)**

Planning Tech, Makena Hawley, reviewed the application for a conditional use permit for 1000 Ability Way. The applicant was requesting an accessory building greater than 600 square feet in the Recreation Open Space Zoning District.

Planner Hawley noted that the applicant previously went through the Administrative permit process and the building currently exists. However, it was only approved as a temporary building. The request is to keep it as a permanent building.

The Staff recommended that the Planning Commission review the application for a conditional use permit for 1000 Ability Way, conduct a public hearing, and approve the CUP for an accessory structure greater than 600 square feet. The Staff had prepared findings of fact, conclusions of law and conditions of approval for consideration.

Chair Strachan recalled when this project first came before the Planning Commission. He thought it was straightforward.

Michael Barille, representing the applicant, was available to answer questions. He noted that this project was in the works prior to the MPD application. There were just a few buildings that they were looking at.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Worel also recalled seeing this previously and she believed it was consistent with everything that occurred.

MOTION: Commissioner Band moved to APPROVE 1000 Ability Way Conditional Use Permit application for an existing accessory building greater than 600 feet in the Recreation Open Space Zoning District for the National Ability Center. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1000 Ability Way

1. Applicant requests the use of an accessory building greater than 600 square feet to be used for hay storage.
2. The property is located at 1000 Ability Way.
3. The property is located within the Recreation and Open Space (ROS) District and the proposed use requires a Conditional Use Permit which meets the purpose of the zone
4. The lot is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City.
5. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation.
6. The size of the proposed hay barn is 1,819 square feet.
7. The current space was previously an area of low grade, slight dirt embankment consisting of mostly dirt, rocks and minimal shrub growth used as a short cut for ATV and equipment access to the horse pastures.
8. Access to the proposed hay barn will be from highway 248 via Gilmore Way and Ability Way directly accessed off National Ability Center driveway, which is

connected to their parking lot.

9. No additional parking is proposed or needed according to the Land Management Code.

10. The neighborhood is characterized by a mix of open space, trails, and sporting fields. The buildings closest to the property are the USSA training center and the IHC hospital.

11. The project has been reviewed by the Park City Fire District and approved per clearance number 6159.

12. The proposed structure complies with all setbacks. The minimum setbacks from all boundary lines of the lot are twenty five feet (25'). The proposed accessory building is 278 feet away from the closest lot line. According to the Building Department there are no requirements for setbacks between structures.

13. The proposed structure complies with the twenty-eight feet (28') maximum building height requirement measured from existing grade. The proposed structure will be a maximum of twenty-two feet (22') in height.

14. Staff finds that the proposed barn is compatible with the surrounding structures. The barn uses the same materials as the surrounding structures and is generally smaller than most of the adjacent buildings. Since the hay storage barn is a support use for the other buildings and lands, the physical design and compatibility are very similar.

15. 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.

16. This property is will not require independent utility services for water and sewer.

17. Lighting is proposed in three exterior areas. The lighting currently has been approved for the temporary use and is down lit and shielded.

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

19. The applicant stipulates to the conditions of approval.

Conclusions of Law - 1000 Ability Way

1. The CUP, as conditioned, is consistent with the Park City Land Management Code,

specifically section 15-2.7-2(C)(14).

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 Approvals – 1000 Ability Way

1. All Standard Project Conditions shall apply.
2. Construction waste should be diverted from the landfill and recycled when possible.
3. No housing of farm animals shall be permitted as a use of the barn.

Park City Planning Commission meeting adjourned at 6:00 p.m.

Approved by Planning Commission: _____