

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 24, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips,

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Anya
Grah, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

February 10, 2016

MOTION: Commissioner Joyce moved to APPROVE the minutes of February 10, 2016 as written. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson reported that the new Planning Commissioner, Laura Suesser, would be sworn in the following evening at the City Council meeting. Ms. Suesser would take her seat on the Planning Commission at the next meeting on March 9th.

Director Erickson reported some of the legacy projects were lying dormant due to other matters. The Staff was moving forward with Land Management Code changes. The intent is to make the LMC more technically precise and easier to identify what the City is looking for; and to do a better job of protecting neighborhood characteristics. Some of the changes address height issues in the historic districts, steep slopes, master sign plans, real estate offices and other items. The issues are fairly complicated and require additional time and discussion. Director Erickson noted that the Historic District Planners were

working on revising the Historic District Guidelines and they would be holding to two public input sessions in April. The Planning Commission was welcome to attend those sessions. Director Erickson stated that changes after April would address traffic and transportation, as well as other issues related to master planned developments.

Director Erickson would provide an update at a later meeting on projects coming forward for summer planning. The Planning Commission could expect to hear the annual update on PCMR the first week in April, which was part of the approval on the gondola and two chair lifts.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 2392 Holiday Ranch Loop Road- Conditional Use Permit for construction of a new well house that will support both the Divide and Park Meadows Well on the same property that the current well houses exist. (Application PL-16-03079)

Director Erickson reported that this item was a municipal project for a well filtration plan of approximately 2200 square feet next to the existing fire station on Holiday Ranch Loop Road. The approximate location is where the existing well buildings currently sit. It is a one-story building with a clerestory to provide light. The Staff had requested additional information from Public Utilities, and that information will be provided prior to the Planning Commission meeting on March 23rd.

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

MOTION: Commissioner Joyce moved to CONTINUE the 2392 Holiday Ranch Loop Road Conditional Use Permit to March 23, 2016. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 545 Main Street/550 Park Avenue, April Inn Condominiums – Condominium Record of Survey that creates a total of seven (7) units.
(Application PL-16-03089)

Planner Francisco Astorga reviewed the application for a condominium record of survey for the April Inn condos. It is a total of seven units consisting of three commercial units on the

Main Street side, three residential units above the commercial, and one single family dwelling/parking structure on 550 Park Avenue, which was approved on October 28th, 2015.

Planner Astorga noted that the Historic District Design Review was updated to reflect the conditions of approval from October 28th, 2015. A public hearing was held the previous day. The Design Review Team found that the HDDR application meets all of the conditions of approval from October 28th and it was close to being approved.

Planner Astorga states that April Inn was located in the HCB and the HR-2 District. The requested condominium record of survey simply allows the property owner to sell each of the seven units individually. The Staff found that it meets the LMC for condominium records of survey.

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 found in the draft ordinance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan understood that the CC&Rs require approval of this condominium conversion before the units could be individually sold. He asked why that requirement was put in place.

Planner Astorga replied that a conditional of approval united the April Inn on the Main Street side with 550 Park Avenue so they could accommodate that specific use. That same plat amendment, called the Cardinal Park Plat Amendment, also shifted the lot lines of two other adjacent Park Avenue lots. That application was approved by the City Council in November 2015. Lot 1 of that plat is this specific site of the April Inn condominiums and that plat needs to be recorded before they can move and record the condominium plat.

Commissioner Campbell asked how the applicant had solved the problem regarding the garage doors. Planner Astorga stated that the applicant originally proposed six parking spaces; four covered and two uncovered. The number of parking spaces was reduced to five; four being covered and the fifth one off to the side in the rear area of 550 Park Avenue. Eliminating one parking spot allowed them to build Building Code required walls and accommodate each garage door.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the condominium record of survey for 545 Main Streets/550 Park Avenue, April Inn Condominiums, 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 – 545 Main Street/550 Park Avenue

1. The property is located at 545 Main Street in the HCB District and at 550 Park Avenue in the HR-2 District.
2. The subject property consists of Lot 1 of the Cardinal Park Plat Amendment approved by the City Council in November 2015, and not yet recorded at Summit County.
3. The Cardinal Park Plat Amendment shall be recorded prior to the recordation of this Condominium Record of Survey.
4. In October 2015, the Park City Planning Commission approved a request for a Steep Slope Conditional Use Permit (CUP) for a new single-family dwelling over a parking structure on a vacant site and a CUP for a Residential Parking Structure with five (5) or more spaces, associated with a residential Building on the same Lot,
5. The property owner proposes to record a Condominium Record of Survey that creates a total of seven (7) units.
6. A condominium is not a type of use but a form of ownership.
7. A Multi-Unit Dwelling is an allowed use in the HCB District.
8. The proposal complies with the allowed uses in the HCB District.
9. Lot 1 of the Cardinal Park Plat Amendment is 8,425.5 square feet in total with 5,800.5 square feet of it within the HCB District and the remainder is located in the HR-2 District.
10. The minimum lot area within the HCB District is 1,250 square feet.

11. The HCB zoned portion of Lot 1 is 5,800.5 square feet and complies with the required minimum lot area.

12. The minimum lot width within the HCB District is twenty five feet (25').

13. The lot width of the HCB zoned portion of Lot 1 is 77.34 feet and complies with the minimum lot width.

14. There are no minimum front, rear, and side yard setback dimensions in the HCB District.

15. The maximum Floor Area Ratio (FAR) within the HCB District is 4.0 or 23,202 square feet (5,800.5 square feet x 4.0).

16. The existing gross area of the HCB zoned portion of Lot 1 is 15,539 square feet.

17. The existing FAR is 2.68 ($15,539 \div 5,800.5$) and meets the maximum FAR.

18. The maximum Building volume for the HCB Zoned lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.

19. The maximum Building volume is met.

20. A single-family dwelling is an allowed use in the HR-2 District.

21. The minimum lot area for a single-family dwelling is 1,875 square feet.

22. The area of Lot 1 is 8,425.5 square feet in total with 2,625 square feet of it within the HR-2 District and the remainder is located in the HCB District.

23. The HR-2 zoned portion of Lot 1 is 2,625 square feet and complies with the required minimum lot area.

24. The minimum lot width allowed in the HR-2 District is twenty-five feet (25').

25. The lot width of the HR-2 zoned portion of Lot 1 is thirty five feet (35') and complies with the minimum lot width.

26. The proposed single-family dwelling / parking garage structure shall be subject to the parameters outlined in the HR-2 District.

27. The proposed Condominium Record of Survey Plat as the requested form of ownership is not detrimental to the overall character of the neighborhood.

28. This application allows the following units to be platted as private ownership:

- a. Commercial Unit A – 1,392 square feet.
- b. Commercial Unit B – 1,541 square feet. c. Commercial Unit C – 1,556 square feet.
- d. Residential Unit D – 2,994 square feet, plus a 213 square foot garage, totaling 3,207 square feet.
- e. Residential Unit E – 2,855 square feet, plus 220 square foot garage, totaling 3,075 square feet.
- f. Residential Unit F – 2,808 square feet, plus a 220 square foot garage, totaling 3,028 square feet.
- g. Residential Unit G – 1,826 square feet, plus a 232 square foot garage, totaling 2,058 square feet.

29. The total private ownership of this project is 15,857 square feet.

30. Units A, B, and C are found on the street level directly off to the Main Street sidewalk and are of a commercial designation.

31. Units D, E, and F are found above commercial units on the second and third level of the existing building.

32. Units A – F are addressed as 545 Main Street.

33. Residential unit G is a single-family dwelling and parking garage structure to be building and will have the 550 Park Avenue address.

34. The proposed Record of Survey consists of common area, private residential, limited common residential, and private commercial.

35. The exterior and boundary walls, floor joists, foundations, roofs, mechanical areas, utility chase, etc. are to be platted as common space.

36. The four (4) residential units, D, E, F, & G, are to be platted as private residential including the four (4) garages to be access off the alley via Main Street.

37. The three (3) commercial units, A, B, & C, are to be platted as private commercial.

38. The storage areas accessed through the three (3) garages, external parking space adjacent to Unit G, exterior decks, internal circulation, etc., are platted limited common residential.

39. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Prior to building permit issuance, a soils management plan must be submitted and final construction must comply with the Soils Ordinance.

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

Conclusions of Law – 545 Main Street/550 Park Avenue

1. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
3. Approval of the 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 – 545 Main Street/550 Park 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 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 Cardinal Park Plat Amendment shall be recorded prior to the recordation of this Condominium Record of Survey.

4. Required public improvements and landscaping, as applicable, shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.

5. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Prior to building permit issuance, a soils management plan must be submitted and final construction must comply with the Soils Ordinance.

2. Land Management Code Amendments regarding noticing in Chapter 15-1-18, Historic Preservation in Chapter 15-11, and associated definitions in Chapter 15-15, Defined Terms. (Application PL-15-03024)

Planner Anya Grahn stated that last December the City Council passed an ordinance to amend the Land Management Code to address a number of issues regarding the Historic Preservation Chapter. The Staff was cleaning up a few errors that were found. She explained that when they were making changes under the pending ordinance they heard a lot of complaints, particularly from second homeowners, about coming back to Park City to find that the house next door had been demolished and they were not noticed. Planner Grahn noted that a noticing matrix was included that requires the Planning Department to post a sign and provide mailing notice for property owners within 100 feet whenever a demolition permit is issued for 75% or more of the building.

Planner Grahn noted that the noticing requirement was the primary change. Most everything else were grammatical changes. Another change was that the HPB purposes statement was amended to exclude the HPB as an appeal body. Since the HPB does materials deconstruction they can no longer be the appeal body. Appeals will now go to the Board of Adjustment. Planner Grahn stated that they referenced the HPB's review of material deconstruction as part of 15-11-12(A)(3). The entire appeal body section was removed because it was outlined in other sections of the LMC and the language was repetitive. Planner Grahn pointed out that amendments were added to the definition of demolition.

The Staff requested that the Planning Commission conduct a public hearing, review the proposed Land Management Code Amendments, and forward a positive recommendation to the City Council.

Chair Strachan asked why the noticing boundary was not 300 feet. Director Erickson replied that 300 feet would be repetitive. A hundred feet encompasses all of the neighbors. Because the Old Town lots are smaller, 300 feet could notice as many as 100 people.

The 100 feet requirement was just for the action itself. Planner explained that 100 feet is consistent with the current noticing for an HDDR application.

Commissioner Phillips asked about the 75% demolition requirement. Planner Grahn stated that the Staff believed 75% was a fair number because 50% could be too small, depending on what was being proposed. She noted that 75% was almost a total scrape. Commissioner Phillips thought 50% would also be significant. Planner Grahn offered to amend it to 50% if there was consensus among the Commissioners.

Chair Strachan asked if the Rio Grande Building would have been considered material deconstruction or a demolition. Planner Grahn replied that the Rio Grande Buildings was approved and the work was done prior to the pending ordinance. Under the new ordinance it would have been classified as material deconstruction because the corrugated metal siding was removed, as well as other structural elements to rebuild the roof. Chair Strachan asked if more or less than 75% had been removed. Planner Grahn believed it was 25-50%.

Chair Strachan agreed with Commissioner Phillips that the percentage should be lowered. He recommended 25% based on the Rio Grande Building because people would want to know if a change of that magnitude was proposed.

Planner Grahn clarified that currently a material deconstruction project in Old Town is noticed for the HPB review as well. The 75% demolition noticing would only apply to something such as an A-frame where the applicant would propose to scrape the lot or remove a significant portion of that building.

Assistant City Attorney McLean stated that the reason for using the term "material deconstruction" as opposed to "demolition" is because under the Code a historic building can only be demolished through the CAD process. Any time material is removed from any historic building the term will be material deconstruction. Ms. McLean understood how there could be confusion in the future in terms of how to access the correct percentage. She asked Planner Grahn to clarify how the percentage is measured and what it means when doing a panelization.

Planner Grahn stated that a panelization project would fall under material deconstruction because even though it is demolition work, the building is actually reconstructed so it is not entirely lost. The percentage is aimed more at buildings that are not on the HSI and are being scraped. Planner Grahn was concerned that every time someone comes in to replace their siding it could be considered 25%. When the Staff suggested 75% they were looking at floor plan or materials. If 75% of the building is being removed it would take it down to maybe just the stud walls or even less.

Chair Strachan asked how Planner Grahn knew the answer when he asked for the percentage on the Rio Grande building. Planner Grahn stated that she estimated 25-50% percentage based on the work that was done. Chair Strachan asked if the Staff could do that with an application rather than seeing it in retrospect. Planner Grahn believed the Staff would have to draft their own guidelines to make sure they were being consistent in how they apply it. Chair Strachan thought that was even more reason for lowering the percentage. He preferred to set the percentage low and amend it later if necessary.

Chair Strachan asked if this also applied to buildings that were not on the HSI. Planner Grahn stated that the only way it would apply to a building on the HSI would be if the applicant went through the CAD process. Going through the CAD process means the building will be demolished and completely lost. She explained that a material deconstruction and a panelization or reconstruction project means the structure is coming back. It may be come back with new materials, but the HPB would review that under the material deconstruction review. The proposed LMC change was primarily for when there is a total loss and the building next door is completely demolished.

Chair Strachan asked if a building on the HSI would have to go through the CAD process. Planner Grahn stated that it would go through the materials deconstruction process as part of the Historic District Design Review. The CAD process is only for demolishing and scraping the site with no intention of bringing back the building.

Assistant City Attorney McLean thought she had added to the confusion. She explained that the term used is "demolition", which means it would only be non-historic buildings or buildings that are not on the HSI. Material deconstruction requires 14 days noticing before it goes to the Historic Preservation Board. The only ones exempt from that process are ones that are waived by the Planning Director because they are deemed minor.

Chair Strachan wanted to know the process for an HSI home if an owner wanted to re-panelize a large portion of the house. Planner Grahn stated that it would be material deconstruction, and as part of the panelization the HPB would have to review and approve the panelization. It would have to follow all the noticing requirements.

Chair Strachan asked for the process on a non-HSI home. Planner Grahn used the example of a 1970's house that the owner wanted to demolish. The owner would come in for an over-the-counter demolition permit and the Planning Department would sign off. The only difference now is that a mailing and a posting would be done to make the neighbors aware that the Planning Department had signed off on the demolition permit. Planner Grahn clarified that this was for buildings that are in the historic districts but not deemed historic.

Commissioner Joyce asked where the new category of "Contributory" fit into this process. Planner Grahn stated that they would fall under demolition because contributory structures are not protected from demolition. Contributory is more of an honorary term.

Commissioner Phillips asked if this change would have affected the Rio Grande. Planner Grahn answered no. In terms of the 25% for re-siding, Board Member Band questioned whether someone should have to go through the process to put new siding on a 1970s house in Old Town. She thought that seemed excessive.

Commissioner Campbell stated that it was important to know how the percentage is measured because re-siding is more like 5% of a house. He thought they needed to create a formula to calculate the percentage.

Assistant City Attorney McLean asked the Staff to give an example of a renovation project in town on a newer house. Planner Grahn could not think of any project where any part of the existing house was saved. Planner Astorga stated that the only example he had was the duplex at 1103/1105 Lowell Avenue. The owner wanted nothing saved and the entire structure was demolished. In that scenario the owners came in months before the pending ordinance for a demolition permit and he issued it on the spot. With the new proposed procedure the demolition would have to be noticed. Planner Astorga could not think of any project that saved a portion of the structure.

Commissioner Band commented on a structure at 531 Woodside that was so large it looked out of place. She was told that the owner remodeled the house and it towers over everything in the neighborhood. Planner Grahn stated that under the current Code that structure would have to go through a Historic District Design Review and it would not be a total scrape. Instead of a demolition permit the owners would come in for a building permit to do the addition and remodel. The neighbors would be noticed under the HDDR application.

Planner Grahn explained that the goal of the proposed change is to capture the ones not on the HSI that are more of a total scrape and there is no plan to rebuild immediately after. Commissioner Campbell clarified that the intent was not to keep someone from doing it. The purpose was to notify the neighbors. Planner Grahn replied that he was correct.

Commissioner Campbell suggested 50% since it was less than the 75% proposed by Staff but more than 25%. Chair Strachan thought the Planning Commission should see the guidelines the Staff would apply because it may affect what percentage they ultimately choose. Ms. McLean pointed out that because these are non-HSI buildings there is no

prohibition against demolition. It only puts people on notice that the demolition will occur. The only guidelines that would apply would be guidelines for new construction.

Chair Strachan clarified that he was asking to see the guidelines that the Staff would use to determine what percentage of material is being deconstructed as opposed to demolished. Director Erickson stated that there is no material deconstruction on a non-historic house. The notification is for non-historic sites only. He remarked that every material deconstruction is noticed on a historic project. If the structure is not historic the neighbors would be notified if 75% or more of the structure will be demolished. Director Erickson pointed out that it was nothing more than a courtesy notice.

Commissioner Phillips asked if 531 Woodside would have been captured by the 75% threshold. Planner Grahn believed it would have fallen under the Historic District Design Review because the changes to the project were approved and applied for under the HDDR for new construction. It was part of an addition and remodel permit. Director Erickson did not think 531 Woodside was a good example in this case because there were too many other components. He preferred to use one of the replica houses that caused a lot of controversy and started the ordinance revision. They are not historic but contribute to keeping the character of the neighborhoods. This would allow the neighbors to know that something was going to happen to that home.

Commissioner Joyce was concerned that if a demolition permit is issued over-the-counter the demolition could occur before the neighbors receive their notices. Planner Grahn stated that this was an opportunity to inform the neighbors because many live out of town and are concerned when they come back to town and find the neighboring house is gone. Ms. McLean asked for the typical lag time between the Planning Department signing off and the demolition permit being issued. Planner Grahn replied that it was approximately one week. Planner Astorga understood that the applicant needed to go to the Utah Department of Air Quality on a demolition to make sure it is mitigated properly. He believed the lag time was a week to ten days from the time the application is submitted before the permit is issued. Planner Astorga reiterated that the intent is a courtesy mailing as information only, and not for public input. Ms. McLean stated that if a neighbor objected to the demolition they would have to go to District Court and get an injunction.

Commissioner Band wanted to know what problem was being solved with the proposed change, other than trying to keep people from getting upset when a house is demolished. She questioned whether it would create additional problems because people could do nothing about it unless they get an injunction. Commissioner Joyce thought the time frame would not allow most people to get an injunction before the demolition occurred. He agreed that the courtesy notice was meaningless. Chair Strachan agreed that unless the

neighbors are given advance notice it would not be worth it. People need to be noticed before the backhoes arrive so they have time to get an injunction.

Commissioner Phillips stated that they would not want to delay everyone, and for that reason he thought 75% or more was probably the better percentage. Commissioner Joyce thought it would be meaningless to send a notification if a person has no influence over his neighbor's ability to demolish the building because it is allowed and the Planning Department will sign it off. The only difference is that the person out-of-town will hear about the demolition by mail instead of when they come back to town. It would still be too late to get an injunction because the house would already be torn down.

Director Erickson stated that the Planning Commission could make a motion to approve the changes to the LMC and strike the language with respect to noticing for demolitions over 75%.

Chair Strachan asked if they needed to change the definition of demolition under 15-1.75. Ms. McLean answered yes. She stated that whatever the Planning Commission would want to recommend to the City Council regarding the noticing was independent of the definitions. However, from a legal standpoint the definition needs to be changed because currently it is inconsistent with the material deconstruction language that was adopted in December.

Commissioner Joyce referred to page 73, the definition of Demolition. He asked for an explanation of the language regarding the exclusions. Director Erickson stated that the exclusions are if they have approved the act. If they approve a material deconstruction it is no longer a demolition. He explained that by definition they were trying to prohibit demolition in this section. If for some reason it was approved, it needed to be excluded from this definition because it is no longer a prohibited act.

Assistant City Attorney McLean stated that the Staff would wordsmith the language so the import is the same but the exclusions are listed so it is clear that all of those items are excluded.

Chair Strachan believed there was consensus to eliminate the language in red on page 78 of the Staff report that requires noticing of demolition of non-historic structures. The Board concurred.

Chair Strachan asked if there were any historic determinations that are not appealed to the Board of Adjustment under the newly revised Code. Assistant City Attorney recalled that the only exception was a provision that exempts City Council. Chair Strachan clarified that any appeals on either a Staff determination or an HPB determination would go to the Board

of Adjustment. He wanted to know what standard of review the BOA applies. Ms. McLean stated that it was changed to de Novo to match the other reviews. Chair Strachan read the language from the Code and pointed out areas where he thought the language was unclear. If they were giving the Board of Adjustment more appeals their standard of review should be clear. Ms. McLean explained that the same standards were applied across the Board for all appeals. The language in (G) was not just for HPB appeals. It was the burden of proof and standards of review for all appeal authorities within the City.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the LMC amendments for the Park City Historic Sites Inventory criteria and demolition permits in the draft ordinance, and as amended by removing the noticing requirements in red on page 78 of the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Phillips stated that 531 Woodside comes up frequently and he never has an answer for people. He asked if that type of situation could occur again and whether it has been addressed. Director Erickson offered to bring it back on the next agenda with a Staff update.

The Park City Planning Commission Meeting adjourned at 6:30 p.m.

Approved by Planning Commission: _____