

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 23, 2018

COMMISSIONERS IN ATTENDANCE:

Chair Melissa Band, John Kenworthy, John Phillips, Mark Sletten, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Anya Grahn, Planner; Hannah Turner, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

May 9, 2018

Commissioner Kenworthy referred to page 23, last full paragraph, and added the words **extended height**. the revised sentence read “The City is doing everything possible regarding transportation, but if we want to satisfy the affordable housing issue, they may have to compromise by allowing height in areas where we do not particularly want **extended height**”.

Commissioner Thimm referred to page 23, second paragraph, first sentence and changed “Commissioner Thimm said that the...” to correctly read, “Commissioner Thimm said that **he** has been involved in a number of affordable housing projects...”.

MOTION: Commissioner Phillips moved to APPROVE the Minutes of May 19, 2018 as amended. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson announced that Planner Anya Grahn and Planner Tippe Morlan had earned their American Institute of Certified Planners certification. He believed Park City has more certified planners per capita than any other planning department in the State. He noted that both had scored 100%. Director Erickson congratulated Anya and Tippe.

Director Erickson stated that Planner Hannah Tyler would be taking the test in November.

Chair Band welcomed former Planning Commissioner Adam Strachan and recognized the number of years and hours he gave to the City and the Planning Commission; especially on the Treasure Hill application. He was an amazing leader and a great asset to the community.

Mayor Andy Beerman presented Adam with a plaque for his service, and questioned how they could properly thank him for all the time he had given over ten years. He named a number of the larger and more contentious projects the City faced during his time on the Planning Commission. Mayor Beerman believed they had reached this point in trying to resolve Treasure Hill because of the hard work the Planning Commission did under Adam's leadership. On behalf of everyone, Mayor Beerman thanked Adam for his service and all his good work.

Adam stated that he was thankful and honored. The Planning Commission is close to his heart and he does not regret any of the time he spent on the Commission. He appreciated the opportunity of having served with Commissioners Phillips, Band, Suesser and Thimm; and he wished the new Commissioners the best of luck.

Director Erickson thanked Laura Newberry and Liz Jackson for their efforts in getting the plaque for Adam.

CONTINUATIONS – Public hearing and continue to date specified.

1. 115 Sampson Avenue – Steep Slope Conditional Use Permit – applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%.
(Application PL-18-03794)

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

MOTION: Commissioner Thimm moved to CONTINUE 115 Sampson Avenue Steep Slope CUP to June 13, 2018. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

2. Land Management Code Amendments regarding Food Trucks in Chapters 15-1-10 Conditional Use Review Process; 15-2.5 Historic Recreation Commercial (HRC) District; 15-2.6 Historic Commercial Business (HCB) District; 15-2.13 Residential Development (RD) District; 15-2.14 Residential Development-Medium Density (RDM) District; 15-2.16 Recreation Commercial (RC) District; 15-2.17 Regional Commercial Overlay (RCO) District; 15-2.18 General Commercial (GC) District; 15-2.19 Light Industrial (LI) District; 15-2.22 Public Use Transition (PUT) District; 15-2.23 Community Transition (CT) District; and 15-15 Defined Terms. (Application PL-18-03846)

Planner Tyler reported that this was a LMC amendment for food truck locations in Park City. The Staff would be taking this amendment to the City Council for policy direction on June 13th. After getting that direction, doing their analysis, and reaching out to the important stakeholders in the community, the Staff will come back to the Planning Commission with a Land Management Code amendment. She noted that the objective this evening was to give notice to the public that this amendment was being considered and it would be aligned with State Code.

Commissioner Thimm read from Item 14 on page 35 of the Staff report, "Food Trucks must not impede safe movement". He noted that Item 3 only refers to emergency vehicle access. Commissioner Thimm thought Item 3 should be strongly worded in its final form to say that it must not impede emergency vehicles.

Commissioner Suesser wanted to know which locations were being considered for food trucks; or whether there were potential sites. Planner Tyler noted that page 29 showed all the possible zones for food trucks. At this point, food trucks will not be located in the rights-of-way due to safety concerns. It would only be for private property.

Assistant City Attorney McLean pointed out that it could also be for City-owned properties; and the City would have to follow the same CUP process as a private property owner. Regarding rights-of-way, Ms. McLean stated that State Code is very explicit about what they have to allow. If food trucks are allowed in the right-of-way a CUP would not apply.

Commissioner Band opened the public hearing. There were no comments. Chair Band closed the public hearing.

MOTION: Commissioner Sletten moved to CONTINUE the Land Management Code Amendments regarding food trucks to a date uncertain. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

3. Twisted Branch Road Subdivision Plat – A Subdivision Plat for 3 lots of record for an on-mountain private restaurant, a City water tank and pump station, and a recreational warming shelter/yurt; existing Twisted Branch Road; parcels for Deer Valley Resort uses; open space and existing SR 244, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area. (Application PL-17-03664)

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

Commissioner Phillips questioned the number of times this item has been continued. Commissioner Band noted that this would be the third continuation. Planner Whetstone thought they would be ready to come to the Planning Commission on June 13, 2018.

MOTION: Commissioner Suesser moved to CONTINUE Twisted Branch Road Subdivision Plat to June 13, 2018. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

4. Flagstaff Mountain and Empire Pass Development – Construction Mitigation Plan amendments regarding clean excavation materials stockpiling and depositing and construction traffic routing.

Commissioner Band opened the public hearing. There were no comments. Chair Band closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE Flagstaff Mountain and Empire Pass Development – Construction Mitigation Plan Amendments to June 13, 2018. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

5. Park City Heights Subdivision – Amendment to subdivision phasing plan.

Commissioner Band opened the public hearing. There were no comments.
Commissioner Band closed the public hearing.

MOTION: Commissioner Sletten moved to CONTINUE the Park City Heights Subdivision Amendment to the subdivision phasing plan to June 21, 2018.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **1062 and 1064 Park Avenue – A plat amendment proposing to create a two (2) lot subdivision from four (4) existing lots of record and two (2) metes-and-bounds parcels. (Application PL-18-03818)**

Commissioner Suesser assumed from the photos in the Staff report that the existing residence straddles two of the four lots. Planner Tyler answered yes. She explained that there is a Landmark structure on Lot B that straddles both of the interior lots. This amendment would clean that up, as well as the lot lines on the metes and bounds parcel.

Planner Tyler reported that this was a simple plat amendment. Both platted lots are the same site configuration as two platted lots in the Snyder's addition, along with an adjacent metes and bounds parcel. The request is to combine the existing lots four lots and the metes and bounds parcel into two lots of record.

The Staff recommended that the Planning Commission forward a POSITIVE recommendation to the City Council for the Plat Amendment at 1062 and 1064 Park Avenue based on the findings of fact, conclusions of law, and conditions of approved found in the draft ordinance.

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

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council regarding the Sunshine Ski Home plat amendment located at 1062 Park Avenue and 1064 Park Avenue, based upon the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1062 and 1064 Park Avenue

1. The properties are located at 1062 Park Avenue and 1064 Park Avenue are in the Historic Residential-Medium Density (HR-M) District.
2. The proposed site location consists of 1062 Park Avenue (“Landmark” Single-Family Dwelling) and 1064 Park Avenue (vacant lot).
3. 1062 Park Avenue and 1064 Park Avenue are adjoining properties, each consisting of two (2) platted lots in Snyder’s Addition to Park City Survey and an adjacent metes-and-bounds parcel to the northeast.
4. The applicant intends to create a two (2) lot subdivision from the four (4) platted lots and two (2) metes-and-bounds parcels.
5. The Plat Amendment application was complete on March 21, 2018.
6. 1062 Park Avenue is listed as a “Landmark” Site (single-family dwelling) on the Park City Historic Sites Inventory (HSI). The applicant has stated their intent to restore the “Landmark” single-family dwelling and construct an addition in the rear.
7. 1064 Park Avenue is currently a vacant lot.
8. Portions of both 1062 and 1064 Park Avenue are located in Federal Emergency Management Agency’s (FEMA) Flood Zone AO and Flood Zone X. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.
9. The minimum lot width in the HRM District is 37.5 feet; the lot width of Lot A and Lot B will be 37.5 feet.
10. For lots over 75 feet in depth, the required Front Yard Setback for the Single-family Dwelling and a Duplex Dwelling is 15 feet in the HRM Zoning District.
11. The required Rear Yard Setback is 10 feet in the HRM Zoning District.
12. The required Side Yard Setback for the Single-Family Dwelling and a Duplex Dwelling is 5 feet in the HRM District.
13. A single-family dwelling is an allowed use in the HRM Zoning District.
14. A duplex dwelling is an allowed use in the HRM Zoning District.
15. Staff finds good cause for this Plat Amendment as interior lot lines and metes and-bounds parcel boundaries will be removed for both 1062 and 1064 Park Avenue creating two (2) legal lots of record. In addition, ten foot (10’) public snow storage easements along Park Avenue and 11th Street will be granted to the City.
16. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards.
17. On May 9th, 2018 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on May 5th, 2018 according to requirements of

the Land Management Code.

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

Conclusions of Law – 1062 and 1064 Park Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. There is good cause for this plat amendment as it will resolve lot line encroachments and provide snow storage easements.
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 – 1062 and 1064 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 is granted by the City Council.
3. The applicant shall show and label all easements with Snyderville Basin Water Reclamation District (SBWRD) on the plat amendment.
4. A ten feet (10') wide public snow storage easement will be required along the Park Avenue and 11th Street frontage of the property.
5. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.

2. **1011 Empire Plat Amendment, located at the same address – A plat amendment proposing to subdivide 3 existing lots of record addressed at 1011 Empire Avenue into two lots of record. (Application PL-17-03625)**

Planner Anya Grahn reviewed the application for a plat amendment at 1011 Empire Avenue. There is an existing historic house on Lot 1 of the proposed subdivision. The applicant is proposing to subdivide three lots into two lots of record. The historic house would remain on Lot 1.

Planner Grahn reported that the applicant went before the Historic Preservation Board for material deconstruction approval, which addressed a number of encroachments such as the garage and retaining walls in the right-of-way.

Commissioner Suesser thought the historic house actually sits on Lots 1 and 2 because it is larger than one lot. Planner Grahn stated that in looking at the current survey, the historic house sits over Lots 4, 5 and 6. However, when they actually do the subdivision it will be on Lot 1 of the new subdivided plat.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 1011 Empire Avenue Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1011 Empire Avenue

1. The property is located at 1011 Empire Avenue.
2. The property consists of all of Lots 4, 5, and 6 of Block 28 of Snyder's Addition to Park City.
3. The property is in the Historic Residential (HR-1) District.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. The Plat Amendment removes two (2) interior lot lines.
6. The proposed Plat Amendment combines the property into two (2) lots: Lot 1 which includes the historic house will include 2,812.5 square feet. Lot 2 will contain 2,812.5 square feet.
7. The minimum lot area for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings. The proposed lots do not meet the minimum lot area for a duplex at 3,750 square feet.
8. A single-family dwelling is an allowed use in the District.
9. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lots meet the minimum lot width requirement with widths of 37.50 feet.

10.LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

11.The applicant proposes to maintain and renovate the historic house on Lot 1 of the 1011 Empire Avenue Subdivision and develop Lot 2 with a new single family house.

12.The minimum front/rear yard setbacks are 10 feet (10'); the minimum total front plus rear yard setbacks are minimum of twenty feet (20'). The historic house, located on Lot 1 of the proposed plat amendment, has a front yard setback of 19 feet and a rear yard of 8 feet. The 8-foot rear setback is valid non-complying. There is an existing non-historic garage which is non-historic which has 0' front setback and encroaches in the City right of way. The owner has indicated he will remove the garage.

13.The minimum side yards for the two (2) proposed lots are 3 feet for a total of 6 feet for each lot.

14.There are several existing encroachments on site. The existing non-historic garage, constructed in the 1970s, encroaches three feet (3') into the City right-of-way. There are also stacked stone retaining walls that encroach approximately two feet (2') into the right-of-way.

15.The area behind the curb is not landscaped and has become an illegal, gravel parking space.

16.The applicant stipulates to abandoning the Bed and Breakfast use approved in 1991 and 1999 by the Park City Planning Commission and to removal of the reserved parking sign.

17.The Park City Planning Department received the plat amendment application on July 26, 2017; the application was deemed complete on August 14, 2017. The applicant then amended his plat amendment and submitted a revised request on March 6, 2018.

18.On April 18, 2018 the Historic Preservation Board approved the Material Deconstruction associated with the HDDR at 1011 Empire, this included approval to remove the non-historic garage and stone retaining walls in the public ROW.

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

Conclusions of Law – 1011 Empire Avenue

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

Conditions of Approval – 1011 Empire Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
 2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. The existing garage encroaches approximately three feet (3') into the right-of-way. The applicant shall remove the existing garage prior to recordation of this plat amendment.
 4. The existing stone retaining walls encroach approximately three feet (3') into the right-of-way. The applicant shall remove the existing retaining walls prior to recordation of this plat amendment.
 5. Residential fire sprinklers will be required for all new construction per the requirements of the Chief Building Official.
 6. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue right-of-way.
 7. The "Reserved Parking" signs within the right-of-way shall be removed as street parking is public and not exclusively reserved for 1011 Empire Avenue.
 8. Prior to plat recordation, the applicant shall remove the illegal gravel parking pads behind the curb and landscape this area to prevent future parking.
 9. The Owner stipulates that he is abandoning the Bed and Breakfast Use at this Location.
3. **1135 Norfolk Plat Amendment, located at the same address—A plat amendment proposing to combine all of Lots 8 and 9 and the south half of Lot 10, Block 17 of the Snyder's Addition to Park City into one lot of record. (Application PL-18-03826)**

Planner Grahn reported that this was a Significant Site on the Historic Site Inventory. The existing house encroaches over two interior lot lines. The entire site contains 2-1/2 lots. There is also a non-historic garage. The applicant currently does not have a Historic District Design Review; but cleaning up the lot lines is the first step in the process. If the plat amendment is approved, the next step would be to submit a proposal for the house and the site.

The Staff recommended approving this plat amendment to create one lot of record and to remove the interior lot lines.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Commissioner Suesser asked if Lot 10 was on the north side of the property. Planner Grahn thought it was on the north side. Commissioner Suesser understood that this plat amendment would combine half of Lot 10 with Lots 8 and 9 to form one lot of record. Planner Grahn replied that the current parcel contains 2-1/2 lots. She was unsure when the half portion was acquired. She clarified that 2-1/2 lots would be combined into one lot of record.

Commissioner Suesser asked if the non-historic garage was an encroachment. Planner Grahn answered yes. She pointed to where it encroaches on to the neighboring property, but mostly into the right-of-way. Planner Grahn stated that the garage is in poor condition and she believed the applicant was interested in removing the garage. The Staff asked the applicant to pull back the garage and remove the portions that encroach in order to resolve the encroachment issue.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation to the City Council for the 1135 Norfolk plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1135 Norfolk

1. The property is located at 1135 Norfolk Avenue.
2. The site contains all of Lots 8 and 9 and the south half of Lot 10, Block 17 of the Snyder's Addition to Park City. The property is in the Historic Residential (HR-1) District.
3. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
4. The Plat Amendment removes two (2) interior lot lines.
5. The proposed Plat Amendment combines the property into one lot of record.
6. The minimum Lot Size for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings as it will create a lot containing 4,687.5 square feet.
7. The total lot size and width will be larger than neighboring single-family lots;

however, development on this lot is limited due to the location of the historic house on the site, which limits additional development to the rear of the historic house.

8. A single-family dwelling is an allowed use in the District.

9. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lot meets the minimum lot width requirement at 62.50 feet.

10.LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

11.The minimum front/rear yard setbacks are 10 feet (10'); there is a non-historic shed in the backyard that has a 5-foot rear yard setback and complies with the allowed rear yard setback of 1 foot for Accessory Buildings less than 18 feet in height, per LMC 15-2.2-3(G)(6). There is a 0 foot front yard setback as a non-historic concrete garage encroaches over the front property line and into the City's right-of-way.

12.The minimum side yards are 5 feet for a total of 14 feet. The existing site has a side yard setback of 5 feet along the north property line, but 0 feet along the south property line. The non-historic concrete garage encroaches into the neighboring property to the south.

13.There are several existing encroachments on site. The existing non-historic concrete garage encroaches approximately 2 feet into the City right-of-way and approximately 1.5 feet into the property directly to the south at 1121 Norfolk Avenue. There are concrete retaining walls built into the right-of-way and into the neighboring property at 1121 Norfolk Avenue. There is also a railroad tie retaining wall that encroaches over the property west property line and into the neighboring property. The Victorian Village Condominiums. Finally, it appears that the Victorian Village Condominiums built a composite staircase that bisects the northwest corner of the subject site.

14.The Park City Planning Department received the plat amendment application on March 23, 2018; the application was deemed complete on March 29, 2018.

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

Conclusions of Law - 1135 Norfolk

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

Conditions of Approval – 1135 Norfolk

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The applicant shall demolish the portion of the non-historic concrete garage that encroaches into the City right-of-way and neighboring property at 1121 Norfolk Avenue prior to recordation of the plat amendment.
4. The applicant shall demolish the portion of the non-historic concrete and railroad tie retaining walls prior to recordation of the plat amendment.
5. The composite staircase that bisects the northwest corner of this lot and owned by the Victorian Village Condominiums shall either be removed or the applicant shall enter into an encroachment agreement with Victorian Village Condominiums for the stairs, prior to recordation of the plat amendment.
6. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat
7. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue right-of-way.

The Park City Planning Commission Meeting adjourned at 5:50 p.m.

Approved by Planning Commission: _____