

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
July 11, 2018

COMMISSIONERS IN ATTENDANCE:

Chair Melissa Band, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser

EX OFFICIO: Planning Director, Bruce Erickson; Anya Grahn, Planner; Hannah Tyler, Planner; Laura Newberry, Planning Tech; Mark Harrington, City Attorney; Rebecca Ward, Legal Intern

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

June 17, 2018

MOTION: Commissioner Suesser moved to APPROVE the Minutes of June 27, 2018 as written. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the applicant for the Kimball project has indicated that construction was moving along and they may be obtaining occupancy permits. If not, the Commissioners would be provided with hard hats and vests during their site visit on August 8th.

Director Erickson announced that Commissioner Kenworthy had volunteered to be the Planning Commission representative on the Transportation Master Plan. Commissioner Sletten had also expressed an interest. The Planning Commission would vote on a resolution at the next meeting to officially appoint Commissioner Kenworthy. Director Erickson believed the Long-Range Master Plan would probably be adopted as an element of the General Plan.

Director Erickson reported that tomorrow the City Council would begin their discussion on parking reductions for accessory units during a work session. The next step would be for the Planning Commission to review accessory apartment parking reduction recommendations.

Commissioner Suesser confirmed that the Planning Commission would not hold their second meeting on July 25th. Director Erickson replied that she was correct.

CONTINUATIONS – Public hearing and continue to date specified.

1. Twisted Branch Subdivision Plat – A Subdivision Plat for 4 lots of record for an on-mountain private restaurant, a City water tank, a City pump station, and a recreational warming shelter/yurt; existing Twisted Branch Road; parcels for Deer Valley Resort uses; open space; and existing SR 224, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area. (Application PL-17-03664)
2. Amended Flagstaff Technical Report #15 – Construction Mitigation Plan.

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

MOTION: Commissioner Sletten moved to CONTINUE the Twisted Branch Subdivision Plan to a Date Uncertain and the Amended Flagstaff Technical Report #15 Construction Mitigation Plan to August 8, 2018. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

3. Park City Heights Subdivision – Amendment to subdivision phasing plan. (Application PL-17-03552)

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

MOTION: Commissioner Kenworthy made a motion to CONTINUE the Park City Heights amendment to the subdivision phasing plan to a date uncertain. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

4. 341 Ontario 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-15-02915)

MOTION: Commissioner Suesser moved to CONTINUE 341 Ontario Avenue Steep Slope Conditional Use Permit to August 8, 2018. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1114 Park Avenue – Conditional Use Permit for an Addition to a Historic Structure located within a Building Setback. This is a proposal to convert an unfinished crawlspace that is located within the Side Yard Setback area of a “Significant” Structure into habitable basement area. The proposal is all interior work having little to no impact on the exterior of the structure and no increase in Building Footprint would be achieved. (Application PL-18-03888)

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

MOTION: Commissioner Suesser moved to APPROVE the Consent Agenda as shown on the July 11, 2018 agenda for the 1114 Park Avenue CUP. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1114 Park Avenue

1. The subject property is located at 1114 Park Avenue and is a “Significant” Site in the 28 Historic Residential-Medium Density (HR-M) Zoning District.
2. The applicant is proposing to convert an unfinished crawlspace that is located within the Side Yard Setback area of a Historic Structure into habitable basement area. The crawlspace area is located below the north side of the Historic Structure and is 147.7 square feet.

3. A Historic District Design Review (HDDR) application was approved in 2015 for the complete restoration of the Historic Structure, construction of a basement foundation, and construction of an addition to the rear (east). As a part of the construction, the basement foundation was poured underneath the existing Historic Structure. Because the Historic Structure had already occupied the Setback area, a foundation was permitted beneath the existing Structure within the Setback area; however, the basement space had to be designated as uninhabited crawlspace in the areas located within the Side Yard Setback.

4. The proposal is all interior work having little to no impact on the exterior of the structure and no increase in Building Footprint would be achieved.

5. Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HR-M District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5.

6. Per LMC 15-2.4-6(A), the Planning Commission may grant an exception to the Building Setback for additions to Historic Buildings consistent with the Historic District Design Guidelines.

7. Per LMC 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.

8. The Conditional Use Permit application for an Addition to a Historic Structure located within the Building Setback was deemed complete on June 5, 2018.

9. The Historic Structure at 1114 Park Avenue is a Single-Family Dwelling. A Single-Family Dwelling is an Allowed Use in the HR-M Zoning District.

10. A Plat Amendment for 1114 Park Avenue was approved by City Council and recorded at Summit County in 2015.

11. There are no unmitigated impacts to LMC 15-2.4-3(1) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The 2015 HDDR was reviewed for compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites.

12. There are no unmitigated impacts to LMC 15-2.4-3(2) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure.

13. The proposal complies with LMC 15-2.4-3(3) as the applicant is to dedicate a façade preservation easement to the City. Condition of Approval #7 has been added requiring the façade easement.

14. There are no unmitigated impacts to LMC 15-2.4-3(4) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The crawlspace area that is located within the Side Yard Setback is beneath the north end of the existing structure. No increase in Building Footprint was achieved through the addition of the crawlspace area in question. As a result, there is no visual impact to the perceived mass from the Street because this is subterranean with little to no impact to the exterior of the Historic Structure.

15. There are no unmitigated impacts to LMC 15-2.4-3(5) as per LMC 15-2.4-6, Existing Historic Structures that do not comply with Off-Street Parking are valid Non-Complying Structures. The proposed crawlspace conversion into habitable area does not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required.

16. LMC 15-2.4-3(6) is not applicable as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the exterior landscaping.

17. LMC 15-2.4-3(7) is not applicable as there are no commercial Use; therefore, no separation between Residential and commercial Uses is required.

18. LMC 15-2.4-3(8) is not applicable as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the utility equipment.

19. The proposal complies with LMC 15-2.4-6(A)(1) as the Planning Commission has reviewed and approved a Conditional Use Permit for the proposed Use.

20. The proposal complies with LMC 15-2.4-6(A)(2) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure.

21. The proposal complies with LMC 15-2.4-6(A)(3) as The addition has been reviewed for compliance with the Design Guidelines and LMC through the HDDR Process (approved in 2015).

22. The proposal complies with LMC 15-2.4-6(A)(4) as the addition has been reviewed for compliance with the Building and Fire Codes through the Building Permit (associated with the approved 2015 HDDR).

23. The proposal complies with LMC 15-2.4-6(A)(5) as the addition has been reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites through the 2015 HDDR process. The proposal is all interior work having little to no impact on the exterior of the Historic Structure.

24. There are no unmitigated impacts to LMC 15-1-10(E)(1) Size and location of the site, as the Lot is 3,485 square feet (.08 acres). The site is located on Park Avenue (west property boundary) and abuts Sullivan Road to the east.

25. There are no unmitigated impacts to LMC 15-1-10(E)(2) Traffic considerations including capacity of the existing Streets in the Area, as there is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.

26. There are no unmitigated impacts to 15-1-10(E)(3) Utility capacity, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The increase in habitable space will have no impact on the current utility equipment and capacity needs.

27. There are no unmitigated impacts to LMC 15-1-10(E)(4) Emergency vehicle access as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the existing emergency vehicle access.

28. There are no unmitigated impacts to LMC 15-1-10(E)(5) Location and amount of off

street parking, as per LMC 15-2.4-6, Existing Historic Structures that do not comply with Off-Street parking are valid Non-Complying Structures. The proposed crawlspace conversion into habitable area does not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required.

29.LMC 15-1-10(E)(6) Internal vehicular and pedestrian circulation system, is not applicable as there is no impact to the existing internal and pedestrian circulation system.

30. There are no unmitigated impacts to LMC 15-1-10(E)(7) Fencing, Screening and landscaping to separate the Use from adjoining Uses, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the exterior landscaping. In addition, there are no commercial Uses that require separation from Residential Uses.

31. There are no unmitigated impacts to LMC 15-1-10(E)(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The crawlspace area that is located within the setback is beneath the north end of the existing structure. No increase in Building Footprint was achieved through the addition of the subject crawlspace/basement area. As a result, there is no visual impact to the perceived mass from the Street because this is subterranean with little to no impact to the exterior of the Historic Structure.

32. There are no unmitigated impacts to LMC 15-1-10(E)(9) Usable Open Space, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure.

33.LMC 15-1-10(E)(10) Signs and lighting, is not applicable as there are no signs or lighting on site.

34. There are no unmitigated impacts to LMC 15-1-10(E)(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, as there is no impact to the Compatibility with surrounding structures or perceived mass from the Street because this is a subterranean area of the existing Structure with little to no impact to the exterior of the Historic Structure.

35.LMC 15-1-10(E)(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site, is not applicable as there are no changes that will result in additional noise, vibration, odors, steam, or other mechanical factors.

36.LMC 15-1-10(E)(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas, is not applicable as there are no changes that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup Areas.

37.LMC 15-1-10(E)(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, is not applicable as this is a Single-Family Dwelling.

38.LMC 15-1-10(E)(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site, is not applicable as There are no changes that will impact the exterior conditions of the structure or the topography of the Site.

39.There are no unmitigated impacts to LMC 15-1-10(E)(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding, as This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. In 2015, a HDDR was approved for the restoration, construction of a basement foundation, and construction of an addition to the rear (east). As a result, the Historic Structure which had once experienced many out-of-period alterations was restored to its Period of Historic Significance. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to Goal 15A and Objective 15A.

40.On June 27th, 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 June 23rd, 2018 according to requirements of the Land Management Code.

41.The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 1114 Park Avenue

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria as established by the LMC 15-1-10, LMC 15-2.4-3(E) Conditional Use Review (HR-M), and 15-2.4-6(A) Existing Historic Structures Exceptions.
2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 1114 Park 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.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. This approval will expire on July 11, 2019, if a complete building permit submittal has

not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration

5. Modified 13-D fire sprinkler system is required.
6. All above grade utility facilities shall be located on the property and properly screened.
7. The applicant shall dedicate façade preservation easements to the City for the historic structure at 1114 Park Avenue prior to the issuance of a Building Permit.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Land Management Code (LMC) Amendment – LMC Amendments regarding Chapter 15-1-18 Appeals and Reconsideration Process as well as Chapter 15-1-21 Notice Matrix to reflect the 30-day appeal period for Historic District Design Reviews. (Application PL-18-03885)**

Planner Grahn reported that this item was an LMC Amendment to clean up the Appeals and Reconsideration Process, as well as the Notice Matrix Sections. The Staff had not received any public comment prior to this meeting. Planner Grahn was prepared to answer questions or address any concerns.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the LMC Amendments as proposed.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Commissioner Suesser had concerns with the wording in Section E, the Timing Section, which read, "All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority, which is Staff, regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board...." Commissioner Suesser suggested that they replace the phrase, "which is Staff" with "which is a decision by Staff", to read more consistently with the rest of the clause. Planner Grahn agreed with the change.

City Attorney Mark Harrington stated that Commissioner Suesser's language change addressed an additional issue that was scheduled to come before the Planning Commission at a later time. However, it could be addressed this evening if the Commissioners wanted to take the time because it goes hand in hand. Mr. Harrington explained that the Staff issues the Notice of Decisions when the Planning Commission takes action; and that the Planning Commission Chair only signs the orders when doing an appeal. The Chair does not sign the conditional use permit orders. Mr. Harrington stated that some Appellants have argued that it should actually come back to the Planning Commission a third or fourth time to be signed by the Chair.

Mr. Harrington noted that the Code is not written that way, but they could eliminate that argument by adding a reference clarifying that the final action is deemed from the Notice of Action signed by Staff on administrative matters. If the Planning Commission wanted to include that direction in their motion, it would go to the City Council without having to come back to the Planning Commission.

Director Erickson stated that the Planning Commission could forward a positive recommendation with an added condition of approval directing the Staff to add language to clarify that the Staff prepares the final action.

Commissioner Suesser thought the Planning Commission made the final action. Director Erickson clarified that after the Commissioners take action the Staff prepares the paperwork, but it does not come back to the Planning Commission to be ratified.

City Attorney Mark Harrington explained that the Planning Commission approves the written binding and takes the final action. The Staff issues the written decision; however, the Planning Commission Chair does not execute the written order. Mr. Harrington stated that this has always been the process, but the Commissioners could decide to have the Chairperson sign a written order the day after every meeting. His recommendation would be to just clarify the current process within the Code so it is clear that the ten-day appeal period runs from the notice of the written decision; and not from the evening of the vote.

Director Erickson clarified that the notice period runs from the date of the issuance of the written notice of final action. There is a 30-day period for HPB and a 10-period on the rest.

The Commissioners preferred to discuss this issue at a later time, rather than include the clarifying language in this recommendation.

MOTION: Commissioner Suesser moved to forward a PSOTIVE recommendation to the City Council for the LMC Amendments, Chapter 15-1-18 Appeals and Reconsideration Process and Chapter 15-1-21 Notice Matrix to reflect the 30-days appeal as proposed in the Staff report, with the amendment that in the second line of Section E of 15-1-18, that after “, which is” to insert “a decision by” before the word “Staff”. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

2. 1900 Park Ave – Roadhouse Subdivision– Proposal to create one (1) legal lot of record from an existing metes and bounds parcel.
(Application PL-18-03870)

Planning Tech Laura Newberry reported that this plat amendment was driven by a condition of approval of the existing conditional use permit requiring that a subdivision be recorded before obtaining a Certificate of Occupancy on an additional outdoor dining deck. It is currently a metes and bounds parcel and the purpose is to create a legal lot. The Staff found no issues with this application.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Planner Newberry added an additional condition of approval stating that the Planning Department will coordinate the trails and paths with the Transportation, Planning Department and Sustainability to work out any easements that are existing or need to be added prior to the City Council meeting.

Commissioner Suesser referred to Condition #6, “A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer”. She asked if they know whether or not there will be an amount.

Mr. Harrington replied that the Building Code says “The option to install public improvements prior to recordation”; but, most of the time the applicants prefer to do it after. However, State Code has been amended and it very clear that it is their option. Until that is known it has to be written in that way. Mr. Harrington believed the State Legislature needs to take a hard look at further limiting what can be acquired.

Commissioner Sletten asked if it was dollar for dollar. Mr. Harrington replied that it depends on what it is, but typically it is not a dollar for dollar amount.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the Roadhouse Subdivision at 1900 Park Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance, and as amended to add the additional condition of approval. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1900 Park Avenue

1. The property is located at 1900 Park Avenue.
2. The site consists of one metes and bounds parcel located south of the Snow Creek Crossing Subdivision.
3. There are four existing easements that will be memorialized with recordation of this Subdivision.
4. The property is in the General Commercial (GC) District.
5. The property is in the Frontage Protection Zone (FPZ).
6. The property is within the FEMA Flood Zone X.
7. There is an existing commercial building at this location.
8. On June 27, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on June 23, 2018, according to requirements of the Land Management Code.
9. The City received a Plat Amendment application for the Roadhouse Subdivision on May 18, 2018. The application was deemed complete on June 12, 2018.
10. The proposed plat will create a one-lot subdivision measuring approximately 44,866.8 square feet in size.
11. The existing building was constructed in approximately 1977.
12. The existing commercial building is currently used as a restaurant, which is an allowed use in the GC district.
13. In the GC District, the minimum front yard setback is twenty feet (20'). The existing building is located at least fifty-one feet (51') behind the front property line.
14. In the GC District, the minimum rear yard setback is ten feet (10'). The existing building is at least twenty-three feet (23') from the rear property line.
15. In the GC District, the minimum side yard setback is ten feet (10') on each side. The existing building is at least seventy-nine (79') from the side property line.

16. In the FPZ, all structures shall be at least thirty feet from the nearest highway Right-of-Way.

The existing structure is at least fifty-one feet (51') behind the nearest highway Right-of-Way.

17. In the FPZ, a Conditional Use Permit is required for all construction between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way. The applicant has an existing Conditional Use Permit for site improvements and an additional outdoor deck which will comply with all Setback requirements.

18. The proposed Subdivision will not cause undo harm to adjacent property owners.

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

Conclusions of Law – 1900 Park Avenue

1. There is good cause for this Subdivision.
2. The Subdivision 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 Subdivision.
4. Approval of the Subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1900 Park 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 subdivision 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 and an extension is granted by the City Council.
3. A five foot (5') wide public snow storage easement along the frontage of Park Avenue is required and shall be provided on the plat.
4. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lot.
5. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.
6. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.

7. A ten foot (10') wide public snow storage easement is required along the public street frontage of the Lot and Parcel.

8. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.

9. No certificate of occupancy shall be issued on the proposed improvements until recordation of this plat.

10. The property is subject to MS4 storm water requirements, and a MS4 permit is required for all land disturbance activities.

11. The Planning Department will coordinate the trails and paths with the Transportation, Planning Department and Sustainability to work out any easements that are existing or need to be added prior to the City Council meeting.

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

Approved by Planning Commission: _____