

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 24, 2021

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, John Kenworthy, Sarah Hall, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: Gretchen Milliken, Planning Director; Liz Jackson, Planner; Mark Harrington, City Attorney; Jessica Nelson, Planning Analyst

The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

Chair Phillips read the Public Notice for Electronic Meetings and Exhibit A: Determination of Substantial Health and Safety Risk.

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4), is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, raise your hand on Zoom. Written comments submitted before or during the meeting date will be entered into the public record but not read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org/public-meetings

Exhibit A: Determination of Substantial Health and Safety Risk

The Commission Chair has determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

- Statewide COVID cases and hospitalizations remain high.
- Based on metrics established by the statewide COVID-19 Transmission Index, Summit County moved to the High-Risk designation on October 22, 2020; and

- Park City is a resort community continually hosting visitors from areas which may be experiencing rapid COVID-19 spread.

This determination is valid for 30 days and is set to expire on March 24, 2021.

Dated: February 24, 2021.

ROLL CALL

Chair Phillips called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

APPROVAL OF MINUTES

February 10, 2021

MOTION: Commissioner Thimm moved to APPROVE the Minutes of February 10, 2021 as written. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

No hands were raised on Zoom and no eComments were submitted.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Analyst, Jessica Nelson, reported that the Planning Commission is the first meeting to test the new AV system. She explained that new cameras were installed in the ceiling to show different views of the Council chambers. One camera faces the dais, and another camera faces where the presenters sit. All the microphones were integrated into the new AV system as well. When they go back to doing in-person meetings, the City is looking towards continuing to provide people the opportunity to still view these meetings from home and participate from their homes if they choose. The new AV system is a hybrid system that allows for people in the room, as well as people at home, to participate in these meetings. The AV system replaces the Owl that was in the middle of the room. It is incredibly crisp, and the video and audio are great. They look forward to this technology being available and to give the public more ways to participate in the public process as COVID-19 changes over time and they can resume in-person meetings.

Chair Phillips believed this was a positive coming out of 2020, and that everyone having to learn how to participate virtually will change the landscape of the world. He thought

this additional tool to allow people to get involved and have their voices heard was amazing.

Chair Phillips asked about the multiple cameras. Ms. Nelson explained that there are two iPads in the Council Chambers, and they would be able to change the view from the camera view currently on the screen to the camera that points directly back. They will also have the ability to pan left/right/up/down/zoom in/zoom out. The existing microphones are still in place and there is a switch on the audio called a privacy mode and the microphones can be turned off during breaks.

Ms. Nelson anticipated an increase in the number of people required to host the hybrid meetings, and that will be figured out eventually.

Commissioner Suesser asked Director Milliken to comment on the house bills that she talked about in the emails she sent prior to this meeting. Director Gretchen replied that she sent the emails as an informative update. She thought the City Attorney was the best person to answer Commissioner Suesser's question.

City Attorney, Mark Harrington, provided an update on HB98. The House Bill primarily addresses building inspections and design review authority of local governments. The Legislature would like to limit both actions. As predicated in the first email, the second email illustrates that the League has gone neutral in trying to combat the legislation since compromises were made on the building inspection side of the Bill. However, with the help of the League and other cities, and an additional agent for Historic Districts and Historic Sites Inventory, anything that was in place prior to January 21st will likely remain if the bill stays as currently drafted. The first substitute was introduced since the first email, and the City is hopeful that design review will be retained in those areas. Mr. Harrington stated that there will be significant changes to non-historic areas and how they approach design review of single-family and duplex for both new proposals and changes to a structure. Depending on the final language, the City will evaluate changes to the Architectural Chapter in the LMC and other sections as necessary.

City Attorney Harrington remarked that it will likely be a net loss, but they prioritized retaining design review in the Historic Districts.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- 5.A. 1203 Park Avenue - Plat Amendment - The 1203 Park Avenue Plat Amendment Proposes to Combine Lot 1 and the Southern Half of Lot 2 of Block 6 of the Snyders Addition to Park City Into One Lot of Record.**
(Application PL-20-04724)

Planner Liz Jackson reviewed the application for a plat amendment at 1203 Park Avenue, which is a corner lot. This application was a simple Old Town lot combination of a lot and a half. The lot line proposed for removal was shown in green. The blue line was the property line. Encroachments were shown in red.

Planner Jackson stated that currently there is a fence along the property rear line on the west, a garage on the west and south line that encroach over the property line, and some pathways, which are proposed to be removed. The applicant has also submitted for Historic District Design Review, to remove the house and replace it with a single-family dwelling.

Planner Jackson noted that this was a standard request, and the Staff had no concerns or issues. The Planning Department had received no public comment.

The Staff recommended that the Planning Commission review the proposal for the 1203 Park Avenue plat amendment, conduct a public hearing, and consider forwarding a positive recommendation to the City Council for their meeting on March 18, 2021.

Commissioner Suesser asked if any part of this home has historical significance. Planner Jackson replied that there is no record for this site in the survey of Park City forms nor the Historic Sites Inventory forms. She noted that there is no tie to this home being historic because the changes removed it from being contributing. The Staff has been working with the applicant on the HDDR to preserve some of the elements of the home, but it is not historic.

Commissioner Suesser understood the foundation of the existing house encroaches on the north boundary line up against the purple house. Planner Jackson replied that it is not on the property line, but it does encroach into the setback. Commissioner Suesser understood that when they raze the house and build a single-family home, they will need to remove anything in the setback. Planner Jackson replied that she was correct. She noted that the demolish is to demolish everything existing and build new. The new structure will need to comply with the LMC.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

MOTION: Commissioner Suesser moved to APPROVE the plat amendment for 1203 Park Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of

Approval as outlined in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1203 Park Avenue

1. The property is located at 1203 Park Avenue.
2. The property is in the Historic Residential-Medium (HRM) District.
3. The subject property consists of all of Lot 1 and the south ½ of Lot 2, Block 6, Snyder's Addition to Park City. The proposed Plat Amendment creates one (1) lot of record.
4. Though constructed prior to 1938 and over fifty (50) years old, the Site is not designated as historic on the Park City Historic Sites Inventory (HSI) as it does not meet the criteria for either Landmark or Significant. The house has been significantly altered by non-historic additions that have significantly altered the house's Essential Historical Form and diminished its historic integrity.
5. On December 14, 2014, the City notified the property owner at 1203 Park Avenue via certified mail that the area on his side of the fence was owned by the City and the City would give permission to use this property; however, the owner of 1203 Park Avenue did not have any "permanent right, title, or interest of any kind" vested in the area to the east of the fence as the "City may, at some future date, elect to remove the fence and not have City property on your side of the fence." The letter indicated that the owner waived any right to compensation for the loss of improvements made to the east side of the fence as this property did not belong to him.
6. On March 24, 2017, the City received a Plat Amendment Application for the 1203 Park Avenue Plat Amendment located at 1203 Park Avenue; the Application was not complete as staff requested the Applicant provide additional required information in order to move forward with processing the Application.
7. On February 20, 2018, the Applicant submitted updated information for the Plat Amendment Application. The Application was complete on March 9, 2018 and approved via Ordinance 2018-26. The Plat Amendment was never recorded with Summit County and the approval has since expired.
8. On December 17, 2020, the Applicant submitted a Plat Amendment Application. The Applicant submitted updated information to City staff on January 25, 2021 and the Application was deemed complete on February 4, 2021.
9. On December 17, 2020, to be reviewed concurrently with this Plat Amendment, the Applicant submitted a Historic District Design Review Application to demolish the existing non-historic Structure and build a new Single-Family Dwelling.
10. The property currently contains 2,812.5 square feet. The property abuts Park

Avenue on the east side of the house and 12th Street to the south.

11. The proposed Plat Amendment combines the property into one (1) lot measuring 2,812.5 square feet. The Plat Amendment removes one (1) lot line going through the existing Structure.

12. The existing house was determined in 2018 to be an illegal Duplex as it does not meet the lot size requirements for a Duplex in the HRM zoning district and no evidence was presented with the Application indicating that the Duplex was allowed legally, nor has owner requested a determination that the use was a legal nonconforming use. The Applicant has proposed to demolish the existing Structure and construct a Single-Family Dwelling, via HDDR Application PL-20-04723.

13. The Applicant recorded document entry 1136285 with Summit County on July 9, 2020. This is an agreement that the Site will not be used as a Duplex. The Applicant has confirmed that the existing Structure is no longer being used as a Duplex.

14. A Single-Family Dwelling is an allowed Use in the HRM zoning district and requires a minimum lot size of 1,875 square feet; the lot size complies with this requirement. A Duplex dwelling is an allowed Use in the HRM zoning district and requires a minimum lot size of 3,750 square feet; the lot size does not comply with this requirement.

15. The minimum lot width in the HRM zoning district is 37.5 feet; this lot complies with a lot width of 37.5 feet.

16. The required Front Yard Setback is 10 feet; the existing front yard complies at 15 feet.

17. The required Rear Yard Setback is 10 feet; the existing Rear Yard Setback does not comply at 0 feet as the garage encroaches over the west property line.

18. The required Side Yard Setback is 5 feet (north Lot Line) and 10 feet (ROW facing south Lot Line); the existing Side Yard Setbacks do not comply as the house is 2 feet along the north property line and the garage has a 0 foot setback along the south property line.

19. There are several encroachments on this Site that have been verified by the existing conditions survey. The existing garage and concrete pathways encroach into the the Street right-of-way. Along the west property line, a portion of the garage encroaches onto the neighboring City-owned property at 1255 Park Avenue (Park City Library).

20. In 1992, the City constructed the fence in order to prevent cars parked in the Library parking lot from shining lights into the houses to the east.

21. There is no maximum building footprint requirement in the HRM zoning district. Any new construction shall comply with the Land Management Code at the time of Application submittal.

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

Conclusions of Law – 1203 Park Avenue

1. The proposed Plat Amendment has been reviewed for compliance with Land Management Code Chapter 15-2.4 and Sections 15-7.1-3(B) and 15-12-15(B)(9).
2. There is good cause for this Plat Amendment as the interior lot lines running through the Structure will be removed, existing encroachments will be resolved as required by Condition of Approval #4, and public snow storage easements will be provided to the City. Further, the Plat Amendment will require the removal of a non-conforming use, the illegal Duplex, allowing the use of the Structure to return to a Single-Family Dwelling.
3. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
5. 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 – 1203 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 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. A ten feet (10') wide public snow storage easement shall be dedicated along the Park Avenue and 12th Street frontages of the property on the plat.
4. The property owner shall remove the portions of the c.1974 garage that encroaches into the City-owned property at 1255 Park Avenue along the west elevation as well as the portion of the garage that encroaches onto the 12th Street right-of-way on the south elevation. This shall be completed prior to recordation of the Plat Amendment with the Summit County Recorder's Office.
5. Any new construction shall comply with the Land Management Code at the time of Application submittal. A Duplex Use is not allowed on this Site pending demolition of the existing structures.
6. A note shall be added to the plat stating that residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
7. A note shall be added to the plat stating off street parking access will need to be from 12th Street and not Park Avenue.

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

Approved by Planning Commission: _____

APPROVED 03.10.2021