

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 22, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Richard Luskin, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington, Kirsten Whetstone, Planner; Kayla Sintz, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 5:45 p.m. and noted that all Commissioners were present except Commissioners Pettit and Savage who were excused.

II. ADOPTION OF MINUTES

MOTION: Commissioner Strachan moved to ADOPT the work session minutes of August 25, 2010 as written. Commissioner Luskin seconded the motion.

VOTE: The motion pass unanimously.

MOTION: Commissioner Strachan moved to ADOPT the minutes of the regular meeting of August 25th, 2010 as written. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

V. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Planning Director Thomas Eddington reported on correspondence he received from the Sweeney Group regarding the Treasure Hill Conditional Use Permit. They had submitted a request in March to stay their CUP, pending negotiations with the City negotiating team. Director Eddington noted that the 180 days expires this month and the request was to extend the CUP until late April of 2011. The applicants are making progress with the negotiations and the request was granted. Director Eddington would continue to update the Planning Commission on progress with Treasure Hill.

Planner Kayla Sintz provided a brief overview of the General Plan Public Outreach sessions. She presented photos taken during the public Outreach sessions on July 20th and 27th. Approximately

60 people attended and the predominant group was Old Town residents. The participants were broken into neighborhoods and as each one walked in they were given a neighborhood name tag. People were also asked to fill out a survey. Once the groups were broken into neighborhoods, they were given stickers and asked to place them on a map in different areas within their zone neighborhood. Additional maps outside of the neighborhoods were used to conduct exercises for areas outside of the city boundaries and to reflect potential goals.

Planner Sintz remarked that the turnout for the Public Outreach was good and the Staff would like to hold one or two more during the Fall so those who could not participate during the summer would have another opportunity.

Planner Sintz stated that the Staff has started compiling the data and ranking the goals for different neighborhoods and she would continue to provide updates.

Commissioner Hontz felt the Outreach sessions were well-organized and the planned exercises were great. She personally participated as a resident to get a feel for what it was like. She favored the idea of additional Outreach sessions to encourage more people to attend. Commissioner Hontz complimented the Staff on a job well done.

CONTINUATION(S) - Public Hearing

1. 200 Ridge Avenue - Plat Amendment
(Application #PL-10-00977)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE 200 Ridge Avenue - Plat Amendment to a date uncertain. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

VII. REGULAR AGENDA/PUBLIC HEARINGS

1. 601/603 Deer Valley Drive - Deer Valley Place Condominiums - Condominium Conversion
(Application #PL-10-00987)

Planner Francisco Astorga corrected a mistake on the agenda and noted that the items listed are two separate applications. The first is located at 601/603 Deer Valley Drive and the second at 605/607 Deer Valley Drive. They are neighboring properties but owned by two separate owners. Planner Astorga presented an exhibit identifying 601 Deer Valley Drive, which is Lot 1 of the subdivision already named 601 Deer Valley Drive Subdivision, which will be renamed The Deer Valley Place Condominiums. The property at 605/607 Deer Valley Drive is currently Lot 2 of the 601 Deer Valley Drive Subdivision, which will be called The Lofts on Deer Valley Drive Condominiums.

Planner Astorga introduced Tracy Doughett, who was representing both owners.

Planner Astorga remarked that 601/603 Deer Valley Drive is owned by SFG Properties. The applicant applied for a building permit in 2006 and the duplex unit has already been built. The applicant is applying for a condominium conversion to sell each unit of the duplex separately. Planner Astorga noted that a condominium conversion was previously approved and the applicant let it expire. The City places a condition of approval on all subdivisions requiring that the subdivision must be recorded within one year.

Planner Astorga stated that there have been non-compliance issues with 601 Deer Valley Drive, which include access and parking, issues with the retaining walls, and landscaping and site cleanup. The contractor is currently working with the City to mediate these items as conditioned in the Staff report.

The Staff recommended that the Planning Commission review the application and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Planner Astorga presented a slide showing a rolled curb and gutter. Many people, including the tenants who live on 601 Deer Valley Drive, were not complying with the condition of approval saying that the site had a shared driveway. The slide showed a boat and a number of cars parked in the right-of-way. These were the same issues they encountered with the contractors during construction. Planner Astorga stated that the Staff and the contractors came up with the solution of an encroachment agreement to build a planter box that would prohibit visitors or neighbors from having the ability to drive over the rolled curb and gutter to park.

Chair Wintzer wanted to know what the planter box would look like. Planner Astorga stated that the applicant is currently working with Staff on the design. It is a little difficult considering that there are two different owners and contractors. He believed it would mirror the retaining wall issue that the Planning Commission would discuss in the application for 605/607 Deer Valley Drive. Planner Astorga presented an exhibit and noted that the retaining wall on the top is what was built. It is not allowed by Code and was not permitted. The retaining wall was not identified on the building permit. The contractors have been working with the Building and Engineering and Planning Departments to come up with a retaining wall that was shown on the bottom of the exhibit. That retaining wall is no more than 6 feet in height. The design would match the built retaining wall.

Planner Hontz asked when the Planning Commission would see the retaining wall. Planner Astorga replied that the owners had encountered issues with the utility companies. The original plan was for the planter box to be seven feet and that has been changed to five feet to address those utility issues. He was unsure when the retaining wall would be approved. However, a condition of approval for this application requires that the planter box shall be installed within a year's time. The one year time frame for this approval includes the planter box and site cleanup.

Commissioner Peek asked if the planter box would be seven feet wide or seven feet long. Planner Astorga replied that the width along Deer Valley Drive would be the entire area except for the area identified for a school bus pad. Commissioner Peek clarified that the planter box would be seven feet by whatever the length. Planner Astorga replied that this was correct. He believed the height

of the planter is approximately 30 inches. Commissioner Peek asked if that was appropriate for the line of sight at an intersection. Planner Astorga replied that the applicant has been working with the City Engineer, Matt Cassel. Director Eddington stated that the sight triangle is 2-1/2 to 7 feet and they are staying below that.

Commissioner Peek referred to the condominium conversion slide, as well as the subdivision plat contained in the Staff report. He noted that the slide showed the lot lines down in the corner nearly reaching the curb, but that was not the case in the subdivision plat. Planner Astorga replied that the subdivision plat was done through the City's GIS system, which many times is not exact. He noted that the GIS is only used as a reference and it does not replace the actual survey or record of survey. The purpose of the exhibit is to show vicinity and location. Commissioner Peek clarified that the edge of the property line could be the edge of the paved driveway area. Planner Astorga replied that this was correct. Director Eddington expected that all of the GIS parcel lines would move slightly to the north.

Chair Wintzer assumed that all the buildings fit within the required setbacks. Planner Astorga replied that both buildings have passed inspections through the Building Department. Chair Wintzer preferred to have something in the condominium plat that requires the planter. It is not shown on any of the condominium plats and over time people would forget the reason why it was put there in the first place. Planner Astorga stated that the planter box would not show on the condominium plat because it is being built on the right-of-way. Through the encroachment agreement, the owner would be responsible for maintaining the planter box. Commissioner Peek asked if there was precedent for a private individual to maintain City property.

Assistant City Attorney, Polly Samuels McLean, noted that Condition of Approval #5 addresses the encroachment agreement and the planter box. Chair Wintzer reiterated that he would like to see a note on the plat. Planner Astorga suggested that the condition could require adding a document to be recorded with the plat that refers to the encroachment agreement. Ms. McLean remarked that the encroachment agreement could be recorded. Chair Wintzer was comfortable with that approach.

Commissioner Peek asked if the driveway would be relocated. Planner Astorga replied that the driveway would be expanded on to the right-of-way. Chair Wintzer pointed out the gravel connected to the existing building and understood that the intent is to create a buffer to prevent people from driving across. Commissioner Peek remarked that the plat map in the Staff report did not show the encroaching driveway, except where it accesses Deer Valley Drive. Planner Astorga replied that this was correct. Commissioner Peek wanted to know why the other encroachment was not shown. Planner Astorga explained that the option was not explored at the time the condominium conversion was drafted. He noted that it could be redlined as part of the engineering redlines that would reflect such improvements.

Tracy Doughett, representing the applicants, stated that the access and snow storage easement would be re-written as part of the redlined plan.

Assistant City Attorney McLean noted that the encroachment is within the discretion of the City Engineer. Generally, encroachment agreements read that if it becomes necessary to expand the right-of-way, all improvements need to be taken out at the expense of the owner. If Deer Valley

Drive is expanded, the improvements would be removed and the right-of-way would be closer to this property. Ms. McLean remarked that the encroachments are within the purview of the City Engineer and he will make sure it is safe for the drivers along Deer Valley Drive.

Commissioner Hontz stated that something needs to be done because it has looked horrific for a long time since the building was started. If the Planning Department had done a survey last year of the places that were neglected, this area would certainly be on the list. She liked the direction this was going and she hoped it would resolve the problem. Commissioner Hontz remarked that in her experience two unit condos typically do not work because there is 50/50 ownership. If something goes wrong or maintenance needs to be done and one owner is not interested, the work does not get done because both owners have equal say. She asked if the Planning Commission had any latitude on that issue. Ms. McLean stated that the City requires a tie-break mechanism as a condition of approval. She was unsure of the specifics with this property because the units were different sizes. Planner Astorga noted that the mechanism was addressed in Condition of Approval #3. The Commissioners thought it would be better to have all four units under one condominium plat with an HOA. Ms. Doughett stated that it was considered, but both owners decided to do them separately because it would make the maintenance and driveway agreements easier to facilitate. She was unsure why the owners came to that reasoning. Chair Wintzer felt it would be easier to have one unit that owned a common driveway rather than two units owning half and the two units owning the other half. He agreed with Commissioner Hontz's concerns regarding a 50/50 ownership.

Commissioner Strachan asked if insufficient parking was the reason why cars park in the right-of-way. He asked if the units would be under parked by design of the structure. Planner Astorga believed there was sufficient parking for the units. Currently the parking requirement for a duplex is two spaces per unit. Through planning best practices and the trend they are seeing, the number of parking spaces should be decreasing rather than increasing. The project meets the minimum number of parking spaces required. Planner Astorga stated that they need something that would physically aid appropriate parking and access. Commissioner Strachan believed there would be enough parking for the residents, and he expected their guests would park on Deer Valley Drive.

Commissioner Strachan agreed that having a physical barrier, such as the planter box, would help prevent the parking issues.

Chair Wintzer asked if the Planning Commission could add a provision that requires installing a guardrail at the property line if the City Engineers decided to widen the right-of-way and the planter box is removed. The guardrail would prevent a repeat of the parking issue. Ms. McLean felt it would be appropriate to require some type of a barrier.

Chair Wintzer wanted to know what would happen if the utility companies do not work with the applicants on the planter box concept. Planner Astorga stated that the Staff and applicant would revisit the situation and come up with a landscaping plan. Director Eddington remarked that another scenario would be larger caliper trees and some type of timberline fence that ties in with the architecture of the building. He believed the planter boxes were shallow enough that the utility companies would acquiesce.

Commissioner Strachan asked about the retaining wall. Planner Astorga stated that there is a retaining wall in the back that still needs to be built. The applicants are working with the Building and Planning Department to get that going as soon as possible. Condition of Approval #6 addresses the retaining wall.

Chair Wintzer opened the public hearing.

Rick Anderson stated that he is a resident of Sunnyside Subdivision, which is the subdivision immediately behind this duplex, and he was also representing the Sunnyside Homeowners Association on this matter. Mr. Anderson had canvassed the residents at Sunnyside and many have concerns with this proposal. Over the past few years they have seen dangerous condition at the intersection coming down off of Sunnyside Drive, which is how most of the residents access Deer Valley Drive. With all the congestion taking place at that corner, the views on to Deer Valley Drive have been obstructed. Mr. Anderson was concerned that approving this condominium conversion would generate more traffic. In addition, he did not believe that parking for the duplexes was adequately addressed. Mr. Anderson pointed out that the LMC states that the parking ratio for condominiums should be three spaces per one unit. He did not see where that was being accommodated. The Staff report speaks to the requirement for duplexes as being two per unit, but the requirement for condominiums is three spaces per unit. He believed the only way that would occur is if people park in those driveways or on Sunnyside Drive, which would further compound the problem of obstructing the views and access on to Deer Valley Drive. Mr. Anderson stated that the planter boxes would somewhat mitigate the problem, however, the planter boxes should be installed further into the driveway so people are not parking on the gravel partitions, which still obstructs the view of Deer Valley Drive. Mr. Anderson remarked that any vehicles parked on the corner of that driveway obstruct anyone trying to access Deer Valley Drive. Mr. Anderson requested that the concerns of the Sunnyside residents be addressed. He was unsure how they could accommodate the additional cars to meet the requirements of the Land Management Code without further obstructing the views on to Deer Valley Drive.

Chair Wintzer closed the public hearing.

Planner Astorga noted that page 11, Chapter 3 of the LMC, indicates that a condominium over 2500 square feet requires three parking spaces per dwelling unit. However, that language is under a multi-unit dwelling, which defined by the LMC is any building that has four or more units. He explained that a multi-unit dwelling would be four units within one structure. In this project, there are four units within two structures, which falls under the category of a single family dwelling or a duplex.

Commissioner Hontz understood that condos are not allowed as conditional uses and asked if they should assume this was a process and not a use. Planner Astorga answered yes. He recognized that it was misleading because in some zoning districts condos are an actual use.

Chair Wintzer wanted to know why a portion of the planter was not put at the back of the property rather than the front to address Mr. Anderson's concern. Planner Astorga replied that it was due to the challenges of the 20 feet parking and access easement. The primary challenge was having a visitor's vehicle parked in the driveway and not having enough room to turn around. Commissioner Peek asked for the size of the driveway from the face of the garage to the edge of the driveway. Planner Astorga replied that it was no more than 21 feet. Commissioner Peek pointed out that

there would be 30 feet of pavement. Chair Wintzer questioned how this had been originally approved when there was not enough room to get out of the garage. Planner Astorga stated that it was part of the original subdivision approval in 2006 and he was unprepared to answer that question. Chair Wintzer pointed out that this is a tight intersection and he was uncomfortable creating something that would further block the view. He suggested moving the planter to the back on the left side of the sidewalk and leaving it to the front on the other side. Planner Astorga stated that they could extend the planter box to the property line as part of the condition of approval.

Commissioner Hontz asked for the number of bedrooms in each unit. Ms. Doughett estimated four to five bedrooms per unit. Planner Astorga stated that each unit has two interior parking spaces in the garage. He noted that Director Eddington had suggested expanding the driveway a few feet to allow a larger turning radius.

Assistant City Attorney McLean reiterated that the City Engineer should determine the specifics of the encroachment. She favored adding a note to the plat requiring a barrier, but she was not comfortable with the Planning Commission being specific on issues under the purview of the City Engineer. Chair Wintzer clarified that people are not allowed to park on the encroachment and the applicant could not count it as part of their parking. He noted that by increasing the size of the planters, the Planning Commission was insuring that parking would not occur. Director Eddington clarified that he was only suggesting that they work with the City Engineer to allow an additional four or five feet to accommodate a turning radius, if the Planning Commission thinks 30 feet is too much.

Based on the easement agreement between the two condominiums, Commissioner Peek asked if parking was allowed on the driveway or if there was language that restricts parking in the driveway. Assistant City Attorney McLean stated that the driveway is an access easement and it should be free of obstruction. Parking should go in the garages.

For clarification on the number of required parking spaces per unit, Assistant City Attorney McLean read from the LMC under dwelling, "A duplex dwelling is a building containing two dwelling units. A multi-unit dwelling is a building containing four or more dwelling units." She concurred with Planner Astorga that even if the units were combined under one condominium plat, it would still be two duplex buildings.

Commissioner Luskin was baffled by "the process" versus "use" when the end result is the same. He was confused as to why they could approve a condominium in an area where it could not be approved as a use. Planner Astorga explained that the process is the record of survey creating the two units. Commissioner Luskin pointed out that either way, they end up with the same result. Director Eddington remarked that the issue comes back to condominiums not being conditional uses. In this case they are talking about the process of a condominium for these two duplexes. Director Eddington stated that a duplex dwelling unit is allowed in the RM zone. There are two duplexes on the site and the owners are choosing to condominiumize them. Ms. McLean explained that a condominium is a form of ownership. Commissioner Luskin asked if the Planning Commission could approve a condominium project in that zone. Chair Wintzer answered yes, because it is not a use. Ms. McLean clarified that a condominium is a form of ownership regulated by the State, and therefore requires this process.

Planner Astorga read from a parking clause in the Easement Joint Use and Maintenance Agreement. "Parking within the easement area shall not hinder, block or otherwise interfere with the use and enjoyment of the easement area by any owner or its respective tenants licensees". That language prohibits parking within the driveway. Commissioner Peek asked if it was appropriate to add that language to the plat. Planner Astorga pointed out that it was already recorded on the original plat.

Chair Wintzer felt the question was whether or not the applicants should be required to take the planter back to the property line. Commissioner Strachan felt the Planning Commission should let the City Engineer determine the size and location of the planter boxes. Chair Wintzer was comfortable with that as long as the City Engineer considers the view corridor that comes down from Sunnyside. His preference would be for the Planning Commission to increase the size of the planters. Commissioner Peek concurred. If people cannot park in the access easement, he could not understand why they would need 30 x 100+ feet of paved hard surface area.

Assistant Attorney McLean recommended that the Planning Commission allow Planner Astorga to relay their input concerning the encroachment to the City Engineer. She would make sure the City Engineer received a copy of the minutes and she would talk with him personally. Ms. McLean suggested that the Planning Commission take action this evening with direction to the City Engineer to take into consideration the view corridor, based on public input this evening.

Chair Wintzer preferred to add a condition of approval that parking would not be allowed to obstruct the vision of that intersection and the sight corridor of that area. He liked the idea of directing the City Engineer to move the planters back. Commissioner Hontz understood Ms. McLean's concerns regarding the purview of the City Engineer, but as planners they also care about the appearance. She felt they should include their preference for the planters in their direction. Chair Wintzer suggested adding a condition of approval stating that the size of the planters would be increased a minimum of seven feet.

Assistant City Attorney McLean advised that encroachment issues should be left to the City Engineer. To address their concerns, the Planning Commission could add a plat note making it clear that there shall be no parking in front of the garages or in front of the driveways. They could also add language that no parking is allowed in front of the houses which impede the view sight for Sunnyside. Adding the plat note would address the issue with the property itself as opposed to the right-of-way.

Commissioner Peek was comfortable with whatever format the City Engineer could work out with the property owner, as long as it prevents parking in front of the garages.

Assistant City Attorney McLean revised Condition of Approval #5 to add language stating, "Such encroachment agreements shall be recorded. There must be a barrier between the platted lots and Deer Valley Drive. No parking shall take place in the driveway or access area on the property, and no parking shall impede the view sight of Sunnyside"

Commissioner Peek clarified that the condition would prohibit parking and obstruction of the view corridor.

MOTION: Commissioner Peek made a motion to forward a Positive recommendation to the City Council for the Deer Valley Place Subdivision at 601-603 Deer Valley Drive, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance with Condition of Approval #5 as amended. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Finding of Fact - The property is located at 601/603 Deer Valley Drive

1. The property is located at 601/603 Deer Valley Drive.
2. The property is located in the Residential-Medium Density (RM) District.
3. The structure is a built duplex.
4. A duplex is an allowed use in the RM District.
5. The area of the lot is 7,180 square feet.
6. The existing conditions comply with required minimum setbacks.
7. Two (2) parking spaces are required for each unit.
8. Each unit has two (2) dedicated parking spaces within the site.
9. Unit 603 has 6,067.6 square feet of private area.
10. Unit 605 has 4,862.5 square feet of private area.
11. Shared entry area and open space are identified as common ownership.
12. There are existing non-compliance relating to access and parking, retaining walls, landscaping, and site clean-up.
13. The findings within the Analysis section are incorporated within.

Conclusions of Law - 601/603 Deer Valley Drive

1. There is good cause for this condominium Record of Survey.
2. The Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats
3. Neither the public nor any person will be materially injured by the proposed Record of Survey Plat.

4. Approval of the Record of Survey Plat, subject to the conditions state below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 601/603 Deer Valley Drive

1. The City attorney and City Engineer will review and approve the final form and content of the Record of Survey 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 Record of Survey 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.
3. The CC&Rs shall include a tie breaker mechanism.
4. The applicant shall expand the driveway in order to facilitate the required use of the driveway to a maximum of twenty seven feet (27').
5. The applicant shall work with the City Engineer to obtain encroachment agreements to build planter boxes along the front on the City Right-of-way behind the existing five foot (5') sidewalk. This work shall be completed as a condition precedent to plat recordation. Such encroachment agreement shall be recorded. There must be a barrier between the platted lots and Deer Valley Drive. No parking shall take place in the driveway or access area on the property, and no parking shall impede the view sight of Sunnyside.
6. The applicant will work with the City to receive the appropriate permits to build the approved retaining wall located in the rear of the structure. This work shall be complete as a condition precedent to plat recordation.
7. The applicant will submit a landscape plan. Excess remnant concrete throughout the site shall be removed. This work shall be complete as a condition precedent to plat recordation.

2. 606/607 Deer Valley Drive, The Lofts on Deer Valley Drive Condominiums - Condominium Conversion (Application #PL-10-00972)

Planner Astorga stated that the only issue with this application was the retaining wall built towards the east front. The Planning Commission reviewed that exhibit with the previous agenda item. The Staff believed the applicant did a good job switching materials from ready rock to the timbers. The retaining wall is located within the front yard setback, which requires a review by the City Engineer and the Planning Director.

Commissioner Strachan asked about a certificate of occupancy. Planner Astorga replied that 601/603 Deer Valley Drive had received a certificate of occupancy. A certificate of occupancy has not been issued for 605/607 Deer Valley Drive.

Commissioner Peek asked if it was a crib wall or veneer over the ready rock. Planner Astorga stated that it was veneer over the ready rock. Commissioner Peek asked if the ready rock was visible from the other directions. Planner Astorga replied that it needs to be backfilled and the contractor was still working on it. That was the reason for adding the condition of approval, as outlined in the Staff report.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to forward a POSITIVE recommendation to the City Council for 605/607 Deer Valley Drive, Lot 2 of the 601 Deer Valley Subdivision, based on the Findings of Facts, Conclusions of Law, and Conditions of Approval found in the draft ordinance, with the same revision to Condition of Approval #5, as amended in the previous application. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 605/607 Deer Valley Drive

1. The property is located at 605/607 Deer Valley Drive.
2. The property is located in the Residential-Medium Density (RM) District.
3. The structure is a built duplex.
4. A duplex is an allowed use in the RM District.
5. The area of the lot is 7,176 square feet.
6. The existing conditions comply with required minimum setbacks.
7. Two (2) parking spaces are required for each unit.
8. Each unit has two (2) dedicated parking spaces within the site.
9. Unit 605 has 5,037.3 square feet of private area.
10. Unit 607 has 5,825.9 square feet of private area.
11. Shared entry area and open space are identified as common ownership.
12. There are existing non-compliances relating to access and parking, retaining walls, landscaping, and site clean up.

13. The findings within the Analysis section are incorporated within.

Conclusions of Law - 605/607 Deer Valley Drive

1. There is good cause for this condominium Record of Survey.
2. The Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey Plat.
4. Approval of the Record of Survey 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 - 605/607 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey 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 Record of Survey 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.
3. The CC&R's shall include a tie breaker mechanism.
4. The applicant shall expand the driveway in order to facilitate the required use of the driveway to a maximum of twenty seven feet (27').
5. The applicant shall work with the City Engineer to obtain encroachment agreements to build planter boxes along the front on the City Right-of-Way behind the existing five foot (5') sidewalk. This work shall be complete as a condition precedent to plat recordation. Such encroachment agreement shall be recorded. There must be a barrier between the platted lots and Deer Valley Drive. No parking shall take place in the driveway or access area on the property, and no parking shall impede the view sight of Sunnyside.
6. The applicant will work with the City to receive the appropriate permits to build the approved retaining wall located in the rear of the structure. This work shall be complete as a condition precedent to plat recordation.
7. The applicant will submit a landscape plan. Excess remnant concrete throughout the site shall be removed. This work shall be complete as a condition precedent to plat recordation.

The Planning Commission returned to work session for the Park City Heights - Master Planned Development overview and discussion. That discussion can be found in the work session notes.

The Park City Planning Commission meeting adjourned at 8:35 p.m.

Approved by Planning Commission _____