

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 13, 2012

COMMISSIONERS IN ATTENDANCE:

Charlie Wintzer, Julia Pettit, Brooke Hontz, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Matt Evans, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 5:35 p.m. and noted that all of the Commissioners were present.

PUBLIC INPUT

There were no comments.

ADOPTION OF MINUTES

April 25, 2012

MOTION: Commissioner Pettit moved to APPROVE the minutes of April 25, 2012, including the transcript that was provided. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

May 9, 2012

MOTION: Commissioner Pettit moved to APPROVE the minutes of May 9, 2012. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously by those who were present on May 9th. Commissioner Thomas abstained since he was absent from that meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Thomas Eddington thanked the Commissioners who were able to attend the joint meeting with the Snyderville Basin Planning Commission to discuss regional planning. A commitment was made to meet again within the next two months. Director Eddington stated that the Staff would build off that discussion and incorporate it into the General Plan. Based on direction from both Planning Commissions, the Staff would make sure they coordinate with the County and cross over on their General Plans as they work on them simultaneously.

Director Eddington announced that a joint meeting with the City Council was scheduled for July 12th at 5:30 p.m. Charles Buki would be in town to go over the balanced growth study.

Director Eddington reported that Kayla Sintz had submitted her resignation and would be leaving the Planning Department in mid-July. Kayla was moving into the private sector to do residential design.

Chair Wintzer noted that Julia Pettit had resigned from the Planning Commission and this was her last meeting. He personally thanked Commissioner Pettit for all she has done in her six years on the Planning Commission. It was a pleasure working with her and a lot of fun. Chair Wintzer stated that Commissioner Pettit comes to every meeting prepared, she knows the Code, and in his opinion, she is the ideal Planning Commissioner.

Commissioner Pettit thanked the Staff for their hard work. The Commissioners would not be able to do their job without the efforts of the Staff. They do not always see eye to eye on things, but she appreciated how hard they work for the Planning Commission and for the community. Commissioner Pettit thanked her fellow Planning Commissioners. In all the time she served, she could not think of a more dedicated body. The Commission has changed over time and different personalities have come together. Most important is that they bring different viewpoints based on their involvement and membership in the community. Commissioner Pettit felt it was important to maintain diversity of opinion so they could work together to find solutions for the community that benefit everyone.

Commissioner Pettit encouraged the Planning Commission to continue to safeguard Old Town. It is one of her greater passions and she worries that it is still slipping away. She asked that the City Council, the Staff and the Planning Commission continue thinking about the importance of Old Town in terms of their identity. That came out in the visioning process, and she believes the town as a whole values Old Town. Commissioner Pettit hoped that people would continue to be careful about decisions that affect Old Town and look for improvements in the Code and the guidelines to keep on that path.

Commissioner Pettit remarked that one aspect she was able to bring to the Planning Commission, along with Commissioner Hontz and Chair Wintzer, is that when you live in Old Town you walk the streets, you feel the experience and you understand it better than anyone could possibly imagine. Old Town is not an easy place to live. There are a number of impacts that the residents feel on a regular basis and have continued to experience over time as things have changed. Commissioner Pettit felt it was important for people to listen carefully to those who actually live in town and have

that day to day experience, because even small changes can have a greater impact than what you might think. She commented on the tendency to look at one project and think it would not impact Old Town or the neighbors. However, each little project that has an impact collectively has a greater impact on a place that is already challenged and is sensitive to incompatibility and a stressed road system, which was never designed for the type of car traffic that exists today.

Commissioner Pettit asked everyone to consider her comments. She hopes to be back as a citizen to continue to be an advocate for Old Town. It is important and they need to safeguard it.

Commissioner Pettit thanked the community for their involvement over the years and for their perspective when the Planning Commission was making important decisions. She encouraged public attendance so people could feel like their voice is heard. She wanted them to know that the Planning Commission does listen. Commissioner Pettit stated that it has been a pleasure to serve and she would like the opportunity to do it again in the future.

Commissioner Thomas stated that he does not always agree with Commissioner Pettit but he has never had so much fun disagreeing with someone. She has a rare ability to be firm about issues but gracious with people. He stated that when someone leaves, the Greeks ask one significant question; did that person have passion. He remarked that Commissioner Pettit has passion to the highest degree and he has enjoyed that aspect of her personality.

Council Member Alex Butwinski thanked Commissioner Pettit on behalf of the City Council and as a private citizen. He noted that the Mayor had sent her a nice letter accepting her resignation. Council Member Butwinski stated that like Commissioner Thomas he has not always agreed with Commissioner Pettit, but it has always been civil and they have always been able to discuss it afterwards. He wanted her to know that they heard her and value her opinion. She will be missed.

1825 Three Kings Drive, Silver Star – Parking Update

Commissioner Hontz disclosed that she and Rory Murphy were partners, but not in anything related to Silver Star.

Planner Whetstone stated that 1825 Three Kings Drive is the location of the Silver Star projects, which was first approved as the Spiro Tunnel Annexation and the Spiro Tunnel MPD with a conditional use permit. One of the conditions of the conditional use permit required the applicant to report back to the Planning Commission with an annual review of their traffic and parking situation for day skier parking associated with the Spiro Tunnel MPD, for three consecutive years upon issuance of their certificates of occupancy. The report was to identify any impacts that had occurred and make recommendations for mitigating these impacts.

Planner Whetstone noted that an annual report was submitted in 2010 and presented to the Planning Commission. The applicant submitted a combined 2011/2012 report which was reviewed by Staff. Steve Perkins, representing the HOA and the project in general, and Rory Murphy would present the report and answer any questions.

Planner Whetstone reported that last Thursday the City Council approved a special events permit for the Silver Star Plaza for this summer allowing 8 to 10 events with additional events that could be requested administratively. Part of the approval allows on-street parking on Three Kings Drive for Thursday evening concerts. The parking would be managed by the Silver Star Resort. Planner Whetstone pointed out that this was a test event and the permit was only good for this year. If they want events in the future, they would be required to come back to the City Council.

Steve Perkins clarified that the parking for concerts would be in the front of the property on the property side of the street. Parking would not be allowed south or north of the property. People could access the concert via the public elevator. The permit was for every Thursday from June 14 through early September. Six additional events could take place during that time period. A potential event would be a half-marathon that would end at Silver Star. Mr. Perkins noted that during the Spring a memorial service was held on site and that had been their biggest parking issue.

Planner Whetstone remarked that additional signs were posted as a result of the Staff review of the parking situation. The new trail is extremely popular and started impacting the upper plaza area. The MPD allowed for 10-20 trailhead parking spaces, but that has been exceeded several times. Mr. Perkins noted that they have had 70-80 cars days already this year. Planner Whetstone stated that Silver Star made arrangement to park at Park City Mountain Resort when the trailhead lot is full. New signage would provide that direction.

Chair Wintzer recalled that during the last review he had asked Mr. Murphy how the parking was working. At that time Mr. Murphy believed he had too much underground and not enough above ground parking. He asked if that was still his opinion. Mr. Murphy replied that he felt even stronger about it. He stated that the Armstrong Trail is a challenge. Chair Wintzer agreed, but thought more parking would create a bigger challenge.

Before they continued with the discussion, Mr. Murphy wanted to say that Julia Pettit was the best Commissioner. No one has been more dedicated or did more research. She came to every meeting prepared and he did not think the community could thank her enough for what she has done for the town and for the Planning Commission. She would be would be sorely missed.

Mr. Murphy returned to the parking discussion. Aside from the trailhead traffic, Chair Wintzer asked Mr. Murphy if the City parking requirements accurately reflected his need. Mr. Murphy replied that the LMC was written to accommodate permanent residents. With the ebbs and flows in town, he was not prepared to say that was wrong. He pointed out that Silver Star is 95% vacation, as is almost everything directly adjacent to the resorts. Mr. Murphy remarked that most do not want the hassle of a rental car so they shuttle to and from the airport and use public transportation around town. As a resort project Silver Star never uses its full parking capacity. However, he believed it was a fine line and commented on other places where parking is an issue. It is a function of true resort versus something that was designed to be true resort but becomes permanent. Mr. Murphy believed that was what the LMC was trying to address. He stated that if Silver Star was permanent residency they would not have enough parking.

Commissioner Pettit thought the annual reports were helpful. The Planning Commission struggles with how to design parking for projects that are being considered for approval. The main point is to make sure they are not over parking a project because it adds to the mass, size and scale and creates additional hardscape. Commissioner Pettit thought this was a helpful exercise and she hoped it also helped Silver Star as they try to deal with some of the issues. Commissioner Pettit asked if there was a role for the City or Mountain Trails to assist with the trailhead parking situation. She suggested that it was more about educating people to use bikes or public transportation because the parking is limited.

Mr. Murphy gave credit to Steve Perkins. It is an active effort and Mr. Perkins takes the soft approach. Recreational users have their own ideas and they will park where they want. Mr. Perkins politely reminds people when they do something wrong. Mr. Murphy stated that the City and Mountain Trails have been very helpful. They have met several times in an effort to keep it managed and to educate people.

Planner Whetstone stated that originally it was shared parking and spaces were not assigned. However, there was never enough parking for the residents because the spaces were taken by trail users. Resident parking was identified to leave spaces open for the affordable housing. The other parking was underground and those residents did not have a problem.

CONTINUATIONS – PUBLIC HEARING AND MOTION TO CONTINUE

Chair Wintzer opened the public hearing on all the items being continued. There were no comments. Chair Wintzer closed the public hearing.

1. Richards/PCMC Parcel – Annexation Petition
(Application #PL-12-01482)

MOTION: Commission Pettit moved to CONTINUE the Richards/PCMC Parcel Annexation Petition to June 27, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. 30 Sampson Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01487)

MOTION: Commissioner Pettit moved to CONTINUE the 30 Sampson Avenue Steep Slopes Conditional Use Permit to June 27, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. 543 Woodside Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01507)

MOTION: Commissioner Pettit moved to CONTINUE the 543 Woodside Avenue Steep Slope Conditional Use Permit to June 27, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

4. 80 Daly Avenue – Plat Amendment
(Application # PL-10-00977)

MOTION: Commissioner Pettit made a motion to CONTINUE the 80 Daly Avenue Plat Amendment to June 27, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

5. 200 Ridge Avenue – Plat Amendment
(Application #PL-10-00977)

Commissioner Hontz noted that this item had a continuation to a date uncertain. She commented on the State Ripcord Provision that allows an applicant to mandate a decision after so many days in the process. She was uncomfortable with a date uncertain and asked if the applicant was technically still in the process or if the clock would restart.

Assistant City Attorney McLean stated that an applicant has to initiate the 45 day Ripcord Provision by submitting a written letter to the City requesting an answer within 45 days. She noted that typically these continuations are due to the applicant's fault, so the time lapse does not count against the City.

Planner Matt Evans stated that the project would be re-noticed and the applicant was aware of that. Chair Wintzer questioned why they would continue if the matter would be re-noticed. Ms. McLean explained that a public hearing and action was required because the item was on the agenda. Because it was still an open application, the continuation was to a date uncertain.

Commissioner Strachan questioned whether the applicant could invoke the Ripcord Provision without a complete application. Assistant City Attorney McLean replied that the applicant may have submitted a full application, but during the process other issues may arise that require additional information before the application is considered complete. Commissioner Strachan clarified that the applicant had not submitted a letter mandating a decision. Ms. McLean replied that this was correct.

MOTION: Commissioner Pettit moved to CONTINUE the 200 Ridge Avenue plat amendment to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

6. 573 Main Street, Claimjumper – Plat Amendment
(Application #PL-10-01105)

MOTION: Commissioner Pettit moved to CONTINUE the 573 Main Street Claimjumper Plat Amendment to June 27, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 2175 Sidewinder Drive - Prospector Square – Amended Record of Survey (Application #PL-12-01522)

Planner Evans reported that the Staff had requested additional information from the applicant related to the authority of the Homeowners Association to execute the amendment to the plat. The applicant had not submitted the required information and the Staff was requesting that the item be continued.

Chair Wintzer opened the public hearing.

Alan Freigenberg stated that he owns four units at the Prospector Square Condos. He was also a landowner on Sunrise Circle and Monarch Drive. Mr. Freigenberg asked for an explanation of Plat Addendum 4. He requested that the Planning Commission suggest that this become a separate parcel and break it away from the Association. It is in financial ruins and causing property values to decrease. It is commercial property that should stand on its own as a business.

Chair Wintzer was unsure whether the Planning Commission had the purview to consider Mr. Freigenberg's request. He suggested that Mr. Freigenberg meet with the Staff to discuss his concerns and the Staff could report back to the Planning Commission. Planner Evans stated that the Staff also questioned whether there was authority to execute the request. He would look into that further and report back.

Planner Evans explained that it was called Supplemental #4 because the plat was executed as Supplement #2 and Amended as #3. This would be the fourth Supplemental. It is directly tied to the rest of those units and technically it is the clubhouse for the Prospector Square Condominiums.

Commissioner Strachan recommended that Mr. Freigenberg submit his comments in writing to the Staff. Most of his suggestions were technical and it would be easier to read it and digest the information.

Planner Evans requested a continuation to July 11th. If additional time was needed, it could be addressed at the July 11th meeting.

MOTION: Commissioner Pettit moved to CONTINUE the 2175 Sidewinder Drive Amended Record of Survey to July 11, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

2. 14 Silver Strike Trail, Belles at Empire Pass – Amended Record of Survey (Application #PL-12-01527)

Planner Whetstone reported that the application was a second supplement plat for the Belles at Empire Pass, Unit 9. Supplemental plats are stipulated by the Silver Strike Subdivision, which then requires an overall Amended Consolidated Re-stated Condominium plat of the Belles where every unit was platted. Planner Whetstone presented the original configuration of how the units were originally platted. The first supplemental plat was for units 1, 2, and 12, which identified the private area within a condo unit, so the unit could be sold. However, the plat note required it to come back after the unit was built to create what was private and what was common, and specific conditions needed to be met. Planner Whetstone noted that the Staff report reiterated some of the conditions of approval from the underlying plats and the MPDs at the Belles at Empire Pass.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the draft ordinance.

Commissioner Worel asked if a plat amendment was required each time a unit is built. Planner Whetstone answered yes. She explained that the UEs are tightly controlled in the Flagstaff area, which is why the Belles have so many UEs. The house size needs to meet the LMC, but everything, including the basement but excluding 600 square feet for the garage, counts in the UEs. The supplemental plat is one way to make sure the UEs are being tracked to document exactly what is there.

Commissioner Thomas clarified that there is a difference between developments in Empire Pass. Each one has its own set of plat notes so they are all a little different. Planner Whetstone agreed.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council for the 14 Silver Strike Trail, Belles at Empire Pass Amended Record of Survey. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 14 Silver Strike Trail – Belles at Empire Pass

1. The property, Unit 9 of the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass and associated common areas, is located at 14 Silver Strike Trail. The property is located on portions of Lot 1 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.

2. The property is located within the RD – MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for the 18 PUD-style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Unit 9 is located on Lot 1 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase 1 condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14 and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III and IV. Also, on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On April 11, 2012, the Planning Department received a complete application for the Second Supplemental Plat for Constructed Units for Unit 9.
12. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Unit 9 at the Belles Condominium prior to issuance

- of a certificate of occupancy and to identify private, limited common and common area for this unit.
13. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium plat of the Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
 14. Unit 9 is located on Lot 1 of the Silver Strike subdivision plat.
 15. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 9 contains 4,968 sf Gross Floor Area.
 16. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designed as non-habitable on this plat.” Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.
 17. Unit 9 contains a total of 5,738 square feet and utilizes 2.869 UE. The total UE to date for constructed units 1, 2, 12 and 9 is 11.818 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
 18. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
 19. The findings in the analysis section are incorporated herein.

Conclusions of Law – 14 Silver Strike Trail – Belles at Empire Pass

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Unit 9.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.

4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of park City.

Conditions of Approval – 14 Silver Strike Trail – Belles at Empire Pass

1. The City Attorney and City Engineer will review and approve the final form of the supplemental 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 pat at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass shall continue to apply.
 4. As a condition precedent to issuance of a final certificate of occupancy for Unit 9, the supplemental plat shall be recorded at Summit County.
3. **2700 Deer Valley Drive #B-202 – Amendment of Record of Survey**
(Application #PL-12-01513)

Planner Evans reviewed the request for the Courchevel Condominiums at Deer Valley. The applicant was proposing to convert an area within the attic of the existing building to living space, including one bedroom and one bathroom. The area is currently not platted. Planner Evans identified the area that would be part of the condominium unit.

Planner Evans remarked that proposal would increase the square footage of Unit B-202 by 470 square feet. The increase in square footage requires one additional parking space. The applicant had provided adequate information showing that two spaces could be made available by restriping the existing parking garage.

Planner Evans presented an exhibit showing how the plat was recorded originally. The attic space was unplatted, which is typical in that type of condominium unit. Another exhibit showed the proposed plat. He reiterated that the additional square footage would be used as a bedroom and bathroom.

Planner Evans noted that this type of proposal was not uncommon. There have been others and there will be others in the future. The Staff was confident that the applicant could meet the conditions of approval identified in the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the requested plat amendment.

Chair Wintzer asked how the parking spaces were achieved. Planner Evans replied that the garage is quite large with excess space. The excess areas would be re-stripped to provide the two additional spaces. Planner Evans pointed out that once those two spaces are provided, there would be no room for additional parking and future conversion of the attic spaces would encounter parking issues.

Planner Evans remarked that a concern raised by the Development Review Committee is that this has been piecemealed as requests are submitted by owners. The Staff had recommended that the HOA look at converting all the attic spaces in one plat amendment. However, many of the owners are not interested in doing that or do not want to incur the expense of providing additional parking.

Commissioner Savage stated that if they approve this plat amendment with the understanding that the parking is at maximum capacity, and an owner comes forward in the future requesting to convert, they would not have the same privilege as the earlier homeowners. He wanted to know how that would be resolved.

Planner Evans explained that this proposal provides two additional parking spaces, but the conversion only requires one parking space. Therefore, one additional parking space would be available for future conversions. He clarified that there is only one potential conversion.

Assistant City Attorney McLean stated that the unit owners and the HOA would make that determination. The HOA is the applicant since common area was being converted to private area; and is up to them to work out how they would do it fairly.

Director Eddington pointed out that even though they would be at capacity for parking, they do have UE capacity in terms of square footage. Once the last parking space is used, any subsequent request would have to find additional parking via the HOA. Planner Evans remarked that this particular development was not built to capacity so there is still land available for additional parking in the future.

Commissioner Hontz pointed out that the same thing could be done above B-302 and B-304, so theoretically there could be 12 more. Commissioner Hontz recommended tracking how the garage was being used so they know what is available. Commissioner Pettit agreed. Her questions would be how much they utilize the current parking and whether additional parking is necessary. Planner Evans replied that the Code dictates the additional parking requirement.

Commissioner Savage asked if the parking requirement was on the radar for the General Plan. Director Eddington stated that it was on for the General Plan and for the next round of LMC amendments in July or August. They would be looking at minimums, maximums and changing it entirely.

Chair Wintzer opened the public hearing.

There were not comments.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Hontz moved to APPROVE the Condominium Record of Survey Amendment for the Courchevel Condominiums at Deer Valley, Third Amendment.

Commissioner Pettit noted that action was to forward a positive recommendation.

Commissioner Hontz amended the motion to forward a POSITIVE recommendation to the City Council. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Courchevel Condominiums at Deer Valley

1. The Courchevel Condominium is located at 2700 Deer Valley Drive East within the Deer Valley Community portion of the Deer Valley Resort Master Planned Development (MPD).
2. The Courchevel Condominium at Deer Valley record of survey was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.
3. The Courchevel Condominiums at Deer Valley record of survey plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage.
4. There are two (2) access driveways from the garage to Deer Valley Drive East.
5. In November of 1989, an amended record of survey plat was approved and recorded increasing the number of residential condominium units to forty-one (41).
6. In February of 2012, a second amendment record of survey plat was recorded. This second amendment converted 608 square feet total, to private area.
7. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed.
8. The second amendment reflected that Building A was not built and removed it from the record of survey.
9. Currently there are 27 condominium units and 29 parking spaces.
10. Each existing condominium unit contains 759 square feet, except for Units B301 and B303, which contain a total of 1,367 square feet for a grand total of 21,709 square feet and a developed unit equivalent (UE) of 10.86.
11. The property is subject to requirements and restrictions of the Deer Valley Resort 10th Amended and Restated Large Scale MPD.

12. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel.
13. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron Condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property.
14. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet and the existing residential square footage for the 27 condominium units is 21,709 square feet.
15. On March 29, 2012, the City received a completed application for a third amendment to the Courchevel Condominium at Deer Valley record of survey requesting conversion of 470 square feet of common attic area above Unit B202 to private area for an additional bedroom and bathroom.
16. Unit B202 is located on the second floor of Building B.
17. In January 2011, Courchevel Condominium owner's association voted to approve construction of additional floor area and the transfer 470 square feet of common space to private space for unit B202.
18. The only exterior change proposed is the addition of a window on the south side of Building B.
19. The proposed amendment is consistent with the purpose statements of the district.
20. Unit B202 would increase by 470 square feet from 759 square feet to 1,229 square feet.
21. The total proposed increase in residential floor area equates to 0.235 UE increase to 11.1 UE total.
22. The current Deer Valley MPD allows 13.5 UE for Courchevel Condominiums.
23. The building does not exceed the allowable 35' building height and there are no non-conforming setback issues.
24. All construction is proposed within the existing building envelope.
25. The current application also requests to add two (2) parking stalls in the existing garage.
26. Twenty-nine (29) parking spaces exist in the underground parking structure beneath the existing buildings.
27. The current number of units and the size of the enlarged units approved with the second amendment triggered a total of twenty-nine (29) parking spaces.

28. The current LMC requires two (2) spaces for each of the amended units greater than 1,000 square feet and less than 2,500 square feet.
29. The current LMC requires one and half (1.5) spaces for each unit greater than 650 square feet and less than 1,000 square feet.
30. The existing development is currently short 12.5 parking spaces per the current Land Management Code (LMC).
31. Thirty (30) parking spaces will be required and thirty-one (31) spaces will exist with approval of this plat amendment and restriping of the garage.
32. There is undeveloped land on the property available for construction of additional off-street surface parking; however, lack of parking for this property has not been an issue in the past and sufficient parking for the proposed addition to Unit B202 can be provided within the parking structure.
33. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route.
34. Given the relatively smaller unit size, it appears that the single parking space per unit is adequate.
35. The expanded unit would comply with the current Code.

Conclusions of Law – Courchevel Condominiums at Deer Valley

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 10th amended and restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Courchevel Condominiums at Deer Valley

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 conditions of approval, including the removal of Building A, prior to recordation of the plat.

2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit B202 shall be issued until this plat amendment is recorded.
4. All conditions of approval of the Deer Valley Resort 10th Amended and Restated Large Scale MPD and the Second Amended Courchevel Condominiums at Deer Valley shall continue to apply.
4. **7700 Marsac Avenue - Subdivision**
(Application #PL-10-01070)

Commissioner Strachan disclosed that he works with Christie Babalis, a representative for the applicant. Ms. Babalis is in-house Counsel for the Canyons and they work together on matters unrelated to this application. Their relationship would not affect his vote.

Planner Evans handed out an amended Staff report with highlighted areas.

Planner Evans reported that the applicant was requesting to subdivide an existing parcel of property into two lots to reflect ownership of property that was conveyed to a different owner. It was primarily a clean-up project and no new development was being proposed at this time. Planner Evans pointed out that the requested subdivision would result in a condominium plat, which was the next item on the agenda.

Planner Evans noted that the Staff report detailed the history of the project. The highlighted areas identified issues that came to the Staff's attention after the first Staff report was written. The first issue was to make sure the applicant was assessed properly by the State and the County to reflect the actual use of the property. The Staff understood that it was being assessed as a mining claim, which is not the current use of the property. The Staff report highlighted the existing uses. The Staff also learned that the master water line that services this property and others owned by the applicant were possibly not assessed the proper impact fees when the City began servicing that property after it was annexed. The Staff suggested that the applicant meet with the Water Department to make sure they had the proper assessments and that the proper impact fees have been paid to reflect the use of the property and how the water is being used. Planner Evans stated that the tax and water assessment issues were addressed as conditions of approval in the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for final action.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Hontz referred to page 165 of the Staff report and the paragraph that talked about Park City Municipal having access to the Judge Tunnel water source. She wanted to know how the easement would be conveyed and whether it could be addressed in the conditions of approval.

Patrick Putt, representing the applicant, stated that the easement would be identified on the surface of the plat. Commissioner Hontz stated that she was looking for clarification that it would be platted. She was comfortable with the explanation and assumed that it was not necessary to reference it again in the conditions of approval.

Patrick Putt, representing the applicant, stated that they had reviewed the Staff report and were in agreement. They also supported the revisions to the Staff report and the conditions of approval that were highlighted and handed out this evening. Mr. Putt stated that the applicants would work with both the Water Department, the County and other necessary agencies to make sure they have clarity on the two issues outlined.

Mr. Putt offered slight refinements to some of the findings drafted in the Staff report for purposes of clarity. He read Finding #8, and stated that technically there is another means of access the Judge Tunnel. Their understanding was that the primary access being utilized is through the Mine Bench and down. He suggested that striking the language, "not otherwise accessible by other means" would help clarify that fact.

Mr. Putt read Finding #12 and suggested additional words to the language to read, "...with the exception of the kitchen/bakery, as determined by the Planning Director to be a legal non conforming used as is currently used for as a resort support function." He thought the added wording would help clarify that the use is very limited in its scope and that the particular function inside the building is not a broader commercial activity.

Mr. Putt reiterated that they were in agreement with Findings #16 and 17 as written in the revised Staff report.

Commissioner Hontz stated that she had questioned Finding #12, but she was satisfied with the revised language proposed by Mr. Putt.

Commissioner Strachan read the second sentence in Condition #5 and changed "their concerns" to "the City's concerns" for better clarification. Commissioner Pettit suggested that they revise the entire sentence to read, "Prior to the recordation of the plat, the Water Department shall be satisfied that the proper impacts fees have been assessed". Director Eddington noted that the issue needs to be resolved and suggested that the sentence read, "Prior to the recordation of the plat, this issue shall discuss this issue with the Water Department and the Building Department to resolve concerns regarding proper impacts fees and insuring

that they have been assessed and paid. He pointed out that the Water and Building Departments work together on this particular issue.

Assistant City Attorney McLean felt better language was to say that, "The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met". The Commissioner revised the condition as stated by the Assistant City Attorney.

Commissioner Hontz asked for the number of square feet in the bakery. Mr. Putt replied that the combined area of the bakery/kitchen/walk-in cooler and an associated office and prep area was approximately 1800 square feet. Commissioner Hontz referred to the ROS Code which states that Administrative Conditional Uses would limit the purview of the Planning Director to only 600 square feet. Director Eddington clarified that it was not an Administrative CUP. It was an existing non-conforming use that came in with the annexation. He noted that the square footage was actually larger than 1800 square feet when it came in as part of the Mine Bench kitchen facility.

Commissioner Hontz recommended that in the near future the Planning Commission revisit the allowed uses, conditional uses and administrative uses in the ROS zone. She was uncomfortable with the number of uses that could potentially exist on the site. Commissioner Strachan agreed that they needed to have that discussion at a different time.

Mr. Putt read the first sentence of Condition #4, Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to plat recordation; and the last sentence, "...or an extension of the public waste water system to allow any new structures to be connected separately and directly to the public waste water system shall be required. Since they have to satisfy the Reclamation District, he felt it was more appropriate to replace the word shall with "may be required" because there may be some other condition or mechanism to satisfy that requirement.

Commissioner Savage asked Mr. Putt to expand on the reason for replacing shall with may in the last sentence. Mr. Putt stated that if the Planning Commission determines that shall is more appropriate they were willing to leave the written language. He noted that Snyderville Basin may accept other possible design considerations or there may be policy changes that would allow the existing lateral situation to remain. He clarified that the intent and commitment by the applicant is to satisfy the substantive part of the condition, which is satisfaction to Snyderville Basin. The change in language would open up the opportunity to satisfy that in a number of ways and not necessarily through separate laterals.

Commissioner Savage was comfortable changing "shall" to "may" as requested. Commissioner Thomas concurred. Commissioner Pettit thought they should change the "will" in the first sentence to shall be required to more accurately reflect the intent. Mr. Putt was comfortable with that change.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council on the 7700 Marsac Avenue Subdivision, in accordance with the Findings of Fact,

Conclusions of Law and Conditions of Approval with amendments to Finding of Fact 8 and 12, and amendments to Conditions of Approval 4 and 5.

Commissioner Strachan seconded the motion with clarification that it was subject to the revised Staff report dated June 13, 2012 that was distributed this evening.

Commissioner Pettit amended her motion to include that clarification.

VOTE: The motion passed unanimously.

Findings of Fact – 7700 Marsac - Subdivision

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots which were previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will memorialize the transfer/conveyance of property to the Jordanelle Special Services District.
4. The subdivision is necessary to correct the noncompliance issue with the previous deed.
5. The subdivision will split the existing 30.56 acre parcel into two lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building which is now the Jordanelle Special Services District Hoist and Office Building, a maintenance building and additional offices. The hoist building will be located on Lot 1, the other two buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.
8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.

10. The applicants are also proposing a Condominium Plat to split the ownership of the existing mine bench building, which is a separate application.
11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/ bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function.
13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS zone designation, the subdivision will correct a previous deed transfer that was not recognized by the City, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.
14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipate increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS zone.
15. There are no public trails located on the site.
16. Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other properties owned by the applicant that are served by the same water line.
17. Property tax assessment for this property may be incorrect based on old mining claim designation, and not based on current use. This issue must be resolved prior to the recording of the plat.

Conclusions of Law – 7700 Marsac Avenue - Subdivision

1. There is good cause for this subdivision amendment.
2. The plat 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 plat.
4. Approval of the subdivision 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 – 7700 Marsac Avenue - Subdivision

1. The City Attorney and City Engineer will review and approve the final form and Content of the plat amendment 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 amendment 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements shall be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2. At the time Lot 2 is redeveloped or (a) new structures(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System may be required.
5. Addition water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met.
6. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses of the property.

5. **7700 Marsac Avenue – Condominium Conversion**
(Application #PL-10-01071)

Planner Evans reviewed the request for approval of a 3 unit condominium. If approved, it would split ownership of an existing building, which is contained wholly within Lot 1 of the previous subdivision that was just approved. The request splits the ownership of the building to reflect the conveyance which was already done to Jordanelle Special Services District.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council based on the findings of facts, conclusions of law and conditions of approval.

Chair Wintzer opened the public hearing.

There were no comments.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to forward as POSITIVE recommendation to the City Council for the Ontario Mine Bench Condominium based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 7700 Marsac – Ontario Mine Bench Condominiums

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (number 3 shaft) building.
4. The condominium plat is necessary to correct the non-compliant issue with the previous deed to split the ownership of the building.
5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.

10. Current uses of each unit is consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good cause for the approval of this condominium plat in that the proposed plat will meet the requirements as outlined in the ROS zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.

Conclusions of Law – 7700 Marsac Avenue – Ontario Mine Bench Condominium

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

Conditions of Approval – 7700 Marsac Avenue – Ontario Mine Bench Condominium

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment 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 condominium 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. The applicant will need to obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a

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Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

The Park City Planning Commission meeting adjourned at 6:45 p.m.

Approved by Planning Commission: _____