

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
APRIL 25, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel, Thomas Eddington, Matt Evans, Mark Harrington

WORK SESSION ITEMS

200 Ridge Avenue – Plat Amendment

Planner Matt Evans reviewed the application for the 200 Ridge Overlook Subdivision. He noted that the background section of the Staff report contained a detailed summary of the minutes from the September 22, 2012 Planning Commission meeting. He also handed out summary notes from 2007 that were not included in the Staff report.

Planner Evans reported that the Planning Commission has reviewed this application at previous meetings. The Staff report contained an analysis of each lot. Planner Evans noted that the Staff report outlined issues for discussion that were concerns for the Planning Commission during the last review in September 2010.

Planner Evans stated that the applicant would like to move forward with the last proposal for six lots on Ridge Avenue. He pointed out that the issue over widening the street needs to be addressed with the City Engineer because he has concerns regarding that street. Planner Evans requested that the Planning Commission discuss how Ridge Avenue would function. He understood that past sentiment by the Planning Commission was to keep the street narrow. The City Engineer had not provided official input; however, based on his comments, Planner Evans did not believe the City Engineer shared their sentiment. It was noted that the City Engineer was not in attendance this evening.

Commissioner Strachan referred to the Analysis section of the Staff report and asked for clarification of Subparagraph F, which read, "Establish Development review criteria for new Development on Steep Slopes. He recalled that subparagraph F in the Management Code talks about mitigating the impacts on the mass and on the environment. Commissioner Strachan questioned whether it was a typo in the Staff report.

City Attorney Harrington remarked that the language in the Staff report was not a typo, but it was incomplete. An additional phrase states, "...which mitigate impacts of mass and scale and environment".

Jason Gyllenskog, representing the applicant, was available to answer questions.

Chair Wintzer stated that he had visited the site again today. Whether it is three lots or six lots, he needed to be convinced that a house could be built that meets the Code and has access on to the street, before he would be willing to create a lot that could potentially be a substandard lot that would allow someone to come back with a hardship.

Mr. Gyllenskog stated that since the last meeting, Gus Sherry with Cannon Engineering put a box of a house on each of the six lots proposed. He had submitted cross sections showing the lots and

box houses to show that it would meet the new LMC changes. Planner Evans stated that the cross sections were not included in the Staff report because he had inadvertently provided the wrong attachment. Planner Evans had seen the visual analysis Mr. Gyllenskog talked about and it was just boxes without any articulation or design.

Commissioner Hontz remarked that the purpose of the entire Land Management Code includes “to enforce and promote public health, safety and welfare”. The only reason Ridge Avenue is currently a viable street is because there are no structures and no homes use that road for primary access. Commissioner Hontz stated that Ridge Avenue cannot support the number of vehicle trips per day that six lots would generate. The point of the HRL District is to reduce density that is accessible only by substandard streets so the streets are not impacted beyond their reasonable carrying capacity. Commissioner Hontz remarked that regardless of the City Engineer’s comments to Staff, the current Streets Master Plan indicates that this particular street, in this section, should remain narrow. She questioned why the City would go through the process of trying to acquire a right-of-way for a development for other people to build on. That was referenced in the Streets Master Plan, which has worked since 1984. In addition, the Streets Master Plan says that Ridge Avenue can be used as an alternate route for streets such as Sampson, Upper Norfolk, King and Daly in an event of an emergency, but it is not meant to carry a significant amount of traffic.

Commissioner Hontz noted that the minutes from previous meetings indicate the number of times that the Planning Commission has said no to this proposal. She previously questioned whether the three lots that were approved were supportable by the existing width and condition of Ridge Avenue. Commissioner Hontz stated that the HRL requires the protection of significant vegetation. This particular site has amazing Cottonwood trees that in 2007 Steve Deckert identified as being important to save.

Commissioner Pettit disclosed that she lives on Daly Avenue and has very good insight as to how Ridge Avenue is utilized year-round. From her personal observation, she completely agreed with Commissioner Hontz. Adding one additional home on that road would have a major impact on traffic flow, particularly in an emergency situation. Based on the Code requirements and the role and responsibility of the Planning Commission, she could never support six homes on that road. She was part of the original approval process and she felt that approving three lots was pushing it. In spite of their past comments, they continue to see them same thing. From her perspective the answer was still no for all the reasons stated.

Mr. Gyllenskog agreed that this was the second work session, but he could not recall ever being told no. The six lot application has only been reviewed at a regular meeting twice. A positive recommendation was forwarded to the City Council for six lots once, and another time for three lots. Mr. Gyllenskog pointed out that those were the only two times this application was addressed outside of work session.

Commissioner Pettit agreed that the Planning Commission has not said no through a formal vote, but their sentiment that six lots were too many was made clear in their comments at the last meeting.

Mr. Gyllenskog stated that they heard that sentiment and based on their comments they tried to

address some of their issues and concerns. One was whether they could build on that flat area, and the answer is yes. Could they build to meet Code, the answer is yes. Mr. Gyllenskog noted that they have to live by the LMC and HRL defines the size. Per the LMC, six lots are allowed. Mr. Gyllenskog stated that currently there are 21 full and partial lots, so they are definitely reducing density.

Commissioner Pettit stated that six lots may be a reduction, but it was not enough, and that is within their purview. She clarified that the Planning Commission also has the ability under the LMC to reduce lot size and house size for compatibility with other structures in the HRL and the HR1 District. At this level the Planning Commission has the ability to match up the property owner's expectation with their responsibility under the Land Management Code. This process was an effort to find common ground.

Commissioner Thomas remarked that that three lots were better than six lots for all the reasons and impacts stated.

Commissioner Strachan could see nothing different today from what they saw in September of 2010. The concerns he had with Sections A and F as referenced in the minutes, particularly regarding mitigating impacts of size, mass, and the environment had not been mitigated. Until the applicant could show that a significant amount of dirt would not be excavated from the side of the hill and that the vegetation would not be disturbed, they were in the same place they were in 2010.

Mr. Gyllenskog thought it was unfortunate that the Planning Commission did not have the cross sections that were prepared by Cannon Engineering. As a builder he was certain that there would be significantly less excavation on these sites by building on the flat section than there would be if he built on a completely flat lot and excavated for a basement. As proposed, building would start at ground level in the flat section and go up. Commissioner Strachan recalled that at the last meeting he requested estimates of cubic yards of dirt that would be excavated, and comparing it to slopes that are different angles and not as steep. Mr. Gyllenskog stated that he could provide those numbers easily and show the comparison between building on the flat portions versus building on a flat lot and digging out a basement. Commissioner Strachan replied that until he had that information his position was the same as two years.

Commissioner Savage stated that since he was not present for the 2010 discussions he did not have the same history as his fellow Commissioners. He understood that at one point there was a 6 lot proposal that was converted to 3 lots; and the applicant was now trying to go back to six lots. Commissioner Savage felt the question was what the LMC dictates as it relates to the property rights associated with those particular parcels. He was respectful of all the comments made by the other Commissioners regarding impacts and how they can be mitigated; however, he thought the applicant's proposal falls within the purview of what should be allowed on that site based on his current understanding.

In terms of the life safety issues, Chair Wintzer thought there was a big difference between six cars backing out of a driveway onto a substandard road versus three cars backing out. He believed that was the crux of what the majority of Commissioners were saying. Six lots create greater impacts and make the road even more substandard.

Commissioner Pettit point out that it would only take one car or one delivery truck parked on the road to make Ridge Avenue impassable under its current condition. Mr. Gyllenskog agreed that Ridge Avenue is a substandard road, which is why the HRL designation is the over zone of that. However, the same situation occurs on Ontario, Prospector and other areas that are zoned HRL, and those streets have significantly more houses than Ridge Avenue. Chair Wintzer did not believe any of the streets Mr. Gyllenskog mentioned were as narrow or as dangerous as Ridge Avenue. Mr. Gyllenskog replied that the roads were compared in their first proposal and the other streets have sections that are just as narrow.

Chair Wintzer remarked that Ridge Road is two feet away from a cliff on a narrow road; and that creates a different image in your mind that a narrow road on a flat surface. For that reason alone he felt Ridge Avenue was more substandard and dangerous than any other street.

Commissioner Hontz stated that in her opinion this proposal was not a reduction in density from 21 lots. She pointed out that that many of the lots are 8' x 2' and others are 20' x 40' and those parcels are not buildable. They would have to be combined in order to create a buildable lot. Commissioner Hontz remarked that if you add up all that area, as well as vacated Anchor Avenue and the space that includes the platted right of way for Ridge, it brings it up to a certain amount of space that could be converted and made into HRL. She outlined the formula she used to come to that conclusion.

Mr. Gyllenskog asked if Commissioner Hontz was saying that those were not real lots as recorded. Commissioner Hontz replied that they were platted lots of record. Under the HRL, they were undevelopable as individual platted lots of record. Mr. Gyllenskog stated that a certain portion of those lots would be buildable with a variance. Commissioner Hontz welcomed a variance application.

Director Eddington believed the applicant had sufficient direction to move forward. Mr. Gyllenskog requested that the Planning Commission be given the information prepared by Cannon Engineering so they could see that the lots are buildable. He understood that the Planning Commission did not support six lots; however, he needed to pass on that information to his investment partner since he was the ultimate decision maker. He would either come back with a different proposal or request a vote on six lots.

Commissioner Savage asked who would be the arbiter on matters of public safety, health and welfare concerns. If it was previously decided that Ridge Avenue was safe enough for three lots, he wanted to know who determines if it becomes unsafe with four lots. City Attorney Harrington stated that the determination is made through planning decisions that the Planning Commission is charged with making, and that determination could be passed along with their recommendation. He noted that the decision has to be based on recorded evidence and not just speculation; however, evidence can also be personal observation and experience, as well as information provided by the Staff or the applicant. The Planning Commission has to weigh those various aspects to balance out their decision.

Commissioner Savage encouraged the applicant to take that into consideration as they move towards the next step.

Work Session Notes
April 25, 2012
Page 5

The work session was adjourned.