

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 9, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Katie Cattan, Planner; Jacquy Mauer, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

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

II ADOPTION OF MINUTES

Chair Wintzer noted from the minutes on the TDR discussion, that the Planning Commission had asked the Staff to look at taking the model to the next level and to look at form base code for the Bonanza Park area. They had also asked the Staff to do an inventory of possible sending and receiving zones throughout the entire City. Chair Wintzer wanted to make sure those items were addressed and not forgotten.

Director Eddington stated that the Staff was pursuing their requests. They are working on a way to do more detailed planning for Bonanza Park, which ties into the model. Director Eddington remarked that he and Planner Cattan had a discussion regarding form base code that day. The intent it to pursue form base code to address challenges in the future with regards to locating TDRs. Director Eddington stated that the Staff will continue to look for sending and receiving zones, and to consider a change in the zoning for Bonanza Park.

February 9, 2011

MOTION: Commissioner Pettit moved to APPROVE the minutes of February 9, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

February 23, 2011

MOTION: Commissioner Pettit moved to APPROVE the minutes of February 23, 2011. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMENT

City Council Member, Liza Simpson, informed the Planning Commission that Candy Erickson was home from the hospital. Cards and notes were encouraged and appreciated.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Director Eddington reported that the Planning Commission had previously asked for an overview of the City's Development Review process in terms of how projects are coordinated with other departments. The Staff had prepared a short update on that process.

Planner Jacquy Mauer provided a list of regular participants in the development review meetings, which includes the project planner, Building Department, City Engineer, and the Legal, Water and Transportation Departments, the Sustainability Department, and the Snyderville Basin Water Reclamation District. Commissioner Savage requested that Planner Mauer send him a copy of the list for future reference.

Planner Mauer noted that the list was the regular attendees, however, the development review packet is also sent to more than 30 different email addresses. People who do not attend are asked to email their input to the project planner. The applicant does not attend. Planner Mauer stated that during the development review meeting, the planner presents the projects and there is a round table discussion by all department participants. The planner notes any issues and comments and provides them to the applicant for changes or additional information. The development review meeting typically occurs on the second and fourth Tuesday of the month. Any application that is to go before the Planning Commission goes through a development review. Some administrative conditional use permits also go through the process.

Commissioner Savage clarified that a development review is required for all items that go before the Planning Commission, but optional for administrative items at the discretion of the individual planner. Planner Mauer replied that this was correct. Director Eddington stated that if a question arises or the planner has a particular concern, the administrative item would go through a development review to make sure all city-wide department issues are addressed.

Commissioner Pettit asked if there was a process for reporting back to the specific department that initially raised an issue. Planner Mauer replied that the project planner would be responsible for coordinating with city departments. Commissioner Pettit asked if a project only had one development review meeting. Planner Mauer stated that typically a project goes through one development review and issues are resolved through the individual departments. However, if there are a number of issues, the project could go through another review.

Assistant City Attorney Polly Samuels McLean stated that the Planning Commission is on the development review list. She was trying to find out when that occurred and whether it was done in response to a particular request. Ms. McLean explained that it would be good for the Planning

Commission to know the agenda items for the development review meeting, but not the full applications, because there could be information outside of their purview.

Commissioner Savage stated that if the concern is that the Planning Commission could become biased by receiving information that could change prior to coming to the Planning Commission, he would be willing to remove his name from the distribution list.

Commissioner Pettit stated that she looks at the agenda and depending on the item, she sometimes looks at the information. She agreed that there were reasons why the Planning Commission should not have access to the full report going to development review. However, she wanted to stay apprised of the types of applications in a general nature. She asked if there was a way to provide a generic description of the applicant's request, separate from the detailed report. Assistant City Attorney McLean suggested that they only send the agenda page to the Planning Commission without the detail, so they would know which projects to expect.

Commissioner Pettit pointed out that she has been receiving the development meeting reports since she joined the Planning Commission. Commissioner Savage stated that he also began receiving the reports when he joined the Planning Commission. He contacted Patricia Abdullah for clarification and she told him that he had the right, but not the obligation to participate. Assistant City Attorney McLean stated that he was given an inaccurate explanation. The Planning Commission should not attend development review meetings because it is an internal review process. If a Commissioner has a question regarding an item on the agenda, they should contact the project planner. Ms. McLean offered to look into how they could distribute only the first page to the Planning Commission.

Commissioner Peek stated that like Commissioner Pettit, he opens up the report to see what is coming to them.

Chair Wintzer asked if the first page identifies the request or just the project. Ms. McLean replies that it usually has the project address and a brief description.

Chair Wintzer asked if the fire department is involved with the development review. Planner Mauer stated that an email is sent to the fire department for their input. Chair Wintzer stated that when the Planning Commission receives a Staff report that indicates a Staff review was conducted, he assumed that to mean that any issues raised during the development review have been resolved.

Commissioner Savage understood that each department had a clear and explicit obligation to review the issues and provide comment.

It was noted that Snyderville Reclamation District was the only outside entity that actually attends the meeting. Other utilities such as Rocky Mountain Power are sent an email and have the ability to provide input. Director Eddington explained that either the project planner or the City engineer will reach out to entities such as Rocky Mountain Power or Questar if specific issues need to be addressed.

Commissioner Pettit encouraged pro-active solicitation of input by the Planning Department on issues that warrant a closer look by other departments. Planner Mauer replied that the project planner does reach out when necessary.

Commissioner Pettit stated that she would be unable to attend the next meeting on March 23rd.

CONTINUATIONS - Public Hearing and continued to specific date

- 1, Park City Heights - Master Planned Development March 14, 2011
(Application #PL-10-01028)

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

MOTION: Commissioner Pettit moved to CONTINUE Park City Height MPD to March 23, 2011. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

2. 2800 Deer Valley Drive, Silver Baron - Amendment to Record of Survey
(Application #PL-11-01151)

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

MOTION: Commissioner Pettit moved to CONTINUE 2800 Deer Valley Drive, Silver Baron Amendment to Record of Survey to March 23, 2011. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

3. Deer Valley - 11th Amended Master Plan
(Application #PL-11-01150)

Chair Wintzer opened the public hearing.

Bob Wells, representing Deer Valley, stated that he would be out of town on March 23rd, when this item will be reviewed. He explained that this application and the first item to be continued corrects the density on the Silver Baron Lodge project. The project was built to 50 units, which was authorized, but it was a UE project and the final calculation came up a UE less than what was allotted under the Deer Valley MPD. Mr. Wells stated that Deer Valley has agreed to transfer one UE from the parking lot across the Street to Silver Baron, to allow that project to come in to compliance.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE Deer Valley - 11th Amended Master Plan to March 23, 2011. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

44 Prospect Avenue - Plat Amendment (Application #PL-10-01057)

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 the plat amendment for 44 Prospect Street according to the Findings of Fact, Conclusions of Law and Conditions of Approval. Commissioner Savage seconded the motion.

Commissioner Hontz noted that the agenda and the Staff report had the address as 44 Prospect Street. She questioned whether it was Street or Avenue. There was consensus that the correct address was 44 Prospect Avenue.

Commissioner Peek amended his motion to reflect the correct address as 44 Prospect Avenue.

VOTE: The motion passed unanimously.

Findings of Fact - 44 Prospect Street

1. The property is located at 44 Prospect Street.
2. The zoning is Historic Residential (HR-1) District.
3. The plat amendment combines the south 20 feet of Lot 3 and all of Lot 4, Block 18, Park City Survey, into one lot of record.
4. The proposed lot is 3484.8 square feet in size. Minimum lot size in the HR-1 District is 7,875 sf.
5. The property is improved with a non-historic single-family dwelling constructed in 1973 across the lot line.
6. The plat amendment will bring the structure into compliance with all setbacks except the north side setback which is legally non-complying.
7. There is one off-street parking space on the property.

8. The deck of 52 Prospect encroaches onto 44 Prospect Street. There are also three retaining walls that span across both properties.
9. No change is being made to the structure or use that increases the parking demand.

Conclusions of Law - 44 Prospect Street

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

Conditions of Approval - 44 Prospect Avenue

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. If recordation has not occurred within one 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. The deck encroachment, corner of house encroachment, and retaining wall encroachments will either need to be removed or have reciprocal encroachment agreements recorded with the County prior to recordation of this plat.

REGULAR AGENDA/PUBLIC HEARINGS

4. 2300 Deer Valley Drive, St. Regis - Conditional Use Permit
(Application #PL-11-01160)

Planner Katie Cattan reviewed the application for a conditional use permit for a tent at the St. Regis hotel. This past year the CUP criteria in the Land Management Code for temporary structures was changed. Under the amended criteria, a temporary structure can only go up five times per year and for no more than 14 days in a row.

Planner Cattan noted that the St. Regis had five tents last year. They have submitted for a CUP review by the Planning Commission, since the Planning Commission is the only body with the authority to allow greater durations or more frequency of tents. The St. Regis was requesting 15

tents per year, with one of the tents being allowed to stay up for 60 days due to frequent wedding schedules.

Planner Cattan explained that the LMC was changed because several hotels throughout town were keeping tents up year-round. That became a problem because the infrastructure cannot accommodate tents that are used year-round as a permanent part of the building. Planner Cattan stated that the Planning Department would need to sign off on any temporary permits that come into the Building Department. They would keep a list to make sure the St. Regis would not exceed the requested number.

The Staff recommended that the Planning Commission review the application and consider approval, based on the findings of fact, conclusions of law, and conditions of approval.

Planner Cattan noted that the St. Regis was issued a CUP for a temporary structure that was used as a sales office. As a condition of this approval, that structure must be taken down by June 1st, or this CUP would become void. She stated that the St. Regis has plans in place to remove the sales office. Director Eddington clarified that the existing temporary structure is located at the bottom of the funicular. A request to keep it was denied by the Building Department and it will be removed.

Planner Cattan reported that the largest tent proposed is 2,800 square feet. She believed it was 70' x 40'. Commissioner Peek clarified that the Building Department would review the locations and whether the tent interfered with egress for the main building. Planner Cattan explained that any tent that is greater than 200 square feet requires a permit through the Building Department. The Building Department would do a site inspection, look at the site plan and the interior layout, and make sure there is egress and that the fire code is followed.

Commissioner Peek asked if any of the tents would be visible from adjacent residential. Planner Cattan believed the tent on the Great Lawn would be visible from one of the homes above that look down on the St. Regis.

Commissioner Savage asked if any of the tents would be visible from the amphitheater area at Deer Valley. Planner Cattan was unsure. Chair Wintzer did not think they would be visible from the amphitheater.

Commissioner Peek referred to the tent location at the ski plaza and asked if the Building Department would address the open fire pits in that area relative to the location of the tent. Planner Cattan answered yes. She clarified that the Building Department would inspect every tent each time one goes up.

Commissioner Strachan referred to the tent location shown on the bottom of page 93 of the Staff report and asked if that tent would block any of the mountain bike trails. Planner Cattan did not have an answer and offered to condition the CUP to address that concern. She believed Commissioner Strachan referenced the Great Lawn. Commissioner Strachan stated that an existing trail would go right through it or by it, depending on the size of the tent. He requested that Planner Cattan condition the CUP to state that the tents would not obstruct any trails.

Chair Wintzer assumed the St. Regis had put up tents in the past and he wanted to know if the City had received any complaints from the residents during special events. Planner Cattan replied that there were no complaints on file. She noted that a recent parking study indicated that the St. Regis was at 49% of their parking. They estimated that the tent use would increase the parking by 30%, taking them to 79% of their parking. They must follow the original conditional use permit for the St. Regis in terms of parking, locations, etc.

Chair Wintzer clarified that his concern was having several buses go back and forth all day for a specific event. He assumed a provision of the original permit could stop the use if it became a problem. Planner Whetstone stated that one of the conditions of the conditional use permit was that after the hotel was in operation for two years, they were to come back with a traffic study that identified traffic patterns and parking. The St. Regis will be preparing that traffic study in the Fall and it would come to the Planning Commission.

Planner Cattan stated that the Planning Commission could further condition the current CUP to require another traffic study in two years. Commissioner Savage wanted to know how long this CUP would last. Planner Cattan replied that once approved, the CUP would be ongoing. Commissioner Savage clarified that the St. Regis would have the right for a specific number of tents seasonally into perpetuity. Planner Cattan replied that this was correct. She pointed out that the Planning Commission could condition the CUP upon ownership.

Commissioner Savage asked if the traffic mitigation issues in the original CUP have been appropriately considered with this application. Planner Whetstone believed that would be addressed in the traffic study this Fall.

Chair Wintzer suggested that the CUP be conditioned to require a review if the City receives three complaints. Commissioner Pettit agreed that it made sense to provide the Planning Commission the ability to re-visit the CUP given the fact that it expands the use of the facility with different programs and events. The Commissioners concurred.

Commissioner Pettit suggested that Planner Cattan review Condition #6 to the Deer Crest Amenities Club and possibly draft similar language. Replacing the word "club" with "tent usage", the condition would read, "The applicant shall submit to the City Planning Department for review by the Planning Commission, a one year review of the tent, parking and traffic impacts, and a summary of complaints received regarding impacts of the tent usage on the hotel operation, guests, owners of adjacent or nearby property. If that CUP review reveals impacts that have happened that should be mitigated, the Planning Commission shall have the ability to further condition the conditional use permit to address such unmitigated impacts." Commissioner Pettit believed this was consistent with what they are already required to do based on similar increase or change in use at the St. Regis. The Staff and Planning Commission supported adding the condition as read.

Commissioner Savage clarified that a CUP is only required if the applicant wants to use a tent more than five times per year or for longer than 14 consecutive days. He noted that the Staff report talks about an increase in tent occurrences to allow tents up to 15 times under the proposed conditional use permit, with the duration of one tent proposed to be a maximum of 60 days. Commissioner

Savage asked if that meant that all the other tent uses would be under 14 days. Planner Cattan answered yes. Commissioner Savage asked if that restriction was clear in the conditions. Planner Cattan read Condition #3, "A maximum of 15 tents per year are allowed. A maximum duration of a tent is 14 days, with the exception of one tent per year having a maximum duration of 60 days during the summer months only. Commissioner Savage was satisfied.

Planner Cattan read the revised conditions of approval as follows:

- Condition #8 - was the condition from page 53 of the Staff report as read by Commissioner Pettit.
- Condition #9 - Tents cannot obstruct any trails.
- Condition #10 - If the Staff receives three complaints within one year, the applicant will be required to return to the Planning Commission for review of the Conditional Use Permit, and the Conditional Use Permit may be revoked.

MOTION: Commissioner Hontz moved to APPROVE 2300 Deer Valley Drive, St. Regis conditional use permit with the changes to the conditions of approval as stated during the discussion, in accordance with the Findings of Fact, Conclusions of Law and the Conditions of Approval as amended. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2300 Deer Valley Drive

1. On January 25, 2011, the City received a complete application for a conditional use permit for a temporary structure (ten) to be located within the St. Regis Resort hotel.
2. In 2010, the hotel pulled 5 separate building permits for temporary tents.
3. Within the Land Management Code (LMC) section 15-4(A)(7) a temporary structure may not be installed for a duration longer than fourteen (14) days and for more than five(5) times a year, unless a longer duration or greater frequency is approved by the Planning Commission consistent with CUP criteria in LMC Section 15-1-10(E) and the criteria for temporary structures in LMC Section 15-4-16(C).
4. The applicant is requesting that the Planning Commission consider approving a conditional use permit to allow up to the applicant to install a temporary tent up to 15 times per year with one tent receiving a longer duration of 60 days during the summer months, due to the higher frequency of weddings and outdoor parties. There may be occasions when more than one tent is installed for an activity.
5. The St. Regis Hotel has two locations for tents. One is on the Astor Terrace and the second is within The Great Lawn. The Astor Terrace is located outside of the main floor of the St.

Regis. It is accessed through the Lobby and Pre-Function room outside the Astor Ballroom. The Great Lawn can be accessed off the patio on the main floor or the funicular landing floor. It is located on the hillside within the St. Regis property. The largest tent is 2800 square feet and measures 40' x 70'.

6. This application is reviewed under Land Management Code Section 15-1-10(E) and Section 15-4-16(C).
7. The St. Regis may be accessed via Roosevelt Gap or Deer Valley Drive East. People using the tents would have to abide by the same parking restrictions as other hotel users outlined in the 1995 Deer Crest Hotel Conditional Use Permit conditions of approval. Any extra parking caused by the activity in the tent must be accommodated within the St. Regis parking lots.
8. According to a recent parking analysis (Exhibit B), forty-nine percent (49%) of the parking spaces were utilized during peak season (Sundance 2011). If the tents were at maximum capacity and all guests came from off-site, an additional 30% of parking would be utilized.
9. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
10. The project has access from Deer Valley Drive and Deer Crest Estates Drive.
11. The property is located within the Recreation Commercial (RC) zoning district and is subject to the Deer Crest Settlement Agreement and the revised Deer Crest Hotel CUP as approved by the Planning Commission on April 22, 2009.
12. Temporary Structures require a Conditional Use Permit in the RC zone.
13. No additional signs or lighting are proposed with this application.
14. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law - 2300 Deer Valley Drive

1. The use, as conditioned, complies with all requirements of the Land Management Code, Section 15-1-10.
2. The use, as conditioned, is consistent with the Park City General Plan.
3. The use, as conditioned, is compatible with surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

5. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval - 2300 Deer Valley Drive

1. All tents require a permit issued by the Building Department. All tents must be inspected by the Building Department prior to occupancy. The Building Department will inspect circulation, emergency access, and all other applicable public safety measures.
2. Prior to installing a tent, the Planning Department must sign off on a building permit and record the date within the CUP application folder.
3. A maximum of fifteen tents per year are allowed. The maximum duration of a tent is fourteen days, with the exception of one tent per year having a maximum duration of sixty days during the summer months only.
4. The use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the Conditional Use Permit becoming void.
5. The existing temporary structure at the St. Regis hotel must be removed by June 1, 2011. If it is not removed by June 1, 2011, this Conditional Use Permit will be void.
6. All conditions of approval of the 1995 Deer Crest Settlement Agreement continue to apply.
7. All conditions of approval of the Deer Crest Hotel CUP as amended on April 22, 2009, continue to apply.
8. The applicant shall submit to the City Planning Department for review by the Planning Commission, a one year review of the tent, parking and traffic impacts, and a summary of complaints received regarding impacts of the tent usage on the hotel operation, guests, owners of adjacent or nearby property. If the CUP review reveals impacts that have happened that should be mitigated, the Planning Commission shall have the ability to further condition the conditional use permit to address such unmitigated impacts.
9. Tent cannot obstruct any trails.
10. If the Staff receives three complaints within one year, the applicant will be required to return to the Planning Commission for review of the Conditional Use Permit, and the Conditional Use Permit may be revoked.

The Planning Commission adjourned the regular meeting and moved into work session.
The work session discussion is found in the Work Session Notes.

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The Park City Planning Commission adjourned at 8:39 p.m.

Approved by Planning Commission _____