

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 28, 2011

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Kirsten Whetstone Planner; Katie Cattan Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 5:40 p.m. and noted that all of the Commissioners were present.

ADOPTION OF MINUTES

August 24, 2011

MOTION: Commissioner Savage moved to APPROVE the minutes of August 24, 2011. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

September 14, 2011

Commissioner Worel referred to page 33 of the Staff report, page 1 of the minutes and the statement by Jonathan Weidenhamer that "Park City was the first city to use an RDA." She asked if that was the first city in Utah or the first city anywhere. Commissioner Hontz recalled having that same thought when Mr. Weidenhamer made the statement. Chair Wintzer assumed it was the first city in Utah. Assistant City Attorney McLean remarked that the minutes should reflect the statement as it was said. She suggested that the Planning Commission approve the minutes as written and ask the Staff to clarify what Mr. Weidenhamer actually meant.

MOTION: Commissioner Hontz moved to APPROVE the minutes of September 14, 2011 as written. Commissioner Pettit seconded the motion.

VOTE: The motion passed 5-1. Commissioner Strachan abstained from the vote since he was absent on September 14, 2011.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Chair Wintzer reported that several of the Commissioners had questions regarding the flame at the entrance of Bonanza and Iron Horse. He had spoken with Planning Director Thomas Eddington who had a file on the Administrative CUP approval. Director Eddington would update the Planning Commission at the next meeting and explain how the process worked.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 50 Shadow Ridge – Condominium Conversion (Application #PL-10-00938)

Planner Kirsten Whetstone reviewed the application to amend a condominium plat at 50 Shadow Ridge. The application requested five basic changes to the current plat.

Planner Whetstone reported that the primary change was a request to divide Unit 4119, which is a non-residential condominium on the main level that was designated as private. The request was to divide Unit 4119 into four individual condominiums for the same type of support commercial uses. The four units would continue to be designated as private.

Planner Whetstone stated that the second change was to combine the existing Unit 4119A, directly below on Level A. The third change was to convert a small area of private space in the lobby back to common space. The fourth change was to convert units on Level A from private area to common area.

Planner Whetstone stated that a fifth change was to show the location of the 90 existing parking spaces within the limited common area on Levels A and B. She noted that the current plat designated that area as limited common area and it was identified in the CC&Rs as parking for the units. Planner Whetstone stated that the Staff requested that the plat show the parking spaces so they could see the spaces and identify code violations. She was informed by the Building Department that the file was closed and the issues have been resolved. Planner Whetstone remarked that it is typical to identify the parking spaces on a condominium plat.

Planner Whetstone noted that another change not identified in the Staff report was that the elevator area would be common space.

Planner Whetstone stated that page 43 of the Staff report indicated that the project was approved with 66.6 spaces. She corrected that to read 67 spaces because numbers are rounded up. She also noted that the current LMC would require 112 parking spaces for 56 units, unless the Planning Commission found valid reason to reduce the parking requirement. Planner Whetstone pointed out that the proposed changes do not increase the parking requirements. A total of 90 parking spaces were constructed and 67 were approved for the units. All non-residential spaces are for support

commercial uses. Planner Whetstone remarked that the corrections to the Staff report would not affect the ordinance.

Planner Whetstone referred to Finding of Fact #7 and corrected the date of February 24, 2010 to correctly read, "On January 22, 2010 the Shadow Ridge Owners Association voted to approve the proposed plat amendments".

The Staff recommended that the Planning Commission conduct a public hearing, consider public input and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval as outlined in the draft ordinance, with the change noted to Finding of Fact #7.

Chair Wintzer opened the public hearing.

There were no comments.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council on the Shadow Ridge Condominiums Seconded Amended plat in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Shadow Ridge Condominiums

1. The property is located at 50 Shadow Ridge Drive.
2. The property is subject to the 1979 Shadow Ridge Conditional Use Permit.
3. The proposed plat amendment amends Shadow ridge Condominium Units 4119, 4004, 4005, 4006, 4120, 3121, 4122 and 4123 and amends associated common and limited common areas within the plat. These are non-residential private units.
4. Shadow Ridge Condominium plat created 56 residential units on 4 floors; convertible space on the first floor (10,980 sf) and convertible space on the lower level (9,770 sf); 30, sf of limited common parking area (spaces were not designated on the plat); limited common area for decks, balconies, and other common area for circulation, access, entry, lobby, etc. The first plat was approved by City Council and recorded at Summit County on May 1, 1980.
5. The plat amendment is not changing the building height, setbacks, floor area, parking configuration or making any exterior changes. The building complies with the rear 10' setbacks and the 20' front setbacks of the Recreation Commercial (RC) zone, with the exception that all decks and balconies extend into the 20' front yard area by 2' to 4'. These decks and balconies were permitted as an exception in the setback area with the Conditional Use Permit. The building height is 40' and in compliance with the height permitted with the

Conditional Use permit, however, the building is non-complying with respect to the current 35' building height of the RC zone, as mansard roofs do not qualify for the 5' height exception in the current LMC.

6. In June of 1984 a first amended plat was approved. The plat was recorded at Summit County on June 21, 1984. The first amended plat created, from the convertible space, eight commercial condominium units (units 4116 to 4123) on the first floor and six commercial condominium units (units 4001 to 4006) on the lower level. These units were all designated as private area for non-residential uses.
7. On January 22, 2010 the Shadow Ridge Condominium Owners Association voted to approve the proposed plat amendments.
8. On March 25, 2010, the City received a completed application for a condominium record of survey plat amendment requesting these amendments to the First Amended Shadow Ridge Condominium plat.
9. On March 4, 2011, the City received a revised plat.
10. There is no change to any residential unit and no change in the overall building floor area. No exterior changes are proposed with this plat amendment.
11. Ninety (90) parking spaces exist within the parking structure and the plat amendment identifies these spaces within the limited common area on the lower levels. No additional parking is proposed.
12. The project was approved with 67 parking spaces per the Land Management Code at the time of Conditional Use approval. The current Land Management Code requires 2 parking spaces for each unit greater than 1,000 sf and 3 spaces per 1,000 sf of commercial space (support commercial and common areas do not require parking).
13. The current LMC would require 112 parking spaces for the 56 units, unless a parking reduction is granted by the Planning Commission at the time of approval of a Master Planned Development. At the time of CUP approval, it was determined that 67 parking spaces were required for the units.
14. No additional floor area or new residential units are created with the plat amendment and no additional parking is required.
15. The commercial areas within the Shadow Ridge condominium building are restricted to support commercial uses. The current proposal is a request to divide up one of the existing commercial condominium units into four separate units and does not create new support commercial space.

16. At the time of business license review, proposed uses within the Shadow Ridge condominium building will be reviewed by Planning, Building, and Finance for compliance with the Building and Fire Codes and the RC zone requirements.

Conclusions of Law – Shadow Ridge Condominiums

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

Conditions of Approval – Shadow Ridge Condominiums

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval.
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 amendment 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 construction requires a Building Permit and approvals from the Building and Planning Departments.
4. The commercial areas within the Shadow Ridge condominium building are restricted to support commercial uses as provided in the Recreation Commercial (RC) zone.
5. Any change of use requires a business license with review by the Planning, Building, and Finance Departments.
6. All conditions of approval of the 1979 Shadow Ridge Conditional Use Permit and the 1984 First Amended Shadow Ridge Condominium plat continue to apply.

The Park City Planning Commission meeting adjourned at 6:10 p.m.

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