MINUTES
SNYDERVILLE BASIN PLANNING COMMISSION
REGULAR MEETING
TUESDAY, MAY 12, 2020
Electronic Meeting, via zoom

COMMISSIONERS PRESENT:
Ryan Dickey, Chair
Joel Fine
Canice Harte

John Kucera
Crystal Simons
Malena Stevens

Regrets: Thomas Cooke

STAFF PRESENT:
Peter Barnes– Planning & Zoning Administrator
Ray Milliner– Principal Planner
Patrick Putt– Community Development Director

Jennifer Strader- Senior Planner
Jami Brackin- County Attorney
Kathy Lewis- Secretary

The meeting was called to order at 4:30 PM.

REGULAR SESSION

1. General Public Input

The public hearing was opened. No comments were made and the public hearing was closed.

2. Public hearing and possible action regarding an Amendment to the condominium Plat for Unit 18A, Quarry Springs at Pinebrook, located at 3249 Quarry Springs Dr. Parcel QSPB-18a, Dan Alphin, Applicant– Jennifer Strader, Senior Planner

Planner Strader said the application before the Commission is for a plat amendment to the Quarry Springs multi-family development. This development is located at the southwest corner of Kilby Road and Pinebrook Blvd. It has 34 buildings, including duplexes and fourplexes. The final site plan was recorded with Summit County on June 23, 2011. The condominium plat was recorded in 2018. This is an administrative review. The Commission is the recommending body to the County Manager.
Planner Strader said that Quarry Springs at Pinebrook has a maximum square footage allotment of 114,000 square feet divided among the buildings. The approved condominium plat demonstrated the floor plans and the square footage of each unit. It was understood that any changes to this plan would require an amendment.

Planner Strader said the purpose of the requested amendment is to add an elevator shaft to Unit 18A. This will bring the unit into compliance with the ADA regulations. It will be accomplished by removing approximately 38 square feet from the upper floor of Unit 18A and adding 38 square feet to the lower floor of Unit 18A. All service provider's corrections and comments have been addressed.

Planner Strader said Staff recommends that following a public hearing, the Planning Commission take into account the public’s comments along with Staff’s review of the application. Staff further recommends if the Commission finds the application is in compliance with the Code, they vote to send a positive recommendation to the County Manager as outlined in the Staff Report.

The applicant stated the only reason for the plat amendment is to allow an elevator shaft to be built. This will bring the unit into compliance of ADA regulations.

*The public hearing was opened. No comments were made and the public hearing was closed.*

**COMMISSION COMMENTS AND QUESTIONS**

*Commissioner Harte* had no comments. *Commissioner Simons* asked if the only purpose for this amendment is to enable ADA compliance. Planner Strader said that is correct, the ADA requires an elevator shaft.

*Commissioner Fine* asked if there may be other units that will need an amendment. Dan Alphin, the applicant, said this is the only adjustment needed. He said Buildings 21 and 20 are already ADA compliant. They have been built and are approved.
MOTION

Commissioner Harte made a motion to forward a positive recommendation to the County Manager as outlined in the Staff Report and below. Commissioner Simons seconded the motion. All voted in approval.

FINDINGS OF FACT

1. On January 9, 2020, Quarry Springs LLC submitted a Condominium Plat application to amend Unit 18A of the Quarry Springs at Pinebrook development.
2. Quarry Springs at Pinebrook is located on the southwest corner of Kilby road and Pinebrook Blvd.
3. Quarry Springs at Pinebrook is zoned Hillside Stewardship (HS).
4. Quarry Springs at Pinebrook is a sixty-eight (68) unit multi-family development.
5. Quarry Springs at Pinebrook consists of thirty-four (34) buildings, including duplexes and fourplexes.
6. The final site plan for the project was recorded on June 23, 2011.
7. A condominium plat was recorded in 2018.
8. Quarry Springs has a maximum square footage allotment of 114,000 square feet.
9. The recorded condominium plat contains the floor plans for each unit as well as the square footage of each unit.
10. Any changes to the approved plans require an amendment of the condominium plat.
11. The applicant requesting to remove approximately 38 square feet from the upper floor of Unit 18A and add 38 square feet to the lower floor of Unit 18A.
12. The purpose of the amendment is to add an elevator shaft to Unit 18A to comply with the applicable ADA requirements.
13. Staff sent the condominium plat to applicable service providers for their review.
14. The Snyderville Basin Development Code does not contain standards for approval of a condominium plat; however, Utah State Code does require that
condominium plats be recorded with the associated Covenants, Conditions, and Restrictions (CCRs) for the development.

15. CCRs have been provided to Staff.

16. The process for approval of a condominium plat follows the same as the process as a final site plan.

CONCLUSIONS OF LAW

1. The amendment to the condominium plat is consistent with all prior approval for the project.

2. The amendment to the condominium plat will not increase the maximum allowed square footage for the project.

3. Approval of the condominium plat will not adversely affect the public health safety, and general welfare.

• MOTION CARRIED (6-0)

3. Public hearing and possible action for a plat amendment to modify the development activity envelope at 8063 N. Red Fox Court, Parcel PRESRV-1-13, Howard Hochauser, Applicant- Ray Milliner, Principal Planner

Planner Milliner said that Josh Arrington is the representative of the applicants. They are requesting a plat amendment. A vicinity map was shown. Lot 13 was pointed out. This property has a development pad. The boundaries were pointed out. The applicants are requesting a modification to the pad.

Planner Milliner said the purpose for the pad amendment is to create a more reasonable configuration of the building area. This will allow the applicants to build a swimming pool. Additionally, this will give more privacy by utilizing the existing vegetation. The proposed area has no sensitive lands. The area of land from which the pad would be shifted from is very similar to the land they are proposing to move to.
Staff finds no reason to oppose the amendment. Following a public hearing, approval is recommended as outlined in the Staff Report.

Chair Dickey asked if the applicant had any comments. Mr. Arrington said they are also trying not to disturb the septic tank. This will result in less disturbance of the community. The amendment will give greater privacy. The proposal conforms to all CCRs of the HOA.

The public hearing was opened. No comments were made and the public hearing was closed.

COMMISSION COMMENTS AND QUESTIONS
A typo in the conditions of approval was pointed out. There were no other comments or questions. Chair Dickey asked Planner Milliner if there were no objections received from the public or HOA. Planner Milliner said no objections had been received.

MOTION
Commissioner Kucera made a motion to approve the application as outlined in the Staff Report and below. Commissioner Fine seconded the motion. All voted in approval.

FINDINGS OF FACT
1. The applicant is the owner of lot 13 of Phase I of the Preserve Subdivision.
2. The lot is located within the Hillside Stewardship (HS) zone.
3. The applicant is requesting a plat amendment to amend the existing development activity envelope.
4. There is an existing single-family home on the lot.
5. The applicant would like to build a swimming pool on the south side.
6. The proposed pool location would be outside of the existing development activity envelope.
7. No increase in the size of the development activity envelope is proposed, only modification in its configuration.

8. The proposed development area is not within any critical lands, including wetlands, steep slopes or ridgelines.

9. There is no evidence that the proposed plat amendment will materially harm the public or any individual person.

10. Staff’s review of the proposal; including review from applicable service providers did not raise any issues or concerns that would warrant special conditions of approval, or denial of the application.

11. There will be no increase in density because of this plat amendment.

12. No changes to the access to the home are proposed as part of this application.

13. All necessary public facilities are available on site, including water, septic, and roads.

Conclusions of Law

1. The proposed plat amendment as conditioned complies with all requirements of the Development Code.

2. There is good cause for the proposed plat amendment.

3. No one will be materially harmed by the plat amendment.

4. The use as conditioned is consistent with the General Plan, as amended.

5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. The applicant will receive a building permit prior to beginning construction on the pool.

- MOTION CARRIED (6-0)
4. **Approval Of Minutes**

December 10, 2019:

*Commissioner Harte made a motion to continue to approve the minutes as written. Commissioner Stevens seconded the motion. All voted in approval.*

- MOTION CARRIED (6-0)

**WORK SESSION**

1. **Discussion** of possible amendments to Section 10-2-10: Use Table of the Snyderville Basin Development Code and Section 10-2-8: Service Commercial Light Industrial (SC) zone of the Snyderville Basin Development Code PCBC Lot 19, LLC, Applicant- Ray Milliner, Principal Planner

Chair Dickey asked if the Commission is allowed to have a Work Session, as he did not see it posted on the public website. Attorney Brackin because this is a Work Session, it is okay with the Commission proceeding. If it wasn’t noticed on the State’s webpage, the remedy will be a “do-over.”

Planner Milliner said the work session item is for an application for a project located in the Park City Business Center. It is a request to amend the language for the Service Commercial (SC) zone. There are two components for this request. He addressed the request, which is to amend the height measurement. This will allow for mechanical equipment on roof tops.

Planner Milliner showed a slide with the language of County Code Section 10-4-22. The language in question is:

*“Roof vents, chimneys, furnace, vents, plumbing vents, and antennas are exempt from the height regulations.”*

Planner Milliner noted this lists the exemptions from the height regulations, but mechanical equipment is not on the list. He noted this regulation applies to the entire Snyderville Basin.
Planner Milliner said the applicant is requesting to amend the Code in the SC zone only. They propose to add to the existing language: “**rooftop HVAC equipment and related screening.**” This would allow for these items to be added to the roof, avoiding placement on the ground. Planner Milliner said this is a fairly common extension for most jurisdictions. Staff and the applicant would like to receive their initial feedback.

Planner Milliner said the second request is to amend the uses allowed in the SC zone. The applicants request that martial arts be added to the list. Additionally, they request that **“no public performances”** be omitted from the language. Feedback is again requested for this request.

Planner Milliner said he included in the Staff Report the language from the Canyons SPA. Mechanical equipment is allowed eight feet above the maximum building height, if it is screened. Elevator penthouses are also allowed to be eight feet above the maximum height. A 2-to-1 setback is required from the building’s outer edges for the mechanical equipment. It cannot exceed 30% of the overall roof area.

Planner Milliner explained if the equipment is eight feet tall, it must be setback at least 16 feet from the edge of the building. If the Commission decides to move forward with a language change, it would be Staff’s recommendation to have a setback included. Staff is looking for feedback from the Commission.

**COMMISSION COMMENTS**

**Commissioner Stevens** said she would like to hear from the public regarding the height increase. She noted there is precedence with the Canyons Resort. She asked Planner Milliner to explain the current maximum height of 90’ in the industrial zone. Planner Milliner answered that height is only allowed in the SC zone. It was believed that is where these types of uses would be found. There was a 90’ exception allowed for equipment such as cranes. Since the time this zone was created, its nature has changed to be more commercial than industrial. In the Park City Business Center there is a
variety of commercial businesses. When the Code is reviewed, Staff will most likely recommend the height exception be removed.

Commissioner Stevens said she would rather see the entire document revised, rather than work only on a small section. Planner Milliner said he will talk with the applicant to see if that is something they would be interested in. He said that would open the door for this taking longer than they have anticipated.

Commissioner Kucera asked if the Park City Business Park the only commercial/ light industrial zone in the Snyderville Basin. Planner Milliner said that is correct.

Commissioner Kucera said he doesn’t see a huge problem with this as precedence has been set at the Canyons. He said that an illustration would be helpful to visualize the height. Will the screening look like the building? Planner Milliner said the way the screening looks can vary. Sometimes it is better to paint it to subdue the brightness.

Commissioner Fine said at this time he doesn’t have a lot of concern if it has already been done. He would like to know what this will look like compared to the Canyons. Other than that, he isn’t overly anxious.

Commissioner Harte said he doesn’t feel that a SPA is a good reference in setting precedence for a Code change in a regular zone. In the Canyons, the buildings there are five to six stories. Equipment on top of those buildings would never been seen because they are so tall. Equipment on top of a 32’ building would look like another floor. It would increase the massing of the building.

Commissioner Harte said when the Whole Foods application was before the Commission, the developer wanted the same exception for the mechanical equipment. The Commission denied the developer’s request. Commissioner Harte said that a height exception can be applied for from the County Council. That is what happened with the Woodward project. He doesn’t like the idea of this being added to the Code.
**Commissioner Harte** said if the majority of the Commission wants to go forward with allowing this language, he would request very strict limitations be created. This might be about what the mass height is, the total height, and what the screening material would be.

**Commissioner Harte** said he doesn’t have enough information to give good feedback on the requested use changes. He is currently not inclined to be in favor of allowing it. There should be a particularly a good reason why it would be needed throughout the zone. If there is a good reason, it would be something he would consider.

**Commissioner Simons** said her initial feelings are that expanding the performance use would be acceptable. Given the nature of the items listed, it seems those attending the performances would not be overly large. She agrees that more information about this request would be needed to make a decision.

**Commissioner Simons** said as far as the height limit request, she would be concerned about placing an eight’ unit on a 32’ tall building. She agrees with **Commissioner Harte** that it could look like another story, particularly taking into account where the additional height is placed. It would be helpful to see example photos.

**Chair Dickey** said he agrees with **Commissioner Stevens**. They should look at the zone as a whole. This would help the Commission make a better decision. These requests can be reviewed at that time.

**Chair Dickey** said he wouldn't have an issue with expanding the requested uses. Visuals would help to consider the height issue. The topography may make a different in how much the equipment could be seen. **Commissioner Stevens** asked that the photos are taken from different angles, including a street view and from a hillside. Planner Milliner said he will also try to find buildings close to the 32 height limit.
DRC UPDATES (None)

COMMISSION ITEMS (None)

DIRECTOR ITEMS (None)

ADJOURN

At 5:15 p.m., the meeting was adjourned.

Approval Signature