

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
May 28, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Anya Grahn, Planner;  
Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 5:55 p.m. and noted that all Commissioners were present except Commissioners Campbell and Gross who were excused.

**ADOPTION OF MINUTES**

May 14, 2014

Chair Worel referred to page 7 of the Staff report, Page 5 of the Minutes, last paragraph and corrected Commissioner Preston to read **Commission Campbell**.

MOTION: Commissioner Strachan moved to APPROVE the minutes of May 14, 2014 as amended. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Commissioners Worel and Strachan stated that they would be absent for the June 11, 2014 meeting. There was some question as to whether Commissioner Campbell would be absent, also. However, Commissioner Gross was expected to return for that meeting and the Planning Commission would have a quorum.

**CONTINUATIONS(S)** – Public hearing and continue to date specified.

1. 1201 Norfolk, Nirvana at Old Town Subdivision – Plat Amendment  
(Application PL-14-02298)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 1201 Norfolk Avenue, Nirvana at Old Town Subdivision plat amendment to June 25, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

**WORK SESSION**

1. Round Valley Annexation and Zoning Map Amendment  
(Application PL-13-01857)

The Planning Commission held a site visit prior to the Regular Meeting.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing for the Round Valley Annexation and Zoning Map Amendment to June 25, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 1851 Little Kate Road Dority Springs Subdivision– Plat Amendment  
(Application PL-12-01733)

The Planning Commission held a site visit prior to the Regular Meeting.

Planner Astorga explained that at the last meeting the Planning Commission continued this item to June 11, 2104. Therefore, a motion to Continue was not required this evening.

**REGULAR AGENDA** – Discussion, public hearing, action.

1. 820 Park Avenue – Rio Grande – Condominium Plat  
(Application PL-14-02309)

Planner Anya Grahn reported that the applicant applied for a plat several weeks ago. The plat was approved by the City Council and it was now in the process of redlines. On February 12, 2014 the Planning Commission approved a conditional use permit, which is reflected in the Staff report, as well as the proposal regarding the condominiumization. The applicant was proposing to construct ten residential condominiums and four commercial units. The exhibits in the Staff report displayed the locations, size, etc.

The applicant, Rory Murphy was available to answer questions.

Chair Worel opened the public hearing.

Jeff Devore, a resident at Park Station across the street from the project. Mr. Devore asked about the timeline for this project.

Mr. Murphy replied that the timeline was approximately 14-15 months. He noted that there is approximately 6 feet of contaminated soil that needs to be removed and trucked to Tooele, and that process has already begun.

Mr. Devore asked if there was some type of dust mitigation involved in the process.

Mr. Murphy replied that it was being watered down. He offered to give Mr. Devore his cell phone number so he could contact him with any issues related to the project.

Mr. Devore asked about work hours. Mr. Murphy stated that the hours of construction are defined by the City. It is 7:00 a.m.-9:00 p.m. on weekdays and 9:00 a.m.-7:00 p.m. on weekends. He did not anticipate overtime, so construction in general should not occur on the weekends. In addition, there would be no construction during the Art Fest, Sundance, Christmas and other major events.

Mr. Devore clarified that he lives across the street and his main concern was dust. The pool at Park Station would be opening soon and all 80 units were reserved. Mr. Murphy encouraged Mr. Devore to contact him personally with any issues.

Hope Melville was pleased with the pedestrian walkway and the fencing around the project. She was very impressed with what they had done. She thanked Mr. Murphy for a wonderful example and she hoped to see more of it in the future.

Chair Worel closed the public hearing.

Commissioner Joyce referred to the table on page 52. He assumed the reference to the upper and lower parking areas was language from when two parking levels were proposed. Planner Grahn agreed and changed it to Parking Area.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for 820 Park Avenue Condominium Record of Survey Plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 820 Park Avenue

1. The property is located at 820 Park Avenue within the Historic Recreation Commercial (HRC) District.
2. City Council approved the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended and 820 Park Avenue Subdivision plat amendment on May 15, 2014. This plat amendment combined approximately 229 square feet of the City-owned property which was sold to the applicant on the north edge of the lot, the metes and bounds parcel at 820 Park Avenue, and approximately 123 square feet of Lot B-3 of the Town Lift Subdivision to the south.
3. The sale of the 229 square feet of the City-owned property at the southeast corner of 9th Street and Park Avenue to 820 Park Avenue LLC was ratified by City Council on May 15, 2014.
4. The applicant is currently negotiating the sale of the 123 square feet of Lot B-3 of the Town Lift Subdivision to the south.
5. The Planning Director and Chief Building Official determined unique conditions did not exist to warrant the relocation of the historic Rio Grande building to the southeast corner of 9th Street and Park Avenue on October 9, 2013. This determination was overturned by the Historic Preservation Board during the appeal hearing on November 13, 2013.
6. The Planning Director granted the applicant a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty percent (50%) above the zone height, or forty-eight feet (48'). This determination was made on April 14, 2014.

7. The Historic District Design Review (HDDR) was approved by staff on April 14, 2014.

8. The Planning Commission reviewed and approved the applicant's request for a Conditional Use Permit (CUP) on February 12, 2014. The CUP included the following uses: multi-unit dwelling; commercial retail and service, minor; café and deli; outdoor dining; office (intensive); and a parking area or structure with five (5) or more spaces.

9. The applicant intends to redevelop the site into a mixed-use development containing ten (10) residential and four (4) commercial condominium units. It will also include 4,241 square feet of commercial retail and service, minor; café or deli; outdoor dining; office, intensive; and a 24-space underground parking structure accessible from 9th Street.

10. The first level of the development will contain 3,637 square feet of commercial space: Unit C-101 containing 694 square feet; Unit C-102, 602 square feet; Unit C-103, 1,279 square feet; and C-104, 1,062 square feet.

11. The ground level will also have two (2) residential condominium units: Unit 105 containing 938 square feet, and Unit 106, 1,532 square feet.

12. The second level will contain 604 square feet of commercial space on the second story of the historic Rio Grande building as well as four (4) residential condominium units: Unit 201 containing 1,078 square feet; Unit 202, 1,705 square feet; Unit 203, 1,987 square feet; and Unit 204, 1,776 square feet.

13. The third level will contain four (4) residential condominium units: Unit 301 containing 1,078 square feet; Unit 302, 1,705 square feet; Unit 303, 1,993 square feet; and Unit 304, 1,583 square feet.

14. Unit 304 has two (2) stories and 1,010 square feet of its second floor will be located on the fourth floor.

15. Common areas include the exterior plaza space, parking ramp and garage, elevator and stairs, and mechanical areas. The parking level will contain 10,830 square feet of common area; the ground level, 3,512 square feet of indoor and exterior space; the second level, 953 square feet; the third level, 716 square feet; and the fourth level, 615 square feet.

16. Limited common areas include the spaces directly in front of each storefront, the

rear yard to the east, patio areas and the rooftop deck, storage areas, and the interior staircase on the southeast corner of the building. The parking level will contain 795 square feet of limited common area; the ground level, 2,461 square feet; the second level, 358 square feet; the third level, 626 square feet; and the fourth level, 3,228 square feet.

17. One (1) level of underground parking will be constructed, accessible from 9th Street. It will include twenty-four (24) parking spaces. Ten (10) spaces will be reserved for resident parking and five (5) additional spaces for residents' guest parking. The remaining nine (9) spaces will be utilized by the commercial spaces on the ground level.

18. Per Land Management Code 15-2.5-3(G)(1), the floor area ratio (FAR) for non-residential structures built after October 1, 1985, and located east of Park Avenue is 1.0. The proposed FAR of this development is .33, which is less than the allowed maximum FAR of 1.0.

19. The proposed condominium record of survey memorializes each portion of the development as separate units.

20. The proposed development will meet the required front and rear yard setbacks of ten feet (10').

21. The proposed development will meet the required five foot (5') side yard setback along the north property line.

22. The development will have a zero foot (0') side yard setback along the south property line; this is permitted by LMC 15-2.5-3(E) where the structure are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

23. The applicant submitted a Condominium Record of Survey plat application on April 10, 2014; the application was deemed complete on April 22, 2014.

24. The property was posted and notice was mailed to affected property owners within 300 feet (') of the property on May 13, 2014.

25. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

1. The condominium record of survey is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed condominium record of survey.
3. Approval of the condominium 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 – 820 Park 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. The applicant will record the 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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All original Conditions of Approval for the 820 Park Avenue Subdivision shall apply, and shall be noted on the plat.
4. Rio Grande LLC shall have purchased approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3 prior to recording the record of survey plat with Summit County.

**2. 1255 Park Avenue – Carl Winters School – Ratification of MPD Development Agreement (Application PL-13-020855)**

Planner Grahn reported that this item was the Development Agreement for the Library renovation and addition. The Planning Commission reviewed and approved the Master Planned Development (MPD) amendment on December 11, 2013. The applicant has six months from the time of the approval to come back and ask the Planning Commission to finalize the Findings and Conditions of the MPD through this Development Agreement.

Planner Grahn thought the Development Agreement was straightforward. She noted that Exhibit D was missing from the packet; however, the Staff had received a letter from the

Economic Development Manager stating that there were no mining hazards on the Library site.

Commissioner Strachan remarked that a letter from the Economic Development Director was typically not good enough evidence. It was not critical for this project because they know that there are no mine hazards, but for future projects he recommended better documentation regarding mining hazards.

Assistant City Attorney McLean explained that once the Development Agreement is ratified it goes directly to the Mayor for his signature; not to the full City Council.

MOTION: Commissioner Joyce moved to RATIFY the MPD Agreement for 1255 Park Avenue, Library and Education Center, as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

### **3. Land Management Code Amendments (Application PL-14-02348)**

Planner Whetstone reviewed the four proposed amendments to the LMC.

#### 1. Public Improvement Warranty Guarantees (LMC Section 15-1-13).

The proposed amendment would amend Chapter 1, Section 13 – Completion of Site Work Improvements; specifically the Improvement Warranty Guarantees and the amount of money that the City can retain. Planner Whetstone noted that the State changed the law and this amendment would update the Code to be consistent with State Law. The current language allows the City to retain 25% of the actual cost for a period of one year following final inspection. Per State law, the amendment would reduce the amount to 10%. Planner Whetstone remarked that the City Engineer has said that the City could request 100%, retain 10% and return 90%. Another option was the language shown in red on page 21 of the Staff report, "...or the lesser of the engineer's original estimated cost of completion or the actual construction." That language was taken directly from the State Code.

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

Commissioner Stuard asked if the 10% limit was a Statutory Limit.



Assistant City Attorney McLean explained that the State Code changed from 25% to 10%, but it was only for the Warranty amount. As currently written, the LMC does not comply with the State Code. If the LMC is not amended, the City would have to follow the State Code. Not amending the language for compliance with State Code creates the possibility for errors because of the discrepancy. Ms. McLean stated that the City always tries to update the existing LMC to comply with the State Code.

Commissioner Strachan asked about the current warranty. Assistant City Attorney McLean stated that it was more for larger subdivisions. For example, the movie studio has to do the infrastructure per City specifications, and they have to warranty the infrastructure for a one or two year period after completion to make sure there are no cracks in the road, etc.

Commissioner Stuard thought that reducing the amount from 25% to 10% puts a burden on the City Engineer to make sure that public improvements were completed to the correct specifications before accepting and starting the warranty period. Ms. McLean stated that there was a process for how that is done. She would convey his concern to the City Engineer; however, the City is tied to the State Code. Commissioner Stuard cited several examples where the infrastructure has failed or created other issues. It is a major issue that could be expensive to remedy.

Commissioner Strachan remarked that Park City Heights and the movie studio were the two largest developments. He asked if they were subject to the 10% or the 25% warranty retention. Assistant City Attorney McLean replied that they were subject to 10% because of when the permit was issued. The building permit is the trigger. She explained that the movie studio has a guarantee of 125% for several items, but once the work is completed and the City accepts the improvements, the guarantee drops down to 10%. At that point all the funds will be released except for 10%.

Commissioner Strachan concurred with Commissioner Stuard. With large projects like Park City Heights and the movie studio, it would be a major task for the City Engineer to check all the infrastructure to make sure it meets the specs. Assistant City Attorney McLean clarified that the City does not wait until the end to inspect it. The City has put out an RFP for inspectors for Park City Heights to examine and inspect the infrastructure as it progresses.

Planner Whetstone understood that once the infrastructure has been completed, the City Engineer takes a report to the City Council for approval and acceptance. After that, the City holds the warranty for a year.

Chair Worel wanted to know who bears the cost of paying the inspectors hired by the City for a specific project. Ms. McLean replied that it is paid by the developer as part of the inspection fees.

Commissioner Stuard asked if the language in red, "...or the lesser of..." was also mandated by the State. Planner Whetstone answered yes.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

2. Clarify by codifying the existing prohibition of nightly rentals within April Mountain and Mellow Mountain Estates Subdivisions (Sections 15-2, 13-5).

Planner Whetstone reported that this was an administrative issue. The proposed amendment would amend Chapter 2.13, which is the RD zone. She noted that when the April Mountain and Mellow Mountain Estates subdivisions were approved; both subdivisions were approved with a condition, which is on the plat, that no nightly rentals are allowed. Planner Whetstone explained that when someone asks about nightly rentals, the Planner may not be aware of the prohibition in those two subdivisions and tells them that nightly rentals are allowed in the RD zone.

Planner Whetstone clarified that this amendment would put a footnote on nightly rentals in the Code to say that nightly rentals are not permitted in April Mountain or Mellow Mountain Estates subdivisions.

Commissioner Joyce disclosed that he lives in April Mountain. He asked if April Mountain and Mellow Mountain were the only two subdivisions in the RD zone that have this limitation. Planner Whetstone answered yes. Commissioner Joyce recalled a significant amount of discussion as part of the General Plan update, that the City does not enforce Homeowner Association limitations. Where this is platted and if it becomes part of the LMC, he asked if the City would get involved if someone did nightly rentals in one of those subdivisions. Director Eddington replied that it would be an issue for the City Code Enforcement.

Planner Whetstone pointed out that it would help the Planning Department Staff be more aware because it would be on the plat and in the LMC. Without the footnote, a planner may be given an address and just assume nightly rentals are allowed because the address is in the RD zone. Planner Whetstone remarked that because the condition is on the plat, it is

already a City Code Enforcement issue and that would not change. The footnote would simply add clarification.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

3. Animal Services in GC and LI zoning districts (LMC Sections 15-2, 18-2, 15-2, 19.2 and 15-15-1)

Planner Whetstone noted that the proposed amendment addresses animal services such as grooming, boarding, and doggy daycare. The Staff has been asked questions about these uses and where they are allowed to occur. Kennels were defined in the definitions; however, the Staff had not yet identified an area or zones where kennels would be an allowed or conditional use.

Planner Whetstone stated that the Municipal Code has a definition for kennels, which is defined as over four dogs. She explained that for any of the animal services she had mentioned, if they have over four dogs it is considered a kennel.

Planner Whetstone noted that the LMC does not address animal services specifically. There is an animal grooming service in the GC zone, but it was approved as minor retail, similar to a hair cutting business. She reported that when someone had asked about having a doggy daycare in the GC or LI zone the Staff decided to craft definitions for the Code. Planner Whetstone clarified that veterinarians are now an allowed use in the GC zone under the definition of office and clinic medical in the definition section. Veterinarians are a conditional use in the LI zone.

Planner Whetstone remarked that the Code does not identify locations for boarding, daycare, or grooming as a conditional use. She referred to page 103 and noted that those uses were added to the list of uses in the GC zone and in the LI zones.

Planner Whetstone read the proposed definitions for boarding, daycare and grooming from page 95 of the Staff report. She also read the definition for kennels. Planner Whetstone recalled that the Staff had discussed kennels as conditional uses in the GC and LI zones but had decided not to include. However, it was still listed in the Staff report and she asked the Planning Commission for their thoughts on kennels.

Commissioner Joyce did not understand the restriction of no more than four animals at one time. Using Petco as an example, they constantly have dogs and cats in and out of their grooming center all day. He asked if the restriction was four at a time or four in one day. Planner Whetstone replied that it is four at a time. Director Eddington pointed out that the definition did not specify number of animals for the grooming use. It only applied to daytime and overnight boarding.

Commissioner Stuard stated that in the definitions for boarding and doggy daycare, he questioned the meaning of "takes in". He understood that they were talking about actual dogs on the premises and he thought it meant more than "takes in". Director Eddington suggested replacing "takes in" with "houses". Planner Whetstone raised the issue of whether the limit would include the owner's personal dog in the total number. Commissioner Stuard assumed it would be the number of dogs they were providing occupancy for or services to at any point in time, or in the case of boarding, overnight.

Planner Whetstone stated that boarding has never been an issue, but the Staff has been approached regarding daytime care and grooming.

Commissioner Joyce felt they were opening a can of worms and they were not even close to the right definition. He noted that everything was generalized to animals. He referred to the debate in Summit County about allowing horses and now bringing in dogs. Commissioner Joyce asked if they would allow somebody to have an animal kennel for cows or horses. He was concerned about leaving it open to any type of animal, and whether animal kennel would include chickens and roosters. Commissioner Joyce noted that all the examples refer to dog boarding, but the language does not limit it to dogs or cats. He thought the definition was too broad.

Commissioner Joyce questioned why they would want to allow a kennel in Park City. Planner Whetstone clarified that no one has inquired about kennels. Commissioner Joyce pointed out that kennels went from being a non-allowed use to an allowed use. Planner Whetstone reiterated that the Staff had discussed removing kennels from the language as an allowed use. She pointed out that kennels were listed as a conditional use in the GC and LI zones, and she recommended removing the reference to kennels for both of those zones.

Commissioner Stuard suggested that the Staff and the Planning Commission needed more time to work on this item. Planner Whetstone remarked that animal grooming and doggy daycare were the pressing issues. She suggested that they strike animal kenneling, and not assign a number to grooming. She noted that people have small pets other than cats or dogs that should be considered in this section. The LMC has a separate section for

raising and grazing horses. Commissioner Phillips suggested using the wording “house pets.”

Commissioner Strachan thought the Staff should research how other jurisdictions have addressed this issue and which animals were included or excluded. Planner Whetstone stated that she had reviewed five codes and they all used the word “animals.” Commissioner Strachan thought the definition of veterinarian as “One trained and authorized....” should be changed to read, “One trained and licensed by the State of Utah to treat animals medically.” Chair Worel concurred.

Chair Worel opened the public hearing.

Bob Saylor stated that he and his wife may have been the one who raised the question about animal daycare because they had applied for a business license. He and his wife were interested in having a doggy daycare facility in the City limits. Their market would be local pet owners and visitors. There is more pet friendly lodging and it gives a choice to the lodging operators for their clients to have a place to house their pets when they are skiing or enjoying other activities. Mr. Saylor noted that the suggested definition for animal services day care says fewer than four animals. From his perspective as a business person, to have commercial space but be limited to less than four animals is an impossible business model. However, the definition for animal services for kennels was broader and states four or more. Mr. Saylor asked if a doggy daycare was ever allowed, if it would be limited to three or less animals. He reiterated that the limit would make it impossible to have that type of business in Park City. He commented on a business near the Jeremy Ranch exit in a small retail center. Among those is a business called Dog in House and they take in between 60-75 dogs per day. It is a combination of 3,000 square feet of enclosed space and a couple thousand square feet of open space behind the building where the dogs can migrate in and out at will supervised by Staff. Mr. Saylor commented on the difference between fewer than four and 60-75 in terms of a successful business model. He thought there needed to be more clarification.

Mr. Saylor understood from the comments this evening and from the redlines that animal services/kenneling actually means all of the above.

Chair Worel thanked Mr. Saylor for his comments and noted that the Commissioners were also uncomfortable with the wording. They looked forward to having the Staff come back with other examples and recommendations. Mr. Saylor stated that he has only been in Park City a short time and he was not familiar with the process. Chair Worel explained that it would go back to Staff for more research and work and the item would be scheduled on another agenda and publicly noticed. Commissioner Strachan informed Mr. Saylor that he

was free to communicate his concerns to the Staff. Commissioner Stuard thought the Staff could benefit from Mr. Saylor's knowledge regarding the type of business.

Commissioner Stuard believed they should consider the possibility of a square footage ratio, requirements for sound attenuation for adjacent tenants, and other elements. Mr. Saylor stated that those were all important elements for this type of business. Others included health and safety, waste elimination, and odor. He believed there was enough history to address those issues.

Planner Whetstone noted that all those elements would be addressed by the Planning Commission at the time of the conditional use permit. There is certification that will state the specific requirements. When someone applies for a conditional use permit for a kennel, the requirements would be reviewed by the Planning Commission. Planner Whetstone noted that in the Staff discussions regarding kennels, the question was raised as to whether some of the uses could be allowed uses in the GC zone if it was three or fewer animals. Outdoor uses should be reviewed as a CUP per the 15 criteria established in the Code.

Commissioner Joyce appreciated Mr. Saylor's business interest. However, Park City is a more compact business area with historic districts and residential areas. He was surprised when he read the Staff report to find that kennels were being considered in Park City. He wanted to know what was pushing the use and whether they even wanted kennels as a conditional use. Commissioner Joyce understood that you needed more than three animals to have a successful business. The question was whether they would prefer that Mr. Saylor take his business to Summit County or whether they wanted it in the City. Commissioner Joyce was unsure how they had even reached the point of having this discussion. It was not mentioned as part of the General Plan. If they polled the people of Park City he believed the answer would be overwhelmingly No.

Planner Whetstone noted that the definition of a kennel is four or more animals. Commissioner Joyce commented on the number of issues the County has faced regarding kennels; particularly noise, odor and waste management.

PJ Saylor stated that she and her husband would not be asking for a business license if the polling had not already been done. The answer was a resounding Yes, people do want it here. Ms. Saylor commented on the number of doggy daycare facilities in Salt Lake. She stated that they could move their business to the County where the use has already been approved, but that would take away from the City the people who drop-off their dog for daycare while they go out to dinner, or ski, or participate in other activities. If Park City does not have a doggy daycare, people will go to Salt Lake or Midway where doggy daycare is available.

Commissioner Joyce noted that everyone in Park City has a dog and there is a demand for dog parks. The problem is that no one wants one near their house. If the polling shows an interest for doggy daycare, the question is where do these uses go, what neighbor lives next to it, and do those people want it.

Ms. Saylor assumed the Planning Commission would invite the public to comment to help find the answers. She commented on the amount of research available about decibel levels of a dog barking being equal to children on a playground. She noted that the EPA makes recommendations regarding animal waste. The EPA has done a lot of studies to address the issues. Ms. Saylor stated that she and her husband intend to focus their business on the vacationers. It is a changing environment and Park City is behind most other cities. Ms. Saylor noted that they had done a lot of research and talked to a lot of people. She gets calls every day from people expressing a need for doggy daycare. She noted that the Dog In House maxes out every day. It is a service to the citizens and the citizens of Park City are very interested.

Commissioner Stuard remarked that three of the four proposed amendments were administrative and minor. However, the one regarding animal services is in a completely different category and it deserved its own separate discussion. Chair Worel agreed.

Ms. Saylor explained the difference between doggy daycare and kenneling. She offered to provide the Commissioners with information from her research before the next meeting.

Sue Wong stated that she and her husband live in Virginia and they are thinking about moving to Park City. Besides the beautiful mountain, she is amazed that Park City is dog-friendly. However, one inside the city limits there is nowhere to put your dog if you want to go out to a restaurant. Ms. Wong noted that dogs are social animals who want to play. That is the major difference between kenneling and doggy daycare. When dogs are put in kennels they are left there until their owners pick them up. In doggy daycare the dogs socialize and play until their owners pick them up. To a lot of people their pets are their children. Ms. Wong stated that currently there are more dogs in this Country than there are children. She knows Mr. and Mrs. Saylor well enough to know that wherever they choose to put a doggy daycare, it would not interrupt any surrounding business. She truly believed they would be cognizant of their surroundings and respectful of the neighbors. Ms. Wong encouraged the Planning Commission to give them a chance.

Chair Worel closed the public hearing.

#### 4. Planning Commission Rules of Order (LMC Section 15-12-10)

Planner Whetstone noted that the State enabling legislation requires a municipality to have a Planning Commission; as well as items within the Code to address the rules and procedures of the Planning Commission. She noted that the required language is currently included in Chapter 12 of the LMC - Planning Commission. State law requires either the Planning Commission or the City Council to adopt Rules of Order and Procedure for the Planning Commission to follow.

Planner Whetstone noted that Exhibit B on page 112 of the Staff report was a Resolution Adopting Planning Commission Rules of Order and Procedure. Attached to the Resolution were the actual Rules of Order. The document was prepared by the Legal Department for Planning Commission consideration and adoption.

Planner Whetstone noted that the actual language proposed in Section 15-12-10 was identified in red on page 107 of the Staff report. The Planning Commission would forward their recommendation on that language. The Resolution itself would be adopted by the Planning Commission.

Commissioner Joyce noted that the redlined language on page 107 states that the Rules of Order and Procedure for use by the Planning Commission in all public meetings shall be the Rules of Order and Procedure adopted by City Council unless the Planning Commission adopts its own rules. He asked why the Planning Commission would care about adopting its own rules.

Assistant City Attorney McLean replied that during a previous training in work session she had distributed the rules of procedure associated with the City Council. The feedback from the Planning Commission was that the rules did not apply to them. One example is that it says Mayor rather than Chair. In response to that feedback, the Legal Department used the same template and updated the Rules and Procedures to be more specific to the Planning Commission. Ms. McLean remarked that the State Code requires the Planning Commission to have rules and procedures and that there be an adopted ordinance for the rules and procedures. She explained that adopting the rules and procedures by resolution as opposed to having it in the Code provides more flexibility because it eliminates the need for an LMC amendment to make any changes.

Commissioner Joyce wanted to know why the redline language on page 107 was included as an amendment to the LMC, since the Planning Commission would adopt its own Rules and Procedures, if the City Council Resolution did not fit with the Planning Commission. Assistant City Attorney replied that the City Council will always have a Resolution. She expected that the Planning Commission would always have its own Resolution, but including the language ensures that one is always in existence.



Chair Worel understood that if the Planning Commission adopted the Resolution this evening, it would remain in effect until a new one was adopted. Ms. McLean replied that this was correct. The red line language is needed because State Law requires an ordinance that addresses the Rules and Procedures.

Assistant City Attorney McLean noted that Attachment 5 was missing the Section number for the redlined language. It should be its own Section 15-12-10.5.

Commissioner Stuard asked if adopting the Rules of Order and Procedure would have any practical effect on how the Planning Commission currently conducts their meetings. Assistant City Attorney McLean replied that the Resolution would only memorialize their current practice for conducting meetings.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Amendments to the LMC for Section 15-1-13 as contained in Attachment 1 of the Draft Ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for Amendments to the LMC, Section 15-2.13-2, regarding nightly rentals in April Mountain and Mellow Mountain Estates Subdivisions. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the amendments to Section 15-2.18.2, regarding animal service uses in the General Commercial Zone to the June 25, 2014 Work Session. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to CONTINUE the Land Management Code amendments to Section 15-2.19-2, regarding animal service uses in the Light Industrial Zone to the June 25, 2014 Work Session. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the amendments to the Land Management Code, Section 15-12-10.5 regarding the Rules of Order and Procedure, as amended by renumbering the Section to 10.5. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to ADOPT the Resolution regarding the Planning Commission Rules of Order and Procedure attached as Exhibit B to the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Park City Planning Commission meeting adjourned at 7:10 p.m.

Approved by Planning Commission: \_\_\_\_\_